

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right Application A027988

**United States Forest Service, Lake Tahoe Basin Management Unit**

**ORDER APPROVING MINOR CHANGE TO APPLICATION**

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SOURCES: Unnamed Stream (aka Quail Lake Creek) tributary to Lake Tahoe  
Unnamed Stream (aka Ellis Creek) tributary to Lake Tahoe  
Lake Tahoe tributary to the Truckee River

COUNTY: Placer

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**WHEREAS:**

1. On March 3, 1984, the Quail Lake Water Company filed water right application A027988 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Truckee River stream system in Placer County. The current owner of application A027988 is the United States Forest Service, Lake Tahoe Basin Management Unit (applicant).
2. The application was publicly noticed on May 25, 1984. Protests were received from the California Department of Fish and Wildlife, the United States Bureau of Reclamation, and the United States Forest Service.
3. On September 13, 2022, the State Water Board initiated a minor change to modify Application A027988 as follows:
  - a. Reduce the amount of water requested by removing the direct diversion of water at a proposed rate of 0.68 cubic foot per second (maximum 200 acre-foot per year).
  - b. Remove one of the sources of water by removing the points of diversion on the Unnamed Stream (aka Ellis Creek) and Lake Tahoe.
  - c. Remove the purpose of use of municipal and add fish and wildlife preservation and enhancement and fire protection.

- d. Reduce the place of use by removing the Quail Lake Water Company service area and adding both Quail Lake and the unnamed stream (aka Quail Lake Creek) between Quail Lake and Lake Tahoe.
4. On October 27, 2022, 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 direct diversion of water will be eliminated, which will reduce the amount of water requested. The amount and season of diversion to storage of water will remain unchanged.
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 removal of the Quail Lake Water Company service area is a reduction in the place of use. There will be no new construction. The proposed capacity of Quail Lake, where the water will be stored, will not change.
8. The proposed changes are not substantial and constitute a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. The amount of water for diversion to storage remains unchanged and the direct diversion has been eliminated. The affected area has been reduced from the Quail Lake Water Company service area to Quail Lake and parts of the Unnamed Stream (aka Quail Lake Creek) between Quail Lake and Lake Tahoe.
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. There are no diverters of record located on Quail Lake and the Unnamed Stream (aka Quail

Lake Creek) connecting it to Lake Tahoe. The purpose of this change is to enhance and preserve fish and wildlife in Quail Lake and the Unnamed Stream.

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 June 6, 2022.

**NOW, THEREFORE, IT IS ORDERED:**

1. The minor change to the application is approved.
2. The direct diversion of water at a rate not to exceed 0.68 cubic feet per second (maximum 200 acre-feet per year) is removed.
3. The points of diversion are changed as follows:
  - a. Remove the point of diversion on the Unnamed Stream (aka Ellis Creek) located at North 2,158,037 feet and East 7,080,463 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Northeast quarter of Southeast quarter of Section 11, Township 14 North, Range 16 East, Mount Diablo Base and Meridian.
  - b. Remove the point of diversion on Lake Tahoe located at North 2,158,587 feet and East 7,088,613 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Northwest quarter of Southeast quarter of Section 7, Township 14 North, Range 17 East, Mount Diablo Base and Meridian.
4. The purpose of use is changed by removing municipal and adding fish and wildlife preservation and enhancement and fire protection.
5. The place of use is reduced by removing the Quail Lake Water Company service area for municipal use, adding Quail Lake Reservoir as a place of use, and adding instream use for a portion of the Unnamed Stream (aka Quail Lake Creek) downstream of Quail Lake Reservoir as follows:
  - a. The upstream limit is Quail Lake Reservoir dam located at North 2,157,137 and East 7,082,663 by California Coordinate System, Zone 2, North American Datum 1983, within the Southeast quarter of the Southwest quarter of Section 12, Township 14 North, Range 16 East, Mount Diablo Base and Meridian
  - b. The downstream limit would be a point on the Unnamed Stream (aka Quail Lake Creek) immediately upstream of the confluence of the Unnamed Stream (aka Quail Lake Creek) and Lake Tahoe, located at North 2,159,240 feet and

East 7,086,181 feet by California Coordinate System, Zone 2, North American Datum 1983, within the Northwest quarter of the Northwest quarter of Section 7, Township 14 North, Range 16 East, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
MATTHEW MCCARTHY FOR

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: December 7, 2022