

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

DIVISION OF WATER RIGHTS

**IN THE MATTER OF WATER RIGHT PERMIT 15375 (APPLICATION 21945)
OF FORESTHILL PUBLIC UTILITY DISTRICT**

**PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 2,105
ACRE-FEET OF WATER TO WESTLANDS WATER DISTRICT**

SOURCE: North Shirttail Canyon Creek

COUNTY: Placer

ORDER APPROVING TEMPORARY CHANGES

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 OVERVIEW

On June 29, 2026, Foresthill Public Utility District (FPUD 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 15375 (Application 21945), pursuant to Water Code section 1725 et seq. Under the proposed transfer, up to 2,000 acre-feet (af) of water will be transferred to Westlands Water District (Westlands), which is located south of the Sacramento-San Joaquin Delta (Delta). FPUD additionally proposes to release up to 105 af to account for up to five (5) percent conveyance losses, for a total reservoir release of up to 2,105 af. The temporary changes are 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 September 14, 2026 through October 22, 2026.

1.1 BACKGROUND

FPUD and Sugar Pine Reservoir

FPUD was formed in 1950 pursuant to Section 15501 et seq. of the California Public Utilities Code for the purpose of operating a water system. FPUD's service area comprises the unincorporated community of Foresthill, California, located in Placer County approximately 60 miles northeast of Sacramento, and encompasses

approximately 13,000 acres of primarily residential development served by approximately 2,034 water service connections.

FPUD's main water supply source is Sugar Pine Reservoir, an impoundment on North Shirttail Canyon Creek with an existing storage capacity of 6,922 af. Raw water is conveyed from Sugar Pine Reservoir via the Sugar Pine Pipeline to FPUD's water treatment plant for treatment and distribution. Ownership of Sugar Pine Dam and Reservoir were transferred to FPUD from the United States Bureau of Reclamation (Reclamation) pursuant to the Sugar Pine Dam and Reservoir Conveyance Act (Pub. L. 106-566), and portions of the project are located on National Forest System lands administered under a special use permit.

Due to late season storms, Sugar Pine Reservoir filled earlier than usual and has spilled during water year 2026. FPUD has determined that it has surplus water stored in Sugar Pine Reservoir that is not needed to meet FPUD's projected service area demands.

FPUD would be exercising Permit 15375 to release up to 2,105 af from Sugar Pine Reservoir to facilitate the transfer and delivery of up to 2,000 af to Westlands. In the absence of this transfer, the transferred water would remain in storage in Sugar Pine Reservoir. FPUD executed similar transfers of up to 2,000 af in 2018 and 2020, and in both instances sufficient excess natural flow occurred in the following year to refill Sugar Pine Reservoir without injury to other water users.

Westlands Water District

Westlands was formed in 1952 and has served the farmers and rural communities on the west side of Fresno and Kings Counties for more than five decades. Water is delivered to Westlands through the Central Valley Project (CVP), operated by Reclamation. Westlands' distribution system is comprised entirely of buried pipeline, approximately 1,100 miles in length, outfitted with more than 3,000 water meters. Westlands serves approximately 600 farms that average 900 acres in size.

According to the Petition, Westlands seeks to purchase supplemental water supplies, including the proposed transfer water, during summer and fall 2026 as part of its efforts to augment supply when allocations of other water supplies are constrained.

2.0 TRANSFER TYPE

The Petitioner proposes to make water available by releasing water that would otherwise be stored in Sugar Pine Reservoir under Permit 15375.

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 remain in storage if the transfer were not to occur. The transfer proposed by FPUD involves water currently stored in Sugar Pine Reservoir. Following the transfer, Sugar Pine Reservoir may have additional storage capacity that will result in diversion that would not occur in the absence of the transfer, referred to as reservoir refill. Reservoir refill from streams tributary to the Delta has the potential to injure other legal users of water if it occurs when the Delta is in balanced conditions¹ or there is limited streamflow in the channel from which the water is being transferred.

Refill criteria developed in conjunction with the Department of Water Resources (DWR) and Reclamation can ensure that the future refill of the reservoir space made available in Sugar Pine Reservoir from this transfer does not adversely impact other legal users of water. FPUD's 2018 and 2020 transfers from Sugar Pine Reservoir were each followed by full refill of the reservoir in the succeeding year without injury to other water users.

3.0 PETITIONS FOR TEMPORARY CHANGE INVOLVING TRANSFER

3.1 Summary of FPUD's Permit 15375

Permit 15375 authorizes direct diversion of up to 18 cubic feet per second (cfs), and collection to storage of up to 15,400 af per year, both from November 1 of each year to July 1 of the succeeding year, from North Shirttail Canyon Creek tributary to Shirttail Canyon Creek thence North Fork American River. Total annual diversion and use (direct diversion plus diversion to storage) is limited to 24,076 af. Sugar Pine Dam is the point of diversion to storage, and a regulating reservoir is the existing point of rediversion. Permit 15375 also requires compliance with the January 26, 1967, Memorandum of Agreement ² (1967 MOA), which establishes minimum release and minimum pool requirements.

The existing purposes of use and place of use under Permit 15375 include irrigation, municipal, industrial, domestic, recreational, and fishery maintenance and enhancement

¹ The Delta is in balanced conditions when the State Water Project (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 1967 MOA was originally entered into by Reclamation, the original owner of Application 21945 and the California Department of Fish and Game. As the successor in ownership of Permit 15375/Application 21945, FPUD is now subject to the provisions of the MOA.

uses within the service area of FPUD, as shown on a map filed with the State Water Board for Application 21945.

Under the 1967 MOA referenced in Permit 15375, minimum release requirements are: five (5) cfs or the natural flow of North Shirttail Canyon Creek, whichever is less, from February 1 through May 31; 2 cfs or the natural creek flow, whichever is less, from June 1 through January 31; and not less than 0.5 cfs at all times regardless of the natural creek flow; and minimum pool requirements of 3,560 af between May 1 and September 30, and a minimum pool of 1,100 af at any time.

Westlands would use the transfer water predominantly for irrigation use in their service area, so no change in purpose of use is proposed.

3.2 Description of the Proposed Temporary Changes and Transfer Operations

To facilitate the transfer, FPUD proposes to temporarily add the following to Permit 15375:

- 1) CVP's C.W. Bill Jones Pumping Plant (Jones Pumping Plant) as a point of rediversion, located within Northeast quarter of Southwest quarter of projected Section 29, Township 1 South, Range 4 East, MDB&M;
- 2) State Water Project's (SWP) Harvey O. Banks Pumping Plant (Banks Pumping Plant) as a point of rediversion, located within Northwest quarter of Southeast quarter of projected Section 20, Township 1 South, Range 4 East, MDB&M;
- 3) San Luis Reservoir as a point of rediversion, located within Southwest quarter of Southeast quarter of projected Section 15, Township 10 South, Range 8 East, MDB&M; and
- 4) The service areas of Westlands.

FPUD will make surface water available for temporary transfer via reservoir release. Absent the proposed temporary change, the transferred water would remain in storage in Sugar Pine Reservoir. The transferred water would be delivered for use in Westlands' service area via releases from Sugar Pine Reservoir to North Shirttail Canyon Creek, thence the North Fork American River, thence Folsom Reservoir. 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. At the time the Petition was filed, FPUD anticipated that all or most of the transfer water would be made available to Westlands via the Jones Pumping Plant and CVP facilities.

FPUD proposes to release water from Sugar Pine Reservoir from September 14, 2026, through October 22, 2026, following a ramping schedule intended to protect foothill

yellow-legged frog (FYLF) and other aquatic resources in North Shirttail Canyon Creek. According to *Table 1 – Proposed Transfer Schedule* provided in Attachment A of FPUD's Petition, FPUD plans to begin releases on September 14, which FPUD states is after the FYLF breeding and early tadpole-rearing period. FPUD will follow a ramping schedule of no more than five (5) cfs change per day. FPUD's monitoring of their 2018 transfer found no adverse effect on FYLF, western pond turtle, or rainbow trout, and observed a beneficial cooling effect on water temperatures downstream of Sugar Pine Reservoir.

4.0 PUBLIC NOTICE AND COMMENTS ON THE PROPOSED TRANSFER

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 29, 2026. Timely comments on the proposed transfer were received from DWR and Reclamation, and the Petitioner provided responses to the comments on August 4, 2026.

4.1 Comments of DWR

By letter dated July 23, 2026, DWR commented on FPUD's proposed water transfer. DWR requested that the Order approving the proposed transfer be conditioned with the following:

- 1) A mutually agreeable refill agreement between FPUD, DWR, and Reclamation must be executed before the transfer begins, and the refill agreement must include sufficient conditions, criteria, and procedures to account for the refill amount and impacts to SWP and CVP operations, as well as procedures to mitigate such impacts.
- 2) FPUD must provide DWR with copies of all the reports required pursuant to this Order and the monthly refill accounting reports after the transfer is complete and until the refill is completed.
- 3) FPUD must submit a complete transfer proposal using DWR's Water Transfers Information Management System (WTIMS) online database.

Petitioner Response:

By letter dated August 4, 2026, FPUD responded to DWR's comments. FPUD agreed to execute a refill agreement with DWR, noting that a proposed refill agreement tracking sheet was submitted with the Petition. FPUD also agreed to provide DWR with copies of transfer volume reports and refill accounting reports.

State Water Board Response:

This Order is conditioned to require FPUD to obtain a reservoir refill agreement with DWR and Reclamation prior to initiating the transfer. In addition, this Order is conditioned to require the Petitioner to provide copies of all reports required pursuant to this approval order to DWR and to submit the transfer proposal to DWR via WTIMS.

4.2 Comments of Reclamation

By letter dated July 29, 2026, Reclamation commented on FPUD's proposed water transfer. To protect their water rights and operations of the American River and CVP, Reclamation requested the Division condition FPUD's transfer as follows:

- 1) Any approval of the transfer is contingent upon FPUD entering into a contract with Reclamation under the Act of February 21, 1911 (aka 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 a refill agreement being signed and adopted between Reclamation and FPUD. Any order approving the transfer should include a term requiring the transfer to be conducted consistent with that refill agreement.
- 3) FPUD shall coordinate with Reclamation on the Folsom Reservoir operations schedule as part of ongoing real-time operations for the CVP. 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.

Petitioner Response:

By letter dated August 4, 2026, FPUD responded to Reclamation's comments. FPUD agreed to coordinate with Reclamation on the Folsom Reservoir operations schedule and to carry out the transfer in compliance with all applicable regulatory constraints in the Delta. FPUD also agreed to execute a refill agreement with Reclamation, noting that a proposed refill agreement tracking sheet was submitted with the Petition. FPUD agreed that a Warren Act contract is reasonably required given that CVP facilities are anticipated to convey the transfer water but disagreed that FPUD itself should be a party to that contract. FPUD stated that its point of delivery to Westlands is Sugar Pine Dam, that it has no right or authority to control or manage the water or any facilities after release, and that any resulting losses or liabilities are Westlands' responsibility. FPUD requested that the Order condition release of the transfer water on execution of any

required Warren Act agreement without specifying which party must be a signatory, so that the condition covers all circumstances.

State Water Board Response:

To avoid injury to the water rights and operations of the CVP, this Order includes a condition that requires execution of any necessary Warren Act contract prior to the use of Reclamation facilities for water delivery under the transfer. This Order also includes a condition requiring FPUD to execute a reservoir refill agreement with Reclamation and DWR prior to initiating the transfer. Additionally, this Order includes conditions requiring FPUD to coordinate with Reclamation during the transfer period regarding potential negative impacts to the cold-water pool at Folsom Reservoir, notify the Deputy Director for Water Rights of any concerns and data raised by Reclamation, and to provide to the Deputy Director for Water Rights any information related to Reclamation's concerns and data raised above in the final transfer report. Further, this Order is conditioned such that the redirection of water to facilitate the transfer is subject to compliance with all regulatory constraints 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.) FPUD, as lead agency, filed a Notice of Exemption (NOE) for the temporary transfer on June 29, 2026, under State Clearinghouse Number 2026061288. The NOE is for statutory exemption under CCR. Title 14, Section 15282 (u), temporary changes in the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights as set forth in Section 1729 of the Water Code.

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 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 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 Sugar Pine Reservoir pursuant to the terms of Permit 15375. As of the end of April 2026, Sugar Pine Reservoir held approximately 6,922 af of water in storage and had been spilling intermittently since January 2, 2026. FPUD stated the transfer water would have remained in storage in the reservoir in the absence of the proposed transfer.

The State Water Board conducted an independent evaluation of its record and FPUD’s data. Annual diversions to storage under Permit 15375 were 462 af, 3,860 af, 1,143 af, 1,071 af, and 1,090 af during water years 2021, 2022, 2023, 2024, and 2025, respectively. From 2022 to 2025, including carry over storage from previous years, Sugar Pine Reservoir reached its full capacity of 6,922 af by late spring or early summer of each year. FPUD’s May 2026 Operations Plan forecasts that, with the transfer, Sugar Pine Reservoir storage will decrease to approximately 3,700 af before refilling to

capacity by mid-December 2026, consistent with the minimum pool requirements of Permit 15375.

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 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, 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).)

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 Sugar Pine Reservoir pursuant to Permit 15375. In the absence of the proposed transfer, the water would remain in storage for future use by FPUD and would not be available to other water users. Further, the release of the water from storage at Sugar Pine Reservoir pursuant to the temporary transfer will not reduce the available supply to any other legal user of water downstream.

This Order is conditioned to require FPUD enter into a reservoir refill agreement with DWR and Reclamation ensuring that future refill of any storage space in Sugar Pine 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. 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).) FPUD provided the California Department of Fish and Wildlife (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 did not submit comments on FPUD's 2026 transfer during the public comment period. However, CDFW commented on FPUD's 2018 and 2020 transfers and raised concerns regarding the potential for rapid changes in reservoir releases that could affect FYLF, a California Endangered Species Act candidate species present in North Shirttail Canyon Creek. Rapid flow fluctuations and sudden increases in river stage can affect sensitive aquatic species. Changing the pattern of reservoir releases or releasing blocks of transfer water has the potential to affect water temperature and cold-water pool storage. Therefore, CDFW previously recommended that FPUD's transfer operations avoid rapid up-ramping, down-ramping, or spills. CDFW also recommended that FPUD provide a transfer release schedule that identified planned release volumes, rates, and timing to CDFW for consultation to ensure potential flow impacts to sensitive species are mitigated. FPUD provided proposed water release operations in Section 4 of Attachment A to Petition, including limiting up-ramping and down-ramping rates to five (5) cfs per day. The detailed schedule is in *Table 1 – Proposed Transfer Schedule*. According to CDFW, FPUD's consultants engaged with CDFW by telephone prior to filing the Petition to discuss the proposed release schedule. CDFW's assessment is that risk to FYLF from the 2026 transfer is low given the proposed mid-September start date and the expectation that FYLF tadpoles will have metamorphosed by that time.

In order to protect downstream fish and wildlife during reservoir releases of transfer water, this Order is conditioned to require FPUD to conduct the water transfer operations consistent with Section 4 of Attachment A to the Petition.

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.

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 also 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 Endangered Species Act requirements, including applicable biological opinions, Incidental Take Permits, court orders, and any other conditions imposed by other regulatory agencies applicable to diversion and exports of water at the SWP and CVP Delta pumps. In addition, this Order is conditioned to require that FPUD coordinate with Reclamation regarding the transfer and ongoing real-time operations of the CVP, and that FPUD 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 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.
 3. The proposed temporary change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.
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ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed by Foresthill Public Utility District (FPUD or Petitioner) for temporary changes to Permit 15375 is approved to facilitate the transfer of up to 2,000 acre-feet (af) of water to Westlands Water District (Westlands). FPUD may release up to an additional 105 af to account for conveyance losses, provided that total releases pursuant to this Order do not exceed 2,105 af.

All existing conditions of Permit 15375 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. Releases from Sugar Pine Reservoir will be limited to September 14, 2026 through October 22, 2026.

2. The following points of diversion are temporarily added to Permit 15375:

Central Valley Project's (CVP) C.W. Bill Jones Pumping Plant (Jones Pumping Plant), located within California Coordinate System of 1983 (CCS83), Zone 3, North 2,121,505 feet and East 6,255,368 feet, being within Northeast quarter of Southwest quarter of projected Section 29, Township 1 South, Range 4 East, MDB&M.

State Water Project's (SWP) Harvey O. Banks Pumping Plant (Banks Pumping Plant), located within CCS83, Zone 3, North 2,126,440 feet and East 6,256,425 feet being within Northwest quarter of Southeast quarter of projected Section 20, Township 1 South, Range 4 East, MDB&M.

3. The following point of diversion and place of temporary storage is temporarily added to Permit 15375:

San Luis Reservoir, located within CCS83, Zone 3, North 1,845,103 feet and East 6,393,569 feet, being within Southwest quarter of Southeast quarter of projected Section 15, Township 10 South, Range 8 East, MDB&M.

4. The place of use under Permit 15375 is temporarily expanded to include the service area of Westlands Water District (Westlands), which is within the place of use of the CVP as shown on CVP Map 214-202-84 on file with the Division of Water Rights (Division).
5. Diversion of water at the Jones Pumping Plant, the Banks Pumping Plant, or San Luis Reservoir is subject to compliance by the operators with the objectives currently required of Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) set forth in Tables 1, 2, and 3 on pages 181-187 of State Water Resources Control Board Revised Water Right Decision 1641, or any future State Water Board Order or decision implementing Bay-Delta water quality

objectives at those points of diversion. 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.

6. Rediversion of water at the Jones Pumping Plant, the Banks Pumping Plant, or San Luis Reservoir 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.
7. Carriage loss shall be deducted from any water transferred through the Delta and delivered under this Order. The quantity of water credited or delivered as transfer water under this Order shall be calculated by subtracting actual conveyance losses from the quantity released from Sugar Pine Reservoir pursuant to this Order. No more than 2,000 af will be credited or delivered as transfer water, nor will total releases from Sugar Pine Reservoir pursuant to this Order exceed 2,105 af.
8. During the period of the transfer, FPUD 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 into by FPUD.
9. Only water collected to storage prior to issuance of this Order may be transferred pursuant to this Order.
10. Transferable water may be credited only during balanced conditions in the Sacramento-San Joaquin River Delta.
11. FPUD 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. FPUD shall provide confirmation from Reclamation and Westlands to the Deputy Director for Water Rights 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, the Jones Pumping Plant, or San Luis Reservoir until a Refill Agreement has been executed for the 2026 water transfer between DWR, Reclamation, and FPUD to address potential refill concerns in Sugar Pine 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 Proposals³ (Water Transfer White Paper) for the

³ DRAFT Technical Information for Preparing Water Transfer Proposals

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. FPUD 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. FPUD must coordinate with Reclamation on the Folsom operations schedule as part of ongoing real-time operations for the CVP. FPUD shall notify the Deputy Director for Water Rights within 48 hours of receiving notice from Reclamation that the transfer operations authorized by this Order may increase the risk of adverse impacts to the cold-water pool in Folsom Reservoir. The Deputy Director may modify conditions of this Order or suspend transfer operations to address the risk of negative impacts to the cold-water pool at Folsom Reservoir.
14. FPUD shall operate the release of water pursuant to this transfer consistent with the proposed transfer operations described in Section 4 of Attachment A to the Petition including limiting up and down ramping rates to five (5) cfs per day and further detailed in *Table 1 – Proposed Transfer Schedule*.
15. Within 90 days of completion of the transfer, FPUD 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 the water was delivered, and the acreage and/or population served by water delivered to Westlands;
 - b. The average daily release rates and corresponding volume of water released from Sugar Pine Reservoir as a result of this transfer (reported on a daily basis);

For each day of transfer operations, the daily average release rate and volume released from Sugar Pine Reservoir, the daily volume rediverted at Banks Pumping Plant or Jones Pumping Plant or placed into temporary storage in San Luis Reservoir pursuant to this Order;
 - c. The daily amounts of water delivered to Westlands pursuant to this Order;
 - d. Any information related to concerns and data raised by Reclamation regarding observed negative impacts to the cold-water pool at Folsom Reservoir.

- e. The amount of the Refill Reservation as defined in the Refill Agreement (reported on a daily basis); and
 - f. Recognizing that reservoir refill will occur after the transfer ends, monthly reporting of reservoir refill is not required during the transfer period. However, FPUD 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.
16. FPUD 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, FPUD shall transmit copies to DWR of all required reports submitted to the Deputy Director pursuant to this Order.
17. 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.
18. 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.
19. 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, FPUD 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.
20. 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: August 26, 2026