

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18752)
of Ralph E. and Ann E. Enzler)
to appropriate from Dry Creek in)
Placer County)

Decision No. D 977

ADOPTED JUN 30 '60

DECISION APPROVING APPLICATION IN PART

Ralph E. and Ann E. Enzler having filed Application 18752 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18752 is for a permit to appropriate one cubic foot per second by direct diversion from Dry Creek at a point within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, T13N, R8E, MDB&M, in Placer County between May 1 and October 15 of each year and 165 acre-feet per annum to be stored between December 1 and April 1 of each season for later use. All the water sought under the application is for domestic use, recreation, stockwatering, fish culture and irrigation of 180 acres within Section 22, T13N, R8E, MDB&M.

2. Runoff in the named source is derived principally from rainfall which occurs during the late fall, winter, and early spring months. Summer flows originate principally from leakage through Halsey Afterbay Dam of Pacific Gas and Electric Company, springs, leakage from the Company's ditch leading to the Wise Power House, return flow from the irrigated lands, and drainage in tributary ravines.

3. Protestant Nevada Irrigation District, under claim of right initiated prior to December 19, 1914, diverts the entire flow of Dry Creek into Camp Far West Ditch, located about four miles downstream from the applicants, from about mid-April to about mid-October for distribution to water users served from that ditch. There is, therefore, no unappropriated water which the applicants could divert between May 1 and October 15.

4. The storage feature of applicants' project will probably improve the water supply to the protestants during the summer season, due to anticipated seepage and releases for the applicants' use as well as resultant irrigation return flow into the stream below the applicants' reservoir.

5. Construction of applicants' project is complete.

6. There is unappropriated water available to supply the applicants' storage requirements and subject to suitable conditions such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18752 should be approved in part and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18752 and all relevant information on file therewith, particularly the report of the field investigation made January 28, 1960, and Decision No. D 909 in the matter of Application 15732.

IT IS HEREBY ORDERED that Application 18752 be, and the same is, approved in part and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 165 acre-feet per annum by storage to be collected between about December 1 of each year to about April 1 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

