

beyond July 1, 2009 if DWR and USBR have not completed their selected implementation measures by that date.

6. If DWR and USBR project a potential violation of the April through August permit/license conditions for Interagency Stations C-6, C-8, and P-12, prior to July 1, 2009, this order requires DWR and USBR immediately to inform the Executive Director of the potential violation and to describe the corrective actions that DWR and USBR will use to avoid the violation.
7. This order requires that DWR and USBR submit a status report to the State Water Board every three months which describes their progress towards compliance with the April through August permit/license conditions for Interagency Stations C-6, C-8, and P-12 and an updated projection of the final compliance date (including the final construction and operations dates if DWR and USBR determine that permanent barriers or alternative measures are the preferred method of compliance).
8. This order requires DWR and USBR promptly to report any threat that they will exceed any water quality objectives.
9. This order requires that if DWR and USBR are unable to collect EC data at any of the interior southern Delta EC stations for more than 7 days in a row DWR or USBR shall submit a report to the Executive Director of the State Water Board explaining why the outage occurred, a plan for restoring data collection, and the anticipated date when they will resume collecting the required data.
10. In this order, the State Water Board revises the July 1, 2005, approval by the Division Chief of the WQRP for use by DWR and USBR of JPOD in the southern Delta.
11. ~~This order authorizes DWR and USBR to conduct the minimal, historic, uses of JPOD under stage 1, without requiring that DWR and USBR meet the 0.7 EC objective, until July 1, 2009.~~

12. This order, *consistent with D-1641*, conditions the use of JPOD ~~under Stages 2 and 3~~ upon DWR and USBR meeting all requirements of their permits, including the objectives for the interior southern Delta, during the previous twelve months.

ORDER

A. The State Water Resources Control Board (State Water Board) ORDERS that, pursuant to Water Code sections 1831 through 1836, the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) shall take the following corrective actions and satisfy the following time schedules:

1. DWR and USBR shall ensure compliance with Condition 5 on page 159, Condition 1 on pages 159 and 160, and Condition 1 on pages 160 and 161 of Revised Decision 1641 (D-1641) regarding the 0.7 mmhos/cm electrical conductivity (EC) objective by July 1, 2009. Beginning April 1, 2005, these conditions require DWR and USBR to meet the 0.7 EC Water Quality Objective for Agricultural Beneficial Uses at the following locations specified in Table 2 of D-1641 at page 182:

- 1) San Joaquin River at Brandt Bridge (Interagency Station No. C-6);
- 2) Old River near Middle River (Interagency Station No. C-8); and
- 3) Old River at Tracey Road Bridge (Interagency Station No. P-12).

Alternatively, DWR and USBR may take advantage of Footnote 5 on page 182 of D-1641 which states that the 0.7 EC objective is replaced by the 1.0 EC objective from April through August after April 1, 2005 if permanent barriers are constructed or equivalent measures are implemented in the southern Delta and an operations plan that reasonably protects southern Delta agriculture is prepared by DWR and USBR and approved by the Executive Director of the State Water Board.

1. Condition 1 of the Division Chief's July 1, 2005 conditional approval of the WQRP is replaced by the following condition:
 1. DWR and USBR shall meet the requirements included in the WQRP dated April 25, 2005, and shall meet the further conditions in this approval as follows. Joint Points of Diversion (JPOD) operations are authorized pursuant to the WQRP dated April 25, 2005, if DWR and USBR are in compliance with the conditions in part A. of this order and if they meet the following requirements:
 - a. DWR and USBR may conduct JPOD diversions if DWR and USBR have, for the previous twelve months, been in compliance with all of the conditions on their water right permits and license with the following exceptions:
 - i. ~~Prior to July 1, 2009, DWR and USBR may conduct Stage 1 JPOD diversions pursuant to Condition 1b. on page 151 and Condition 2.b. on page 156 of D-1641 if they meet an EC objective of 1.0 mmhos/cm at Interagency Station Nos. C-6, C-8, and P-12 (San Joaquin River at Brandt Bridge, Old River near Middle River, and Old River at Tracy Road Bridge) and provided that water deliveries to serve the Cross Valley Canal contractors and Museo Olive are not transferred to other parties for sale. Water may be transferred pursuant to this approval for exchange of supplies later or earlier in the same irrigation season, but not for any other purpose.~~
 - ii. ~~After July 1, 2009,~~ DWR and USBR may conduct JPOD diversions only if they meet all of the requirements of their water right permits and license, including, if it is still a condition of their water rights, meeting the 0.7 EC objective for the protection of agricultural beneficial uses in the interior southern Delta at

Interagency Station Nos. C-6, C-8, and P-12 during the previous twelve months.

- b. If DWR or USBR violate any permit or license condition implementing the water quality objectives (with the exceptions noted above), JPOD diversions shall cease until such time as the water quality objectives are met.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 13, 2006.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

Selica Potter
Acting Clerk to the Board