

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

DIVISION OF WATER RIGHTS

ORDER WR 2026-0012-EXEC

In the Matter of Water Right Permit 15379 (Application 22551) of
City of Yreka

**ORDER APPROVING PETITION FOR EXTENSION OF TIME
AND ISSUING AMENDED PERMIT**

SOURCES: Fall Creek tributary to Klamath River

COUNTY: Siskiyou

BY THE EXECUTIVE DIRECTOR:

Background

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued water right Permit 15379 to the City of Yreka (Permittee or City) on May 17, 1967, pursuant to Application 22551.
2. Permit 15379 has a priority of August 12, 1966, and allows direct diversion of up to 15 cubic feet per second (not to exceed 6,300 acre-feet per annum (afa)) from two points of diversion (POD), including one POD on Fall Creek thence Klamath River, and one POD on an unnamed stream tributary to Fall Creek, from January 1 through December 31 of each year for municipal, domestic, and industrial purposes. The place of use is within the City's service area boundary of 5,490 gross acres within Sections 7, 18, and 19, T45N, R6W, MDB&M; Sections 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, and 35, T45N, R7W, MDB&M; and Sections 3 and 4, T44N, R7W, MDB&M.
3. Permit 15379 originally required that construction work be completed by December 1, 1970, and that the water be applied to the authorized use by December 1, 1971. On August 20, 1973, the Permittee filed a petition for extension of time. On June 14, 1974, the State Water Board approved an extension of time through December 1, 1984, to complete construction and application of water to the authorized use under Permit 15379.

4. The Permittee filed the second petition for extension of time in January 1985. On June 4, 1985, the State Water Board approved an extension of time through December 1, 1994, to complete application of water to the authorized use under Permit 15379.
5. On September 18, 1995, the Permittee filed the third petition for extension of time. On October 31, 1996, the State Water Board approved an extension of time through December 31, 2005, to complete application of water to the authorized use under Permit 15379.
6. On January 5, 2006, the Permittee filed the fourth petition for extension of time. On September 6, 2012, the State Water Board approved an extension of time through December 31, 2022, to complete application of water to the authorized use under Permit 15379.

Petition for Extension of Time

7. On January 6, 2023, the Permittee filed the fifth petition for an extension of time requesting for additional time through December 31, 2032 to complete application of water to the authorized use under Permit 15379. Subsequently, on December 12, 2023, the Permittee amended the petition, requesting an extension through December 31, 2042, in lieu of the original December 31, 2032 date. The Permittee has paid all required petition fees since the petition was filed.
8. On February 9, 2024, the Division issued public notice of the amended petition for extension of time. The Division received no protests.

Criteria for Approving the Proposed Extension of Time

9. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) The State Water Board's regulations provide that the Board will grant a petition for extension of time only upon such conditions as the Board determines to be in the public interest, and upon a showing to the State Water Board's satisfaction that: a) due diligence has been exercised; b) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and c) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay. (Cal. Code Regs., tit. 23, § 844.)
10. The Permittee has shown that due diligence has been exercised based on the following: 1) completed construction of the diversion works in 1969 and has since continuously diverted water for beneficial use within its service area; 2) water diversion and use reports demonstrate that diversions have increased over time in accordance with projected population and development growth, with a maximum

annual diversion of approximately 2,425 acre-feet between 2010 and 2021, which was an increase of nine percent (approximately 182 afa) over data provided with the Permittee's previous time extension petition; 3) a 13 percent increase in industrial water use from 2015 through 2020; 4) invested nearly \$30 million on improvements to its water system infrastructure over the past decade, with additional investments and improvements planned in the next five years; 5) implemented conservation measures, adopted ordinances to prevent waste, and metered all services; and 6) complied with all terms and conditions in Permit 15379.

11. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. The Permittee provided the following information: 1) the City's original application projected that full beneficial use of water would not be achieved until at least 2057, as the usage estimates were based on long-range population growth; 2) the City's population has grown more slowly than projected due to a decline in the timber industry and the lack of replacement industries, which has limited water demand; 3) the City's wastewater treatment plant is operating at maximum capacity, limiting the ability to accommodate additional water use until upgrades are completed; 4) the City was subject to environmental compliance requirements under the California Environmental Quality Act (CEQA), National Environmental Policy Act, and State and federal Endangered Species Act, resulting in a protracted process; and 5) the Klamath River dam decommissioning pursuant to the Amended Klamath Hydroelectric Settlement Agreement recognized that these actions would impact the City's water supply and thus necessitated various mitigation measures, such as reconstructing portions of the City's water conveyance pipeline and installing new fish screens and velocity barriers.
12. The Permittee has shown that satisfactory progress will be made if a time extension is granted. Diversions have consistently increased in accordance with population and economic growth, with maximum annual diversions increasing by about nine percent between 2012 and 2021, reaching approximately 2,425 acre-feet. The City also anticipates it will be expending from 20 to 30 million dollars during the next five years on water and wastewater infrastructure improvements including planned upgrades to the City's wastewater treatment facility that will remove existing capacity limitations and allow for expanded water use in the City. The City anticipates further population and commercial growth, with ongoing residential, commercial, and industrial developments already underway. And according to the City's 2015 Urban Water Management Plan, maximum daily demand at full buildout will be about 40 percent higher than current water rights allow. Furthermore, the State Water Board notes that increased demand within or near the place of use could arise through near-term implementation of the Shasta Valley Groundwater Sustainability Plan and minimum instream flow requirements in the Shasta watershed.
13. The State Water Board finds that, while Permittee has demonstrated due diligence and good cause to justify an extension, a review of progress reports and current

infrastructure status suggests that development toward full beneficial use has not been significant enough—relative to the amount of time already granted under previous orders—to justify a further 20-year development period.

Thus, the State Water Board will approve the time to complete beneficial use of water under Permit 15379 through December 31, 2036. This reduced extension ensures a more immediate benchmark for the City to demonstrate due diligence in maximizing its beneficial use and adjusting to long-term instream flow requirements.

Continued progress toward full beneficial use of the water right will require ongoing, demonstrable efforts. Such efforts include, but are not limited to, optimizing diversion and use of water when available under the permit, completing any necessary infrastructure improvements, and aligning projected demand with actual system use.

The State Water Board expects that Permittee will continue to make measurable progress toward full development of the water right during the extended development period. Amended Permit 15379 will include a condition requiring the Permittee to provide information with its Annual Report of Permittee describing development activities during the previous year.

Compliance with the California Environmental Quality Act

14. The City is the Lead Agency for the project under CEQA, and the State Water Board is a Responsible Agency. On May 3, 2012, the City adopted a Negative Declaration (SCH No. 2012032053) for the 2012 Time Extension Project. The City prepared an Addendum to the 2012 Negative Declaration for the Extension of Time request in this Order and filed a Notice of Determination on June 25, 2024. The State Water Board has considered the environmental documents prepared by the Lead Agency and will file a Notice of Determination within five days of issuance of this Order.
15. 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 changes on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419. [189 Cal. Rptr. 346, 658 P.2d 709].) There is no evidence that approving the time extension for development of Permit 15379 will have adverse impacts on public trust resources.
16. Amended Permit 15379 will include a new term limiting diversions under the permit relative to the State Water Board's Cannabis Cultivation Policy.
17. Pursuant to Resolution No. 2012-0061, the State Water Board has delegated authority to the Executive Director to conduct and supervise the activities of the State Water Board.

THEREFORE, THE PETITION FOR TIME EXTENSION FOR PERMIT 15379 OF THE CITY OF YREKA IS APPROVED THROUGH DECEMBER 31, 2036, AND AMENDED WATER RIGHT PERMIT 15379 IS ISSUED SUBJECT TO THE FOLLOWING:

1. Condition 6 of Permit 15379 will be included as Condition 5 of the amended permit and shall be modified to read as follows:

Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by **December 31, 2036**.

2. The following condition will be added to amended Permit 15379:

Beginning one year from the date of issuance of this amended permit, and annually thereafter until full beneficial use is achieved, Permittee shall submit a written progress report to the Division of Water Rights with its Annual Report of Permittee. The report shall describe: (a) progress made toward full development of the authorized water right; (b) water conservation measures undertaken by the permittee; (c) any constraints limiting diversion and use; (d) population growth and corresponding increases; and (e) planning and upgrades to its water supply and distribution system, and wastewater treatment facilities.

3. Condition 9 of Permit 15379 will be included as Condition M of the amended permit and shall be modified to read as follows:

Urban water suppliers shall comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An “urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. All Urban Retail Water Suppliers shall comply with the provisions of Division 6, Part 2.55 (commencing with Chapter 9, section 10609.20) and Part 2.6 (commencing with Chapter 3, section 10608.34) of the Water Code. An “urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

Agricultural water users and suppliers shall comply with the provision of Division 6, Part 2.55 of the Water Code and the Agricultural Water Management Planning Act (Water Code, § 10800 et seq.). An “agricultural water supplier” means a supplier, either publicly or privately owned, providing water (excluding recycled water) to 10,000 or more irrigated acres, including a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

4. Condition 13 of Permit 15379 will be included as Condition 11 in the amended permit and shall be modified to read as follows:

No water shall be diverted under this permit unless the permittee monitors the bypass flow required by this permit in accordance with the Compliance Plan dated October 7, 2025. Permittee shall submit reports on bypass flow compliance activities in accordance with the schedule contained in the Compliance Plan.

5. Condition 14 of Permit 15379 will be included as Condition 12 in the amended permit and shall be modified to read as follows:

Permittee shall comply with the measuring and monitoring requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is a conflict or inconsistency between the requirements. Right holder shall comply with the measuring and monitoring requirements of chapter 2.8, title 23, California Code of Regulations.

6. The following condition will be added to amended Permit 15379:

No water shall be diverted or used under this right for commercial and applicable personal medical use cannabis cultivation unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation, which is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

7. All other mandatory permit terms and conditions will be included in amended Permit 15379.

Dated: September 4, 2026

ORIGINAL SIGNED BY:
Eric Oppenheimer
Executive Director