

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19532)
of F. V. and Hazel N. Custer)
to appropriate from an Unnamed Stream)
Tributary to Secret Ravine in)
Placer County)

Decision D 1076

ADOPTED MAR 15 '62

DECISION APPROVING APPLICATION

F. V. and Hazel N. Custer having filed Application 19532 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 19532 is for a permit to appropriate 975 gallons per day by direct diversion year-round and 0.11 acre-foot per annum by storage year-round for fire protection and incidental domestic purposes from an unnamed stream tributary to Secret Ravine in Placer County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, T11N, R7E, MDB&M.

2. Applicants' storage reservoir, which is also their point of direct diversion, has already been constructed. It is located on the unnamed stream described in the application approximately one mile above its confluence with Secret Ravine.

3. Between May 15 and October 1 of each year protestant John Boyington purchases foreign water imported into the watershed by Pacific Gas and Electric Company and released into the unnamed stream from the company's Barton Canal at a point above applicants' reservoir. Said purchased water flows down the channel of the unnamed stream to a point approximately 600 feet below applicants' reservoir where it is diverted by said protestant. His protest is based on the apprehension that issuance of a permit to applicants would result in interception of his purchased water. However, there is at most times during each year sufficient flow in said unnamed stream in addition to the purchased water to satisfy applicants' requirements pursuant to their application. Applicants' permit will be limited to such other water and therefore will not cause any injury to this protestant.

4. Frank W. Crossley, an interested party, holds Permit 11492 to appropriate 0.44 cfs from the unnamed stream between April 1 and November 1 and diverts at points located approximately 3/4 mile below protestant John Boyington. During the past 10 years there has been water in excess of his requirements except for a portion of 1960, a dry year, at which time protestant Boyington was diverting the full flow of the stream.

5. Protestants J. F. and Anna L. Comrie hold License 3690 to appropriate 0.31 cfs from Secret Ravine between May 15 and October 15, diverting at a point approximately 2.5 miles downstream from the applicants' point of diversion.

6. Applicants have recently drilled a well which supplies ample water for their usual needs. The only use which they intend to make of the water from the unnamed stream is for fire protection to their property and as a standby emergency supply for household purposes in the event something should go wrong with the well until the condition could be corrected. It follows that, except for a possible emergency, applicants' project will decrease the supply available to downstream users only to the extent necessary to replace evaporation and transpiration losses from the reservoir. This depletion will be less than, and will be included in, the direct diversion allowance of the permit.

7. 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19532 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19532 and all relevant information on file therewith, particularly the report of the field investigation made May 10, 1961, License 3690 (Application 12455), Permit 11492 (Application 16326), with particular reference to the memorandum to the files by Leo K. Homer, dated July 8, 1960, and United States Geological Survey, Rocklin Quadrangle, 7.5-minute series, dated 1954.

IT IS HEREBY ORDERED that Application 19532 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations 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 975 gallons per day by direct diversion year-round and 0.11 acre-foot per annum by storage to be collected year-round.

2. Applicants' right under this permit shall extend only to sufficient water to replace evaporation and seepage losses from the reservoir, to refill the reservoir if necessary to empty it for maintenance or repair, and to divert from the reservoir only when required for fire protection and to replace the domestic supply from permittees' well, should that supply be temporarily interrupted.

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

4. Construction work and complete application of the water to the proposed use shall be made on or before December 1, 1965.

5. Progress reports shall be filed promptly by permittees 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.

7. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

8. Permittees shall install and maintain suitable measuring devices (a) upstream from the high water elevation of their reservoir and (b) immediately below their storage dam in order that accurate measurement can be made of the quantity of water flowing into and out of said reservoir.

9. This permit does not authorize diversion of water purchased from Pacific Gas and Electric Company released into the source from the Barton Canal for delivery to the purchasers.

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 , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member