

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 20602  
and 20790 of Elsie LaVeau Gilmore  
to Appropriate from an Unnamed Stream  
Tributary to Mormon Slough in  
San Joaquin County

Decision D 1141

ADOPTED JUL 15 1963

DECISION APPROVING APPLICATIONS

Elsie LaVeau Gilmore having filed Applications 20602 and 20790 for permits to appropriate unappropriated water; a protest having been received; the applicant and protestant 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 having fully advised in the premises, finds as follows:

1. Application 20602 is for a permit to appropriate 8 acre-feet per annum by storage from November 1 of each year to May 15 of the succeeding year for stockwatering purposes from an unnamed stream tributary to Mormon Slough in San Joaquin County. The point of diversion is to be located within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 9, T2N, R9E, MDB&M.
2. Application 20790 is for a permit to appropriate 0.5 cubic foot per second (cfs) by direct diversion from May 15 to October 30 of each year for stockwatering and irrigation

purposes from the same source as Application 20602. The point of diversion is to be located within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 9, T2N, R9E, MDB&M.

3. The applicant proposes by Application 20790 to construct a small gravity diversion dam on the unnamed stream and divert water for the flood irrigation of approximately 40 acres of pasture and for watering of approximately 100 head of cattle. By Application 20602 the applicant proposes to store waters of the unnamed stream at an existing reservoir located approximately 1,800 feet below the point of diversion designated by Application 20790. There is a 6-inch outlet pipe installed at the bottom of the reservoir. The unnamed stream continues from the reservoir approximately 5 miles where it forms three channels, two of which enter Mormon Slough within 4 miles.

4. Protestant Grupe holds License 6161 for storage of 550 acre-feet per annum from November 1 of each year to May 1 of the succeeding year from the unnamed stream. He diverts at a point immediately below the applicant's project for stockwatering and the irrigation of 193 acres. His reservoir filled and spilled during most of the past eighteen years.

5. The watershed area above the protestant's reservoir contains approximately 5.75 square miles and produces in excess of 1,000 acre-feet of runoff in years of normal rainfall. Water occurs in the source during the winter months of most years in excess of the amounts necessary to satisfy the storage rights of the protestant.

6. There is no natural flow in the unnamed stream during the irrigation season. Its flow consists of waste water from the irrigation by a well of approximately 210 acres of permanent pasture located above the applicant. It is estimated that this flow of waste water in the unnamed stream may reach as high as 0.5 cfs. It occurs throughout the irrigation season. During this season there is no hydraulic continuity of this water to sources supplying users with valid prior rights. The protestant has no apparent right to the water.

7. 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 20602 and 20790 should be approved and that permits should be issued to the applicant 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: Applications 20602 and 20790 and all relevant information on file therewith, particularly the report of the field investigation made November 21, 1962, License 1969 (Application 7549); License 6161 (Application 16002); United States Geological Survey, "Surface Water Records of California," Volume 2, for the water year 1960-61; State Water Resources Board Bulletin No. 11, "San Joaquin County Investigation," dated June 1955; Division of Engineering and Irrigation, "Bulletin No. 5,

"Flow in California Streams," dated 1923; United States Geological Survey, "Valley Springs," 15-minute quadrangle, dated 1956, "Linden," 7.5 minute quadrangle, dated 1953, and "Peters," 7.5-minute quadrangle, dated 1952.

ORDER

IT IS HEREBY ORDERED that Applications 20602 and 20790 be, and the same are, approved, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated pursuant to permit issued on Application 20602 shall be limited to the amount which can be beneficially used and shall not exceed 8 acre-feet per annum by storage to be collected from about November 1 of each year to about May 15 of the succeeding year.

2. The amount of water appropriated pursuant to permit issued on Application 20790 shall be limited to the amount which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion from about May 15 to about October 30 of each year.

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.

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

4. Actual construction work pursuant to permit issued on Application 20790 shall begin on or before December 1, 1963, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Construction work pursuant to permit issued on Application 20790 shall be completed on or before December 1, 1965.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

7. 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.

8. 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.

9. Permittee 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.

10. The permit issued on Application 20602 does not authorize collection of water to storage during the period from about May 15 to about November 1 of each season to offset evaporation and seepage losses or for any other purpose.

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 \_\_\_\_\_, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member