

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A033365

Black Oak Ranch LP

ORDER APPROVING MINOR CHANGE TO APPLICATION

SOURCES: (1) Streeter Creek tributary to Tenmile Creek thence the South Fork Eel River thence the Eel River

(2) Tenmile Creek tributary to the South Fork Eel River thence the Eel River

(3) An Unnamed Stream tributary to Tenmile Creek thence the South Fork Eel River thence the Eel River

COUNTY: Mendocino

WHEREAS:

1. On April 7, 2023, water right application A033365 was filed with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the South Fork Eel River stream system in Mendocino County. The application is currently owned by Black Oak Ranch LP (applicant).
2. The application was publicly noticed on September 5, 2023. Protests were received from the California Department of Fish and Wildlife, the National Marine Fisheries Service, the Friends of the Eel River, and Charles Lamont.
3. On April 26, 2024, the State Water Board initiated a minor change to modify Application A033365 to reduce the maximum amount of water requested for diversion to 14 acre-feet per year.
4. On May 24, 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 maximum amount of water for diversion will be reduced from 27 acre-feet per year to 14 acre-feet per year.
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. The reduction in the maximum amount of water for diversion will not result in any changes to water storage or facilities.
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 maximum amount of water for diversion has been reduced.
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 reduction of the maximum amount of water for diversion has no potential to adversely affect other legal users of water or instream beneficial uses.
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 14 acre-feet per year.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
MATTHEW MCCARTHY FOR:

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: June 14, 2024