

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

DIVISION OF WATER RIGHTS

In the Matter of License 7367 (Application 16691)

USDA FOREST SERVICE TAHOE NATIONAL FOREST

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

SOURCE: Fulda Spring

COUNTY: Placer

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 7367 to USDA Forest Service Tahoe National Forest (licensee) on August 31, 1965, pursuant to Permit 10621.
2. License 7367 authorizes direct diversion of up to 0.025 cubic foot per second from July 1 to November 1 for irrigation of 10 acres and domestic use, both within Section 1, Township 16 North, Range 11 East, Mount Diablo Base and Meridian (MDB&M) in Placer County.
3. On May 14, 2024, licensee submitted a petition to change the purposes of use and the place of use for License 7367 under Water Code section 1707. Licensee proposes to add Fish and Wildlife Preservation and Enhancement and change the place of use to the instream flow dedication reach of an Unnamed Stream, Fulda Creek, and the North Fork of North Fork American River, downstream of the licensed point of diversion. Irrigation and Domestic uses are to be removed from License 7367.
4. License 7367 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 6.1 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 7367.
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. Thus, Division staff believes that the proposed change in the place and purposes 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 PURPOSES OF USE AND THE PLACE OF USE FOR LICENSE 7367 IS APPROVED AND AMENDED WATER RIGHT LICENSE 7367 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 2,230,230 feet and East 6,923,167 feet, being within the Northeast quarter of the Southeast quarter of Section 6, Township 16 North, Range 12 East, Mount Diablo Base and Meridian (MDB&M).

The Downstream Limit of Instream Flow Dedication:

By California Coordinate System of 1983, Zone 2, North 2,191,355 feet and East 6,904,912 feet, being within the Southwest quarter of the Southwest quarter of Section 6, Township 15 North, Range 11 East, MDB&M.

2. The Purpose of Use and Place of Use:

Fish and Wildlife Preservation and Enhancement on Fulda Creek and the North Fork of North Fork American River within the stream segment downstream of upstream limit to the downstream limit, terminating within Section 6, Township 15 North, Range 11 East, MDB&M.

3. Amended License 7367 includes the following terms:

Modified Licensing Term 5A: The water dedicated under this right shall be limited to twenty-five thousandths (0.025) cubic foot per second for instream flow dedication from July 1 to November 1 of each year. The maximum amount dedicated for instream use under this right shall not exceed 6.1 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 7367 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: JUN 15 2026