
State Water Resources Control Board

October 26, 2026

Joel Fenolio
Deputy Operations Manager
Central Valley Project
U.S. Bureau of Reclamation
jfenolio@usbr.gov

Bryant Giorgi
Acting Chief, Water Operations Office
Division of Operations and Maintenance
Department of Water Resources
bryant.giorgi@water.ca.gov

Dear Mr. Fenolio and Mr. Giorgi:

LIMITED APPROVAL OF STAGE 2 JOINT POINTS OF DIVERSION

This letter responds to your July 24, 2026 letter requesting approval for the use by the U.S. Bureau of Reclamation (Reclamation) of the Department of Water Resources' (DWR) pumping facilities in the southern Delta under the provisions for Stage 2 Joint Points of Diversion (JPOD) described in State Water Resources Control Board (State Water Board) Decision 1641 (D-1641). Reclamation also submitted an operations plan for the protection of fish and wildlife and other legal users of water (fish/legal users of water plan) as part of this request, as required for use of Stage 2 JPOD. Reclamation requested the use of Stage 2 JPOD to divert water at DWR's State Water Project (SWP) facilities during planned maintenance and outages of Reclamation's Central Valley Project (CVP) O'Neill Pumping-Generating Plant, the Tracy Fish Collection Facility, and the Jones Pumping Plant starting in September 2026 and proceeding through as late as mid-January 2027.

D-1641 allows Reclamation and DWR to use each other's points of diversion in the Delta to divert or redirect water under three stages, referred to as JPOD. All stages of JPOD are subject to the following requirements or preconditions: JPOD is not authorized when the Delta is in excess conditions and JPOD would cause a shift in X2 (the low salinity zone) upstream in certain conditions; JPOD operations are subject to the implementation of approved water level and water quality response plans to protect Delta water users; and JPOD operations are contingent on compliance with all other provisions of Reclamation's and DWR's water right permits and license. For use of Stage 2 JPOD, D-1641 also requires the preparation and implementation of an operations plan acceptable to the Executive Director which includes fishery protection measures, provisions for the protection of other legal users of water, and provisions to mitigate significant effects on recreation and cultural resources at affected reservoirs (referred to as the fish/legal users of water plan). The fish/legal users of water plan is required to be prepared jointly by Reclamation and DWR in consultation with the

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (collectively, the fisheries agencies).

To meet the fishery protection requirements for Stage 2 JPOD, the fish/legal users of water plan submitted by Reclamation relies on existing monitoring and operational provisions contained in documents governing the long-term operation of the CVP and SWP pursuant to the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), as well as compliance with State Water Board Order 90-5 related to Sacramento River temperature management. However, Reclamation does not currently have an approved Temperature Management Plan (TMP)¹ pursuant to Water Right Order 90-5, and water year 2026 CVP operations resulted in exceedances of the take limit for ESA-listed green sturgeon. Reclamation has reinitiated consultation with NMFS regarding the effects of long-term operations on green sturgeon, but the consultation is not complete and is not expected to be completed until late this year at the earliest. Additionally, Reclamation and DWR have not specifically coordinated with the fisheries agencies, and the State Water Board has not received substantive input from the fisheries agencies on the fish/legal users of water plan.

Reclamation and DWR's current water level and water quality response plans, which they propose to rely on for the purposes of the Stage 2 JPOD fish/legal users of water plan, were developed many years ago. However, as noted last year and continuing this year, Delta water users have raised ongoing water level concerns. This year specifically the State Water Board's Office of the Delta Watermaster (ODWM) has received a significant number of water level complaints from April through July related to lower-than-usual water levels associated with the need for dredging that has not occurred since 2011. These issues underscore the need raised last year for reevaluation of the water level response plan and its implementation before being relied upon for any long-term approval of the fish/legal users of water plan.

On August 25, 2026, the State Water Board received a letter from the Cross Valley Canal Contractors objecting to Reclamation's Stage 2 JPOD request and associated operations plan. Reclamation provided a response (attached) dated September 9, 2026, confirming the State Water Board's assessment that the matters raised in the letter concern contractual arrangements between Reclamation and the Cross Valley Canal Contractors. Such issues are ordinarily addressed directly between the parties involved and, as a result, do not require State Water Board involvement at this time.²

Given the above circumstances, Stage 2 JPOD is only approved after the temperature management season ends and only through January 16, 2027, to address specified critical CVP maintenance issues. The State Water Board Executive Director, in

¹ https://www.waterboards.ca.gov/drought/sacramento_river/docs/2026/tmp-response-final-2026.pdf

² On September 22, 2026, the Cross Valley Canal Contractors responded to Reclamation's September 9 letter. However, the State Water Board's assessment has not changed, and the issues raised remain contractual in nature.

consultation with CDFW and NMFS, will determine the end of the temperature management season based on real time winter-run and fall-run Chinook salmon conditions (and other relevant species as appropriate) and actual temperature or hydrologic conditions, which will be no later than November 15, 2026, for the purposes of this approval. However, the Board recognizes the need for continued flexibility in determining when JPOD diversions could occur. The development of a very strong El Nino-Southern Oscillation (ENSO) pattern in the Pacific Ocean has increased the potential for earlier and heavier precipitation in California, which in turn could raise flows and result in cooler water temperatures that effectively end the 2026 temperature management season. The State Water Board is supportive of actions to capture high flow events that are in accordance with applicable regulations and water rights requirements. Recognizing the potential for rapid changes in hydrology, if ENSO-driven precipitation results in an earlier end to the temperature management season the Executive Director will consider requests to modify the effective date of this conditional authorization.

Additional conditions of approval are as follows:

1. Stage 2 JPOD operations are only authorized for the purposes of making up for pumping limitations due to maintenance such that there is no net increase in diversions compared to what would have occurred absent the maintenance activities.
2. Reclamation and DWR must demonstrate to the satisfaction of the fisheries agencies that JPOD operations would not be expected to impact green sturgeon and other species, including ESA and CESA listed species and fall-run Chinook salmon; conduct ongoing weekly coordination and consultation with the fisheries agencies on fishery conditions and JPOD use through the existing Water Operations Management Team (WOMT) and the Fish and Water Operations Group (FAWOG) meetings. Stage 2 JPOD operations shall be discontinued if any ESA or CESA species take limits are exceeded.
3. Concurrence from the ODWM that any planned and actual use of JPOD operations are in compliance with the water level response plan and otherwise addressing the requirements for Stage 2 JPOD operations related to impacts to other legal users of water within the legal Delta.
4. Compliance with all other water right permit/license terms, including October pulse and base flow requirements under D-1641 for the San Joaquin River.
5. Weekly reporting of the daily volume of estimated Stage 1 and Stage 2 JPOD diversions that occurred for the prior week to WOMT and FAWOG with a final report to the Executive Director by February 15, 2027, of the confirmed daily volumes diverted over the approved time period.
6. I reserve the right to modify this approval as needed if issues arise related to protection of other legal users of water, fish and wildlife, or recreational and cultural resources. The timing of the approval may also be modified if wet hydrologic conditions occur and there is reasonable information that the temperature management season is concluded.

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Please contact Diane Riddle at diane.riddle@waterboards.ca.gov with any questions related to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Oppenheimer", is displayed on a light gray rectangular background.

Eric Oppenheimer, Executive Director