

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20698
of Maine Prairie Water District to
Appropriate from Sweeney and Ulatis
Creeks in Solano County

Decision D 1156

ADOPTED DEC 19 1963

DECISION APPROVING APPLICATION IN PART

Application 20698 to appropriate unappropriated water having been filed; a protest having been received; a public hearing having been held before the State Water Rights Board in Sacramento, California, on February 15, 1963, before Kent Silverthorne, Chairman, presiding, and W. A. Alexander, Member; the protestant having withdrawn its protest prior to hearing; the applicant having appeared and presented evidence on the sole issue of the existence of unappropriated water available to satisfy the applicant; the evidence received at said hearing having been duly considered; the Board finds as follows:

1. Application 20698 is for a permit to appropriate 96 cubic feet per second (cfs) by direct diversion from March 1 to November 1 of each year for irrigation and industrial purposes

from Sweeney and Ulatiis Creeks in Solano County. Four points of diversion are proposed which will be located within (1) NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9, (2) SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, (3) SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23, and (4) NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, all within T6N, R1E, MDB&M.

2. Sweeney Creek heads at an approximate elevation of 800 feet and courses in a general southeasterly direction approximately 17 miles to its confluence with Ulatiis Creek. Ulatiis Creek heads at an approximate elevation of 2,400 feet and courses in a general southeasterly direction approximately 18.5 miles to its confluence with Sweeney Creek. From this confluence Ulatiis Creek continues in a general southeasterly direction approximately 8 miles to Cache Slough, which discharges into the Sacramento River approximately 10 miles downstream. The Putah South Canal into which water is diverted from Putah Creek for use by the Solano Irrigation District traverses the upper portion of the watershed of the two creeks.

3. The applicant proposes to divert at two points on Sweeney Creek within a 2 $\frac{1}{2}$ -mile reach of the creek upstream from its mouth and at two points on Ulatiis Creek within 2 miles downstream from that point. The diversion works will have a combined capacity of 96 cfs. Water will be diverted to land-owners within the applicant district through existing drain ditches and 14 miles of new ditches to be constructed. The applicant contemplates enlarging its service area from its present 6,100 acres to a gross 10,000 acres, of which 7,500 acres will be

irrigated in any one year. Under ultimate development approximately one-half of the irrigated area will be planted to pasture and one-half to general crops and will require an estimated 21,000 acre-feet of water in the year 1967.

4. During the summer and fall months water occurring in Sweeney and Ulatis Creeks at the applicant's proposed points of diversion is drain water from the irrigation of lands within the Solano Irrigation District and is water originally diverted from Putah Creek. The quantity of this drain water is estimated to reach 9,000 acre-feet for the 1963 irrigation season, and it is estimated that it will increase at the rate of 1,500 acre-feet per year to reach 15,000 acre-feet by the year 1967, continuing to be available thereafter in the latter quantity. The applicant has entered into an agreement with Solano Irrigation District for the purchase of this water.

5. A large portion of the drain water for which application is being made, if not diverted, will reach the channels of the Sacramento-San Joaquin Delta. Studies received in evidence by reference at the hearing as staff exhibits show that water surplus to the quantities necessary to satisfy existing rights does not occur in the Delta with sufficient frequency during the months of July and August to justify issuing permits to appropriate water from tributary sources during that period.

6. There is unappropriated water available to supply the applicant during the period from about March 1 to about July 1 and from about September 1 to about November 1 of each

year, 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20698 should be approved in part and that a permit be issued to the applicant subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Application 20698 be, and the same is, approved in part, and that a permit be issued to the applicant subject to vested rights and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 96 cubic feet per second by direct diversion to be diverted from about March 1 to about July 1 and from about September 1 to about November 1 of each year.

2. The equivalent of such continuous flow allowance for any 30-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 shall begin on or before June 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Construction work shall be completed on or before December 1, 1966.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1967.

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.

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 ,
1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member