

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 20305,
20306, and 20307 of Vahan Eghoian,
Elmer D. Miguelgorry, and
Owen Jay Masters, Respectively, to
Appropriate from Brush Canyon in
El Dorado County

Decision D 1211

ADOPTED FEB 17 1965

DECISION APPROVING APPLICATIONS IN PART

Applications 20305, 20306, and 20307 of Vahan Eghoian, Elmer D. Miguelgorry, and Owen Jay Masters, respectively, having been filed; no protests to the applications having been received; a public hearing having been held before the State Water Rights Board in Placerville, California, on August 13, 1963, conducted by Board Member W. A. Alexander for the purpose of determining the availability of unappropriated water to satisfy the applicants; applicants having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

1. Applications 20305, 20306, and 20307 are each for permits to appropriate 0.5 cubic foot per second (cfs) by direct diversion, year-round, for irrigation and domestic purposes from Brush Canyon in El Dorado County. They each describe the same point of diversion which is located within the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 31, T11N, R12E, MDB&M.

2. For more than 20 years applicants and their predecessors have diverted water at the aforesaid point which is approximately one mile upstream from the confluence of Brush Canyon and Iowa Canyon. The water is used to irrigate pear orchards, which total approximately 80 acres, and for domestic purposes at applicants' homes. Each of the applicants owns a one-third interest in License 2053, Application 3405, which confirms the right to divert 1.25 cfs from about May 1 to about July 15 for irrigation of the pear orchards. Construction of the diversion system is complete.

3. Iowa Canyon continues in a northwesterly direction from the Brush Canyon junction approximately one mile to join South Fork American River. South Fork American River continues into the Sacramento River and Delta.

4. Spot measurements of the flow in Brush Canyon and Iowa Canyon made by the Board's engineering staff during the years 1961, 1962, and 1964 show that there is hydraulic continuity between Brush Canyon and South Fork American River.

5. In previous decisions (D 893, D 1045, D 1082, D 1098), the Board has found that downstream existing rights on the American River and the Sacramento-San Joaquin Delta require the entire flow of the American River during the months of July through October of an average year. There has been no showing of changed circumstances since these decisions to justify a contrary conclusion at the present time.

6. There is unappropriated water to supply the applicants from January through June and from November through December of

each year, 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. Of the months during which water is available, the applicants irrigate only during May and June. The diversion season for irrigation purposes should be accordingly limited.

From the foregoing findings, the Board concludes that Applications 20305, 20306, and 20307 should be approved in part, and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following order.

ORDER

IT IS HEREBY ORDERED that Applications 20305, 20306, and 20307 be, and they are, approved in part, and that permits be issued to the applicants subject to vested rights and the following terms and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion to be diverted from about May 1 to about June 30 of each year for irrigation and domestic purposes and from about November 1 of each year to about May of the following year, as required, for domestic use. The equivalent of such continuous flow allowance for irrigation purposes for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The quantity of water diverted by permittee under this permit or any license which may subsequently be issued, together with his entitlement under License 2053, Application 3405, shall not exceed the larger of the two rights.

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

4. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

5. Progress reports shall be filed promptly by permittee on forms to 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, unlawful use, unlawful method of use, or unlawful 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 in Sacramento, California, this day of , 1965.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

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

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