

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20607)
of George M. and Iva J. Augusta)
to Appropriate from Johntown Creek)
and an Unnamed Stream Tributary)
There to in El Dorado County)

Decision D 1166

ADOPTED FEB 17 1964

DECISION DENYING APPLICATION

George M. and Iva J. Augusta having filed Application 20607 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 20607 is for a permit to appropriate 0.25 cubic foot per second (cfs) by direct diversion year-round for irrigation and stockwatering purposes from Johntown Creek and an unnamed tributary thereto in El Dorado County. The points of diversion are to be located within the S $\frac{1}{2}$ of Section 33, T12N, R10E, MDB&M.

2. Johntown Creek is formed by the confluence of Manhattan Creek and Empire Creek and courses in a general southerly direction approximately 4.5 miles to its confluence with Dutch Creek. Dutch Creek continues from this confluence approximately three-fourths mile to its junction with South Fork American River.

3. There is little or no flow in Johntown Creek during the months of June, July, and August. Protestant William Rothaus, who claims riparian rights to the flows of Johntown Creek, is located approximately one-half mile downstream from the applicant. He purchases a miner's inch of water from the Georgetown Public Utility District, commencing in the month of June, to obtain a sufficient supply of water to irrigate ten acres and for stockwatering.

4. In Decision D 893, the Board concluded that no unappropriated water was available in the American River watershed during the months of August, September, and October. There is no evidence of any change in circumstances justifying a contrary conclusion at the present time.

5. There is no unappropriated water available to supply the applicants from about June 1 to about November 1 of each year.

6. The use of water under Application 20607 is primarily for irrigation purposes. The applicants were advised by a letter of October 2, 1963, that there was no

unappropriated water available during the summer irrigation season and were asked if they desired a permit for the remainder of their diversion season. This letter and a subsequent letter of December 3, 1963, were returned, marked, "Addressee moved. Left no address." A visit to applicants' property and a letter to parties believed to have been occupying the property failed to determine the whereabouts of the applicants.

7. As the applicants have apparently abandoned interest in the application and as a permit for a restricted diversion season would be of little or no value to the applicants, the application should be denied in its entirety.

From the foregoing findings, the Board concludes that Application 20607 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 20607 and all relevant information on file therewith, particularly the report of the field investigation made February 27, 1963; Department of Water Resources Bulletin No. 56, "Survey of Mountainous Areas," dated December 1955, with particular reference to Chapter No. 2, Water Supply; Decisions D 893 and D 1045 of the State Water Rights Board; U. S. Weather Bureau, "Climatological Data, California," annual and monthly summaries, and U. S. Geological Survey, Georgetown 15-minute quadrangle, Coloma 7.5-minute quadrangle, and Garden Valley 7.5-minute quadrangle, all dated 1949.

ORDER

IT IS HEREBY ORDERED that Application 20607 be, and the same is, 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 _____ day of _____, 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member