

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

DIVISION OF WATER RIGHTS

In the Matter of License 3190 (Application 10956)

USDA FOREST SERVICE LAKE TAHOE BASIN MANAGEMENT UNIT

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

SOURCE: An Unnamed Spring

COUNTY: El Dorado

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 3190 to USDA El Dorado National Forest Placerville, California on May 28, 1951, pursuant to Permit 6399. On September 15, 1994, ownership of License 3190 was changed to USDA Forest Service Lake Tahoe Basin Management Unit (licensee).
2. License 3190 authorizes direct diversion of up to 1,440 gallons per day from May 15 to October 31. The authorized purposes of use are Domestic and Fire Protection within the Southwest quarter of the Southwest quarter of Section 32, Township 12 North, Range 18 East, Mount Diablo Base and Meridian.
3. On August 21, 2019, licensee submitted a petition to change the purpose of use and the place of use for License 3190 under Water Code section 1707. Licensee proposes to change the purposes of use to Fish and Wildlife Preservation and Enhancement and change the place of use to a two-acre meadow downstream of the point of diversion. Domestic use and Fire Protection would be removed from License 3190.
4. License 3190 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 0.8 acre-foot 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 3190.
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 between the point of diversion downstream to the Upper Truckee River. 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 3190 IS APPROVED AND AMENDED WATER RIGHT LICENSE 3190 IS ISSUED AS FOLLOWS:

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

By California Coordinate System of 1983, Zone 3, North 2,072,511 feet and East 7,127,000 feet, being within the Northeast quarter of the Northwest quarter of Section 5, Township 12 North, Range 18 East, Mount Diablo Base and Meridian (MDB&M).

The Downstream Limit of Instream Flow Dedication:

A wet meadow within the Southeast quarter of the Northwest quarter and the Northeast quarter of the Northwest quarter of Section 5, Township 12 North, Range 18 East, MDB&M.

2. The Purpose of Use and Place of Use:

Fish and Wildlife Preservation and Enhancement within a natural 2-acre meadow downstream of an Unnamed Spring within Southeast quarter of the Northwest quarter and Northeast quarter of the Northwest quarter, Section 5, Township 12 North, Range 18 East, MDB&M.

3. Amended License 3190 includes the following terms:

Licensing Term 5A: The water dedicated under this right shall be limited to **1,440 gallons per day** for instream flow dedication from May 15 to October 31 of each year. The maximum amount dedicated for instream use under this right shall not exceed **0.8 acre-foot 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 3190 shall include all the current Division standard terms and conditions A through Q as applicable.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY: For,
DEREK WADSWORTH

Juliet Christian-Smith, Deputy Director
Division of Water Rights

Dated: MAY 19 2026