

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20710)
of William and Emma E. Fawx)
to Appropriate from Dutch Ravine in)
Placer County)

Decision D 1158

ADOPTED DEC 19 1963

DECISION APPROVING APPLICATION IN PART

William and Emma E. Fawx having filed Application 20710 for a permit to appropriate unappropriated water; a protest having been received; the applicants 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 being fully advised in the premises, finds as follows:

1. Application 20710 is for a permit to appropriate 0.125 cubic foot per second (cfs) by direct diversion year-round for domestic, irrigation and recreational purposes from Dutch Ravine in Placer County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T12N, R7E, MDB&M.

2. Dutch Ravine heads in the Sierra Nevada foothills approximately one mile south of the City of Auburn and flows in a westerly and northwesterly direction approximately 7 miles to join Auburn Ravine. From this junction Auburn Ravine continues in a westerly direction approximately 21 miles to discharge into the East Side Canal. This canal flows into Cross Canal which is in hydraulic connection with the Sacramento River.

3. The applicants propose to divert at a point located approximately one-half mile upstream from the point where Dutch Ravine joins Auburn Ravine where there is a small rock and flashboard dam, which has not been used to divert water since the applicants purchased their property. A portion of the water will be diverted to a regulatory storage tank located near a dwelling and the remainder of the water will be applied directly from the stream to irrigate 12 acres of orchard, pasture, and general crops. Their project requires no construction work of any consequence.

4. Protestant Nevada Irrigation District diverts from Auburn Ravine into the Auburn Ravine Canal at a point located approximately 1.5 miles upstream from the Dutch Ravine junction and at Hemphill Dam located approximately 4 miles downstream from the junction. It also uses the channel of Auburn Ravine to deliver purchased foreign water and water to which it is entitled under prior rights which enters the ravine at the tailrace of the Pacific Gas and Electric Company's Wise Powerhouse, located approximately 5 miles above the Dutch Ravine junction. The District claims pre-1914 appropriative rights to divert from Auburn Ravine and holds License 4403 to divert 8.0 cfs from about April 1 to about November 1 for the irrigation of 417 acres.

5. Dutch Ravine flows year-round at the applicants' point of diversion and on September 5, 1962, the date of the field investigation, its flow at that point was an estimated 1.0 cfs.

6. Records of the quantities of water passing a gaging station located on Auburn Ravine at a point approximately 3 miles below Hemphill Dam for the period 1950 through 1960 along with records of the quantities of water discharged into the Ravine at the

Wise Powerhouse for the same period show that water surplus to the needs of the Nevada Irrigation District occurred only 9 percent of the time during the months of June and July, at no time during the months of August and September, and only 50 percent of the time during the month of October. During the remaining months such surplus water occurred 100 percent of the time except for the month of May during which month it occurred 55 percent of the time.

7. There is unappropriated water available to supply the applicant during the period from about November 1 of each year to about June 1 of the succeeding 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20710 should be approved in part 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 20710 and all relevant information on file therewith, particularly the report of the field investigation made September 5, 1962, files of Application 15657 including Decision D 849; Bulletin No. 23 of the Department of Water Resources, "Surface Water Flow" for the years 1955 through 1959; Division of Water Resources, "Report of Sacramento-San Joaquin Water Supervision" for the years 1949 through 1954; and United States

Geological Survey 7.5-minute series quadrangles "Gold Hill," "Lincoln," and "Auburn" and 15-minute quadrangles "Lincoln" and "Auburn."

ORDER

IT IS HEREBY ORDERED that Application 20710 be, and the same is, approved in part 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 appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.125 cubic foot per second by direct diversion to be diverted from about November 1 of each year to about June 1 of each succeeding 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.

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

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

4. 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.

5. 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.

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6. 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