

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

DIVISION OF WATER RIGHTS

In the Matter of Minor Change Request

Joseph A. Lunny, Jr.

ORDER APPROVING A MINOR CHANGE TO LICENSE 8242 (APPLICATION 20760)

SOURCE: an Unnamed Stream

COUNTY: Marin

WHEREAS:

1. Joseph A. Lunny Jr. (Lunny) filed a Minor Change Request to water right Application 20760 (License 8242) pursuant to Water Code section 1700.6 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) on August 7, 2020. License 8242 authorizes a maximum amount of 6.4 acre-feet per year to be collected from an Unnamed Stream tributary to Schooner Bay thence Drakes Estero thence Pacific Ocean in Marin County from November 1 of each year to April 30 of the succeeding year for Domestic, Stockwatering, and Recreational uses within Lunny's service area. The maximum annual amount of water that can be withdrawn from storage is 6.4 acre-feet per year.
2. Lunny requested a Minor Change to modify License 8242 to add the purpose and place of use within projected Section 23, Township 3 North, Range 10 West, Mount Diablo Base and Meridian. The minor change requests the addition of Irrigation as a purpose of use and the addition of 2.5 acres of irrigation to the place of use described in water right License 8242. The existing purposes of use are Domestic, Stockwatering, and Recreational. In addition to cattle ranching, there is some cultivation of vegetables under Domestic use occurring at the place of use, supported by water collected pursuant to License 8242. The National Park Service (NPS) leases lands within Point Reyes National Seashore to Lunny's service area for beef cattle ranching. NPS does not oppose the request or the use of License 8242 for the irrigation of vegetables on the existing place of use. No changes in the source, point of diversion, season of diversion, face value, or storage amount is requested in this minor change.
3. The Division noticed the Lunny request on September 30, 2022 to the Division's

website pursuant to Water Code section 1700.6, subdivision (b). The California Department of Fish and Wildlife – Region 3 was also notified on October 3, 2022 via email. No comments were received from any parties in response to the notice.

4. The proposed minor change meets the requirements provided by Water Code section 1700.6. The proposed minor change in the existing purpose and place of use within the Lunny's service area will not result in an increase in consumptive use and does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The addition of Irrigation in the existing purpose of use will not increase consumptive use of water, and diversions will continue to be less than the face value of License 8242. The irrigation of row crops will take place on 2.5 acres of land in the existing place of use under water right License 8242, in a manner consistent with the National Park Service's General Management Plan. Lunny proposed 2.5 acres of Irrigation within the Northwest quarter of Northwest quarter of the projected Section 23, Township 3 North, Range 10 West, Mount Diablo Base and Meridian.
5. The Division will file a Notice of Exemption with the State Clearinghouse for the minor change in the purpose and place of use. The proposed action consists of the operation of existing facilities involving negligible or no expansion of use beyond that existing, and accordingly is categorically exempt from CEQA under a Class 1 exemption pursuant to California Code of Regulations, title 14, section 15301.
6. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights to issue change orders under specific circumstances. (Resolution No. 2012-0029, section 4.2.9.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority, and this authority has been so redelegated by memorandum dated June 6, 2022.

THEREFORE, THE REQUEST TO MAKE A MINOR CHANGE TO LICENSE 8242 IS APPROVED AND LICENSE 8242 IS AMENDED AS FOLLOWS:

Current Water Right Conditions:

Source:

An Unnamed Stream tributary to Schooner Bay thence Drakes Estero thence Pacific Ocean in Marin County

Point of Diversion:

South 1,980 feet and East 750 feet from Northwest section corner of projected Section 23, Township 3 North, Range 10 West, Mount Diablo Base and Meridian, being within the Southwest quarter of Northwest quarter of Section 23

Annual Amount:

6.4 acre-feet per year of collection to storage

6.4 acre-feet per year of withdrawal from storage

Season of Diversion:

November 1 of each year to April 30 of the succeeding year

Purposes of Use:

Domestic, Stockwatering, and Recreational

Place of Use:

Within Southwest quarter of Northwest quarter and Northwest quarter of Northwest quarter of projected Section 23, Township 3 North, Range 10 West, Mount Diablo Base and Meridian

New Water Right Conditions:

Point of Diversion:

No changes.

Purpose of Use:

Add the following to the existing Purposes of Use:

Irrigation

Place of Use:

Add the following to the existing Place of Use:

2.5 acres of Irrigation within the Northwest quarter of Northwest quarter of projected Section 23, Township 3 North, Range 10 West, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
STEVE MARQUEZ, for

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: November 21, 2022