

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20970)
of Glenn H. and Anne E. Cleveland)
to Appropriate from an Unnamed Stream)
Tributary to Secret Ravine in Placer)
County)

Decision D 1164

ADOPTED JAN 22 1964

DECISION APPROVING APPLICATION

Glenn H. and Anne E. Cleveland having filed Application 20970 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 20970 is for a permit to appropriate 0.075 cubic foot per second (cfs) by direct diversion from April 15 to November 1 of each year for irrigation purposes from an unnamed stream in Placer County. The point of diversion is to be located within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T11N, R7E, MDB&M.

2. The unnamed stream heads in the Sierra Nevada foothills approximately 2 miles east of the town of Loomis at an elevation of approximately 540 feet and flows in a westerly direction approximately 2 miles to discharge into Secret Ravine. The applicants propose to pump from a sump in the channel of the stream into a sprinkler system for the irrigation of approximately 6 acres of predominantly pasture land. Their point of diversion is to be approximately 1.5 miles upstream from the mouth of the unnamed stream.

3. The source of water in the unnamed stream during the summer months is return flow from the irrigation of lands served through laterals of the Pacific Gas and Electric Company's Boardman Canal.

4. Protestant Crossley holds Permits 11492 and 11493 authorizing the diversion of a total of 0.515 cfs from the unnamed stream at three points of diversion approximately one-half mile upstream from its mouth from April 1 to November 1 of each year for the irrigation of 41 acres and for stockwatering year-round. Protestant Comrie holds License 3690 to divert 0.31 cfs from Secret Ravine at a point approximately one mile below the mouth of the unnamed stream from May 15 to October 15 of each year for domestic and stockwatering purposes and for the irrigation of 40 acres. Protestant Sierra Junior College District holds License 2463 to divert 0.12 cfs from Secret Ravine approximately 3 miles downstream from the mouth of the unnamed stream from April 1

to October 1 of each year for irrigation within a 40-acre tract and for year-round domestic purposes.

5. The unnamed stream and Secret Ravine are gaining streams between the applicants' proposed point of diversion and the protestants' points of diversion. Measurements made of the two streams on July 10, 1963, at the time of the field investigation and on August 23, 1963, show that throughout the applicants' proposed diversion season there is water surplus to the amounts necessary to satisfy the protestants' prior rights.

6. 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.

7. The intended use is beneficial.

8. Applicants' land is contiguous to the source, and they claim a riparian right to the use of water therefrom, but said claimed right has not been established by court decree. The permit should provide that upon a judicial determination that the land or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under the permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

From the foregoing findings, the Board concludes that Application 20970 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 20970 and all relevant information on file therewith, particularly the report of the field investigation made on July 10, 1963, and the memorandum of inspection made on August 21, 1963; files of Applications 7646, 12455, 16326 and 16327; stream-flow measurements of Secret Ravine contained in the files of the State Water Rights Board; and the United States Geological Survey 7.5-minute series quadrangles, "Rocklin" and "Roseville".

ORDER

IT IS HEREBY ORDERED that Application 20970 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 appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.075 cubic foot per second by direct diversion to be diverted from about April 15 to about November 1 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.

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

3. 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.

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

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

6. 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.

7. 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.

8. 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.

9. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which would be claimed under the larger of the two rights.

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 _____, 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member