


## State Water Resources Control Board

**TO:** John Leahigh, Chief  
**(via email)** Water Operations Office  
Division of Operations and Maintenance  
Department of Water Resources  
[John.leahigh@water.ca.gov](mailto:John.leahigh@water.ca.gov)

**FROM:**   
Thomas Howard  
Executive Director

**DATE:** May 4, 2017

**SUBJECT:** JOINT POINTS OF DIVERSION REQUEST

This memorandum is in response to your April 19, 2017 letter (received April 25, 2017), requesting approval of the use of joint points of diversion (JPOD) operations by the Department of Water Resources (DWR) using the U.S. Bureau of Reclamation's (Reclamation) Jones (previously referred to as Tracy) pumping facilities beginning March 20, 2017, and continuing through mid-May of this year. JPOD diversions of 720 cubic-feet per second (cfs) occurred from March 20 through 24, 2017, and JPOD diversions of 2,440 cfs occurred starting March 25, 2017, and are requested until mid-May of this year. These JPOD diversions are occurring to address pumping reductions at DWR's Banks pumping facilities resulting from needed emergency repairs at Clifton Court Forebay.

Pursuant to State Water Resources Control Board (State Water Board) Decision 1641 (D-1641), DWR and Reclamation may divert or red divert water at each other's pumping facilities under JPOD subject to certain limits depending on the purpose of the diversions. D-1641 allows for DWR to divert water at the Jones pumping plant subject to certain conditions identified on pages 155 through 158. Those conditions require plan approvals to ensure that JPOD diversions do not impact water levels (water level response plan), and water quality (water quality response plan). Additionally, Stage 2 JPOD requires a plan to ensure that JPOD diversions do not impact fish and wildlife and other legal users of water (operations plan). DWR and Reclamation currently have approved water level and water quality response plans in place; however, the 2006 fisheries and legal user of water operations plan needs to be updated since biological opinions (BOs) were subsequently issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries (NMFS) Service in 2008 and 2009, respectively. D-1641 states that the operations plan shall be submitted to the Executive Director of the State Water Board for approval at least 30 days prior to use by the DWR of Tracy [Jones] Pumping Plant.

State Water Board staff forwarded your request to fisheries agencies staff who indicated that they were not aware of the formal JPOD request. In addition, the USFWS staff expressed their belief that the current JPOD operations would end May 5, 2017 or sooner. While I appreciate

the emergency nature of these operations, given the late submittal of your request, the absence of delegated authority to retroactively approve JPOD operations, the need for an updated operations plan, and the understanding that JPOD will not be needed beyond this week, I will not act on your request. Any future requests must be timely, must include an approved fisheries and legal water users operations plan, and must be coordinated with the USFWS, NMFS, and California Department of Fish and Wildlife.

Please contact [Diane Riddle at diane.riddle@waterboards.ca.gov](mailto:diane.riddle@waterboards.ca.gov) or (916) 341-5297 with any questions related to this matter.

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