

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A030744

Pamela Bendich

**ORDER CORRECTING APPLICATION AND APPROVING MINOR
CHANGE TO APPLICATION**

SOURCES: Two Unnamed Streams tributary to Franz Creek thence Maacama Creek thence the Russian River

COUNTY: Sonoma County

WHEREAS:

1. On August 7, 1998, Pamela Bendich (applicant) filed water right application A030744 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Maacama Creek stream system in Sonoma County.
2. The application was publicly noticed on November 19, 1999. A protest was received from Trout Unlimited.
3. Due to administrative oversight, the application as filed and the subsequent November 19, 1999, public notice incorrectly described the location descriptions of the points of diversion (PODs) and did not clearly define the place of use for fish and wildlife preservation and enhancement, recreational, and fire protection purposes.
4. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to the Deputy Director for Water Rights to correct the description in an application, permit, or license of the point of diversion, place of use, purpose of use, or name of source if (a) there is no physical change in project facilities already constructed or the current use of water, or no change in the intent of the applicant or permittee regarding the proposed location of project facilities or use of water, and (b) no one could have been misled by the original description. Resolution No. 2012-0029 authorizes the Deputy Director for Water Rights to redelegate this authority, and this authority has been so redelegated by memorandum dated April 20, 2023.

5. Correction of the POD location descriptions does not result in a physical change in project facilities already constructed or the current use of water, or the intent of the applicant regarding the proposed location of project facilities or use of water. The intent of the application was to request diversion of water to storage in two existing onstream reservoirs of 15-acre feet and 10-acre feet capacities. The correction properly aligns the POD location descriptions and capacity information presented in the application as filed. As there is no change to the intent of the application, no one could have been misled by the original description.
6. Correction of the place of use for fish and wildlife preservation and enhancement, recreational, and fire protection purposes does not result in a physical change in project facilities already constructed or the current use of water, or the intent of the applicant regarding the proposed location of project facilities or use of water. The place of use for fish and wildlife preservation and enhancement, recreational, and fire protection purposes is broadly defined in the application as filed. This correction more accurately specifies the place of use for these purposes. As there is no change to the intent of the application, no one could have been misled by the original description.
7. On August 6, 2025, the applicant initiated a minor change to modify Application A030744 to remove domestic as a purpose of use.
8. On November 20, 2025, the State Water Board provided notice and an opportunity to provide comments regarding the minor change to the applicant, the protestants, and other interested parties. One comment was received from Sonoma Water. The comment raises concerns regarding water availability, injury to Sonoma Water's water rights and water supplies, and monitoring and reporting. In light of these concerns, the comment requests that the general measurement term and standard terms 80 and 90A be included in any permit issued on the subject application. The comment raises concerns related to application A030744, rather than the requested minor change, and therefore no modifications to the minor change will be made as a result of the comment.
9. The State Water Board may make a minor change to an application without requiring the filing of a petition for change if the Board finds all of the following:
 - a. The change does not enlarge or increase the authorized rate, amount, or season of diversion.
 - b. The change does not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed.
 - c. The change is not substantial or constitutes a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application.

- d. The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

(Wat. Code, § 1700.4.)

- 10. The proposed change will not enlarge or increase the authorized rate, amount, or season of diversion. The rate of diversion, amount of water, and season of diversion will not change.
- 11. The proposed change will not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed. Project facilities associated with POD 1 and POD 2 will not physically change. Removing domestic use will result in a reduction or no change in the area where facilities will be constructed.
- 12. The proposed change is not substantial or constitutes a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. Removing domestic use constitutes a reduction in the scope of the project.
- 13. The proposed change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The rate of diversion, amount of water, and season of diversion will not change.
- 14. Pursuant to Resolution 2012-0061, the State Water Board has delegated the authority to conduct and supervise the activities of the State Water Board to the Executive Director. By memorandum dated April 28, 2022, the Executive Director has redelegated the authority to act on minor changes to the Deputy Director for Water Rights. The Deputy Director for Water Rights has further redelegated this authority pursuant to a memorandum dated April 20, 2023.

NOW, THEREFORE, IT IS ORDERED:

- 1. The POD location descriptions are corrected as follows:
 - a. Point 1 (POD 1 and Place of Storage) is an existing onstream reservoir with a capacity of 15 acre-feet located at North 1,985,142 feet and East 6,346,561 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Northeast quarter of the Southwest quarter of Section 21, Township 9 North, Range 8 West, Mount Diablo Base and Meridian.
 - b. Point 2 (POD 2 and Place of Storage) is an existing onstream reservoir with a capacity of 10 acre-feet located at North 1,984,992 feet and East 6,345,761 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Northeast quarter of the Southwest quarter of

Section 21, Township 9 North, Range 8 West, Mount Diablo Base and Meridian.

2. The place of use for fish and wildlife preservation and enhancement and recreational purposes has been corrected to the onstream reservoirs located at points 1 and 2.
3. The place of use for fire protection is corrected as follows:
 - a. Assessor's Parcel Number (APN) 132-140-005-000 in Sonoma County within Sections 20 and 21, Township 9 North, Range 8 West, Mount Diablo Base and Meridian.
4. The minor change to the application is approved.
5. The purposes of use for water are changed by removing domestic.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
KATY LEE, FOR

Juliet Christian-Smith
Deputy Director
Division of Water Rights

Dated: December 19, 2025