

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 20105 and)
20116 of Carl C. and Hazel Landau and)
Jack L. and Doris Witwer, Respectively,)
to Appropriate from Wolf Creek, Tributary)
to Bear River in Nevada County)

ORDER AMENDING DECISION D 1091

The Board having adopted Decision D 1091 approving Applications 20105 and 20116 and ordering that permits be issued to applicants subject to a condition, among others, that said permits be subject to the prior rights of the Camp Far West Irrigation District to divert and/or store water under Licenses 385, 2266, 2267, and 2740 (Applications 959, 2881, 3843, and 10190) and the prior rights of South Sutter Water District to divert and/or store water under any permit that may be issued on Application 10221 and Permit 11297 (Application 14804);

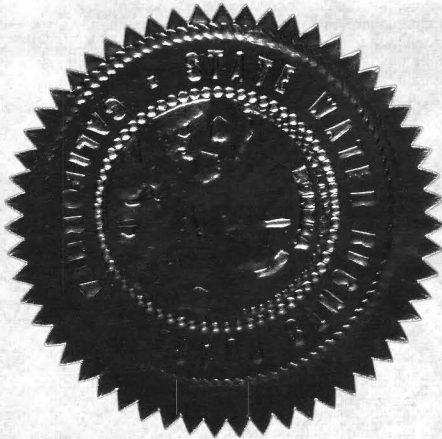
Application 10221 having been assigned by the Department of Water Resources to South Sutter Water District subject to the prior rights of any county in which the water sought to be appropriated originates to use such water as may be necessary for the development of such county;

It appearing that the appropriations proposed by Applications 20105 and 20116 are for use of water within Nevada County which is a county in which water to be appropriated under Application 10221 originates and that the portion of the aforesaid condition

contained in Decision D 1091 which refers to any permit that may be issued on Application 10221 was included by oversight and that it should be deleted therefrom;

It is hereby ORDERED that Paragraph 11 of the aforesaid order included in Decision D 1091 be amended by striking therefrom "any permit that may be issued on Application 10221".

Adopted as the order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the 8th day of August, 1962.



Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 20105,
20116, and 20119 of Carl C. and Hazel
Landau, Jack L. and Doris Witwer,
And Leo A. and Louise Davidson,
Respectively, to Appropriate from
Wolf Creek, Tributary to Bear River
in Nevada County

Decision D 1091

DECISION APPROVING APPLICATIONS 20105 AND
20116 IN PART AND DENYING APPLICATION 20119

Applications 20105, 20116, and 20119 of Carl C.
and Hazel Landau, Jack L. and Doris Witwer, and Leo A. and
Louise Davidson, respectively, to appropriate unappropriated
water having been filed; protests having been received; a
public hearing having been held before the State Water Rights
Board in Auburn, California, on February 14, 1962, W. A. Alexander,
Member, presiding; the applicants, except for the applicants Leo A.
and Louise Davidson, and the protestants, except for George A.
and Rosemary Younger, having appeared and presented evidence; all
evidence received at said hearing having been duly considered,
the Board finds as follows:

1. Application 20105 is for a permit to appropriate
0.125 cubic foot per second (cfs) by direct diversion from
about April 1 to about November 1 of each year and 6 acre-feet
per annum (afa) by storage to be collected from about November 1

of each year to about April 1 of the succeeding year from Wolf Creek in Nevada County for irrigation and fire protection purposes. The point of diversion is located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T16N, R9E, MDB&M.

2. Application 20116 is for a permit to appropriate 0.125 cfs by direct diversion from about April 1 to about November 1 of each year and 10 afa by storage to be collected from about November 1 to about April 1 of each year from Wolf Creek in Nevada County for irrigation, recreational, and fish culture purposes. The point of diversion is located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T16N, R9E, MDB&M.

3. Application 20119 is for a permit to appropriate 0.13 cfs by direct diversion from about April 1 to about December 1 of each year from Wolf Creek in Nevada County for irrigation, stockwatering, and fire protection purposes. The point of diversion is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T14N, R8E, MDB&M.

4. Applicants Carl C. and Hazel Landau (Application 20105) and applicants Jack L. and Doris Witwer (Application 20116) are located approximately 2 miles below the point where Wolf Creek originates. Protestant Nevada Irrigation District and certain individual protestants are located downstream between them and the Wolf Creek-South Wolf Creek junction. Applicants Leo A. and Louise Davidson (Application 20119) and protestants George A. and Rosemary Younger are located immediately below this junction and approximately 1 mile above the U. S. Gaging

Station "near Wolf." Wolf Creek joins Bear River approximately 2 miles below the gaging station. Protestants Camp Far West Irrigation District and South Sutter Water District are located on Bear River approximately 10 miles below the Wolf Creek-Bear River junction.

5. There has been a continuous flow of water in Wolf Creek at the gaging station "near Wolf" since the installation of the station in June 1957, and the low flow of the creek at that point, occurring during July and August, is usually in excess of 2 cfs.

6. Protestant Camp Far West Irrigation District holds Licenses 385, 2266, 2267, and 2740 to appropriate an aggregate of 25 cfs by direct diversion from about April 1 to about October 1 of each year and 5,000 afa by storage at its Camp Far West Reservoir from about March 1 to about June 1 of each year. Protestant South Sutter Water District holds Permit 11297 to appropriate 360 cfs by direct diversion, year-round, and 95,000 afa by storage at Camp Far West Reservoir, to be impounded when its proposed enlargement of the reservoir is completed. Said protestant also holds by assignment from the California Water Commission Application 10221 for 250 cfs and 40,000 afa to be stored in Camp Far West Reservoir. Protestant Nevada Irrigation District has filed Application 5193 and others which contemplate the construction of Rollins Reservoir with a capacity of 60,000 acre-feet on the Upper Bear River.

7. A combined operation study of the enlarged Camp Far West Reservoir and the proposed Rollins Reservoir for the period 1921 through 1956 shows that the Camp Far West Reservoir would rarely spill during the period from about June 1 to about December 1 of each year and that it would spill during the period from about December 1 of each year to about May 1 of the succeeding year in about two-thirds of the years of record.

8. Water surplus to the entitlement of the protestants will occur only when the enlarged Camp Far West Reservoir spills.

9. There is no unappropriated water to supply the applicants pursuant to Application 20119, and there is no unappropriated water to supply the applicants pursuant to the direct diversion portions of Applications 20105 and 20116.

10. There is unappropriated water available at times to supply the applicants, as Applications 20105 and 20116 relate to storage, except for the month of November, and, subject to suitable conditions, such water may be diverted and used in the manner proposed during those times without causing substantial injury to any lawful user of water.

11. The intended uses are beneficial.

12. In order to protect the prior rights of the protestants Camp Far West Irrigation District and South Sutter Water District, permits to be issued on Applications 20105 and 20116 should contain a special provision requiring the permittees to release stored water upon demand by these protestants when the available stream flows are not sufficient to satisfy their prior rights.

From the foregoing findings, the Board concludes that Application 20119 should be denied, that Applications 20105 and 20116 should be approved in part, and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Applications 20105 and 20116 be, and the same are, approved in part, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1a. The amount of water appropriated pursuant to Application 20105 shall be limited to the amount which can be beneficially used and shall not exceed 6 afa by storage to be collected from about December 1 of each year to about April 1 of the succeeding year.

1b. The amount of water appropriated pursuant to Application 20116 shall be limited to the amount which can be beneficially used and shall not exceed 10 afa by storage to be collected from 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. Actual construction work shall begin on or before December 1, 1962, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1964.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

6. 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.

7. All rights and privileges under these permits, 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.

8. 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.

9. These permits do not authorize collection of water to storage during the period from about April 1 to about December 1 of each season to offset evaporation and seepage losses or for any other purpose.

10. Permittees shall install and maintain outlet pipes of adequate capacity in their dams as near practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Rights Board in order that

water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of said water is not authorized under these permits.

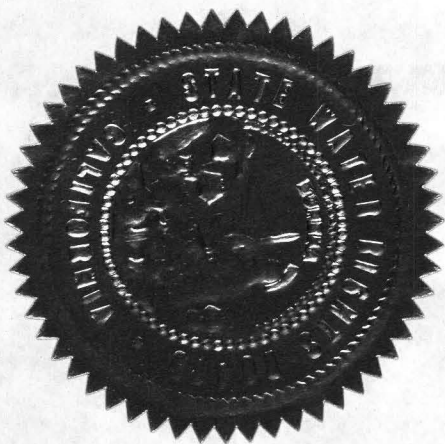
11. These permits are subject to the prior rights of the Camp Far West Irrigation District to divert and/or store water under Licenses 385, 2266, 2267, and 2740 (Applications 959, 2881, 3843, and 10190) and the prior rights of South Sutter Water District to divert and/or store water under any permit that may be issued on Application 10221 and Permit 11297 (Application 14804). Should stream flow available to the districts for storage pursuant to said licenses and permits during any season extending from October 1 of each year to July 1 of the succeeding year be less than the total amount which the districts are authorized to store in Camp Far West Reservoir pursuant to said licenses and permits, permittees shall on demand of the districts on or after July 1 release from their reservoir, except for dead storage, into the natural stream channel the water impounded the same season to the extent necessary to satisfy the district's authorized storage.

Provided, however, that any water released from Camp Far West Reservoir during the period from October 1 of each year to July 1 of the succeeding year, except for uses authorized by the districts' above-numbered licenses and permits or required to maintain fish or for downstream prior

rights, shall be considered surplus regardless of the level of Camp Far West Reservoir at the time of said release, and permittees shall be entitled to retain an equivalent amount of water for storage in accordance with the priority of permits subject to the same condition, even though Camp Far West Reservoir does not fill to the capacity authorized by the districts' above-numbered licenses and permits.

IT IS FURTHER ORDERED that Application 20119 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 Sacramento, California, on the 26th day of June, 1962.



Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member