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

DIVISION OF WATER RIGHTS

In the Matter of Minor Change Request

United States Forest Service, Mendocino National Forest

ORDER APPROVING A MINOR CHANGE TO LICENSE 10623 (APPLICATION 21323)

SOURCE: Hammerhorn Creek

COUNTY: Mendocino

WHEREAS:

1. On April 19, 1976, the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) issued License 10623 (Application 21323) to the Mendocino National Forest (Licensee). Licensee filed a Minor Change Request with the Division on December 16, 2025 pursuant to Water Code section 1700.6.

2. License 10623 authorizes a maximum diversion rate of 2.0 cubic feet per second (cfs) to be collected from Hammerhorn Creek tributary to Middle Fork Eel River thence Eel River in Mendocino County, from May 15 to September 15 of each year for recreational use at Hammerhorn Lake. Hammerhorn Lake is a man-made lake with no outlet and a recreation site located in the Covelo Ranger District of the Mendocino National Forest. The maximum amount diverted under License 10623 shall not exceed 495 acre-feet per year. The priority of the right dates from June 3, 1963.

3. The authorized point of diversion is located North 1,782 feet and East 2,574 feet from the West quarter corner of Section 8, Township 24 North, Range 10 West, Mount Diablo Base and Meridian (MDB&M), being within the Northeast quarter of the Northwest quarter of Section 8. This location corresponds to North 2,475,076 feet and East 6,282,653 feet by California Coordinate System of 1983, Zone 2.

4. Licensee filed a Minor Change Request to relocate the authorized point of diversion approximately 205 feet downstream on Hammerhorn Creek. The proposed point of diversion is located by California Coordinate System of 1983, Zone 2, at North 2,474,872 feet and East 6,282,665 feet, being within Northeast

quarter of Northwest quarter of Section 8, Township 24 North, Range 10 West, Mount Diablo Base and Meridian. The point of diversion is shown on the map dated December 16, 2025, filed with the State Water Board. The Minor Change Request does not propose any change to the source, rate of diversion, annual amount, season of diversion, purpose of use, or place of use authorized under License 10623.

5. The Licensee stated that the diversion structure and associated pipe system authorized under License 10623 were destroyed during the 2020 August Complex fire. The licensed point of diversion was not located within designated wilderness when License 10623 was issued but is now located within the Yolla Bolly-Middle Eel Wilderness. Relocating the point of diversion downstream will place the replacement diversion structure outside the designated wilderness area.

6. The Division noticed the Minor Change Request on May 1, 2026, on the Division's website pursuant to Water Code section 1700.6, subdivision (b). The California Department of Fish and Wildlife, Region 1 was also notified by email on May 1, 2026. The notice period ended on May 18, 2026, and no comments were received.

7. Pursuant to Water Code section 1700.6, the State Water Board may make a minor change to a permit or license without requiring the filing of a petition for change if the Board finds all of the following:

   - The change involves a minor adjustment of the point of diversion, place of use, or purpose of use.
   - The change will not result in an increase in consumptive use.
   - The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

8. The requested minor change to relocate the point of diversion authorized under License 10623 meets the requirements provided by Water Code section 1700.6:

   - The change involves a minor adjustment of the point of diversion. The point of diversion will be relocated approximately 205 feet downstream on the same source and will remain within the same quarter-quarter section. No change to the place of use or purpose of use is requested.

   - The change will not result in an increase in consumptive use. The purpose of use for License 10623 is recreation, which is considered a non-consumptive use and no change to the purpose of use is proposed with the Minor Change Request. Further, the rate of diversion, maximum annual amount of diversion, season of diversion, and place of use authorized under License 10623 remain unchanged.

- The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. There are no diverters on record with the Division located on Hammerhorn Creek between the existing and proposed points of diversion. Relocating the point of diversion downstream will leave the intervening reach of Hammerhorn Creek unaffected by diversion under License 10623, and flows in Hammerhorn Creek downstream of the proposed point of diversion will be unchanged because the authorized rate, maximum annual amount, and season of diversion are unchanged.

9. The proposed change is categorically exempt from the California Environmental Quality Act (CEQA). The change accommodates the replacement of a diversion facility destroyed by wildfire with a facility of substantially the same purpose, capacity, and location. Additionally, the change involves no expansion of the existing or former use. The action is therefore categorically exempt under Class 2 (Replacement or Reconstruction) exemption. (Cal. Code Regs., tit. 14, §§ 15302.). The Division will file a Notice of Exemption with the State Clearinghouse.

10. 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 change described in the above Findings will have any adverse impact on public trust resources. The change does not alter the rate, maximum annual amount, or season of diversion, and relocating the point of diversion outside the Yolla Bolly-Middle Eel Wilderness supports continued recreational use at Hammerhorn Lake without increasing the quantity of water diverted from Hammerhorn Creek.

11. 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 make minor changes to applications, permits, or licenses. By memorandum dated April 20, 2023, the Deputy Director has redelegated the authority.

THEREFORE, IT IS ORDERED THAT THE REQUEST TO MAKE A MINOR CHANGE TO LICENSE 10623 (APPLICATION 21323) IS APPROVED AND LICENSE 10623 IS AMENDED AS FOLLOWS:

The point of diversion for License 10623 is located as follows:

> By California Coordinate System of 1983, Zone 2, North 2,474,872 feet and East 6,282,665 feet, being within Northeast quarter of Northwest quarter of Section 8, Township 24 North, Range 10 West, Mount Diablo Base and Meridian.

The point of diversion is shown on the map filed on December 16, 2025, with the State Water Board.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY,
JASON HEADINGTON, FOR

Juliet Christian-Smith, Deputy Director
Division of Water Rights

Dated: November 3, 2026