

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

DIVISION OF WATER RIGHTS

In the Matter of License 12831 (Application 26224)

Vineyard Club Inc.

**ORDER APPROVING PETITION FOR CHANGE IN POINT OF
DIVERSION AND ISSUING AN AMENDED LICENSE**

SOURCES: an Unnamed Stream (aka Oak Flat Creek) and 2 Unnamed Streams
COUNTY: Sonoma

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 12831 to Vineyard Club Inc (Petitioner) on March 26, 1992, with a priority date of February 20, 1980.
2. License 12831 authorizes storage of up to 245 acre-feet per annum to be collected from October 1 to May 31 of the succeeding year for Recreational and Fire Protection uses. The maximum rate of diversion to offstream storage shall not exceed 0.25 cubic foot per second. The license authorizes two points of diversion; the first a point of diversion to offstream storage from an Unnamed Stream tributary to Gill Creek, and the second, a point of diversion on an Unnamed Stream, also tributary to Gill Creek, located at the dam at the Vineyard Lake.
3. Petitioner filed a Petition for Change with the Division on July 17, 2023. The Petitioner requested modification of License 12831 by adding a point of diversion (POD) at the existing Vanoni Pond covered under License 9577 (Application 20436). The Petitioner states this additional POD would allow for the preferential diversion of water from the lower portions of Gill Creek, a lower value habitat tributary, lessening the diversion of water from the upper portions of the watershed known to support anadromous fish populations, as supported by a California Department of Fish and Wildlife stream assessment.
4. On November 20, 2024, the State Water Board provided notice and an

opportunity to provide protests regarding the change petition to the applicant and interested parties. No protests were received.

5. Water Code sections 1700 through 1705 govern changes in the place of use, purpose of use, or point of diversion of an appropriative water right. Permission to make such changes must be granted by the State Water Board and “before permission to make such a change is granted the petitioner shall establish, to the satisfaction of the State Water Board, and the State Water Board shall find, that the changes will not operate to the injury of any legal user of the water involved.” (Wat. Code, §1702.) The petitioner also must establish that the proposed changes will not effectively initiate a new right. (Cal. Code Regs., tit. 23, § 791, subd. (a). A change petition must also be in the public interest and not unreasonably harm fish, wildlife, and other instream beneficial uses.
6. The changes proposed with the petition involve changes to the points of diversion by adding a new point of diversion on the unnamed stream at the outlet of the existing Vanoni Lake covered under License 9577 (Application 20436). Construction involves the extension of an existing pipeline to the reservoir. No other diverters will be injured by the proposed changes. Consequently, the proposed changes to the points of diversion will not operate to the injury of any legal user of water and will not effectively initiate a new right.
7. For the reasons set forth above, the State Water Board has determined that good cause for the changes involved in the subject petition has been shown. The petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. In addition, the petitioned changes do not unreasonably harm fish, wildlife, and other instream beneficial uses, and the State Water Board has determined that the changes are in the public interest.
8. The petitioner indicated that no excavation or construction is required to implement the proposed project. An existing 400 foot-long pipeline will be extended by 500 feet on-grade and will be installed seasonally to feed water to Vineyard Lake by gravity. The State Water Board will file a Notice of Exemption within five days from the issuance of this Order.
9. 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 change 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].) The amendments to License 12831 will not cause any adverse impacts to public trust resources.
10. 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.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITION FOR CHANGE IN POINT OF DIVERSION AND ISSUANCE OF AN AMENDED LICENSE. THE ATTACHED LICENSE, WHICH INCORPORATES THE ABOVE CHANGES IS ISSUED.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY

*Robert P. Cervantes, Acting Assistant Deputy Director
Division of Water Rights*

Dated: August 22, 2025