

EXHIBIT: SDWA-13

D1641 JPOD WQ Response Plan
April 2005

U.S. Bureau of Reclamation and California Department of Water Resources Water Quality Response Plan for use of Joint Points of Diversion under Water Right Decision 1641

The State Water Resources Control Board (SWRCB) Water Right Decision 1641 (D-1641) establishes three stages under which Joint Points of Diversion (JPOD) can be used by either the Department of Water Resources (Department) or the United States Bureau of Reclamation (Reclamation) for diversions of Delta water supplies at the State Water Project (SWP) Banks pumping plant and Central Valley Project (CVP) Tracy pumping plant, respectively. Stage 1 allows JPOD use for selected purposes including the recovery of export reductions taken to benefit fish. Stage 2 allows JPOD use for any authorized purpose up to the current regulatory capacity of these facilities. Stage 3 allows JPOD use up to the physical capacity of these facilities authorized under their water right permits. The use of the JPOD in each of these stages requires, among other things, the development of a Water Quality Response Plan (Plan).

This plan does not address Stage 3 use of JPOD as such use is not contemplated at this time. However Reclamation and the Department acknowledge that Stage 3 is subject to the D-1641 permit term,

Permittee shall protect water levels in the southern Delta through measures to maintain water levels at elevations adequate for diversion of water for agricultural uses. This requirement can be satisfied through construction and operation of three permanent tidal barriers in the southern Delta or through other measures that protect water quality in the southern and central Delta and protect water levels at elevations adequate to maintain agricultural diversions. If construction and operation of tidal barriers is used as a basis for Stage 3 operation, such construction and operation shall be subject to certification of a project-level Environmental Impact Report by Permittee that discloses the impacts of tidal barriers. (Page 153)

Reclamation and the Department will need to submit to the Executive Director an operations plan consistent with Stage 3 requirements at a future date based on information and analysis to address permanent tidal barriers or other measures.

Terms and Conditions for JPOD

The use of JPOD for all stages is subject to several D-1641 terms and conditions relating to Contra Costa Water District's (CCWD) Los Vaqueros Project operations and CCWD water right Permits 20749 and 20750. The first term and condition in D-1641 reads (Page 150):

If water quality standards at Vernalis and the three Southern Delta interior stations are being met, and shared modeling analysis does not indicate future non-compliance at the Southern Delta interior water quality stations with the incremental export program action (JPOD or water transfer), then the incremental export program effects to Southern Delta water quality shall be deemed acceptable. However, if water quality standards at Vernalis or any of the three Southern Delta interior stations are not being met, or shared modeling analysis indicates the trend effect of the incremental export program (JPOD or water transfer) is to degrade salinity conditions at the South Delta interior compliance stations to the extent that the standards would not be met, then the incremental export program effects to South Delta water quality would be deemed unacceptable, and the incremental export program cannot occur without other mitigation measures for South Delta salinity effects.

Currently, the temporary barrier program (TBP) is being implemented to address water level concerns in the southern Delta channels. By allowing water to enter south Delta channels during incoming tidal phases and holding the water during outgoing tidal phases, the TBP is effective at improving water levels in those channels. However, TBP operations cannot effectively produce the water circulation patterns necessary to manage for water quality compliance concerns, the way that permanent, operable barriers will be able to do. Therefore, the Department and Reclamation anticipate there may be operational scenarios when the southern Delta water quality objectives would not be in compliance.

If SDWA were to object to the planned JPOD diversions on the basis of shared model results, and the Department, Reclamation, and SDWA are unable to agree on operations of JPOD, the Department and Reclamation shall contact the Chief of the Division for a determination regarding required mitigation, if any, for potential water quality impacts associated with JPOD operations. In order to substantiate an allegation of potential harm to its use of water, SDWA should submit detailed information concerning how the change in salinity levels would impact SDWA's operations.

Transfers by Third Parties

In addition to operating JPOD for the CVP and the SWP consistent with this Plan, Reclamation and the Department will also follow this Water Quality Response Plan when operating the Delta pumping facilities to facilitate potential water transfers of their own, and water transfers of third parties.

Reclamation and the Department coordinate and facilitate water transfers through the Delta to project export facilities, under balanced conditions. As part of CVP-SWP operations to meet water quality beneficial use standards, Reclamation and the Department assess a water cost to third party water transfers, known as "carriage water." Carriage water offsets any added water costs needed to maintain compliance with Western Delta water quality standards. When Reclamation and the Department utilize