

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

982

In the Matter of Application 18706)
of Omer M. and Elinor McGee)
to Appropriate from an unnamed spring)
and creek in El Dorado County)

Decision No. D 982

ADOPTED NOV 22 '60

DECISION APPROVING APPLICATION

Omer M. and Elinor McGee having filed Application 18706 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 18706 is for a permit to appropriate 0.25 cubic foot per second from an unnamed spring and creek tributary to Cosumnes River in El Dorado County between May 1 and October 30 of each year for irrigation use within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, T9N, R13E, MDB&M.

2. Protestants divert water of the Cosumnes River at a point approximately 30 miles below the applicants' diversion on the unnamed creek.

3. The unnamed spring is situated upon the land of the applicants and was developed by them, and the water therefrom did not previously reach any other user. The spring flow has been substantially increased by the development and exceeds the amount of water diverted. The excess contributes to the unnamed

creek so that there is now approximately 0.75 cubic foot per second minimum flow during the summer where none previously existed.

4. There is unappropriated water available to supply the applicants, 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.

5. The intended use is beneficial.

6. Construction work has been completed.

From the foregoing findings, the Board concludes that Application 18706 should be approved 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 18706 and all relevant information on file therewith, particularly the report of the field investigation made March 16, 1960; U. S. Geological Survey "Omo Ranch" Quadrangle of the 7 $\frac{1}{2}$ -minute series; U. S. Geological Survey Water Supply Papers, Part 11, "Pacific Slope Basins in California," with particular reference to flow of the Cosumnes River at Michigan Bar and at McConnell.

IT IS HEREBY ORDERED that Application 18706 be, and the same is, approved, 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 0.25 cubic foot per second to be diverted between about May 1 and about October 30 of each year.

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

3. 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.

4. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on the ____ day of _____, 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member