

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A031818

Universal Portfolio, LTD

ORDER APPROVING MINOR CHANGE TO APPLICATION

SOURCES: Two Unnamed Streams tributary to the Petaluma River thence San Pablo Bay

An Unnamed Stream tributary to Stage Gulch thence the Petaluma River thence San Pablo Bay

An Unnamed Stream tributary to Tolay Creek thence San Pablo Bay

COUNTY: Sonoma County

WHEREAS:

1. On January 26, 2010, Universal Portfolio, LTD (applicant) filed water right application A031818 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Petaluma River and Tolay Creek stream systems in Sonoma County.
2. The application was publicly noticed on September 16, 2010. A protest was received from the California Department of Fish and Wildlife.
3. On January 19, 2024, the applicant initiated a minor change to modify Application A031818 as follows:
 - a. Reduce the storage amount from 124 acre-feet per year to 84 acre-feet per year.
 - b. Reduce the season of diversion from November 1 through May 31 of the following year to December 15 through March 31 of the succeeding year.
 - c. Update the location description of the points of diversion (POD) and rediversion (PORD) as follows:
 - i. POD / PORD 1 is located within the southwest quarter of the southeast quarter of Section 8, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.

- ii. POD / PORD 2 is located within the northeast quarter of the northeast quarter of Section 8, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
 - iii. POD / PORD 3 is located within the northeast quarter of the northeast quarter of Section 17, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
 - iv. POD / PORD 4 is located within the southeast quarter of the northwest quarter of Section 9, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
 - d. Reduce and correct the place of use for irrigation from 541 acres to 101 acres as follows: 27 acres within projected Section 8, 12 acres within projected Section 9, 3 acres within projected section 16, and 62 acres within projected Section 17, all within Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
4. On September 19, 2024, 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.
5. 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.)

6. The proposed changes will not enlarge or increase the authorized rate, amount, or season of diversion. The amount of water diverted will be reduced from 124 acre-feet per year to 84 acre-feet per year. The season of diversion will be reduced from November 1 through May 31 to December 15 through March 31.
7. 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. Reducing the amount corresponds with a reduction in the proposed area subject to inundation and area where facilities will be constructed as the reservoir capacities will be reduced. The changes to locations of points of diversion reflect

changes in mapping technology and will not result in a physical change in location of reservoirs. The changes to the place of use will result in a reduction of area proposed for development.

8. 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 and season of water requested for diversion have been reduced. The place of use is reduced from 541 acres to 101 acres. The changes to locations of points of diversion and place of use reflect changes in mapping technology and will not result in a physical change in locations.
9. 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 minor change constitutes a reduction in amount of water for diversion and season of diversion. The changes to locations of points of diversion reflect changes in mapping technology and will not result in a physical change in locations.
10. 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 minor change to the application is approved.
2. The maximum amount of water requested for diversion is changed to 84 acre-feet per year.
3. The season of diversion of water is changed to December 15 through March 31 of the succeeding year.
4. The points of diversion and rediversion are updated as follows:
 - a. POD / PORD 1 is located within the southwest quarter of the southeast quarter of Section 8, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
 - b. POD / PORD 2 is located within the northeast quarter of the northeast quarter of Section 8, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
 - c. POD / PORD 3 is located within the northeast quarter of the northeast quarter of Section 17, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.

- d. POD / PORD 4 is located within the southeast quarter of the northwest quarter of Section 9, Township 4 North, Range 6 West, Mount Diablo Base and Meridian.
5. The place of use is for irrigation is reduced and updated to 101 acres as follows:
- a. 5 acres within the Northeast quarter of the Northeast quarter of projected Section 8;
 - b. 8 acres within the Southeast quarter of the Northeast quarter of projected Section 8;
 - c. 11 acres within the Southeast quarter of the Southeast quarter of projected Section 8;
 - d. 3 acres within the Southwest quarter of the Southeast quarter of projected Section 8;
 - e. 1 acre within the Northwest quarter of the Northwest quarter of projected Section 9;
 - f. 10 acres within the Southwest quarter of the Northwest quarter of projected Section 9;
 - g. 1 acre within the Southwest quarter of the Southwest quarter of projected Section 9;
 - h. 1 acre within the Northeast quarter of the Northwest quarter of projected Section 17;
 - i. 26 acres within the Northwest quarter of the Northeast quarter of projected Section 17;
 - j. 23 acres within the Northeast quarter of the Northeast quarter of projected Section 17;
 - k. 2 acres within the Southwest quarter of the Northeast quarter of projected Section 17;
 - l. 7 acres within the Southeast quarter of the Northeast quarter of projected Section 17;
 - m. 3 acres within the Northwest quarter of the Northwest quarter of projected Section 16;
 - n. All within Township 4 North, Range 6 West, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
KATY LEE, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: October 9, 2024