

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A030949

Solano Land Trust and Ron and Ralph Azevedo

**ORDER ADOPTING MITIGATED NEGATIVE DECLARATION AND
ISSUING WATER RIGHT PERMIT**

SOURCE: An Unnamed Stream (AKA Lynch Canyon Creek) tributary to an
Unnamed Stream (AKA American Canyon Creek) thence Suisun Slough
thence Suisun Bay

COUNTY: Solano

WHEREAS:

1. On May 5, 1999, the water right application A030949 was filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) to appropriate water from an Unnamed Stream (aka Lynch Canyon Creek) in the Suisun Slough stream system in Solano County. The Solano Land Trust is the current primary owner of the application and both Ron Azevedo and Ralph Azevedo are non-primary owners (collectively, applicants). As filed, water right application A030949 seeks a water right authorizing:
 - a. Diversion of up to 47 acre-feet of water per year (afy) in Lynch Canyon Reservoir;
 - b. A season of diversion from October 1 of each year to June 1 of the succeeding year; and
 - c. Use of the diverted water for stockwatering as well as incidental recreational and incidental fish and wildlife preservation and enhancement uses in Lynch Canyon Reservoir.
2. On June 23, 2000, the State Water Board provided public notice of the application. No protests were received.

3. The State Water Board has determined that there is unappropriated water available in the Unnamed Stream to serve the right requested by the application. State Water Board staff reviewed the water availability analysis that was prepared and submitted by the applicants. Based on the analysis, water is available to serve the right requested by the application without injury to prior rights and in consideration of the amounts of water required for preservation and enhancement of downstream fish and wildlife resources.
4. Under the California Environmental Quality Act (CEQA), the State Water Board is the lead agency for preparation of environmental documentation for the project. On June 1, 2021, the State Water Board issued a Notice of Completion with the State Clearinghouse to circulate a draft Initial Study and a draft Mitigated Negative Declaration for public and agency review and comment. The California Department of Fish and Wildlife submitted a written comment regarding changes to address potential impacts to Swainson's Hawk and tri-colored blackbird. The State Water Board has considered the written comment and made changes to the environmental documents. The State Water Board will issue a Notice of Determination with the State Clearinghouse within five days of the date of this order.
5. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].). Division staff considered potential effects to public trust resources as documented in the memorandum titled Staff Consideration of Potential Effects to Public Trust Resources Caused by Approval of Application A030949, on file with the State Water Board. Division staff concluded that with the conditions identified in the aforementioned memorandum, actions associated with the application will not result in adverse effects to public trust resources as long as the protective measures described in the aforementioned memorandum are implemented.
6. Pursuant to Resolution 2012-0029, 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 November 18, 2020.

NOW, THEREFORE, IT IS ORDERED:

1. Permit 21429 is issued.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY FOR:

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: May 24, 2022