

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A033309

Diamond R Ranch

ORDER APPROVING MINOR CHANGE TO APPLICATION

SOURCE: Eel River tributary to the Pacific Ocean

COUNTY: Humboldt

WHEREAS:

1. On June 24, 2022, Diamond R Ranch (applicant) filed water right application A033309 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Eel River stream system in Humboldt County.
2. The application was publicly noticed on July 20, 2023. Protests were received from the California Department of Fish and Wildlife, Trout Unlimited, Friends of the Eel River, and The Lynn D Marks 2021 Trust.
3. On February 5, 2025, the State Water Board initiated a minor change to modify Application A033309 as follows:
 - a. Reduce the place of use from 76.8 acres to 64 acres within the North half of Section 34, Township 2 North, Range 1 West, Humboldt Base and Meridian.
 - b. Reduce the maximum annual amount of water diverted from 258.8 acre-feet per year to 160 acre-feet per year.
4. On March 13, 2025, 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 annual amount of water diverted will be reduced from 258.8 acre-feet per year to 160 acre-feet per year. The rate of diversion and season of diversion will not change.
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 place of use will be reduced from 76.8 acres to 64 acres. No construction is proposed as all facilities existed when the application was filed.
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 changes are limited to the amount of water diverted and the place of use, and both will be 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 change to the place of use removes property owned by another legal user of water from the application and reducing the amount of water diverted will not adversely affect 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 January 31, 2024, 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 160 acre-feet per year.
3. The place of use is changed from 76.8 acres to 64 acres as follows:
 - a. 35.8 acres within Northwest quarter of Northeast quarter;
 - b. 0.5 acres within Northeast quarter of Northeast quarter;
 - c. 3.15 acres within Southeast quarter of Northeast quarter;
 - d. 23.4 acres within Southwest quarter of Northeast quarter;
 - e. 1.15 acres within Southeast quarter of Northwest quarter;
 - f. All within Section 34, Township 2 North, Range 1 West, Humboldt Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: April 22, 2025