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## State Water Resources Control Board

September 24, 2024

Levi Johnson  
Operations Manager  
Central Valley Operations Office  
3310 El Camino Avenue, Suite 300  
Sacramento, Ca 95821

Dear Mr. Johnson,

### COMPLIANCE WITH DECISION 1641 SAN JOAQUIN RIVER FLOW REQUIREMENTS IN JUNE

This letter responds to the United States Bureau of Reclamation's (Reclamation) August 5, 2024, letter to the State Water Resources Control Board (State Water Board or Board) notifying the Executive Director that the San Joaquin River "spring flow" requirements (monthly average and 7-day running average) were not achieved in June. In its letter, Reclamation describes actions to increase reservoir releases and river flows for the purpose of achieving the San Joaquin River flow requirements at Vernalis and documents that, despite these actions, the flow requirements were not achieved in June.

The State Water Board required Reclamation to meet the San Joaquin River flow requirements at Vernalis in Water Right Decision 1641 (D-1641) as a condition of water right permits<sup>1</sup> for operation of New Melones Reservoir on the Stanislaus River, a tributary to the San Joaquin River. The flow requirements include "spring flows" (February 1 - April 14 and May 16 - June 30, monthly and 7-day running average), "spring pulse flows" (April 15 – May 15, 31-day average), and "October base and pulse flows" (monthly average).<sup>2</sup>

According to the August 5 letter, monthly average flows in June were 2,768 cubic feet per second (cfs), 222 cfs lower than the requirement of 2,990 cfs, and the 7-day running average flow requirement (2,392 cfs) was not met for 8 days. The August letter states that Reclamation determined the San Joaquin River flow requirement at Vernalis could not be reasonably met in June 2024 due to the time remaining in the compliance period, water travel time, and power scheduling needs. The flow deficit of 222 cfs per day (13,187 acre-feet) in June results in diminished protection for fish and wildlife and

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<sup>1</sup> Permit numbers 16597 and 16600, Applications 1485A and 19304, respectively.

<sup>2</sup> Table 3 of D-1641 pursuant to Condition 2 on page 161.

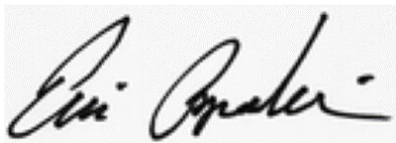
particularly San Joaquin juvenile fall-run Chinook salmon toward the end of their outmigration period.

In the future, Reclamation should notify the Executive Director as soon as Reclamation is aware that a flow, water quality, or other water right requirement is not going to be met, or has not been met as required by Condition 11(d) in Decision 1641 (at page 149). Reclamation should also provide documentation of the reasons for the compliance issues and remedies that will be implemented to address the compliance issues.

For October 2024, the State Water Board expects that Reclamation will comply with the San Joaquin River base and pulse flow requirements which are 1,456 cfs as a monthly average and 1,165 cfs as a 7-day running average. We are aware that the flow schedule being discussed as part of the Stanislaus Watershed Team indicates that flows may be more than 200 cfs lower than the flows required by D-1641. Reclamation should update its flow schedule and implementation processes to ensure full compliance with the October flows required by D-1641. If Reclamation anticipates that the flow requirements will not be met, Reclamation must submit written notification to the State Water Board's Executive Director as soon as possible as required by Condition 11(d) in D-1641, and Reclamation should explain why it is not feasible to comply with the flow requirements.

If you have any questions regarding this matter, please contact Erin Foresman at [erin.foresman@waterboards.ca.gov](mailto:erin.foresman@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Oppenheimer", is centered on the page. The signature is written in a cursive, flowing style.

Eric Oppenheimer, Executive Director  
State Water Board

cc:

bc: