

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

DIVISION OF WATER RIGHTS

In the Matter of License 2139 (Application 8493)

USDA FOREST SERVICE TAHOE NATIONAL FOREST

**ORDER APPROVING PETITION FOR CHANGE, 1707 INSTREAM FLOW
DEDICATION, AND ISSUING AMENDED LICENSE**

SOURCE: Jarrett Spring

COUNTY: Sierra

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 2139 to USDA Forest Service Tahoe National Forest (licensee) on December 20, 1940, pursuant to Permit 4684.
2. License 2139 authorizes direct diversion of up to 5,500 gallons per day from January 1 to December 31 for domestic use at the Camptonville Ranger Station and California Conservation Corp Camp within Section 2, Township 18 North, Range 8 East, Mount Diablo Base & Meridian (MDB&M) in Yuba County.
3. On May 14, 2024, licensee submitted a petition to change the purpose of use and the place of use for License 2139 under Water Code section 1707. Licensee proposed to add Fish and Wildlife Preservation and Enhancement and change the place of use to instream flow dedication in a reach of Oregon Creek, downstream of the licensed point of diversion. Domestic use would be removed from License 2139.
4. License 2139 does not include a maximum annual amount limitation. Consistent with current Division practice, the Division must include a maximum annual limitation for water authorized for diversion and use under this right. Division staff has determined and included a quantity limitation of 6.2 acre-feet per year in the amended license.

5. No additional conditions outside of standard license terms are recommended to be included in the amended license issued pursuant to this petition for change of License 2139.
6. The petitioner indicated that there will be no construction or ground disturbance proposed for the dedication of the instream flow. No other water rights exist within the dedicated stream segment between the point of diversion and downstream dedication point at Log Cabin Dam. Thus, Division staff believes that the proposed change in the place and purpose of use is consistent with a California Environmental Quality Act (CEQA) Categorical Exemption, Class 8, Actions by Regulatory Agencies for Protection of the Environment, in accordance with California Code of Regulations, title 14, section 15308. The Division will file a Notice of Exemption with the State Clearing House within five days of the issuance of this order.
7. 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. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) There is no evidence that the petition will have any adverse impacts on public trust resources.
8. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights (Deputy Director) to administer the duties required under CEQA and act on change petitions. By memorandum dated April 20, 2023, the Deputy Director has redelegated the authority.

THEREFORE, THE PETITION FOR CHANGE IN THE PURPOSE OF USE AND THE PLACE OF USE FOR LICENSE 2139 IS APPROVED AND AMENDED WATER RIGHT LICENSE 2139 IS ISSUED AS FOLLOWS:

1. The Point of Diversion and Upstream Limit of Instream Flow Dedication:

By California Coordinate System of 1983, Zone 2, North 2,292,196 feet and East 6,837,656 feet, being within the Southwest quarter of the Southwest quarter of Section 6, Township 18 North, Range 9 East, Mount Diablo Base and Meridian (MDB&M).

The Downstream Limit of Instream Flow Dedication:

By California Coordinate System of 1983, Zone 2, North 2,287,736 feet and East 6,827,437 feet, being within the Northwest quarter of the Southwest quarter of Section 11, Township 18 North, Range 8 East, MDB&M.

2. The Purpose of Use and Place of Use:

Fish and Wildlife Preservation and Enhancement on Oregon Creek within the stream segment downstream of Jarrett Spring to Log Cabin Dam, terminating within Section 11, Township 18 North, Range 8 East, MDB&M.

3. Amended License 2139 includes the following terms:

Licensing Term 5A: The water dedicated under this right shall be limited to 5,500 gallons per day for instream flow dedication from January 1 to December 31 of each year. The maximum amount dedicated for instream use under this right shall not exceed 6.2 acre-feet per year.

Standard Term R: Right holder 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.

4. Amended License 2139 shall include all the current Division standard terms and conditions A through Q as applicable.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
DEREK WADSWORTH, FOR

Juliet Christian-Smith, Deputy Director
Division of Water Rights

Dated: May 13, 2026