

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 17260 of)
Walter Fiddymment to appropriate from) Decision No. D 943
an unnamed drain in Placer County.)
ADOPTED NOV 12 '59

Substance of the Application

Application 17260, filed on August 28, 1956, is for a permit to appropriate two cubic feet per second (cfs) by direct diversion between April 1 and October 31 of each year from an unnamed drain tributary to Rock Creek thence Auburn Ravine for irrigation purposes. The water is to be diverted from either or both of two points located as follows: (1) within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, T12N, R6E, MDB&M*, and (2) within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21. The water is to be used to irrigate 122 acres in Sections 21 and 22, T12N, R6E.

Protest

A protest against approval of Application 17260 was submitted by Ernest Carter on the basis of License 3345, (Application 11797). He claims that water has been used for irrigation of 200 acres from April 15 to October 1 and for stockwatering use all year, that there has not been sufficient water in the stream to permit him to divert the full amount

*Hereinafter all township references are from Mount Diablo Base and Meridian (MDB&M).

allowed under his license and that any additional diversion by the applicant would further deplete the already short supply.

The property referred to in the protest was subsequently sold to Chris R. Story.

Answer

In reply to the protest applicant Fiddymment states that to his knowledge there is intermittent flow in the stream sufficient to satisfy existing rights and the subject application.

Proceedings in Lieu of Hearing

Stipulations to the proceedings in lieu of hearing as provided for in Section 737 of the Board's rules and regulations were submitted by the applicant and Chris R. Story, successor in interest to the protestant. A field investigation was conducted on June 12, 1958, at which time protestant Carter was present and a second field investigation was conducted on June 24, 1959, at which time applicant and Mr. Story were present. Both investigations were conducted by A. N. Webb, Assistant Hydraulic Engineer on the Board's staff.

Records Relied Upon

The records relied upon in support of this decision are Application 17260 and all relevant information on file therewith; Applications 11797 (Chris R. Story) and 13944 (Walter Fiddymment) and all relevant information on file therewith; State Water Resources Board, Bulletin 10, "Placer

County Investigation", dated June, 1955; United States Geological Survey "Roseville" and "Lincoln" quadrangles, both 7½-minute series, and "Markham Ravine" quadrangle, 15-minute series.

Source and Watershed

According to the USGS "Roseville" and "Lincoln" quadrangles, the source is one of a series of drains collecting water from about five square miles of foothill land lying south and east of the city of Lincoln. This drain flows from the lowermost proposed point of diversion in a southwesterly direction about two miles to a confluence with Rock Creek (shown on the Roseville quadrangle as Orchard Creek and as Rock Creek on Markham Ravine quadrangle of 15-minute series) in the SW¼ of SW¼ of Section 29, T12N, R6E. Rock Creek continues in a westerly direction about two miles to Auburn Ravine. Auburn Ravine flows in a westerly direction from this point about nine miles to Natomas Main Drainage Canal at a point about seven miles upstream from the confluence of the Canal and Sacramento River.

Water Supply

The flow conditions of the source have been observed on several occasions by engineers of the Board and its predecessor, Division of Water Resources, and the results of these observations are as follows:

On June 6, 1951, during an inspection of Permit 6925, now License 3345 (Application 11797) presently

held by Chris R. Story, the flow was estimated to be about 0.5 cfs at a point about one mile downstream from the proposed point of diversion under Application 17260. License 3345 was issued in the amount of 0.57 cfs whereas Permit 6925 was approved for 2.5 cfs. The report of inspection states: "...the amount pumped is largely based on the water available from the slough with the balance required being supplemented by well water."

On June 14, 1955, during an inspection of Permit 8400 (Application 13944) of Walter Fiddymment which allows a diversion of 1.0 cfs at approximately the same location as contemplated under the subject application, the flow was estimated to be about 15 gallons per minute. At the time of inspection Mr. Fiddymment had 80 acres in rice. The report states: "...it should be noted that a considerable portion of the water pumped is actually permittee's own well water which has been recaptured."

Observations of flow made in connection with Application 17260 are as follows:

On April 23, 1957, there was water standing in the drain, but there was no perceptible movement of the water.

On May 28, 1957, there was some standing water but other reaches of the drain were found to be dry.

On July 17, 1957, there was a small amount of flow, estimated to be less than 10 gallons per minute.

On June 12, 1958, the flow was estimated to be about 0.25 cfs. There had been some precipitation during the week prior to the observation.

On June 24, 1959, water was standing in some reaches of the drain. Other reaches were dry.

State Water Resources Board Bulletin 10, "Placer County Investigation", dated June, 1955, indicates that the mean seasonal precipitation at the private "Roseville High School" station is 17.12 inches for the period 1926-1955, and at the United States Weather Bureau "Rocklin" station is 23.14 inches for the period 1870-1955. On the basis of the records at these stations as well as from Plate 3 of Bulletin 10 the mean seasonal precipitation near the proposed project would be between 20 and 25 inches. Bulletin 10 states as follows:

"Approximately 80 per cent of the seasonal precipitation in Placer County occurs during the five-month period from November through March."

Information Obtained from Field Investigation

During the June 12, 1958, and June 24, 1959, investigations it was noted that the property of applicant Fiddymont to be served under Application 17260 was being dry-farmed. At the second investigation Mr. Fiddymont indicated that water had been used in the past but due to the short supply, no use has been made during the last few seasons.

On the two above mentioned dates the investigating engineer noted that water was being used on the protestant's

property, apparently to the maximum extent allowable with the available supply. Protestant Carter, at the investigation, on June 12, 1958, stated that his pump capacity is approximately 350 gallons per minute and that he usually operates about 7 days and then shuts down until sufficient water has collected in his reservoir, usually about 14 days. When enough water is available, he also diverts by gravity, but he states that he seldom has enough water after June 1 for this type of operation. When the supply in the drain gets too low, he supplements it from his two wells. This method of operation was being carried on at the time of the second investigation. Protestant Carter indicated that he usually has enough water to irrigate one field but rarely has enough to take the full amount allowed under his license, with the shortage occurring between May and the first fall rain.

Discussion

The foregoing information indicates that the mean seasonal precipitation over the watershed of the subject source is about 20 to 25 inches and that only 20 per cent of this occurs during the applicant's proposed diversion season. Thus, since only four or five inches of rain falls during the proposed season it is obvious that the amount of water made available to the users on the stream from precipitation would usually be negligible.

The flow at the time of the observations in 1951, 1955, 1957, 1958 and 1959 was not sufficient to supply the

protestant with the full amount allowed under his License 3345 (Application 11797), and that the license was issued for an amount considerably less than the amount allowed in the permit. The extent of a right confirmed by license is determined on the basis of the amount used, and in this instance the use was reportedly limited by the available supply.

Requisite for a permit pursuant to Application 17260 is the existence of unappropriated water in the source (Water Code Section 1375 (d)). Since the foregoing information indicates that unappropriated water rarely, if ever, exists in the source during the proposed season, the approval of Application 17260 does not appear warranted.

Conclusion

Upon the basis of the foregoing information, it is concluded and the Board finds that little or no unappropriated water normally exists in the unnamed drain during the proposed diversion season and that Application 17260 should be denied.

Order

Application 17260 for a permit to appropriate unappropriated water having been filed, a protest having been filed, stipulations to the proceedings in lieu of hearing having been submitted, investigations having been held, and the Board having considered the available information and now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 17260 be and the same is hereby denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on this _____ day of _____ 1959.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member