

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364 of

U.S. Bureau of Reclamation

**ORDER APPROVING PETITIONS
TO ADD POINTS OF REDIVERSION**

BY THE DEPUTY DIRECTOR:

1. On February 10, 2025, the U.S. Bureau of Reclamation (Reclamation) filed petitions to change water right Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364 (Applications 5626, 5628, 9363, 9364, 13370, 13371, 15374, 15375, 15764, 16767, 17374, and 17376) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). With the petitions, Reclamation requested adding the Los Banos Creek Detention Dam and three downstream points on Los Banos Creek as additional points of rediversion (PORDs) to the aforementioned permits. Los Banos Creek is tributary to the San Joaquin River in Merced County.
2. With the requested changes, Reclamation proposes to deliver up to 8,000 acre-feet annually (afa) of previously stored Central Valley Project (CVP) water to be re-stored in the Los Banos Creek Detention Reservoir (LBCDR) and subsequently delivered to three points downstream of the reservoir. Reclamation requested adding the PORDs to its permits to improve water supply reliability and drought supplies for managed wetlands in the Grassland Water District (GWD) and improving water supply reliability for San Luis Water District (SLWD) and the San Joaquin River Exchange Contractors Water Authority (SJRECWA), which consists of Central California Irrigation District (CCID), San Luis Canal Company (SLCC), Firebaugh Canal Water District, and Columbia Canal Company. All the aforementioned parties are CVP contractors and will be collectively referred to in this Order as the Participating Contractors.

Los Banos Creek Detention Reservoir

3. The LBCDR, which is located approximately six miles southwest of the City of Los Banos, has a capacity of 34,562 acre-feet (af). The LBCDR is a federally owned and state operated facility that was constructed jointly by Reclamation and the Department of Water Resources (DWR) as part of the San Luis Unit of the CVP to provide flood control protection to the San Luis Canal. Water diversions at the reservoir occur consistent with United States Army Corps of Engineers (USACE) guidance including a winter period conservation pool storage limit of 20,562 af and an allowable summer storage of 34,562 af.
4. Water is stored in LBCDR pursuant to Reclamation's water right License 12134 (Application 21009). License 12134, which has a priority of November 9, 1962, allows diversion to storage of up to 14,000 af annually from Los Banos Creek from November 1 of each year to April 30 of the succeeding year. The water can be used for recreation, fish and wildlife preservation and enhancement, and incidental domestic use at the Los Banos Creek State Park recreational facility.

Project Proposed with Petitions for Change

5. If the petitions are approved, Reclamation proposes to forego spring diversions from Los Banos Creek under License 12134, resulting in an increase in downstream flows for riparian lands, and creating up to 8,000 afa of storage capacity in LBCDR. Reclamation would then move the Participating Contractors' previously stored CVP water from CVP Reservoirs into the newly created storage space in LBCDR. The re-stored CVP water would then be released from LBCDR to Los Banos Creek in spring and early summer allowing the Participating Contractors to re-divert the water at the proposed PORDs, with operations at LBCDR remaining within USACE reservoir rules.
6. Reclamation stated that re-storage of CVP water in LBCDR will enable the reservoir to function as a water supply regulation facility allowing for scheduling of water deliveries at the most beneficial time for wetlands and agronomic demands. This project will not increase CVP deliveries, as the Participating Contractors would offset any CVP water re-stored in LBCDR by developing an equivalent amount of local water (through conservation, water recovery and recirculation, or groundwater pumping) to use instead of using a portion of their CVP contracted water from CVP Reservoirs. The project would allow the Participating Contractors to receive the CVP water re-stored in LBCDR later in the year. The one-for-one substitutions will not increase CVP diversions from the Delta. All local supply development will occur south of the Delta and total up to no more than 8,000 af per year.
7. Reclamation limits when and how refuge water can be stored in San Luis Reservoir, requiring wildlife refuges to use any water that cannot be preserved for later use by storage. Allowing CVP-allocated refuge water to be re-stored in Los Banos Creek

Reservoir through conservation actions would make it possible to release that water later, during the critical months of May through September. This improved timing would enhance wetland habitat and benefit a wide range of wildlife, including species that breed in spring and summer. While overall refuge water allocations would remain unchanged, the timing of deliveries would better support ecological needs.

8. Re-storing CVP water in LBCDR will also provide a water supply to local water districts during periods of drought. Farmers will be able to conserve winter water enabling the re-storage of CVP water in LBCDR to be used later during the main irrigation season, when supplies are often limited. Further, the Participating Contractors have agreed to take releases of the re-stored water from LBCDR at times when low point in San Luis Reservoir is threatened, which will increase systemwide drought resilience. Overall, Reclamation and the Participating Contractors believe the project proposed with the petitions will make the water system more reliable and better prepared for dry years without increasing total CVP water allocations.
9. To conserve CVP water for re-storage in the LBCDR, the Participating Contractors will develop local water supplies that will be used in lieu of CVP water as described below.
 - SJRECWA proposes to make CVP water available to re-store in LBCDR as described in the “Water Transfer Program for the San Joaquin River Exchange Contractors, 2014 – 2038 Environmental Impact Statement/Environmental Impact Report” approved by Reclamation on July 30, 2013. The program allows the transfer or exchange of up to 150,000 af of CVP water annually from 2014 to 2038. The water is generated through conservation measures, tailwater recovery, and temporary land fallowing by the Exchange Contractors, with up to 100,000 af from conservation and up to 50,000 af from land fallowing. While this water is typically transferred to wildlife refuges, CVP agricultural and municipal users, or SWP contractors, the proposed project would instead store at least some of the conserved water in LBCDR for later use. The program operates under agreements between the Exchange Contractors, Reclamation, and CVP and SWP contractors.
 - GWD and SLWD will make CVP water available for re-storage in LBCDR through the North Grasslands Water Conservation and Water Quality Control Program. This program re-collects and re-applies water locally within wetlands in GWD, conserving CVP water supplies for later use. In return for funding a portion of the project, SLWD receives credit for half of the conserved water. This project was evaluated by Reclamation in the “North Grasslands Water Conservation/Water Quality Control and Level 2 Refuge Water Exchange Project Final Environmental Assessment” approved by Reclamation on April 24, 2017.

- CCID will operate groundwater wells within its service area to produce groundwater for irrigation purposes in lieu of CVP water deliveries, making CVP water available for other uses, as authorized by the CCID and SLCC 10-Year Annual Transfer Program, which was approved by Reclamation. Instead of transferring the conserved CVP water to other water users, CCID will re-store it in LBCDR for later use. This project was evaluated by Reclamation in the “Central California Irrigation District and San Luis Canal Company 10-Year Annual Transfer Program Final Environmental Assessment” approved by Reclamation on January 25, 2024.
- GWD and SLWD will make CVP water available for later use by providing groundwater for wetland purposes within GWD consistent with the 5-Year Groundwater Acquisitions for South of Delta Central Valley Project Improvement Act Refuges. Conserved CVP water will be re-stored in LBCDR. This project was evaluated by Reclamation in the “5-Year Groundwater Acquisitions for South of Delta Central Valley Project Improvement Act Refuges Final Environmental Assessment” approved by Reclamation on January 28, 2016, and subsequently renewed.

10. Reclamation has stated that the proposed changes will not increase historical water deliveries to the Participating Contractors. Reclamation stated that historical water deliveries for the Participating Contractors are tied to each year's water allocation and Reclamation provided the following information regarding historical deliveries to the Participating Contractors.

- SJRECWA is contracted to receive up to 840,000 afa of CVP water, but in critically dry years the maximum allocation drops to 650,000 afa. Over the last 20 years (2006-2025), SJREC averaged CVP deliveries of about 797,000 afa, with maximum deliveries of 840,000 afa.
- SLWD's maximum annual CVP contract allocation is limited to 120,631 afa, although prior to 2023, the maximum allocation was 125,080 afa. Variable water shortages are frequently imposed on SLWD, and as such, over the last 20 years SLWD averaged CVP deliveries of about 51,958 afa, with maximum allocations of 125,080 afa (after 2023 the maximum was 120,631 afa).
- GWD can receive up to 180,000 afa of CVP water, (including 125,000 afa of Level 2 water and 55,000 afa of Incremental Level 4 water¹). In critically dry years Level 2 allocations are cut by 25 percent and Incremental Level 4 water is subject to variable shortages. Over the past 20 years, GWD received average CVP deliveries of 150,696 afa, and maximum deliveries of 180,000 afa.

¹ Level 2 and Level 4 water CVP allocations are refuge water supplies mandated by the 1992 Central Valley Project Improvement Act. Level 2 is the 422,251 af baseline annual supply from CVP yield, and Incremental Level 4 provides additional water, up to 133,000 af, for optimal wetland habitat.

11. Reclamation filed temporary transfer petitions with the State Water Board in 2019 and 2020 to implement a pilot program for the project proposed with the subject petitions. The Division approved the transfer petitions on August 1, 2019, and August 28, 2020, respectively. Reclamation experienced delays in obtaining all agency approvals to operate the pilot program and was ultimately able to initiate the pilot program in October 2020. Reclamation re-stored a total of 250 af of water in LBCDR in October and November 2020 and released a total of 200 af from the reservoir to the three downstream points of rediversion on Los Banos Creek in January and February 2021.

Public Notice and Protest

12. The Division issued public notice of Reclamation's petitions on March 21, 2025. The Division received one protest against the petitions from the Friant Water Authority (FWA or Protestant).

13. In its protest, FWA stated that, "Any actions that involve storage and re-diversion of CVP water must be carefully evaluated to ensure they do not interfere with the existing allocations, contractual obligations, and water rights of the Friant Division contractors." Reclamation subsequently worked with FWA to resolve the protest and by letter dated July 8, 2025, Reclamation confirmed resolution of FWA's protest that was signed by representatives of Reclamation, FWA, San Joaquin Exchange Contractors Water Authority, SWD, and GWD. The protest withdrawal references the July 3, 2025 Terms of Protest Withdrawal agreed to by all of the aforementioned parties. Reclamation's protest dismissal letter included a proposed condition to be included in any State Water Board order approving the petitions.:

To the extent allowed by law, and to the extent not superseded by, or in conflict with any U.S. Bureau of Reclamation (Reclamation) Temporary Standing Order, Standing Operation Plan, or other operations plan or agreement made in consultation with the Participating Contractors and the Protestant (Friant Water Authority) addressing the Los Banos Creek Detention Reservoir, Reclamation agrees to operate the Los Banos Creek Detention Reservoir Storage Program Project consistent with the Terms of Protest Withdrawal dated July 3, 2025, filed with the State Water Board.

The approval of the petitions will be subject to Reclamation's compliance with the terms of the protest withdrawal.

Applicable Law

14. Water Code sections 1700 through 1705 govern changes in the place of use, purpose of use, or point of diversion of an application, permit or license, requiring permission to make such changes from the State Water Board. The petitioner must establish that the proposed changes will not effectively initiate a new right (Cal. Code Regs., tit. 23, § 791, subd. (a).), and the proposed changes must not operate

to the injury of any legal user of water. (Wat. Code, § 1702.) The proposed changes must also be in the public interest and not unreasonably harm fish, wildlife, and other instream beneficial uses. In addition, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible and in the public interest. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.)

No Initiation of a New Right

15. CVP water to be re-stored in the LBCDR will be limited to water previously stored in other CVP reservoirs, including Shasta, Trinity, Folsom, and San Luis Reservoirs. Further, Reclamation stated, and Condition 3 of this approval requires, that the requested changes will not result in any increase in the amount of natural or abandoned flow diverted by Reclamation under its permits.
16. The water that will be re-stored in the LBCDR for later delivery will be part of each Participating Contractor's annual CVP water allocation, and the requested changes will not result in the delivery of more CVP water than has been delivered historically or that would have been delivered in the absence of this approval. Condition 3 provides that water restored in LBCDR pursuant to this approval shall not cause an increase in allocations or deliveries to the Participating Contractors.
17. Based on the foregoing information, the State Water Board has determined that approval of Reclamation's requested changes to add points of rediversion to its permits will not cause an increase in diversions and will not initiate a new water right.

No Injury to Other Legal Users of Water

18. Reclamation claimed that the proposed changes will not result in diversion of additional water from the Delta, a change in the timing of CVP diversions, or the delivery of more CVP water than has been delivered historically. Reclamation stated that the requested changes will provide the operational flexibility the CVP needs to improve water supply deliveries for wildlife refuges and other CVP contractors. Reclamation proposes to limit the water re-stored in LBCDR to water previously stored in CVP Reservoirs for delivery to the Participating Contractors, and Condition 3 implements this requirement. Accordingly, the proposed changes will not result in an increase in the amount of natural and abandoned flow directly diverted from the Delta.
19. Reclamation provided data, as discussed in Item No. 10 above, showing that the Participating Contractors average annual CVP allocations over the last twenty years far exceed the 8,000 afa of CVP water proposed to be rediverted and re-stored at LBCDR and rediverted at the PORs on Los Banos Creek. This Order includes a condition requiring there be no increase in CVP allocations as a result of CVP water being rediverted to storage in LBCDR.

20. With the proposed petitions, Reclamation plans to limit the water re-stored in LBCDR to water made available through the Participating Contractors' groundwater pumping or conservation efforts. The Participating Contractors will use water generated through these methods, thereby allowing the CVP water that otherwise would have been delivered to them to be re-stored in LBCDR for later use. Accordingly, the proposed changes will not result in an increase in the amount of water exported from the Delta for deliveries to the Participating Contractors. This order requires Reclamation to track and account for the water withdrawn from storage and re-stored in accordance with these limitations.
21. Pumping additional groundwater to make water available for the restorage as proposed has the potential to adversely affect groundwater supplies. Groundwater will be pumped from the Delta-Mendota Subbasin of the San Joaquin Valley Groundwater Basin, which has been designated as a high-priority basin pursuant to the Sustainable Groundwater Management Act (SGMA). All Participating Contractors are members of Groundwater Sustainability Agencies that adopted a Groundwater Sustainability Plan (GSP) for the Delta-Mendota Subbasin and are subject to ongoing oversight by the State Water Board and DWR.
22. Compliance with SGMA should ensure that groundwater pumping within the Delta-Mendota Subbasin, including any pumping associated with enabling the use of the PORs requested with the petitions, is managed sustainably. Reclamation confirmed that SGMA groundwater monitoring and reporting requirements will apply to any pumping that takes place to develop the approved local supplies that will support the proposed change. The GSP contains conservative groundwater triggers to ensure that groundwater does not fall below 2015 levels, including a required pumping reduction plan if groundwater measurements fall below those depths established as triggers. Accordingly, any conservation of CVP water based on groundwater substitution will not be allowed if groundwater levels fall below 2015 levels in the area where pumping is proposed.
23. Reclamation stated that the development of local water supplies to support the requested change will be conducted south of the Delta and will not affect pumping from the Delta. All water exported at the CVP pumping plant is subject to the requirements contained in D-1641 and all other applicable regulatory requirements governing CVP operations.
24. Reclamation's requested changes will not reduce flows in Los Banos Creek but will improve streamflow and reduce local flooding. Legal users of water downstream of the proposed new points of diversion were notified of the petitions and either are members of the Participating Contractors or did not object to the proposed changes.
25. FWA protested Reclamation's proposed changes based on the potential for injury to CVP Friant Division contractors. The protest was resolved provided that a condition is included in this Order that will ensure no negative impacts to Friant Division contractors' CVP allocations.

26. Reclamation's License 12134 allows storage of water at the LBCDR and Reclamation stated that if the changes requested by the petitions are approved, water will continue to be used for the nonconsumptive uses authorized by License 12134. The total volume of water stored in the reservoir at any given time will not increase, however an increased quantity of water from Los Banos Creek may flow through the reservoir, which may reduce the volume of water stored annually under License 12134.
27. Based on the foregoing information, the State Water Board has determined that approval of Reclamation's requested changes to add points of rediversion to its permits and any associated increase in groundwater pumping will not injure any legal user of water.

No Unreasonable Effects on Fish, Wildlife, or other Instream Beneficial Uses

28. Reclamation stated that the addition of the new points of rediversion at the LBCDR and Los Banos Creek will improve flexibility in managing multiple water sources over the irrigation season, while also increasing both streamflow in Los Banos Creek and water supplies for wildlife refuges in the San Joaquin Valley. All the water to be re-stored in LBCDR for consumptive use later in the season will be water that would have been delivered to the Participating Contractors earlier in the season in the absence of the re-storage in LBCDR. As conditioned, there will be no change in the amount or timing of Delta pumping or the amount of flow or water quality conditions in the Delta. In addition, the use of the PORs requested with the petitions will be subject to provisions of Reclamation's permits and applicable Biological Opinions. Also, as previously mentioned in this Order, Reclamation has prepared the National Environmental Policy Act documents for the various groundwater substitution, conservation, and land following projects mentioned in the petitions, which indicate that the proposed actions will not significantly affect a candidate, threatened or endangered species and will not significantly impact natural resources.
29. License 12134 is held by Reclamation for diversions at the Los Banos Creek Detention Dam for nonconsumptive purposes of use, including fish and wildlife preservation and enhancement, and diversion under the license is subject to a Memorandum of Agreement with the California Department of Fish & Wildlife (CDFW) for bypass or release of water from the reservoir for wildlife enhancement purposes. Reclamation stated that the changes requested with the petitions have been coordinated with all affected agencies and will not operate to the detriment of existing uses or cause a violation of the terms and conditions of License 12134.
30. Reclamation stated that no measurable effects on fish and wildlife or the environment were noted from implementation of a proof-of-concept operation of temporarily adding points of rediversion at the LBCDR and Los Banos Creek in 2020.

31. Reclamation provided CDFW and the Central Valley Regional Water Quality Control Board (Regional Board) with copies of the petitions. CDFW and the Regional Board did not raise concerns regarding potential effects of the proposed changes on water quality, fish, wildlife, and other instream beneficial uses.
32. Approval of the proposed changes for these water rights will 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 (Fish and G. Code, §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C. §§ 1531 to 1544). This approval is subject to a condition providing that if a “take” will result from any act authorized under the changes authorized by this order, Reclamation will be required to obtain an incidental take permit prior to construction or operation. Reclamation is responsible for meeting all requirements of the applicable Endangered Species Act for diversions pursuant to its permits.
33. Based on the foregoing information, the State Water Board finds that approval of Reclamation’s requested changes to add points of rediversion to its permits will not have unreasonable adverse effects on fish, wildlife, or other instream beneficial uses.

Compliance with the California Environmental Quality Act

34. An Environmental Assessment (EA)/Initial Study (IS) and Mitigated Negative Declaration (MND) were jointly prepared for the Los Banos Creek Detention Reservoir Storage Program (Proposed Project) (SCH 2024010511) by Reclamation as the lead Federal agency, and SLWD as the lead State agency, to satisfy the requirements of both the National Environmental Policy Act and the California Environmental Quality Act (CEQA), respectively. On March 26, 2024, SLWD filed a Notice of Determination (NOD) for the final MND. In the EA/IS and MND, Reclamation and SLWD stated the following:
 - Under Reclamation’s operational requirements, the Proposed Project would not result in the diversion of additional water from the Sacramento-San Joaquin Delta, a change in the timing of CVP diversions, or the delivery of more CVP water than has been delivered historically. Instead, the requested change would provide the operational flexibility that the CVP needs to improve existing water supply deliveries south of the Delta for wildlife refuges and CVP contractors.
 - The Proposed Project increases water available for recharge from the LBC [Los Banos Creek] and reduces flood flow releases by creating space to store additional natural LBC flow in the Reservoir.
 - The use of groundwater within the Project Participants’ service areas will comply with their applicable Groundwater Sustainability Plans, which would not result in any adverse impacts associated with the depletion of groundwater supply or recharge. The Project would allow for timed surface water deliveries, which

would enable landowners to reduce groundwater pumping and meet sustainability goals.

35. The EA/IS and MND found that the Proposed Project would result in less-than-significant or no impacts to hydrology and water quality from the changes proposed with the petitions. The EA/IS indicated that the Proposed Project will not result in the diversion of additional water from the Sacramento-San Joaquin Delta, a change in the timing of CVP diversions, or the delivery of more CVP water than has been delivered historically, and that the proposed changes will provide the operational flexibility for the CVP to improve existing water supply deliveries south of the Delta for wildlife refuges and CVP contractors. The EA/IS and MND concluded that the Proposed Project would have beneficial impacts on water resources and public health and would not contribute to adverse cumulative impacts to hydrology and water quality.
36. The EA/IS and MND found that potential impacts to biological resources from the Proposed Project would be reduced to less-than-significant levels or avoided through mitigation measures included in the October 2025 Mitigation, Monitoring, and Reporting Program (October 2025 MMRP) adopted for the EA/IS and MND. The EA/IS and MND specifically identified potential impacts to riparian habitat in LBCDR and Los Banos Creek from changes in reservoir storage or creek flows. To address the potential impacts, Mitigation Measure Bio-7d requires SLWD to implement a monitoring and adaptive management program, including annual monitoring for 10 years after construction and corrective actions if riparian conditions deviate from baseline conditions. To ensure no impacts to riparian habitat as a result of the approval of Reclamation's change petition, this Order requires that Reclamation and/or the Participating Contractors comply with Mitigation Measure Bio-7d.
37. In its role as a responsible agency, the State Water Board must consider the MND in making its determinations and findings. The State Water Board has considered the environmental documents submitted by Reclamation and SLWD. The State Water Board will file an NOD as a responsible agency within five days of issuance of this Order.
38. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed change on public trust resources and to protect those resources where feasible and in the public interest. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) The analyses detailed in this Order also serve to address the Board's obligation to consider potential effects on public trust resources that might stem from granting the proposed changes. As described above, there is no evidence that adding the new points of rediversion on Los Banos Creek to Reclamation's permits will have adverse impacts on public trust resources and the changes are in the public interest.

39. The State Water Board has delegated the authority to act on change petitions to the Deputy Director of Water Rights pursuant to State Water Board Resolution No. 2012-0029, section 4.2.4. Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority, and this authority has been so redelegated by memorandum dated April 20, 2023.

THEREFORE, IT IS ORDERED THAT THE PETITIONS TO ADD POINTS OF REDIVERSION TO U.S. BUREAU OF RECLAMATION (RECLAMATION) WATER RIGHT PERMITS 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, AND 12364 (APPLICATIONS 5626, 5628, 9363, 9364, 13370, 13371, 15374, 15375, 15764, 16767, 17374, AND 17376) ARE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

All existing terms and conditions of Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364 will remain in effect, with the following new conditions below:

1. Up to 8,000 af annually of water previously stored in CVP Reservoirs may be rediverted at the following points of rediversion to be included in Reclamation Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364:
 - Los Banos Creek Detention Dam, California Coordinate System of 1983, Zone 3, North 1,819,652 feet and East 6,435,619 feet, being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T11S, R9E, MDB&M
 - Los Banos Creek at Delta-Mendota Canal, California Coordinate System of 1983, Zone 3, North 1,829,277 feet and East 6,444,880 feet, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32, T10S, R10E, MDB&M
 - Los Banos Creek at Central California Irrigation District Outside Canal, California Coordinate System of 1983, Zone 3, North 1,837,276 feet and East 6,447,542 feet, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T10S, R10E, MDB&M
 - Los Banos Creek at Central California Irrigation District Main Canal, California Coordinate System of 1983, Zone 3, North 1,848,914 feet and East 6,450,799 feet, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9, T10S, R10E, MDB&M
2. During the period of rediversion of previously stored Central Valley Project water to Los Banos Creek Detention Reservoir, Reclamation shall comply with all applicable Biological Opinions.

3. The total amount of Central Valley Project water re-stored in Los Banos Creek Detention Reservoir pursuant to this Order shall be limited to storage releases from CVP Reservoirs. There shall be no increase in Central Valley Project allocations or deliveries to Grassland Water District, San Luis Water District, and the San Joaquin River Exchange Contractors Authority (consisting of Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District, and Columbia Canal Company), hereinafter referred to as the Participating Contractors, relative to allocations or deliveries in the absence of this approval, and no increase in the amount or timing of Delta exports as a result of diverting water to storage in Los Banos Creek Detention Reservoir. The total amount of water re-stored in Los Banos Creek Detention Reservoir is limited to water that would have been delivered to the Participating Contractors in the absence of this approval.
4. The volume of previously stored Central Valley Project water diverted into or released from Los Banos Creek Detention Reservoir as approved by this Order is required to be measured daily, and the volume of Central Valley Project water delivered shall not be included in the calculations of diversions to storage and withdrawals from storage reported annually under Reclamation water right License 12134 (Application 21009). Measurement devices must be properly installed, maintained, and calibrated in accordance with State Water Board regulations.
5. Reclamation shall report in its Annual Reports of Permittee (or Licensee) for Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364 information regarding the re-storage of Central Valley Project water in Los Banos Creek Detention Reservoir and release of the water as authorized by this Order. Reclamation shall annually report the following information:
 - A detailed accounting and description of the activities that generated water that was used in lieu of water stored in CVP Reservoirs in order to make water available for re-storage in Los Banos Creek Detention Reservoir.
 - The monthly amount of water generated (broken down by groundwater substitution or conservation and by project participant) in order to make water available for storage in Los Banos Creek Detention Reservoir;
 - The daily rate and monthly volume of water moved from CVP Reservoirs to re-storage in Los Banos Creek Detention Reservoir;
 - Verification that the amount of Central Valley Project water re-stored in Los Banos Creek Detention Reservoir did not result in an increase in annual Central Valley Project allocations or deliveries to the Participating Contractors;
 - Verification that the amount of water re-stored in Los Banos Creek Detention Reservoir would have been delivered to the Participating Contractors in the absence of the re-storage in the reservoir; and
 - The daily rate and monthly volume of water released from storage in Los Banos Creek Detention Reservoir via Los Banos Creek to the three downstream points of diversion.

- The daily rate and monthly volume of water re-diverted at each of the three PORDs downstream of Los Banos Creek Detention Reservoir.
 - The Deputy Director for Water Rights may require more frequent reporting, including monthly or weekly reporting, if necessary to evaluate compliance with this Order.
6. Reclamation's redirection of previously stored Central Valley Project water to storage in Los Banos Creek Reservoir is contingent on Reclamation and/or the Participating Contractors' compliance with Mitigation Measure Bio-7d, as included in the October 2025 Mitigation, Monitoring, and Reporting Program for the Los Banos Creek Detention Reservoir Storage Project EA/IS and MND.
 7. The redirection of previously stored Central Valley Project water to storage in Los Banos Creek Detention Reservoir is subject to compliance with the Department of Water Resources' Division of Safety of Dams requirements.
 8. Rediversion of previously stored Central Valley Project water at Los Banos Creek Detention Dam and the three downstream locations on Los Banos Creek is subject to the following condition:

To the extent allowed by law, and to the extent not superseded by, or in conflict with any U.S. Bureau of Reclamation (Reclamation) Temporary Standing Order, Standing Operation Plan, or other operations plan or agreement made in consultation with the Participating Contractors (the San Joaquin River Exchange Contractors Water Authority on behalf of its member agencies, San Luis Water District, and Grassland Water District) and the Friant Water Authority (FWA) addressing the Los Banos Creek Detention Reservoir, Reclamation shall operate the Los Banos Creek Detention Reservoir Storage Program Project consistent with the *Terms of Protest Withdrawal* dated July 3, 2025, filed with the State Water Board. The *Terms of Protest Withdrawal* are included as Attachment 1 to this Order.

Reclamation shall provide the Deputy Director for Water Rights a copy of any subsequent amendments, updates, or operational plans developed in consultation with the Participating Contractors and FWA that modify or supersede the *Terms of Protest Withdrawal*. Reclamation shall provide these documents to the Deputy Director for Water Rights within 30 days upon their completion.

9. Pursuant to Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this 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.

10. This Order does not authorize any act which results in the taking of a candidate, threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). If a “take” will result from any act authorized under this change order, Reclamation shall obtain authorization for an incidental “take” permit prior to construction or operation. Reclamation shall be responsible for meeting all requirements of the applicable Endangered Species Act for the changes authorized under this Order.
11. The State Water Board reserves authority to revoke this approval, supervise the diversions, storage, 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:
JANE LING, FOR

*Juliet Christian-Smith, Deputy Director
Division of Water Rights*

Dated: MAY 08 2026

Attachment 1: *Terms of Protest Withdrawal dated July 3, 2025*

ATTACHMENT 1

TO MAY 8, 2026 ORDER APPROVING U.S. BUREAU OF RECLAMATION PETITIONS TO CHANGE PERMITS 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364

TERMS OF PROTEST WITHDRAWAL BETWEEN U.S. BUREAU OF RECLAMATION, SAN JOAQUIN RIVER EXCHANGE CONTRACTORS, SAN LUIS WATER DISTRICT, GRASSLAND WATER DISTRICT AND FRIANT WATER AUTHORITY, DATED JULY 3, 2025

1. Water Accounting. The Participating Contractors in the Los Banos Creek Detention Reservoir Storage Program Project (Project) comprised of the San Joaquin River Exchange Contractors (SJREC), San Luis Water District (SLWD), and Grassland Water District (GWD), will report all water rediverted to Los Banos Creek Detention Reservoir (LBCDR) to USBR under existing water accounting protocols.

Each Participating Contractor currently submits a monthly report to USBR that documents the specific volume of their annual CVP allocation, by month, that is conserved, transferred, or exchanged. SJREC submits a Disbursement Summary listing these monthly volumes. GWD submits a Water Schedule detailing each source of water delivered and exchanged, and SLWD submits a Total Balance Report that tracks its share of SLWD/GWD's joint water development programs.

SJREC, SLWD, and GWD will include a specific designation in these monthly reports for water re-diverted to storage in LBCDR, and no Participating Contractor will exceed its total contract allocation or the approved total amount of any water conservation and development program. Rediverted water will be identified and accounted for separately. As an example, the SJREC Disbursement Summary will now include any SJREC water that is rediverted to storage in LBCDR, which will be accounted for as a part of their total transfer program and reduce the limits of SJREC transfers to others.

2. Critical Year CVP Operations Assistance. In any year designated as a Critical Year under the SJREC contracts the Participating Contractors will operate the Project to help assist with south-of-Delta Central Valley Project (CVP) operations:

- a. Full Beneficial Use. All rediverted water stored in LBCDR will be fully put to beneficial use in such years to reduce real-time demand for CVP water.
- b. Timing of Releases. Stored water will be released from LBCDR after coordination with the CVP Operations Office, for the purpose of delivering the water on a schedule that offsets in real-time San Luis Reservoir demand to assist with San Luis Reservoir low point. The intent of the Participating Contractors is to use water stored in LBCDR to reduce their demand on San Luis Reservoir.
- c. Priority Use by SJREC. The Participating Contractors will prioritize the use of all water re-diverted and stored in LBCDR to directly meet the demands of the SJREC

during the irrigation season, reducing the potential impacts of a call on Millerton Lake to meet SJREC demands (hereinafter, a 'call on Friant'). That portion of the stored water provided by SLWD and GWD for this purpose will be subject to repayment by the SJREC after the risk of a call on Friant has passed for the current year, and no earlier than October 1st and no later than December 31st.

3. CVP Drought Plan Consistency. The Project will be operated consistently with the 2024 Memorandum of Understanding Establishing a Drought Resiliency Framework (2024 MOU), including the Drought Plan.