

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 17966)
of McMullin Reclamation District No. 2075)
to Appropriate from Stanislaus River in)
San Joaquin County)

Decision D 1199

ADOPTED DEC 22 1964

DECISION APPROVING APPLICATION IN PART

McMullin Reclamation District No. 2075 having filed Application 17966 for a permit to appropriate unappropriated water; protests having been received; a hearing having been held by the State Water Rights Board in Sacramento, California, on January 21, 1964, before Board Members Ralph J. McGill and W. A. Alexander; the Board, having considered all the evidence, finds as follows:

1. Application 17966 is for a permit to appropriate 10 cubic feet per second (cfs) by direct diversion from April 10 to July 30 of each year and 5 cfs by direct diversion from July 31 to September 15 of each year from Stanislaus River in San Joaquin County, for irrigation of about 3,000 acres within a gross area of 3,900 acres within District boundaries and lying east of Walthall Slough. The point of diversion is to be located within the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, T3S, R7E, MDB&M, which

is about 4 miles upstream from the junction of the Stanislaus and San Joaquin Rivers. All of the place of use is within the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220.

2. The application states: "This application is for additional water to be beneficially applied to land which already is included within the place of use for water granted under a license for Application No. 5316 in the amount of 48.75 cfs. This additional supply of water is necessary because more land is continually being reclaimed within the above place of use and because the gross duty of water has increased due to the planting of more alfalfa and clover crops. According to the records of the State Water Rights Board, approximately 5 cfs of this additional amount of water has already been beneficially applied to the land during the past few years." These statements were supported by evidence of the applicant.

3. The issues and the evidence relative to unappropriated water are to a controlling extent the same as the issues and evidence considered in the Board's Decision D 1185. As explained in that decision, the per cent of time unappropriated water is available in Reach 3 of the Sacramento River (City of Sacramento to and including the Delta) is as follows:

April	100
May	100
June	91
July	58
August	21
September	94
October	100

4. There is unappropriated water available to supply the applicant except during the months of July and August, 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.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 17966 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 17966 be, and it is, approved in part, 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 10 cubic feet per second by direct diversion to be diverted from about April 1 to about June 30 of each year and 5 cubic feet per second from about September 1 to about September 15 of each year.

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

3. Construction work shall be completed on or before December 1, 1967.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1968.

5. 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.

6. 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.

7. 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 , 1964.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member