

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

DIVISION OF WATER RIGHTS

**IN THE MATTER OF LICENSE 5940 (APPLICATION 5724) PETITION FOR
TEMPORARY TRANSFER INVOLVING UP TO 5,000 ACRE-FEET OF WATER FROM
EAST SIDE CANAL & IRRIGATION COMPANY TO SAN LUIS CANAL COMPANY**

SOURCE: Bear Creek tributary to the San Joaquin River

COUNTY: Merced

ORDER APPROVING TEMPORARY CHANGES

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 OVERVIEW

On March 10, 2022, East Side Canal & Irrigation Company (ESCC or Petitioner), filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), a Petition for Temporary Transfer under Water Code section 1725, et seq. Pursuant to the petition, Petitioner, seeks to transfer up to 5,000 acre-feet (af) of water to the San Luis Canal Company (SLCC) under water right License 5940 (Application 5724).

The proposed temporary transfer would use the same point of diversion and conveyance facilities, for irrigation in the same place of use, approved by the State Water Board per a 2011 long-term transfer order (2011 Order), subsequently revised in 2012 (2012 Corrected Order) to accurately reflect the SLCC service area as a place of use. The approval of the expansion of the place of use for that long-term transfer expired on January 1, 2022. Petitioner and Stevinson Water District (Stevinson) submitted another long-term transfer petition on April 9, 2021 to extend the long-term transfer for up to 10 years. The long-term transfer petition was protested and is still under review by the Division. In the interim, Petitioner submitted the subject temporary transfer petition. The temporary transfer is proposed to occur during May to December 2022. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

2.0 TRANSFER TYPE

2.1 Conservation Transfer

A petitioner may transfer the right to use the amount of water the petitioner would have consumptively used but for the petitioner's conservation efforts. (Wat. Code, §§ 1011, 1725; State Water Board Order WR 99-012.) The right to use the amount of water that is conserved is protected from forfeiture for non-use. (State Water Board Order WR 99-012, p. 8.)

When any person entitled to the use of water under an appropriative right fails to use all or part of the water because of water conservation efforts, any cessation or reduction in the use of the appropriated water shall be deemed equivalent to a reasonable beneficial use of water to the extent of the cessation or reduction in use.

The Board may require that any user of water who seeks the benefit of water conservation file periodic reports describing the extent and amount of the reduction in water use due to conservation efforts.

Water conservation is the use of less water to accomplish the same purpose or purposes of use allowed under the existing appropriative right.

(Wat. Code, § 1011, subd. (a).)

Water, or the use of water, the use of which has ceased or been reduced as the result of water conservation efforts may be sold, leased, exchanged, or otherwise transferred pursuant to any provision of law relating to the transfer of water or water rights, including, but not limited to, provisions of law governing any change in point of diversion, place of use, and purpose of use due to the transfer.

(Wat. Code, § 1011, subd. (b).)

3.0 PETITION FOR TEMPORARY CHANGE INVOLVING TRANSFER

3.1 Description of the proposed temporary changes

The Petitioner proposes to transfer up to 5,000 af of water to SLCC under water right License 5940. Water will be diverted from Bear Creek into the East Side Canal, the main conveyance facility for Stevinson, co-owner of License 5940. Once diverted into the East Side Canal, the water will be conveyed to the proposed place of use through new conveyance facilities constructed in 2011 as part of the Eastside Conveyance Project. Under the approved 2012 Order, Petitioner and Stevinson have transferred 5,000 af of conserved water annually to SLCC since 2012, except for 2015 when no transfer occurred and 2014, 2017 and 2021 when lesser amounts were transferred as

shown in the table below. As previously mentioned, the 2012 Order expired on January 1, 2022.

The Petitioner and Stevinson currently deliver water to the Merquin County Water District (Merquin), which is within the place of use of License 5940. The Petitioner and Stevinson completed piping 46,150 linear feet of canals within Merquin, which has resulted in the conservation of the amounts shown in the table below (2012 to 2021) of water previously lost to evaporation and deep percolation.

Additionally, 14,250 linear feet of canals have been piped within Stevinson, which has resulted in the conservation of the amounts shown in the table below (2012 to 2021) of water previously lost to evaporation and deep percolation. The conservation of this amount of water resulted in a reduction of water delivered into certain fields within Stevinson's licensed place of use, which include: Field ID's 801, 802, 89 (Highline No. 1 and Rice Field laterals); Field ID's 52, 53, 54, 55, 56, 64 (Turner Slough, Pump No. 1 and No. 2); Field ID's 16, 17, 25 (Sprole Ditch, Second Avenue Ditch, Home Ranch Lateral). All of the locations are metered.

Year	Amount conserved			Amount Transferred to SLCC (af)
	Within Merquin County Water District (af)	Within Stevinson Water District (af)	Total (af)	
2012	4,637	2,065	6,702	5,000
2013	4,081	2,308	6,389	5,000
2014	6,852	3,180	10,032	3,089
2015	0	0	0	0
2016	7,505	3,666	11,171	4,993
2017	7,259	2,076	9,335	2,197
2018	8,431	2,238	10,669	5,000
2019	4,344	2,116	6,460	5,000
2020	3,386	4,440	7,826	4,995
2021	4,452	4,681	9,133	1,046

A total of up to 5,000 af of the yearly conserved amount (up to 4,000 af from Merquin and up to 1,000 af from Stevinson) is proposed to be delivered to SLCC under the transfer.

3.2 Summary of East Side Canal & Irrigation Company's License 5940

License 5940 was issued on February 9, 1960, pursuant to Application 5724, for direct diversion of 163 cubic feet per second (cfs) from Bear Creek and Owens Creek combined. There are two points of diversion under the license, one on Bear Creek and one on Owens Creek. The season of diversion is from March 1 to November 1 of each

year. The purpose of use under the license is irrigation within the service area of Stevinson and ESCC, which comprises a net area of 7,336.08 acres within a gross area of 18,347 acres within T6-8S, R9-10E, MDB&M.

3.3 Proposed Temporary Changes

The proposed transfer would temporarily add the SLCC service area as a place of use under License 5940. SLCC is a private mutual water company that holds historic water rights from the San Joaquín River system. From its inception until 2000, SLCC provided water to its shareholders, and was also responsible for providing its facilities with operations and maintenance services. In 2000, Henry Miller Reclamation District No. 2131 (HMRD) was formed to work with SLCC to better manage the day-to-day functions of delivering water and providing drainage within the boundaries of SLCC. HMRD now either owns or has acquired easements on all water delivery infrastructures within SLCC boundaries. HMRD also operates and maintains all such facilities to ensure delivery of SLCC contract water to all SLCC's shareholders/water users. Therefore, the temporary addition in place of use requested with this petition is the service area of SLCC, which is operated and maintained by HMRD.

Petitioner has requested the following:

- 1) the temporary addition of the SLCC service area, comprising a gross area of 47,350 acres in Merced County within T9S, R10E-13E; T10S, R11E-13E; and T11S, R12E-13E, MDB&M.

The area requested to be added to the ESCC place of use is shown on the map titled ESCC 2022 Transfer, dated March 2022, submitted with the Petition.

4.0 PUBLIC NOTICE OF THE PROPOSED TEMPORARY CHANGE

The 30-day comment period per Water Code section 1726(f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watershed Counties due to drought (Drought Proclamation) dated May 10, 2021.

On March 21, 2022, a 15-day public notice of the petition for temporary transfer was provided as follows: 1) by posting on the Division's website; and 2) via the State Water Board's electronic subscription mailing list. Timely comments on the transfer were received from the U.S. Bureau of Reclamation (Reclamation) and Merquin. Petitioner provided responses to the comments by emails to the Division dated March 29 and 30, 2022 respectively. All comments and responses are available in the record for License 5940.

4.1 Comments from Reclamation

In a letter dated November 17, 2021, Reclamation objected to the previously submitted long-term transfer petition (submitted on April 9, 2021) based on potential impact to the Central Valley Project (CVP) water users. Reclamation stated it would dismiss the protest of the long-term transfer if the State Water Board retained a term from the February 8, 2012 Corrected Order to require annual reporting by the Petitioner and Stevinson of the amount of water transferred to SLCC and the amount of water conserved by Merquin and Stevinson, and thus available for transfer. In a subsequent email dated March 29, 2022, Reclamation indicated it had no issue with the temporary transfer if the same Condition 5 of the 2012 Corrected Order was included in this temporary transfer order.

Petitioner's Response

Petitioner is agreeable to adding the requested term, Condition 5 of the 2012 Corrected Order.

State Water Board's Response

The State Water Board will include the requested Condition 5 of the 2012 Corrected Order requiring annual reporting by the Petitioner and Stevinson.

4.2 Comments from Merquin

Merquin is concerned that: 1) Stevinson will not supply contractually obligated quantities of surface water to Merquin, 2) this transfer of surface water will lead to increased overdraft of the groundwater within Merquin, and 3) this transfer of surface water will degrade groundwater quality within Merquin. In addition, Merquin stated it would dismiss its comments if certain conditions, shown below, are met:

1. This transfer of water shall not adversely impact or reduce the delivery of water by Stevinson to Merquin of 14,277 acre-feet per annum pursuant to that certain January 9, 2007 Agreement between Stevinson and Merquin and particularly Section 2.4, Stevinson's Delivery Obligation.
2. Stevinson shall meter diversions to SLCC in real-time and provide real-time transmission of that metering data to Merquin. This metering of flow shall occur at an existing siphon under the Eastside Bypass for conveyance on to Turner Island Farms, and eventual conveyance to SLCC, or at another agreed upon metering location.
3. Using ordering Paragraph 5 of the February 8, 2012 Corrected Order as a guide, include a modified version of Paragraph 5.b to read as follows:
"Documentation that Merquin received its baseline contract supply of 14,277 af and, as specified in Section 2.4.2 of that certain January 9, 2007 Agreement between Stevinson and Merquin, that Merquin received the

required acre-feet per month and within the applicable "Minimum to Maximum Continuous Flow Range."

4. Stevinson and Merquin shall jointly study at Stevinson's sole expense the effects and mitigation measures needed to address the impacts of this transfer on Merquin. Stevinson and Merquin shall file with the SWRCB a joint report by March 31, 2023 detailing the results of this joint study.

Petitioner's Response

Impacts to Groundwater in Merced Subbasin

The Petitioner responds that there is not substantial evidence that landowners within Merquin would pump groundwater as a result of the temporary transfer. Declining groundwater levels in the vicinity of the Eastside Canal could be the result of pumping from numerous other wells in the vicinity and/or long-term drought conditions.

The Petitioner states that the water available for transfer is not native water and Merquin does not have a legal right to use water in Petitioner's delivery system, nor any related seepage.

Failure to meet obligations to Merquin per 2007 Agreement

Petitioner states it is reasonable to assume that Stevinson and ESCC will honor their contractual obligations to Merquin and that there is no evidence to support the claim that Stevinson and ESCC have failed to meet the obligations of the 2007 Agreement. Petitioner asserts that if there are times Merquin does not have a demand for the water, and therefore does not request it, it can result in water deliveries below the contract maximum. Petitioner notes that in 2018, there was surplus water and the delivery of less than contract maximum was due to lack of demand by Merquin.

Reporting Issue

In previous discussions, Petitioner and Stevinson offered to provide Merquin with a summary of current monthly water deliveries under the 2007 Agreement by the end of the third week of each month. To date, there is no response from Merquin, but this issue may be resolved with further discussion. Petitioner believes any revisions to contractual agreements between Petitioner and Merquin should be outside the purview of the State Water Board.

Groundwater Impacts or injury to other legal users of groundwater

Petitioner states that the above information refutes Merquin's allegations that the Petition will result in groundwater impacts or injury to legal users of groundwater.

Petitioner states it is reasonable to assume property owners in Merquin will not pump groundwater at rates that exceed sustainable yield (thus avoiding adverse impacts to groundwater levels or water quality), as it is their legal obligation under the Sustainable Groundwater Management Act (SGMA).

State Water Board's Response

The petitioner has the burden of establishing that a proposed temporary change would not injure any legal user of water or unreasonably affect fish, wildlife, or other instream beneficial uses. If the Board determines that the petitioner has established a prima facie case, the burden of proof shifts to any party that has filed a comment. (Wat. Code, § 1727, subd. (c).) In this case, ESCC has established the prima facie case that the temporary transfer would not injure any legal user of water or unreasonably affect fish, wildlife, or other instream beneficial uses.

Merquin has not provided sufficient evidence to show that the temporary transfer will injure other legal users of water. Merquin argues that the proposed temporary transfer would cause Stevinson to fail to deliver the contractually obligated quantities of surface water to Merquin. The location of the proposed point of diversions up-canal of Merquin's delivery point alone does not demonstrate that the temporary transfer will cause Stevinson to fail to deliver water to Merquin. Contractual disputes unrelated to this temporary transfer do not raise an issue of injury for the Board to decide. To the extent that Merquin's concern is based on whether ESCC's conservation efforts will in fact make water available, Condition 5 of this Order requires ESCC to show that water is made available for the transfer by reducing water supplied to Merquin and Stevinson.

Merquin has also not provided sufficient evidence that the temporary transfer will impact groundwater levels or quality within the Merquin District boundary. Merquin argues that the reduced surface water deliveries to Merquin will lead to increased groundwater pumping, which could cause a decline in groundwater elevation and decrease in groundwater quality. Even assuming that reduced surface water deliveries would in fact cause increased groundwater pumping in Merquin's service area, as stated above, Merquin has not demonstrated how the transfer would cause reduced surface water deliveries to Merquin.

The State Water Board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change. (Wat. Code, § 1727, subd. (e).)

5.0 POTENTIAL CURTAILMENT

During any period in 2022 that ESCC's License 5940 is curtailed, ESCC will be required to cease all diversions under License 5940 in accordance with the curtailment order,

including any diversions for temporary transfer. A condition is therefore included in this Order that the transfer shall be consistent with curtailment requirements should the Division curtail License 5940.

6.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Water Code section 1729 exempts temporary changes involving a transfer or exchange of water from the requirements of the California Environmental Quality Act. The State Water Board will issue a Notice of Exemption for this project.

7.0 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, § 1727, 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, § 1728.) “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 1727, subdivision (b)(2) (see Section 8.3 of this Order).

8.0 REQUIRED FINDINGS OF FACT

8.1 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 Section 1011. (Wat. Code, §§ 1725, 1726.) Water Code section 1725 defines “consumptively used” to mean “the amount of water which has been consumed through use by evapotranspiration, has percolated underground, or has been otherwise removed from use in the downstream water supply as a result of direct diversion.” This serves to ensure that the change does not result in an increase in use of water and addresses the potential for injury for other legal users of water by ensuring that the amount of water available for diversion downstream is not affected.

Water Code section 1725 permits the transfer of the amount of water that ESCC would have consumptively used but for ESCC’s conservation efforts. (Wat. Code, § 1011; State Water Board Order WR 99-012.) A combination of 46,150 linear feet of canals within Merquin and 14,250 linear feet of canals within Stevinson were constructed in 2011 to conserve water previously lost to evaporation and deep percolation. This conserved water is available for transfer. In the absence of the transfer, the conserved water would be beneficially used within ESCC and Stevinson per Water Code section 1011.

The State Water Board conducted an independent evaluation of its records. Petitioner has provided annual reports of conservation (see table above in section 3.1).

In light of the above, the State Water Board finds in accordance with Water Code section 1726, subdivision (e) that the water proposed for transfer would be consumptively used or stored in the absence of the proposed temporary change.

8.2. No Injury to Other Legal Users of the Water

Before approving a temporary change due to a transfer or exchange of water, the State Water Board must find that the transfer would not injure any legal user of the water during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows. (Wat. Code, § 1727, subd. (b)(1).)

Thus, with respect to the “no injury” inquiry under Water Code sections 1727, the State Water Board must evaluate whether the change will injure any legal user of the water involved in the change. The controlling consideration in the State Water Board’s inquiry is the effect of the change on the rights of others. (State Water Resources Control Bd. Cases (2006) 136 Cal.App.4th 674, 743, 805.) A person who claims injury from a proposed change “must show the change will interfere with his or her right to use the water, whatever the source of that right may be.” (Id. at p. 805, italics in original.) It is not enough for a water user to show that it will receive less water as a result of the change. Instead, a water user claiming injury must demonstrate that it has a right to the greater amount of water claimed and that the proposed change will interfere with that right. (*Ibid.*)

In general, the transfer of water that would have been consumptively used or stored will not result in injury to other legal users of water. In this case, but for the conservation measures implemented by the Petitioner, the water would be diverted and beneficially used by the Petitioner. Other legal users will not be injured by the transfer of conserved water, provided sufficient evidence and data quantifying the results of conservation efforts is available. As described in this Order and the 2012 Corrected Order, the Petitioner has sufficiently quantified the extent of its conservation efforts. In addition, Condition 5 of this Order requires the Petitioner to document that water deliveries within its licensed place of use have been reduced by the amount of the transfer.

In light of the above, and in accordance with Water Code section 1727, 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.

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

Before approving a temporary change due to a transfer or exchange 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, § 1727, subd. (b)(2).) In addition, the 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.)

The Petitioner provided CDFW and the Central Valley Regional Water Quality Control Board (Central Valley Water Board) with copies 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 raise concerns regarding potential effects of the proposed changes on water quality, fish, wildlife, and other instream beneficial uses.

There are no changes to physical conditions in Bear Creek, or within the existing or proposed place of use. There are no return flows and no change in timing of diversion or use. Petitioner indicates the surface water provided per this transfer will be higher quality than other water supplies available to SLCC and will provide water quality benefits within SLCC.

The projects which develop water to support the transfer are conducted south of the Delta and do not affect pumping from the Delta.

In light of the above, and in accordance with Water Code section 1727, 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.

9.0 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 November 18, 2020.

10.0 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 or exchange 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 changes will neither injure, nor unreasonably affect, any legal user of water, including 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 changes will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed by East Side Canal & Irrigation Company (ESCC) for temporary transfer of up to 5,000 acre-feet (af) of water to San Luis Canal Company (SLCC), is approved.

All existing terms and conditions of License 5940 remain in effect, except as temporarily amended by the following provisions:

1. The temporary transfer of water is effective for up to one year from the date of this Order.
2. The maximum amount of water that may be diverted to SLCC pursuant to this Order is 5,000 af of water. The transfer in combination with all other diversions pursuant to License 5940 must not exceed a rate of 163 cfs from all sources combined. The transfer is further limited to the quantities made available annually as a result of water conservation.
3. For the purposes of the transfer of up to 5,000 af of water, the place of use of License 5940 is expanded to include the boundaries of the SLCC service area.
4. If, at any time prior to or during the period of the transfer, the State Water Board curtails License 5940 and diversions must cease under License 5940, the transfer must cease.
5. Within 90 days of completion of the transfer, ESCC must provide the Deputy Director for Water Rights a report describing the water transferred as authorized by this Order. The report must include the following information:
 - a. The total quantity of water (in af) delivered to SLCC during the transfer period.
 - b. Documentation that Merquin received 4,000 af (or whatever lesser amount was transferred under this Order) less water under its contract during the transfer period covered by the report than its baseline contract supply of 18,211 af.
 - c. Documentation that the Stevinson service areas received 1,000 af (or whatever lesser amount was transferred under this Order) less water during the transfer period covered by the report than from historic deliveries that preceded the conservation improvements.

6. The first 5,000 af of any water conservation credit claimed by Licensees has been applied to this transfer. The conservation credit shall not be applied to any other project during the transfer period.
7. Pursuant to Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary transfer Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board 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.

8. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & G. Code, §§ 2050-2097) or the federal ESA (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any action authorized under this Order, the Petitioners shall first obtain authorization for an incidental take permit prior to undertaking that action. Petitioners shall be responsible for meeting all applicable California ESA and federal ESA requirements for the long-term transfer authorized under this Order.
9. 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:

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: MAY 06 2022