

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18934)
of Lake Tahoe Gold Mining Company)
to Appropriate from Madden Creek)
in Placer County)

Decision D 1173

ADOPTED MAR 18 1964

1173

DECISION APPROVING APPLICATION

Lake Tahoe Gold Mining Company having filed Application 18934 for a permit to appropriate unappropriated water; protests having been received; a hearing having been held by the State Water Rights Board in Tahoe City, California, on August 8 and 9, 1961, before Chairman Kent Silverthorne and Board Member W. A. Alexander; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18934 is for a permit to appropriate $1\frac{1}{2}$ cubic feet per second (cfs) by direct diversion, year-round, and 30 acre-feet per annum by storage from January 1 to June 15 of each year for domestic and recreational use from Madden Creek, tributary to Lake Tahoe, in Placer County. The point of diversion is to be located within the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 11, T14N, R16E, MDB&M.

2. Applicant has already built the reservoir described by subject application with a capacity of about 30 acre-feet near the west quarter line of said Section 11. Applicant and the

Madden Creek Water Company are the only parties who divert from Madden Creek. The latter company withdrew its protest subsequent to the hearing.

3. Applicant is in the process of making a transition from gold mining to subdivision of its land into homesites. It is proposed ultimately to have 400 homes and 2,000 persons within the place of use, with water covered by subject application supplying a portion of the requirements. Recreational use would consist of fishing in the reservoir.

4. Protests by Sierra Pacific Power Company, Washoe County Water Conservation District, and Truckee-Carson Irrigation District all contend that no unappropriated water is available to supply the applicant, but none of these protestants appeared at the hearing. Furthermore, the availability of unappropriated water to supply the applicant is indicated by Staff Exh. 2, "Joint Report on the Use of Water in the Lake Tahoe Watershed," prepared by the State Engineers of Nevada and California, dated June 1949.

5. In view of the possible limitations of the water supply from Lake Tahoe to California through an interstate compact between California and Nevada for the allocation of the water in Lake Tahoe Basin, the reservation of large quantities of water for long-range future development in the Lake Tahoe area has been found to be against the public interest (see Board's Decision D 1056, commencing at page 8), and prospective uses should be considered only through the year 1970.

6. The petitioner submitted an estimate of its water requirements projected to the year 2000. This estimate assumes a use of water during the winter months, October through May, which is excessive. A more realistic estimate of the petitioner's water requirements, limiting the projected uses to the year 1970, is as follows:

<u>Month</u>	<u>Per Cent of Max. Month</u>	<u>Mean Diversion (cfs)</u>	<u>Total Requirements (acre-feet)</u>
Jan.	25	.15	8.9
Feb.	25	.15	8.1
Mar.	25	.15	8.9
Apr.	40	.23	13.8
May	60	.35	21.4
June	80	.46	27.6
July	100	.58	35.7
Aug.	100	.58	35.7
Sept.	80	.46	27.6
Oct.	50	.29	17.8
Nov.	25	.15	8.6
Dec.	25	.15	8.9
			223.0

The total requirement of 223 acre-feet per annum is a little larger than the comparable limitation imposed in connection with Permit 7756 (Application 11449) because the place of use under subject application includes the western half of Section 11 in addition to the place of use authorized for said Permit 7756.

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 Application 18934 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Application 18934 be, and the same is, approved, and that a permit be issued to the applicant 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 36 acre-feet in any month by direct diversion (equivalent to a continuous flow of 0.58 cubic foot per second), from January 1 to December 31 of each year, and 30 acre-feet per annum by storage, to be collected from about January 1 to about June 15 of each year, provided, however, that the total diversion to beneficial use shall not exceed 223 acre-feet in any calendar year.

2. The total amount of water appropriated under Permit 7756 (Application 11449) and this permit shall not exceed 36 acre-feet in any month by direct diversion or a total of 223 acre-feet in any calendar year by direct diversion and storage.

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

4. Actual construction work shall begin on or before December 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, 1968.

6. Complete application of the water to the proposed use shall be made on or before January 1, 1970.

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. This permit does not authorize collection of water to storage during the period from about June 15 to about December 31 of each season to offset evaporation and seepage losses or for any other purpose.

11. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Rights Board in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of said water is not authorized under 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 , 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member