

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

DIVISION OF WATER RIGHTS

In the Matter of License 7098 (Application 17304)

USDA FOREST SERVICE TAHOE NATIONAL FOREST

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

SOURCE: Powderhorn Creek

COUNTY: Placer

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 7098 to USDA Forest Service Tahoe National Forest (licensee) on January 14, 1965, pursuant to Permit 11837.
2. License 7098 authorizes direct diversion of up to 0.2 cubic foot per second from July 1 to October 1 for irrigation of nine acres and from May 1 to November 30 for domestic uses, both uses within Section 34, Township 15 North, Range 15 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 7098 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 Powderhorn Creek, downstream of the licensed point of diversion. Irrigation and Domestic uses are to be removed from License 7098.
4. License 7098 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 84.9 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 7098.
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 7098 IS APPROVED AND AMENDED WATER RIGHT LICENSE 7098 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 2,169,338 feet, and East 7,048,863 feet, being within Southwest quarter of the Northeast quarter of Section 34, Township 15 North, Range 15 East, Mount Diablo Base and Meridian (MDB&M).

The Downstream Limit of Instream Flow Dedication:

By California Coordinate System of 1983, Zone 2, North 2,170,154 feet, and East 7,047,228 feet, being within Northeast quarter of the Northeast quarter of Section 34, Township 15 North, Range 15 East, MDB&M.

2. The Purpose of Use and Place of Use:

Fish and Wildlife Preservation and Enhancement on Powderhorn Creek within the stream segment downstream of upstream limit to the downstream limit, terminating within Section 34, Township 15 North, Range 15 East, Mount Diablo Base and Meridian.

3. Amended License 7098 includes the following terms:

Modified Licensing Term 5A: The water dedicated under this right shall be limited to two-tenths (0.2) cubic foot per second for instream flow dedication from May 1 to November 30 of each year. The maximum amount dedicated for instream use under this right shall not exceed 84.9 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 7098 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: June 26, 2026