

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A030558

**County of Sonoma**

**CORRECTION TO MINOR CHANGE TO APPLICATION**

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SOURCE: Unnamed Stream tributary to Tolay Creek thence San Pablo Bay

COUNTY: Sonoma

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**WHEREAS:**

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued an order approving a minor change to application A030558 on May 31, 2023.
2. Due to administrative oversight, the order approving the minor change to water right application A030558 erroneously:
  - a. Identified the datum for plotting the points of diversion (PODs) as North American Datum 1983 instead of North American Datum 1927.
  - b. Identified the original location of POD 2 (Fish Pond) as the new location instead of modifying it as it was noticed on April 11, 2023.
3. Water Code section 1124 authorizes modification of an order without the necessity of notice or hearing to correct an obvious typographical or clerical error or oversight.
4. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to the Deputy Director for Water Rights to modify orders to correct obvious typographical or clerical error or oversight. 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.

**NOW, THEREFORE, IT IS ORDERED:**

1. The POD locations are corrected as follows:
  - a. POD 1 (Vista Pond): North 1,836,092 feet and East 6,418,856 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Southwest quarter of the Southwest quarter of Section 11, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
  - b. POD 2 (Fish Pond): North 1,835,389 feet and East 6,417,817 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Southwest quarter of the Southwest quarter of Section 11, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
2. All other amendments to Application A030558 specified in the Division of Water Rights order dated March 31, 2023, shall remain and are not affected by this order.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
AMANDA MONTGOMERY FOR,

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: September 6, 2023

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A030558

**County of Sonoma**

**ORDER APPROVING MINOR CHANGE TO APPLICATION**

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SOURCE: Unnamed Stream tributary to Tolay Creek thence San Pablo Bay

COUNTY: Sonoma

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**WHEREAS:**

1. On August 13, 1996, application A030558 was filed with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Tolay Creek stream system in Sonoma County.
2. The application was publicly noticed on December 12, 1997. Protests were received from California Sport Fishing Alliance (CSPA), Margaret Kullberg, Gamma Development Company, and Joseph Roche. The protests from CSPA and Gamma Development Company have since been resolved.
3. A petition for change to modify application A030558 was filed on September 25, 2006. Three additional protests were received from Federated Indians of Graton Rancheria (FIGR), California Department of Fish and Wildlife (CDFW), and Lee Schaller. The protests from FIGR and Lee Schaller have since been resolved.
4. On November 10, 2021, the State Water Board initiated a minor change to modify Application A030558 as follows:
  - a. Remove Tolay Creek as a source of water.
  - b. Remove Points of Diversion (PODs) 3 and 4:
    - i. POD 3 (Tolay Lake Dam) (POD 3, PORD, Place of Storage): North 193,880 feet, and East 1,854,090 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located within

the Northwest quarter of the Northeast quarter of Section 15, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.

ii. POD 4 (Tolay Lake Back-Dam) (POD 4, PORD, Place of Storage): North 200,380 feet, and East 1,850,750 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located within the Southeast quarter of the Southeast quarter of Section 4, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.

- c. Revise POD 2 (Fish Pond) (POD 2, PORD, Place of Storage) to be located at North 195,150 feet, and East 1,856,435 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located within the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 6 West, Mound Diablo Base and Meridian.
  - d. Reduce the storage amount from 1,100 acre-feet per year to 50 acre-feet per year.
  - e. Remove Tolay Lake from the place of use.
  - f. Reduce the diversion season from December 15 to March 31 of the succeeding year to January 1 to March 31 of the same year and
  - g. Remove frost protection and domestic as purposes of use.
5. On April 10, 2023, 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. No comments were received during the comment period.
6. The State Water Board may make a minor change to the 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.
7. The proposed changes will not enlarge or increase the authorized rate, amount, or season of diversion. Both the amount of water and season of diversion will be reduced.
8. The proposed changes will not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed. Tolay Lake has been removed as a point of diversion and place of storage from the pending application, decreasing the total area subject to inundation.
9. The proposed changes are not substantial or constitute a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. The amount of water and season of diversion have been reduced, Tolay Lake has been removed from the application as a point of diversion, re-diversion, storage and place of use, and frost protection and domestic uses have been removed.
10. The proposed changes do not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The changes above constitute a reduction in amount, season of diversion, purposes, and place of use. As such, these changes do not have the potential to adversely affect the water supply of other legal users or instream beneficial uses.
11. Pursuant to Resolution 2012-0061, the State Water Board has delegated the authority to administer the State Water Board's water rights program to the Deputy Director for Water Rights, who has redelegated this authority pursuant to a memorandum dated April 20, 2023.

**NOW, THEREFORE, IT IS ORDERED:**

1. The minor change to the application is approved.
2. The maximum amount of water requested for diversion is changed to 50 acre-feet per year.
3. Tolay Creek is removed as a source of water.
4. The points of diversion are changed as follows:
  - a. Remove POD 3 (Tolay Lake Dam) (POD 3, PORD, Place of Storage) located at North 193,880 feet, and East 1,854,090 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located

within the Northwest quarter of the Northeast quarter of Section 15,  
Township 4 North, Range 6 West, Mount Diablo Base and Meridian;

- b. Remove POD 4 (Tolay Lake Back-Dam) (POD 4, PORD, Place of Storage) located at North 200,380 feet, and East 1,850,750 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located within the Southeast quarter of the Southeast quarter of Section 4, Township 4 North, Range 6 West, Mount Diablo Base and Meridian; and
  - c. Revise POD 2 (Fish Pond) (POD 2, PORD, Place of Storage) to be located at North 195,150 feet, and East 1,856,435 feet by California Coordinate System, Zone 2, North American Datum 1983, and is located within the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 6 West, Mound Diablo Base and Meridian.
5. The place of use is changed as follows:
    - a. Remove the 1,100-acre-foot historic Tolay Lake
  6. The season of diversion is reduced from December 15 to March 31 of the succeeding year to January 1 to March 31 of the same year.
  7. The purposes of use are changed by removing frost protection and domestic.

#### STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
KATY LEE FOR,

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: May 31, 2023