

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application )  
19064 of Donald Ketscher to )  
Appropriate from Wahtoke Creek )  
in Fresno County )  
\_\_\_\_\_ )

Decision D 1005

ADOPTED APR 10 '61

DECISION APPROVING APPLICATION

Donald Ketscher having filed Application 19064 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 19064 is for a permit to appropriate two cubic feet per second from Wahtoke Creek in Fresno County year-round for irrigation purposes within Sections 17, 19, and 20, Township 14 South, Range 24 East, MDB&M.

2. Applicant proposes to divert at a point located approximately 500 feet above the crossing of Wahtoke Creek by the Friant-Kern Canal and at two other points located downstream between said canal crossing and the junction of said creek with the Alta Irrigation District Canal. Runoff from the

land to be irrigated will return to the creek.

3. The flows of Wahtoke Creek consist almost entirely of water imported from the San Joaquin River through the Friant-Kern Canal and are derived from seepage from said canal and return water from adjacent irrigated lands. Except for water flowing on applicant's land and immediately below, Wahtoke Creek has no surface flow during years of average or below-average rainfall. In years with above-average rainfall, the surface flow is limited to the winter season.

4. The Kings River Conservation District and the Fresno Irrigation District, the latter as trustee for a number of users of water from the Kings River, filed similar protests contending that approval of Application 19064 would diminish the natural flows of the Kings River and thereby interfere with their prior vested rights to the same.

5. Any water of Wahtoke Creek that reaches the Alta Irrigation District Canal is intercepted by that canal and does not contribute to the flow of Kings River.

6. There is unappropriated water available to supply the applicant, 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.

8. Applicant has commenced construction of the project.

From the foregoing findings, the Board concludes that Application 19064 should be approved and that a permit

should be issued to the applicant 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 19064 and all relevant information on file therewith, particularly the report of the field investigation made May 9, 1960.

IT IS HEREBY ORDERED that Application 19064 be, and the same is, approved, and that a permit be issued to the applicant 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 two cubic feet per second to be diverted year-round. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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

3. Construction work shall be completed on or before December 1, 1963.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

5. 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.

6. 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 Sacramento, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 1961.

\_\_\_\_\_  
Kent Silverthorne, Chairman

\_\_\_\_\_  
Ralph J. McGill, Member