

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22479)
of E. R. Barmby to Appropriate)
from Morrison Creek in Sacramento) Decision 1297
County)

DECISION APPROVING APPLICATION

E. R. Barmby having filed Application 22479 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 (predecessor of the State Water Resources Control 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 22479 is for a permit to appropriate 0.5 cubic foot per second (cfs) by direct diversion from April 1 to October 31 of each year for irrigation and stockwatering purposes from Morrison Creek in

Sacramento County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 29, T8N, R6E, MDB&M.

2. Morrison Creek heads in the vicinity of Mather Air Force Base and flows in a southwesterly thence westerly direction across the south end of the City of Sacramento and discharges into Beach Lake. During the irrigation season, there is no natural flow in Morrison Creek, the supply being derived primarily from the sewage effluent from Mather Field and from the Manlove Sewage Treatment Plant situated on Hedge Avenue. On the lower reach of the stream, where irrigation is more extensive, increased flow indicates there is considerable waste water entering the creek from well-water irrigation.

3. According to the County, the average sewage effluent from the Manlove Treatment Plant during the summer of 1966 was 0.46 cfs, which is slightly more than in the two previous years. During the irrigation season in 1966, the Mather Field sewage effluent average flow ranged from 1.31 cfs in October to 1.90 cfs in August. These flows also were a little larger than comparable flows the two preceding years. There is also an estimated 0.22 cfs flow from the Mather Air Force Base west side ditch in the summer months.

4. Decision D 1186 was adopted June 30, 1964, denying four applications for permits to appropriate water from Morrison Creek. The points of diversion of the four applicants were upstream from the diversions of protestants Robert and Carmel Stone and near the proposed point of diversion of applicant E. R. Barmby, who proposes to irrigate 42 acres located just to the west of Bradshaw Road. Half a dozen license or permit holders are located in the three-mile reach of Morrison Creek downstream from the applicant's property.

5. A study was made to determine whether conditions had changed since the adoption of Decision D 1186, and whether unappropriated water is now available. Two six-inch Parshall flumes with Stevens recorders were installed in Morrison Creek. The upper gage was installed at Mayhew Road, just downstream from the property of the applicant, and upstream from the protestants' point of diversion. The downstream installation at Florin-Perkins Road is downstream from the points of diversion of all license or permit holders.

6. The upper gage at Mayhew Road recorded sufficient flows of water for the applicant as well as the protestants on nearly every day of the summer of 1967, when the records were kept. Likewise, the lower gage indicated for nearly every day of record in the summer of

1967 flows in excess of the requested amount of 0.5 cfs flowing unused down Morrison Creek. From the nature of the source, these flows can be expected to be fairly constant and to tend to increase in volume.

7. Unappropriated water is 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 22479 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.

The records, documents, and other data relied upon in determining the matter are: Application 22479 and all relevant information on file therewith, particularly the report of the field investigation made April 21, 1967; the files of Applications 14601 and 14672; and the U.S.G.S. topographic map for the Carmichael Quadrangle, 7.5 series, dated 1954.

ORDER

IT IS HEREBY ORDERED that Application 22479 be, and it is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations 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 April 1 of each year to about October 31 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.
2. The maximum quantity herein stated may be reduced in the license if investigation warrants.
3. Actual construction work shall begin on or before September 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.
4. Construction work shall be completed on or before December 1, 1970.
5. Complete application of the water to the proposed use shall be made on or before December 1, 1971.
6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

7. 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 Resources Control 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.

8. Permittee shall allow representatives of the State Water Resources Control 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 Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: **APR 4 1968**

/s/ George B. Maul
George B. Maul, Chairman

Absent
W. A. Alexander, Vice Chairman

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

/s/ E. F. Dibble
E. F. Dibble, Member

/s/ Norman B. Hume
Norman B. Hume, Member