

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

DIVISION OF WATER RIGHTS

In the Matter of Minor Change Request

LUKE RUEDIGER AND SUZANNE SAVOIE

**ORDER APPROVING A MINOR CHANGE TO
LICENSE 12423 (APPLICATION 27634)**

SOURCE: an Unnamed Stream (AKA Joe Gulch)

COUNTY: Siskiyou

WHEREAS:

1. On January 20, 1983, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received an application from Robert Lara, to divert water for Domestic use from an unnamed spring in Siskiyou County. The point of diversion (POD) was described in the application as 1,300 feet West and 300 feet South from the Northeast corner of Section 21, T48N, R11W, MDB&M. The POD was on private land owned by Dorothy Christianson and Mr. Lara stated to have written right-of-way access to the POD.
2. On September 1, 1983, Permit 18967 was issued to Robert Lara. Permit 18967 authorized direct diversion of 375 gallons per day, year-round, from Joe Gulch Spring for Domestic use. The place of use for Permit 18967 was at Lara's residence with the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T48N, R11W, MDB&M. Complete application of water to the authorized use was to occur by December 1, 1987.
3. On October 27, 1988, a pre-license inspection was conducted for Permit 18967 by Division staff. The inspection noted the project was complete and had a maximum use of 375 gallons per day for the permitted season and use. The Division inspector noted a slight change to the POD location was needed prior to licensing. This POD correction resulted in a correction of the source of Permit 18967 as the POD was observed to be a dam on an unnamed stream. No spring was present on the land owned by Dorothy Christianson.

An inspection map was created, dated October 17, 1988, and noted the POD as a rock and mortar dam located South 500 feet and West 1,300 feet from the NE corner of Section 21, T48N, R11W, MDB&M. The POD is described in the report as being onstream, of an unnamed stream (AKA Joe Gulch) approximately 300 feet from U.S. Forest Service (USFS) property.

4. The State Water Board issued License 12423 on April 7, 1989, to Robert Lara. License 12423 authorizes 375 gallons per day (0.25 acre-foot per year) from an Unnamed Steam (AKA Joe Gulch), year-round for Domestic use at Lara's residence and grounds within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T48N, R11W, MDB&M.

The licensed POD is South 500 feet and West 1,300 feet from the NE corner of Section 21, T48N, R11W, MDB&M, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 21. License 12423 included one supplemental term stating the license shall not be construed as conferring upon the licensee right of access to the point of diversion, as the POD was on Dorothy Christianson's property.

5. On July 10, 2017, Luke Ruediger and Suzanne Savoie (petitioners or Ruediger/Savoie party) filed a complaint with the State Water Board regarding the claimed illegal diversion and use of water from Joe Gulch Spring by Robert Lara. The complaint stated that Mr. Lara did not hold any ownership interest in License 12423 or its place of use, and that Lara transferred ownership deeds to Matt Ochoa in 2003. Mr. Ochoa then granted ownership of the land and water rights to the Ruediger/Savoie party on April 27, 2012. Attorneys from the State Water Board, Office of Enforcement resolved the complaint on February 9, 2018, removing Robert Lara from ownership of License 12423 and making Luke Ruediger and Suzanne Savoie primary owner and non-primary owner, respectively. Division records show no other rights owned or claimed by the Ruediger/Savoie party.
6. On November 24, 2021, the Ruediger/Savoie party filed a petition to change the point of diversion for License 12423. The petition states that water has been historically diverted from a spring on USFS land and the petition seeks to add this source to the license. The petition describes the new diversion on Joe Gulch as North 2,614,601 feet and East 6,255,941 feet by California Coordinate System NAD83, Zone 1.
7. On December 3, 2021, Division staff contacted attorney Donald Mooney, who represents the Ruediger/Savoie party and their change petition. Mr. Mooney provided the Division with a letter from the USFS, dated September 15, 2021, that outlines the requirements for application of a special use permit with the USFS.

The September 15, 2021, USFS letter is in response to a proposal for special

use authorization by the Ruediger/Savoie party to divert water from a point on USFS land claimed to be associated with License 12423. The letter states that the submitted proposal does not meet the USFS criteria for initial screening and that an amended water right license indicating the diversion point on Federal land and an easement that extends past the existing diversion point, through "Parcel A," would be needed to consider the proposal complete.

8. On December 13, 2021, Division staff contacted Gary Einck of the USFS. Mr. Einck verified that he and Forest Service law enforcement conducted a field investigation, on May 3, 2021, in response to an application for special use authorization by the Ruediger/Savoie party for diversion of water on Federal land. The field investigation concluded that a point of diversion located on private land exists and is consistent with language in License 12423. The USFS letter described the point of diversion as a small dam composed of concrete, rocks, and steel, consistent with the Division's October 27, 1988, pre-license inspection report. At the time of investigation, a water line extended from the dam diversion structure upstream onto Federal land along the unnamed stream (AKA Joe Gulch).
9. On March 27, 2022, Donald Mooney notified the Division that the Ruediger/Savoie party purchased Parcel A from the Lara's on March 25, 2022. The pipeline from the licensed POU crosses Parcel A to the diversion point on USFS land, and Parcel A is the land the USFS required the Ruediger/Savoie party to obtain easement over for their application to be considered for diversion. With the purchase of Parcel A, the Ruediger/Savoie party owns all parcels between their POU and the boundary with USFS land.
10. On June 15, 2022, a complaint inspection was conducted by Division staff to investigate the diversion and place of use under License 12423. The inspector found an abandoned diversion in place at the POD location described in License 12423. PVC pipe extends from a diversion point on USFS property onto private land, entering at "Parcel A," and to the licensee POU. Draft inspection findings recommend amendment of License 12423 to include the diversion point on USFS land as the point is a bona fide POD and was likely overlooked in the 1988 inspection.
11. At the recommendation of the complaint inspection, the petition to add a POD to License 12423 was converted to a Minor Change Request as the diversion point and pipeline are existing and the change falls into acceptable criteria for a change under Water Code section 1700.6. The request to add a POD by Minor Change was noticed on October 7, 2022. The noticed ended on October 24, 2022, and no comments were received.
12. The proposed change meets the requirements provided by Water Code section 1700.6. The change involves the addition of a point of diversion, will not result in

an increase in consumptive use, and does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The June 15, 2022, Division complaint inspection found that the two diversions maintained by the Ruediger/Savoie party are on the same unnamed stream course in Joe Gulch and that the distance onto USFS land is approximately 50 feet. There are no other diversions from the source and the pipeline from the upper diversion flows directly to a 2,500-gallon tank at the licensed POU.

13. The petitioner indicated that there will be no construction or ground disturbance proposed in the addition of the new point of diversion as the diversion is existing. No other water rights exist between the new point of diversion downstream to the licensed place of use. Thus, Division staff believes that the addition of the new point of diversion is consistent with CEQA Categorical Exemption classification section 15301.
14. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights to issue change orders under specific circumstances. (Resolution No. 2012-0029, section 4.2.9.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority, and this authority has been so redelegated by memorandum dated June 6, 2022.

THEREFORE, THE REQUEST TO MAKE A MINOR CHANGE TO LICENSE 12423 IS APPROVED AND LICENSE 12423 IS AMENDED AS FOLLOWS:

Current Water Right Conditions:

Source:

Unnamed Stream (AKA Joe Gulch)

Point of Diversion:

Point located by California Coordinate System of 1983, Zone 1, North 2,614,281 feet, and East 6,255,359 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T48N, R11W, MDB&M.

Purpose and Place of Use:

Domestic use at residence and grounds within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T48N, R11W, MDB&M.

New Water Right Conditions:

Additional Point of Diversion:

Add a Point of Diversion upstream from existing diversion, by California Coordinate System of 1983, Zone 1, North 2,614,601 feet and East 6,255,941 being within the NW¹/₄ of NW¹/₄ of Section 22, T48N, R11W, MDB&M.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
STEVE MARQUEZ

FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: MARCH 6, 2023