

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT PERMIT 12827 (APPLICATION 5644A)
OF GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT**

**PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO
3,250 ACRE-FEET OF WATER TO WESTLANDS WATER DISTRICT**

SOURCE: Pilot Creek

COUNTY: El Dorado

ORDER APPROVING TEMPORARY CHANGES

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 OVERVIEW

On July 1, 2026, Georgetown Divide Public Utility District (GDPUD or Petitioner) filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) a petition for temporary change (Petition) involving the transfer of water under water right Permit 12827 (Application 5644A), pursuant to Water Code section 1725 et seq. Under the proposed transfer, up to 3,250 acre-feet (af) of water will be transferred to Westlands Water District (Westlands). The temporary changes are limited to the period commencing on the date of this Order through one year from the date of this Order.

1.1 BACKGROUND

GDPUD

GDPUD was formed in 1946 under the California Public Utility District Act (Public Utilities Code §15500 et seq.) to serve residents of the Georgetown Divide area, which had historically been served by a succession of private water companies since 1852. The Georgetown Divide is located in the northwest portion of El Dorado County, roughly bounded by the Middle and South Forks of the American River.

The GDPUD service area encompasses approximately 76,000 acres; the sphere of influence covers about 113,000 acres, primarily to the east and south of GDPUD's

boundary. GDPUD's water originates in the Sierra Nevada Mountains, drains into Stumpy Meadows Reservoir, and is transported through a canal system and pipes to the Walton Lake and Auburn Lake Trails Water Treatment Plants. The Walton Lake Plant serves the communities of Georgetown, Garden Valley, Kelsey, and Greenwood. The Auburn Lake Trails Plant serves Auburn Lake Trails, Cool, and Pilot Hill. The estimated population of GDPUD's service area is approximately 10,000 residents.

GDPUD provides treated water to about 3,800 customers and untreated water to 370 customers for irrigation. GDPUD's primary water supply source is the Stumpy Meadows Project, which includes a 20,000 af impoundment reservoir on Pilot Creek, at the eastern edge of GDPUD. Raw water from this supply source is conveyed through 75 miles of open ditch and pipeline to the Walton Lake Water Treatment Plant in Georgetown and then further on to the Auburn Lake Trails Water Treatment Plant in Cool.

Westlands Water District

Westlands was formed in 1952 and encompasses more than 600,000 acres of farmland in western Fresno and Kings Counties. Westlands serves approximately 600 family-owned farms that average 900 acres in size.

Water is delivered to Westlands through the Central Valley Project (CVP), a federal water project that stores water in large reservoirs in Northern California for use by cities and farms throughout California. After it is released from CVP reservoirs, the water is typically pumped from the Sacramento-San Joaquin Delta (Delta) via U.S. Department of the Interior, Bureau of Reclamation (Reclamation) Bill Jones Pumping Plant (Jones Pumping Plant) and delivered 70 miles through the Delta-Mendota Canal to the San Luis Reservoir. During spring and summer, the water is released from San Luis Reservoir and delivered to Westlands farmers through the San Luis Canal and the Coalinga Canal. Once it leaves the CVP canals, water is delivered to farmers through 1,034 miles of underground pipe and more than 3,300 water meters.

Westlands farmers produce more than 60 commercial food and fiber crops sold for the fresh, dry, canned, and frozen food markets, both domestic and export. More than 50,000 people live and work in communities dependent on Westlands' agricultural economy. The communities in and near the Westlands' boundaries include Mendota, Huron, Tranquility, Firebaugh, Three Rocks, Cantua Creek, Helm, San Joaquin, Kerman, Lemoore, and Coalinga.

Westlands is interested in augmenting its water supply through this transfer based on reoperation of Stumpy Meadows Reservoir.

2.0 TRANSFER TYPE

Petitioner proposes to make water available by releasing water that would otherwise be stored in Stumpy Meadows Reservoir under Permit 12827.

2.1 Reservoir Release

Under a reservoir release transfer, surface water supply is made available for transfer as a result of a petitioner releasing water held in storage that would otherwise remain in storage if the transfer were not to occur. The transfer proposed by GDPUD involves water currently stored in Stumpy Meadows Reservoir. Following the transfer, the reservoir may have additional storage capacity that will result in diversions that would not occur in the absence of the transfer, referred to as a reservoir refill. Reservoir refill has the potential to injure other legal users of water if it occurs when the Delta is in balanced conditions¹ or if there is limited streamflow in the channel from which the water is being transferred. The Draft Technical Information for Preparing Water Transfer Proposals (Draft Technical Information), dated December 2019, prepared by the California Department of Water Resources (DWR) and Reclamation describes data and criteria for ensuring that reservoir refill does not impact other users of water, including the CVP and State Water Project (SWP). Section 4 of the Draft Technical Information and Appendix B outline the information used to develop refill criteria.

Refill criteria developed in conjunction with DWR and Reclamation can ensure that future refill of the reservoir space made available in Stumpy Meadows Reservoir from this transfer does not adversely impact other legal users of water.

3.0 PETITIONS FOR TEMPORARY CHANGE INVOLVING TRANSFER

3.1 Description of the proposed temporary changes

To facilitate the transfer, GDPUD proposes to temporarily add the following to Permit 12827:

1. The CVP's Jones Pumping Plant intake facility as a point of redirection, located within the Northeast quarter of the Southwest quarter of projected Section 29, Township 1 South, Range 4 East, MDB&M;

¹ The Delta is in balanced conditions when the SWP and CVP agree that releases from upstream reservoirs, plus unregulated flow, approximately equal water supply needed to meet Sacramento Valley in-basin uses and Project exports. During balanced conditions in the Delta when water must be withdrawn from storage to meet Sacramento Valley and Delta requirements, 75 percent of the responsibility to withdraw from storage is borne by the CVP and 25 percent by the SWP.

2. The State Water Project's (SWP) Harvey O. Banks Pumping Plant (Banks Pumping Plant) via the Clifton Court Forebay as a point of rediversion, located within the Northwest quarter of the Southeast quarter of projected Section 20, Township 1 South, Range 4 East, MDB&M;
3. The San Luis Reservoir as a point of rediversion, located within the Southwest quarter of the Southeast quarter of projected Section 15, Township 10 South, Range 8 East, MDB&M; and
4. The service area of Westlands as an additional place of use.

GDPUD proposes to transfer up to 3,250 af of water currently stored in Stumpy Meadows Reservoir, to Westlands. The transfer water would be released from Stumpy Meadows Reservoir into Pilot Creek, thence the Rubicon River, thence the Middle Fork American River to the North Fork American River and into Folsom Reservoir.

Subsequent release of the transfer water at Folsom Reservoir would be scheduled by Reclamation in cooperation with Westlands so that the proposed transfer would not disrupt normal CVP and SWP operations and would adhere to all required flow standards for the Lower American River as well as current regulatory requirements for Delta operations.

After release from Folsom Reservoir, the transfer would flow down the lower American and Sacramento Rivers and be rediverted at the Jones or Banks Pumping Plants and then delivered to the Westlands service area.

GDPUD proposed a reservoir release schedule from August through September 2026 in its Petition. However, following consultation with the California Department of Fish and Wildlife (CDFW) and the United States Forest Service (USFS) during the noticing period, GDPUD anticipates that a revised reservoir release schedule will be required, extending transfer water releases beyond September 2026. Accordingly, this Order requires GDPUD to obtain written concurrence from DWR, Reclamation, USFS, and CDFW for any transfer water releases from Stumpy Meadows Reservoir extending past September 30, 2026.

3.2 Summary of GDPUD's Permit

Permit 12827 authorizes direct diversion of up to 100 cubic feet per second (cfs) from November 1 to August 1 of the succeeding year, and 20,000 af per annum by storage to be collected from November 1 to August 1 of the succeeding year. The total annual diversion (direct diversion and diversion to storage) from Pilot Creek is limited to 74,347.9 af. Permit 12827 requires compliance with Exhibit 15 of Decision 893 by the State Water Board for the preservation of fish and wildlife in Pilot Creek. Exhibit 15 includes a minimum release requirement varying between 2 and 4 cfs that is determined

by the prediction of the unimpaired runoff of the American River at Fair Oaks. Permit 12827 also requires an annual minimal storage pool of 1,200 af year-round.

The existing point of direct diversion is located by California Coordinate System of 1983 (CCS83), Zone 2, North 2,101,786 feet and East 6,949,761 feet, being within the Southeast quarter of the Northwest quarter of Section 4, Township 12 North, Range 12 East, MDB&M. The existing point of diversion to storage at Stumpy Meadows Reservoir is located by CCS83, Zone 2, North 2,094,086 feet and East 6,958,561 feet, being within the Southeast quarter of the Northwest quarter of Section 11, Township 12 North, Range 12 East, MDB&M.

The existing place of use is the total irrigated area of 14,140 acres within GDPUD's boundaries of 66,500 acres as shown on Appendix B of the Petition submittal and on maps on file with the State Water Board under Application 5644A and include the following power plants: (1) Tunnel Power Plant within Section 26, Township 13 North, Range 11 East, MDB&M; (2) Buckeye Power Plant within Section 1, Township 12 North, Range 10 East, MDB&M; (3) Buffalo Hill Power Plant within Section 10, Township 12 North, Range 10 East, MDB&M; and (4) Kaiser Power Plant within Section 6, Township 12 North, Range 10 East, MDB&M.

The authorized purposes of use are irrigation, domestic, stockwatering, and incidental power.

4.0 PUBLIC NOTICE OF THE PROPOSED TEMPORARY CHANGE

On July 2, 2026, public notice of the proposed transfer was provided by posting on the Division's website and via the State Water Board's electronic subscription mailing list. The comment deadline was July 31, 2026. Timely comments on the proposed transfer were received from the CDFW, DWR, and Reclamation. Petitioner provided responses to timely comments by letter and email to the Division on July 27, and August 3, 2026.

4.1 Comments of CDFW

By email dated July 6, 2026, CDFW commented on the proposed transfer. CDFW stated that GDPUD's assertion that the proposed transfer would not unreasonably affect fish and wildlife resources was inaccurate. CDFW expressed concerns regarding potential impacts to the Foothill yellow-legged frog (FYLF), which is listed as endangered under both the federal and State Endangered Species Acts (ESA). CDFW noted that FYLF has been documented within reaches of Pilot Creek and the Rubicon River downstream to the confluence with the Middle Fork American River. According to CDFW, alterations in the volume, timing, and temperature of streamflows associated with the proposed transfer could adversely affect FYLF during vulnerable life stages, particularly if transfer releases begin in August when tadpoles and FYLF in the early

stages of metamorphosis may be present. CDFW also expressed concern that transfer ramping rates could displace FYLF in less mobile life stages.

CDFW acknowledged GDPUD's proposed triphasic monitoring program but recommended additional measures to minimize potential impacts to aquatic and terrestrial species, including sensitive FYLF life stages. Specifically, CDFW recommended that GDPUD: (1) provide CDFW with the results of GDPUD's 2020 FYLF monitoring surveys; (2) coordinate FYLF survey locations with CDFW and USFS; (3) adaptively manage transfer releases by postponing releases until no FYLF eggs or tadpoles are observed during pre-transfer monitoring; and (4) develop the transfer flow schedule and ramping rates in coordination with CDFW and USFS to provide a more gradual increase and decrease in flows at the beginning and end of the transfer period while maintaining peak releases at or below 50 cfs.

GDPUD Response:

Regarding CDFW's concerns about providing the results from GDPUD's 2020 FYLF monitoring surveys, GDPUD indicated that the FYLF Monitoring Results in support of GDPUD's 2020 Water Transfer are included as Attachment B of the monitoring surveys.

In response to CDFW's request to coordinate survey locations with the U.S. Forest Service and CDFW, GDPUD stated it will monitor for FYLF pre-, during, and post-transfer near the mouth of Pilot Creek and on the Rubicon River just downstream of Pilot Creek.

GDPUD indicated that it will use an adaptive management approach to guide water release decisions based on pre-transfer monitoring results. Survey findings will be used to determine whether transfer releases should proceed as planned, be delayed, or be modified to avoid impacts to FYLF egg and tadpole life stages.

GDPUD also stated that the proposed flow schedule and ramping rates were developed in coordination with CDFW and USFS. The proposed operations include a gradual ramp-up in releases followed by the partner agencies approved ramp-down, with a maximum release rate of 50 cfs.

State Water Board Response:

The State Water Board has considered CDFW's concerns regarding potential impacts to FYLF. GDPUD has provided its 2020 FYLF monitoring results, agreed to coordinate survey locations with CDFW and USFS, and committed to postpone transfer releases until no FYLF egg or tadpole life stages are observed, along with a flow schedule and ramping rates developed with CDFW and USFS that maintain peak releases at or below 50 cfs. The State Water Board finds these measures reasonably address CDFW's concerns and, accordingly, conditions this Order to require GDPUD to implement the

monitoring and adaptive management approach. Additionally, this Order is conditioned to require GDPUD operate the transfer in accordance with the release ramping rate schedule GDPUD developed with CDFW and USFS.

4.2 Comments of DWR

By letter dated July 22, 2026, DWR commented on the proposed temporary transfer by GDPUD. DWR stated that refilling the reservoir storage space vacated by the transfer could adversely affect downstream legal water users if refilling occurs when those users could otherwise have benefited from reservoir releases. DWR explained that refill criteria are necessary to ensure that reservoir release transfers do not injure other legal users of water and that refilling should occur only when water is available in excess of downstream legal demands. DWR also noted that, because Stumpy Meadows Reservoir is upstream of the Sacramento-San Joaquin Delta, refilling the reservoir could adversely affect the operations of both the SWP and the CVP, which jointly meet Delta water quality and flow requirements under Water Rights Decision 1641.

DWR further noted that GDPUD's petition indicated GDPUD would enter into a refill agreement with the U.S. Bureau of Reclamation. DWR stated that any refill agreement must also include DWR to ensure that reservoir refill operations do not adversely affect the water rights or operations of the SWP and CVP. To protect those interests, DWR requested that any order approving the transfer include conditions requiring:

- (1) execution of a mutually agreeable refill agreement among DWR, Reclamation, and GDPUD before the transfer begins, with appropriate accounting procedures, refill criteria, and measures to mitigate impacts to SWP and CVP operations; and
- (2) submission of copies of all transfer reports filed with the State Water Board, along with monthly refill accounting reports until reservoir refill is complete. DWR also requested that GDPUD submit its complete transfer proposal through DWR's Water Transfers Information Management System (WTIMS) to improve coordination.

GDPUD Response:

By email dated August 3, 2026, GDPUD indicated that it submitted the proposed refill agreement to DWR and Reclamation on July 20, 2026 for review. GDPUD reported that it received minor comments from DWR and approval from Reclamation, and that the agreement is currently undergoing GDPUD's final legal review.

State Water Board Response:

The State Water Board acknowledges GDPUD's progress toward a refill agreement with both DWR and Reclamation, consistent with DWR's request that it be included as a party. The agreement has not yet been executed. Accordingly, this Order is conditioned to require that GDPUD execute the refill agreement with DWR and Reclamation prior to initiating the transfer. Additionally, this Order is conditioned to require the Petitioner to

submit copies of reports submitted to the State Water Board, including monthly refill accounting, and to enter the transfer information in WTIMS.

4.3 Comments of Reclamation

By letter dated July 31, 2026, Reclamation commented on GDPUD's proposed water transfer. Reclamation stated that GDPUD would reoperate Stumpy Meadows Reservoir under a schedule approved by Reclamation, releasing an average of 100 af daily into Folsom Reservoir for transfer to Westlands, with GDPUD entering into a refill agreement with Reclamation to protect Folsom Reservoir storage. Reclamation added that Westlands would divert the transfer water at the SWP Banks or CVP Jones Pumping Plants for conveyance via the Delta Mendota Canal or California Aqueduct to San Luis Reservoir, with delivery within Westlands' service area via the San Luis Canal and Coalinga Canal.

In order to protect Reclamation's water rights and operations for the American River and the CVP, Reclamation requested the Division condition GDPUD's transfer as follows:

1. Any approval of the transfer is contingent upon GDPUD entering into a contract with Reclamation under the Act of February 21, 1911 (the Warren Act) for the use of the Jones Pumping Plant, San Luis Reservoir, or any other Reclamation facility involved in the transfer.
2. The transfer is contingent upon adoption of a signed refill agreement between Reclamation and GDPUD. Any order approving the transfer should be conditioned to require that the transfer be conducted consistent with the refill agreement.
3. GDPUD shall coordinate with Reclamation on the Folsom Reservoir operations schedule as part of ongoing real-time CVP operations. No water may be transferred unless Reclamation concurs that the transfer will not increase the risk of negative impacts to CVP water rights or to the cold-water pool at Folsom Reservoir resulting from incoming transfer water.
4. The proposed water transfer shall be carried out in compliance with all existing regulatory constraints in the Delta and shall cause no harm to other legal water users or impact on water quality.

GDPUD Response:

By email dated August 8, 2026, GDPUD indicated that it submitted the proposed refill agreement to DWR and Reclamation on July 20, 2026 for review. GDPUD reported that it received minor comments from DWR and approval from Reclamation, and that the agreement is currently undergoing GDPUD's final legal review.

State Water Board Response:

To avoid injury to the water rights and operations of the CVP, this Order includes a requirement for GDPUD to obtain a reservoir refill agreement with DWR and Reclamation prior to initiating the transfer. Additionally, the Order includes a condition requiring GDPUD to coordinate with Reclamation during the transfer period and to transmit to the Deputy Director for Water Rights any concerns and data raised by Reclamation regarding negative impacts to the cold-water pool at Folsom Reservoir. Further, this Order includes a condition that requires GDPUD to ensure Westlands obtain any required Warren Act contract with Reclamation prior to transfer of water into Folsom Reservoir. This Order also includes conditions requiring that the transfer take place only during balanced conditions in the Delta.

5.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Water Code section 1729 exempts temporary changes involving a transfer of water from the requirements of the California Environmental Quality Act. (Pub. Resources Code, § 21000 et seq.) The State Water Board will file a Notice of Exemption.

6.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGES

The State Water Board shall approve a temporary change involving the transfer of water under Water Code section 1725 et seq., if it determines that a preponderance of the evidence shows both of the following:

- a. The proposed change would not injure any legal user of water, during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of water or return flows.
- b. The proposed change would not unreasonably affect fish, wildlife, or other instream beneficial uses.

(Wat. Code, § 1728, subd. (b).)

In addition, the proposed change must involve only the amount of water that would have been consumptively used or stored in the absence of the temporary change.
(*Id.*, § 1726, subd.(e).)

Temporary changes pursuant to Water Code section 1725 may be effective for a period of up to one year from the date of approval. (Wat. Code, § 1725.5.) “The one-year

period does not include any time required for monitoring, reporting, or mitigation before or after the temporary change is carried out.” (*Ibid.*)

The State Water Board also has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) The State Water Board considers the evaluation of public trust resources as part of its evaluation of impacts to fish, wildlife, or other instream beneficial uses under Water Code section 1728, subdivision (b)(2).

7.0 REQUIRED FINDINGS OF FACT

7.1 Transfers Only Involve Water That Would Have Been Consumptively Used or Stored

Before approving a temporary change due to a transfer or exchange of water pursuant to Chapter 10.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change or conserved pursuant to Water Code section 1011. (Wat. Code, §§ 1725, 1726.) Water Code section 1725 defines “consumptively used” to mean “the amount of water which has been consumed through use by evapotranspiration, has percolated underground, or has been otherwise removed from use in the downstream water supply as a result of direct diversion.”

In absence of the proposed transfer, GDPUD indicated the transfer water would have remained in storage in Stumpy Meadows Reservoir.

The State Water Board conducted an independent evaluation of its records. The annual use under Permit 12827 was 6,331 af, 4,116 af, 805 af, 3,615 af, and 3,832 af during 2021, 2022, 2023, 2024, and 2025, respectively. The maximum authorized storage is 20,000 af under Permit 12827. According to the Petitioner, in 2026 the projected storage around mid-December (based on historic average inflow hydrology) in absence of the transfer would be 15,250 af. The mid-December low point storage with the transfer is approximately 12,000 af. The projected 3,250 af difference represents water that would remain lawfully stored in Stumpy Meadows Reservoir in the absence of the transfer. This Order is limited to that quantity and to water collected to storage before issuance of this Order.

In light of the above, and in accordance with Water Code section 1726, subdivision (e), the State Water Board finds that up to 3,250 af of water proposed for transfer pursuant to this Order would be consumptively used or lawfully stored in Stumpy Meadows Reservoir in the absence of the proposed temporary change.

7.2 No Injury to Other Legal Users of the Water

Before approving a temporary change due to a transfer or exchange of water, the State Water Board must find that the transfer would not injure any legal user of the water during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows. (Wat. Code, § 1728, subd. (b)(1).)

Thus, with respect to the “no injury” inquiry under Water Code section 1728, the State Water Board must evaluate whether the change will injure any legal user of the water involved in the change. The controlling consideration in the State Water Board’s inquiry is the effect of the change on the rights of others. (State Water Resources Control Bd. Cases (2006) 136 Cal.App.4th 674, 743, 805.) A person who claims injury from a proposed change “must show the change will interfere with his or her *right* to use the water, whatever the source of that right may be.” (Id. at p. 805, italics in original.) It is not enough for a water user to show that it will receive less water as a result of the change. Instead, a water user claiming injury must demonstrate that it has a right to the greater amount of water claimed and that the proposed change will interfere with that right. (*Ibid.*)

In general, the transfer of water that would have been consumptively used or stored will not result in injury to other legal users of water. The water proposed for transfer pursuant to this temporary change consists of water previously stored in Stumpy Meadows Reservoir pursuant to Permit 12827. In the absence of the proposed transfer, the water would remain in storage for future use by GDPUD and would not be available to other water users. Further, the release of the water from storage at Stumpy Meadows Reservoir pursuant to the temporary transfer will not reduce the available supply to any other legal user of water downstream. Additionally, this Order is conditioned to only allow transfer of water collected to storage prior to issuance of the Order.

The refill criteria provide for an accounting of the refill of Stumpy Meadows Reservoir resulting from the proposed transfer. Pursuant to the criteria, any refill occurring during balanced conditions in the Delta is subject to repayment to Reclamation and DWR, according to a schedule agreed to by GDPUD, DWR, and Reclamation.

This Order is conditioned to require GDPUD enter into a reservoir refill agreement with Reclamation and DWR ensuring that future refill of any storage space in Stumpy Meadows Reservoir created by the transfer will not reduce the amount of water that Reclamation, DWR, or other water users could otherwise divert under their water rights. This Order also requires GDPUD to coordinate with Reclamation on the Folsom Reservoir operations schedule as part of ongoing real-time CVP operations. Therefore, no injury to other legal users of the water would occur due to the transfer.

In light of the above, and in accordance with Water Code section 1728, subdivision (b)(1), the State Water Board finds that the proposed temporary changes would not injure any legal user of the water during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows, or otherwise unreasonably affect a legal user of water.

7.3 No Unreasonable Effect on Fish, Wildlife, or Other Instream Beneficial Uses

Before approving a temporary change to facilitate the transfer of water, the State Water Board must find that the proposed change would not unreasonably affect fish, wildlife, or other instream beneficial uses. (Wat. Code, § 1728, subd. (b)(2).) The Petitioner provided CDFW and the Central Valley Regional Water Quality Control Board (Regional Board) with a copy of the petition in accordance with California Code of Regulations, title 23, section 794, subdivision (c). CDFW provided comments regarding protection of FYLF and mitigation of potential negative impacts through control of the rate and timing of water released from Stumpy Meadows Reservoir during the transfer. Specific conditions, including operation of the transfer in compliance with the monitoring plan, monitoring locations, adaptive-management criteria, flow, and ramping schedule developed among CDFW, USFS, and GDPUD, have been included in this Order based on CDFW's comments, as discussed above in Section 4.1. The Regional Board did not provide any comments to the State Water Board regarding potential effects of the proposed changes on water quality, fish, wildlife, and other instream beneficial uses.

In general, North of Delta transfers result in an incremental increase in instream flows between the Petitioner's point of diversion and the location where the water is removed from the stream system. The increase in flows is not anticipated to be harmful to instream resources, provided that the transfer water does not cause instream temperatures to increase to harmful levels and does not result in false fish attraction flows to streams not suited for fish rearing. No information is available that suggests the transfer flows will contribute to false fish attraction flows or significantly change stream temperatures or water quality.

The transfer will be subject to all applicable federal and State ESA requirements, including applicable Biological Opinions, Incidental Take Permits, court orders, and any other conditions imposed by other regulatory agencies applicable to diversions.

In light of the above, and in accordance with Water Code section 1728, subdivision (b)(2), the State Water Board finds that, as conditioned, the proposed transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses. In addition, this Order is conditioned to require that GDPUD coordinate with Reclamation regarding the transfer and ongoing real-time operations of the CVP, and that GDPUD notify the Deputy Director for Water Rights of any concerns and data identified by Reclamation

that the transfer will result in increased risks of negative impacts to the cold-water pool at Folsom Reservoir.

In light of the above, and in accordance with Water Code section 1728, subdivision (b)(2), the State Water Board finds that, as conditioned, the proposed transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses.

8.0 STATE WATER BOARD'S DELEGATION OF AUTHORITY

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, delegating to the Deputy Director for Water Rights the authority to act on petitions for temporary change if the State Water Board does not hold a hearing. This Order is adopted pursuant to the delegation of authority in section 4.4.2 of Resolution 2012-0029 and the Deputy Director for Water Rights redelegation of authority memorandum dated April 20, 2023.

9.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1725 et seq.

The State Water Board concludes that, based on the available information:

1. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.
2. The proposed temporary change will neither injure, nor unreasonably affect, any legal user of water, including during any potential hydrologic condition that the Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of water or return flows.

The proposed temporary change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed for temporary change for the transfer of up to 3,250 acre-feet (af) of water under Georgetown Divide Public Utility District's (GDPUD or Petitioner) Permit 12827 is approved.

All existing terms and conditions of Permit 12827 remain in effect, except as temporarily amended by the following provisions:

1. The transfer is limited to the period commencing on the date of this Order to one year from the date of this Order. Reservoir releases will be limited to the date of this Order through September 30, 2026.
2. No transfer water shall be released from Stumpy Meadows Reservoir after September 30, 2026, unless GDPUD develops a revised reservoir release schedule in consultation with the California Department of Fish and Wildlife (CDFW) and the United States Forest Service (USFS), and obtains written concurrence from CDFW, USFS, the Department of Water Resources (DWR), and the U.S. Bureau of Reclamation (Reclamation). GDPUD shall provide copies of the revised schedule and all written concurrences to the Deputy Director for Water Rights prior to releasing transfer water after September 30, 2026.
3. The following points of diversion are temporarily added to Permit 12827:

The Harvey O. Banks Pumping Plant (Banks Pumping Plant) via Clifton Court Forebay, located within CCS 83, Zone 3, North 2,126,440 feet and East 6,256,425 feet, being within the Northwest quarter of the Southeast quarter of projected Section 20, Township 1 South, Range 4 East, Mount Diablo Base & Meridian (MDB&M), and

CW "Bill" Jones Pumping Plant (Jones Pumping Plant), located within CCS 83, Zone 3, North 2,121,505 feet and East 6,255,368 feet, being within the Northeast quarter of the Southwest quarter of projected Section 29, Township 1 South, Range 4 East, MDB&M.

4. The following point of diversion and place of temporary storage is temporarily added to Permit 12827:

San Luis Reservoir, located within CCS 83, Zone 3, North 1,845,103 feet and East 6,393,569 feet, being within the Southwest quarter of the Southeast quarter of projected Section 15, Township 10 South, Range 8 East, MDB&M.
5. The place of use under Permit 12827 is temporarily expanded to include the service area of Westlands Water District (Westlands) as shown on Central Valley Project (CVP) Map 214-202-84 filed with the Division.
6. Diversion of water at either the Jones or Banks Pumping Plant is subject to compliance by the operators with the objectives currently required of DWR and Reclamation set forth in Tables 1, 2, and 3 on pages 181-187 of Revised Water Right Decision 1641 (D-1641), or any future State Water Board Order or decision

implementing Bay-Delta water quality objectives at that point of diversion, including compliance with the various plans required under D-1641. Diversion of water is also subject to compliance by DWR and Reclamation with all applicable Biological Opinions and court orders and any other conditions imposed by other regulatory agencies applicable to these operations.

7. Rediversion of water at either the Jones or Banks Pumping Plant is also subject to compliance with any State Water Board Orders establishing temporary or interim operating conditions during the transfer period, except if the State Water Board has specifically exempted conveyance of transfer water from the Order.
8. Carriage loss shall be deducted from any water transferred through the Delta and delivered under this Order.
9. During the period of transfer, Petitioner shall comply with applicable terms and conditions imposed by other regulatory agencies. This Order shall not be construed as authorizing the violation of any agreement entered by the Petitioner.

Only water collected to storage prior to issuance of this Order may be transferred pursuant to this Order.

10. Transferrable water may be credited only during balanced conditions in the Sacramento-San Joaquin River Delta.
11. Petitioner shall ensure that Westlands has executed a Warren Act contract with Reclamation prior to transferring water into Folsom Reservoir under this Order, unless Reclamation states a Warren Act contract is not required. Petitioner shall provide confirmation from Reclamation and Westlands to the Deputy Director for Water Rights (email confirmation is acceptable) that this condition has been complied with, within 30 days of issuance of this Order.
12. Water may not be transferred through the Banks Pumping Plant, Jones Pumping Plant, or San Luis Reservoir until a Refill Agreement has been agreed to and executed between Reclamation, DWR, and GDPUD to address potential refill concerns in Stumpy Meadows Reservoir. Documentation of the Refill Agreement shall be submitted to the Division within 15 days of the date of execution of the agreement. The documentation shall include as an attachment all information identified by Section 4 and Appendix B of the 2019 Draft Technical Information for Preparing Water Transfer Proposals² (Water Transfer White Paper) for the

² DRAFT Technical Information for Preparing Water Transfer Proposals
https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/Water-Transfers/Files/Draft_2019WTWhitePaper-012324.pdf

development of the agreement. The terms of the Refill Agreement shall be binding until such time as all the storage vacated for the transfer has been refilled during periods consistent with the terms of the Refill Agreement. The refill period may span multiple years if the hydrologic conditions in the year following the transfer are not consistent with the terms of the Refill Agreement. GDPUD may be required to relinquish for downstream release any reservoir storage collected in violation of the Refill Agreement (up to the transfer quantity), in accordance with a schedule acceptable to Reclamation.

13. Petitioner must coordinate with Reclamation on the Folsom operations schedule as part of ongoing real-time operations for the CVP. Petitioner shall transmit to the Deputy Director for Water Rights any concerns and data identified by Reclamation that the transfer will result in increased risks of negative impacts to the cold-water pool at Folsom Reservoir resulting from incoming transfer water. The Deputy Director may modify the conditions of this transfer to address the risk of negative impacts to the cold-water pool at Folsom Reservoir.
14. For the protection of Foothill yellow-legged frog (FYLF), GDPUD shall implement the monitoring plan described in the Petition and adhere to the monitoring locations attached to GDPUD's July 27, 2026, response to CDFW comments. GDPUD shall also adaptively manage the water releases based on pre-transfer monitoring by postponing transfer releases until no FYLF egg or tadpole life stages are observed, as agreed upon by CDFW and USFS.
15. GDPUD must operate the release of water pursuant to this transfer in compliance with the proposed transfer schedule that was developed in consultation with CDFW and USFS. The transfer release is included as an attachment to GDPUD's July 27, 2026, response to CDFW's comments. GDPUD shall coordinate with CDFW and USFS for review and approval prior to any deviations from the transfer schedule. Revisions to the transfer schedule shall be submitted to the Deputy Director for Water Rights within five (5) days of approval by CDFW.
16. Within 90 days of the completion of the transfer, GDPUD shall provide the Deputy Director for Water Rights a report describing the transfer authorized by this Order. The report shall include the following information:
 - a. The general location of where water was delivered, and the acreage and/or population served by the water delivered to Westlands pursuant to this Order;
 - b. The average daily release rates and corresponding volumes of water released from Stumpy Meadows Reservoir as a result of this transfer (reported on a daily basis);

- c. For each day of the transfer, the daily average rate and volume of transfer water released from Stumpy Meadows Reservoir and the daily volume of water rediverted at the Banks or Jones Pumping Plant pursuant to this Order;
- d. The daily amounts of water delivered to Westlands;
- e. The amount of the Refill Reservation as defined in the Refill Agreement reported on a daily basis and;

Recognizing that reservoir refill will occur after the transfer ends, monthly reporting of reservoir refill is not required during the transfer period. However, GDPUD shall provide reservoir refill reporting in its Report of Permittee by February 1 of each year on monthly reservoir refill until the reservoir Refill Agreement has been satisfied. This occurs when the value of the Refill Reservation, as defined in the Refill Agreement, equals zero. These reports shall include the daily values of the Refill Reservation.

If any of the above required information is in the possession of DWR and Reclamation and has not been provided to GDPUD in time for inclusion the report, GDPUD shall provide the information to the Deputy Director for Water Rights within 30 days of receipt.

- 17. GDPUD shall utilize DWR's Water Transfers Information Management System (WTIMS) to document this transfer by entering the data identified by WTIMS for reservoir re-operation transfers applicable to the transfer approved by this Order. Additionally, GDPUD shall transmit copies to DWR of all required reports submitted to the Deputy Director pursuant to this Order.
- 18. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- 19. The continuing authority of the State Water Board also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.
- 20. This Order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish and Game Code sections 2050 to 2097) or the federal ESA (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this

temporary transfer, the Petitioner shall obtain authorization for an incidental take permit prior to construction or operation. The Petitioner shall be responsible for meeting all requirements of the applicable ESA for the temporary transfer authorized under this Order.

21. The State Water Board reserves jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Juliet Christian-Smith, Deputy Director
Division of Water Rights

Dated: August 25, 2026