

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

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT PERMIT 16482 (APPLICATION 17512) OF THE
DEPARTMENT OF WATER RESOURCES PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 10,166 ACRE-FEET OF WATER TO
WESTLANDS WATER DISTRICT AND SAN LUIS WATER DISTRICT**

SOURCE: Sacramento-San Joaquin Delta Channels, Italian Slough, and San Luis Creek

COUNTY: Fresno and Kings

ORDER APPROVING TEMPORARY CHANGES

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 OVERVIEW

On May 22, 2026, the Department of Water Resources (DWR 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 16482 (Application 17512), pursuant to Water Code section 1725, et seq. Under the proposed transfer, up to 10,166 acre-feet (af) of Dudley Ridge Water District's allocated State Water Project (SWP) supply will be transferred to Westlands Water District (Westlands) and San Luis Water District (San Luis WD). DWR has requested that the transfer become effective on July 16, 2026. The temporary changes approved pursuant to Water Code section 1725 under this petition may be effective for up to one year.

2.0 TRANSFER TYPE

The Petitioner proposes to make water available by releasing water stored in San Luis Reservoir under Permit 16482.

3.0 PETITION FOR TEMPORARY CHANGE INVOLVING TRANSFER

3.1 Summary of DWR's Permit

Permit 16482 (Application 17512)

Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to divert to storage up to 1,100,000 af of water between January 1 and December 31 of each year. Authorized sources under Permit 16482 are the Sacramento-San Joaquin Delta Channels, Italian Slough, and San Luis Creek. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and to generate incidental power.

3.2 Description of the Proposed Temporary Change

Wonderful Orchards and Westside Agriculture own and irrigate agricultural lands within the service areas of SWP contractor Dudley Ridge and Central Valley Project (CVP) contractors Westlands and San Luis WD. For the 2026 irrigation season, CVP allocations to Westlands and San Luis WD are estimated at 25 percent of contract amounts. It is expected that these CVP allocations are insufficient to meet the demands within Westlands and San Luis WD. In contrast, Dudley Ridge WD's SWP allocation is expected to exceed the demands of Wonderful Orchards and Westside Agriculture within Dudley Ridge WD's service area during the same period. The proposed temporary change would allow the transfer of a portion of Dudley Ridge WD's allocated SWP supply to supplement the demands in Westlands and San Luis WD.

In order to facilitate the transfer, DWR requests the temporary addition of areas within Westlands and San Luis WD to the place of use of Permit 16482. These areas are shown on Map 1: Common Landowner Parcels, submitted with the petition and filed with the State Water Board under Application 17512.

Westlands and San Luis WD would use the transfer water for irrigation use in their service areas so no change in purpose of use is proposed.

DWR will make surface water available for temporary transfer via reservoir release. The temporary change would allow transfer of up to 10,166 af of SWP water currently stored in San Luis Reservoir allocated for use on lands within SWP contractor Dudley Ridge WD, owned by Wonderful Orchards and Westside Agriculture. The transferred water would be conveyed from San Luis Reservoir via the San Luis Joint-Use portion of the California Aqueduct and delivered to lands owned by the same farming interests within Westlands and San Luis WD (3,000 af to Wonderful Orchards and 7,166 af to Westside Agriculture). Absent the transfer, this water would be consumptively used within Dudley Ridge WD lands or stored in the Kern Water Bank for future use. Supplemental groundwater would be pumped by the aforementioned parties for their lands located in Westlands, if necessary.

4.0 PUBLIC NOTICE AND COMMENTS ON THE PROPOSED TRANSFER

On June 1, 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 June 22, 2026. No comments were received.

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 for this project following the issuance of this Order.

6.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGES

Pursuant to Water Code section 1725, "a permittee or licensee may temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if 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, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses." (Wat. Code, §1725 and 1725.5.)

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 reduction in 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 Availability of Water for Transfer

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, 1725.5, 1726.) Water Code section 1725.5 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.” The water proposed for transfer is currently stored in San Luis Reservoir pursuant to the terms of Permit 16482. As of July 1, 2026, San Luis Reservoir held approximately 1,188,200 af of water in storage. DWR indicated that the transfer water would be used by Dudley Ridge WD in its service area or stored in the Kern Water Bank in the absence of the proposed transfer.

The State Water Board conducted an independent evaluation of its records. The annual diversion to storage under Permit 16482 was 176,879 af, 54,114 af, 532,627 af, 1,094,492 af, 120,359 af, and 475,901 af during 2020, 2021, 2022, 2023, 2024, and 2025, respectively. The annual use under Permit 16482 was 417,897 af, 196,561 af, 338,633 af, 332,417 af, 691,421 af, and 442,506 af during 2020, 2021, 2022, 2023, 2024, and 2025, respectively.

In light of the above, and in accordance with Water Code section 1726, subdivision (e), the State Water Board finds that the water proposed for transfer pursuant to this Order would be consumptively used or stored 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 pursuant to Article 1 of Chapter 10.5 of Part 2 of Division 2 of the Water Code, 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 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).)

The proposed change in place of use will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. The water to be transferred is diverted out of its source in conformance with the provisions of Permit 16482 and applicable regulatory restrictions, including the State Water Resources Control Board Revised Water Right Decision 1641 (D-1641), the current Biological Opinions, and the Incidental Take Permit.

The quantity and timing of diversions from the Delta will not change as a result of the transfer. Deliveries from San Luis Reservoir will only occur when capacity is available in the California Aqueduct, and the transfer will not alter SWP allocations. The petitioner has stated, therefore, that the proposed transfer will not adversely affect other SWP contractors and no legal users of the water downstream of the point of diversion would be affected.

The proposed transfer will not result in drainage problems or adversely affect return flows. Lands receiving transfer water in Westlands (657 acres of Wonderful Orchards and 227 acres of Westside Agriculture) and San Luis WD (3,126 acres of Westside Agriculture) are equipped with complete tailwater control with each field using drip or micro-spray systems, which prevents over-application of water.

The lands receiving the transfer water are located west of the California Aqueduct and are outside of drainage-impaired areas. In Westlands, the receiving lands are situated in the western portion of the district, away from historically shallow groundwater areas in the eastern third, many of which have been retired from irrigated production as shown on Map 2 submitted with the petition. Similarly, lands in San Luis WD are located in the southwestern portion of the district, outside the drainage impacted area (Charleston Drainage District) under the San Joaquin River Water Quality Improvement Project as shown on Map 3 submitted with the petition. As a result, irrigation of these lands will not contribute to surface or subsurface flows to the San Joaquin River, and the proposed transfer will not adversely affect water quality in the San Joaquin River.

The proposed transfer will reduce reliance on groundwater pumping and result in higher quality surface water to be used. Allowing a common landowner to align the timing and geographic distribution of available surface water supplies across Dudley Ridge WD, Westlands, and San Luis WD promotes operational flexibility and supply optimization. This alignment reduces incremental groundwater extraction in critically overdrafted basins and avoids extraction losses associated with groundwater banking. Access to

higher quality surface water in lieu of pumping more saline groundwater reduces the total water demand and is in the public interest.

In light of the above, the State Water Board finds in accordance with Water Code section 1728, subdivision (b)(1) that the proposed temporary transfer will not injure any legal user of the water.

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

Before approving a temporary change to facilitate a 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 (Central Valley Water Board) with a copy of the petition in accordance with California Code of Regulations, title 23, section 794, subdivision (c). CDFW and the Central Valley Water 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.

The proposed transfer occurs entirely south of the Delta and will not affect operations at the Banks Pumping Plant. There will be no change in the timing or quantity of SWP pumping from the Delta. As a result, Delta flow and water quality conditions will remain unchanged.

The transfer water will be diverted out of its source in conformance with the provisions of Permit 16482 and will also be subject to all applicable federal and State Endangered Species Act requirements, including D-1641, current Biological Opinions, and the Incidental Take Permit.

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 temporary 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.

9.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation

required by Water Code section 1728, and therefore I find as follows:

I conclude that, based on the available evidence:

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 not injure any legal user of the water.
3. 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 to transfer up to 10,166 acre-feet (af) of water under Department of Water Resources (DWR or Petitioner) Permit 16482 is approved.

All existing conditions of Permit 16482 remain in effect, except as temporarily amended by the following provisions:

1. The transfer will be limited to the period beginning on July 16, 2026 and continuing for up to one year.
2. The place of use under Permit 16482 is temporarily expanded to include the service areas of Westlands Water District (Westlands) and San Luis Water District (San Luis WD). The service areas are shown on Map 1: Common Landowner Parcels, submitted with the petition and filed with the State Water Board under Application 17512.
3. This approval is limited to the transfer described in this Order. This approval does not extend to any transfer under DWR's water right in excess of the total of 10,166 af authorized under this Order. The transfer identified in this Order is limited as follows: 1) the transfer shall not result in any increase in the amount of water diverted from the Delta or in an increase in SWP or CVP contract allocations; 2) the water to be transferred shall be part of available SWP allocation, or water currently stored in San Luis Reservoir; 3) the water to be transferred must be water that would have been consumptively used or stored in the absence of the transfer; 4) the transfer shall not result in the net loss of San Joaquin River or Sacramento River flow or Delta outflow; and 5) the transfer shall not result in an increase in saline drainage to the San Joaquin River or the Delta.
4. If, at any time prior to or during the period of the transfer, the State Water Board curtails the water right involved in the transfer, only water collected to storage prior to the curtailment may be transferred.
5. Diversion of water at the Delta Pumps is conditioned upon compliance by the operators with the objectives currently required of Petitioner set forth in Tables 1, 2, and 3 on pages 181-187 of D-1641 or as modified through approval of temporary change petitions applicable to the water right involved in this petition. In addition, this transfer is conditioned on compliance with the various requirements for use of Stage 1 Joint Points of Diversion (JPOD) by Petitioner under D-1641. Diversion of water is also conditioned upon compliance by Petitioner with all applicable water right permit requirements, federal and California Endangered Species Act requirements (ESA), including applicable Biological Opinions (BOs), Incidental Take Permits (ITP), court orders, and any

other conditions imposed by other regulatory agencies applicable to these operations.

6. Diversion of water at the Delta Pumps is also conditioned upon compliance with applicable State Water Board orders establishing temporary or interim operating conditions during the transfer period, unless the State Water Board has specifically exempted conveyance of transfer water from the order.
7. Within 90 days of the completion of the transfer, the Petitioner shall provide to the Deputy Director for Water Rights one or more tables describing the transfer authorized by this Order. Data used to generate the table(s) shall be provided electronically in a comma-separated values (.csv) file format and shall be compatible with an open data portal platform related to Assembly Bill 1755. The table(s) shall include the monthly and total amounts of water delivered under the transfer to Westlands and San Luis WD. The table(s) shall include the following information:
 - a. The specific locations where Westlands and San Luis WD applied the transfer water, and the acreage and/or population served by water delivered to each location;
 - b. The monthly amount of transfer water that each location received in acre-feet (af); and
 - c. The average application rate of transfer water (af/acre) at each location.
8. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and 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. 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.
9. 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 & G. Code, § 2050 et seq.) or the federal ESA (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order, right holder shall obtain authorization for an incidental take prior to commencing the transfer of water. Right holder shall be responsible for meeting all requirements of the applicable ESA for the temporary transfer authorized under this Order.

10. The State Water Board reserves authority 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: July 16, 2026