
From: Erin Strange - NOAA Federal <erin.strange@noaa.gov>
Sent: Friday, November 3, 2017 3:55 PM
To: Harrison, Katrina
Cc: Garwin Yip - NOAA Federal; Pinero, Janice
Subject: Re: ROC on LTO - Friant
Attachments: Friant Division relative to ROC LTO_20171012 (3)_els.docx

Hi Katrina - This makes sense and matches Reclamation's position on Exchange Contract discretion taken during the SJRRP consultations.

I did make some edits to the table that I think better capture the situation with the Exchange Contract. Take a look and let me know if you think further edits are necessary.

Thanks - Erin

On Thu, Oct 12, 2017 at 2:38 PM, Harrison, Katrina <kharrison@usbr.gov> wrote:

Hello Garwin and Erin -

I apologize for how long it has taken me to follow up on the Friant discussion. Attached is an updated table based on our discussion at the meeting we had a few weeks ago. Also, we talked to our Solicitor's about the Exchange Contract piece, and feel we (the United States) do not have discretion because of Article 3N of the Friant contracts:

"The United States agrees that it will not deliver to the Exchange Contractors thereunder waters of the San Joaquin River unless and until required by the terms of said contract, and the United States further agrees that it will not voluntarily and knowingly determine itself unable to deliver to the Exchange Contractors entitled thereto from water that is available or that may become available to it from the Sacramento River and its tributaries or the Sacramento-San Joaquin Delta those quantities required to satisfy the obligations of the United States under said Exchange Contract and under Schedule 2 of the contract for Purchase of Miller and Lux water Rights (contract I1r-1145, dated July 27, 1939)."

Please let me know if we need to discuss again or if you have any edits to the table. Attached is an example Friant Division contract and also the Exchange Contract FYI.

Thanks,

Katrina Harrison
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