

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21329
of William G. and Mary L. Crook to
Appropriate from Two Unnamed Streams
in Tuolumne County and Application 21760
of James E. Hamer to Appropriate from
Saxon Creek in Mariposa County

Decision D 1232

ADOPTED AUG 25 1965

DECISION APPROVING APPLICATIONS IN PART

Applications 21329 and 21760 for permits to appropriate unappropriated water having been filed; no protests having been received; a public hearing having been held before the State Water Rights Board in Mariposa, California, on March 30, 1965, conducted by Board Members Ralph J. McGill, presiding, and W. A. Alexander, for the purpose of affording the applicants an opportunity to present evidence of the need for storage reservoirs of the capacities named in the applications; applicants and other interested persons having appeared at the hearing and presented evidence; all of the evidence received at the hearing having been duly considered; the Board finds as follows:

1232

Application 21329

1. Application 21329 is for a permit to appropriate 80 acre-feet per annum (afa) by storage from October 1 of each year to May 1 of the succeeding year for stockwatering, recreation, and fish culture.

2. Two dams are described in the application on two unnamed streams in Tuolumne County. Dam No. 1, constructed of earth and 24.5 feet high by 360 feet long, is located in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T1S, R16E, MDB&M. It was built in 1959. It creates a reservoir of about 16 acre-feet (RT 10) and is used primarily for stock water. As this is the only summer water supply for the cattle, they tend to concentrate near the reservoir and do not fully utilize the feed on the far side of the ranch. Therefore, the applicants intend to construct Dam No. 2 in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, T1S, R16E, MDB&M. This dam will be 24 feet high by 350 feet long and will create a reservoir with a capacity of 20 acre-feet (RT 12). Currently the applicants have other sources of supply through the development of springs and construction of watering troughs. However, these are not dependable during the dry years (RT 15).

3. The applicants control, through ownership and government lease, approximately 4,000 acres of rangeland and graze from 400 to 500 head of cattle (RT 16).

4. Applicants plan to construct Dam No. 2 in about two years and have no present plans to allow use of

the reservoir by the public. The existing reservoir was originally stocked with bluegill and will be planted shortly with large mouth bass. Fishing is limited to the applicants' family and friends (RT 19). Eventually some rental cabins may be constructed around the reservoirs (RT 22).

Application 21760

5. Application 21760 is for a permit to appropriate 48 afa by storage from November 1 of each year to May 15 of the succeeding year for fish culture, recreation, and fire protection.

6. The dam is on Saxon Creek in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, T4S, R18E, MDB&M. It was built in 1964 and creates a reservoir of a capacity of 25 acre-feet (RT 50). The applicant owns about 144 acres and expects to have 30 head of cattle. The extent of recreational use and fish culture has not been decided (RT 50).

Both Applications

7. No measurements of streamflow are available. Reservoir No. 1 under Application 21329 has filled every year since its construction. The Hamer reservoir filled during the past winter. No question was raised at the hearing of the physical availability of water at the three damsites.

8. 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 injury to any lawful user of water.

9. The intended uses of water are beneficial, and the capacity of each of the reservoirs is, or will be, reasonable in relation to the applicants' present and future requirements.

From the foregoing findings, the Board concludes that Application 21329 should be approved for storage of 36 afa and Application 21760 should be approved for storage of 25 afa, 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 21329 and 21760 be, and they are, approved in part, and that a permit be issued to each applicant subject to vested rights and to the following limitations and conditions:

1a. The water appropriated under permit to be issued on Application 21329 shall be limited to the quantity which can be beneficially used and shall not exceed 16 acre-feet per annum in Reservoir No. 1 and 20 acre-feet per annum in Reservoir No. 2 by storage to be collected from about October 1 of each year to about May 1 of the succeeding year.

1b. The water appropriated under permit to be issued on Application 21760 shall be limited to the

quantity which can be beneficially used and shall not exceed 25 acre-feet per annum by storage to be collected from about November 1 of each year to about May 15 of the succeeding year.

2. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing evaporation and seepage losses and refill if emptied for necessary maintenance or repair.

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

4. Actual construction work on Dam No. 2 (Application 21329) shall begin on or before June 1, 1966, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Construction work (under Application 21329) 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 December 1, 1969.

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. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of 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 1965.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

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

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