

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 22822
and 22823 of Trimont Water Company
to Appropriate from West Martis Creek,
Sawmill Flat Springs, and an unnamed
stream in Placer County

Decision 1342

DECISION APPROVING APPLICATION

The Trimont Water Company having filed Applications 22822 and 22823 for permits to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on July 23, 1968; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1. Application 22822 is for a permit to appropriate 1.33 cubic feet per second (cfs) by direct diversion from January 1 to December 31 of each year and 530 acre-feet per annum (afa) by storage between October 1 of each year and April 30 of the succeeding year for municipal and

recreational purposes from an unnamed stream tributary to Martis Creek in Placer County. The point of diversion is to be located within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T16N, R16E, MDB&M.

2. Application 22823 is for a permit to appropriate 0.3 cfs by direct diversion from January 1 to December 31 of each year and 88 afa by storage between October 1 of each year and April 30 of the succeeding year for municipal and recreational purposes from (a) West Martis Creek, tributary to the Truckee River, and (b) Sawmill Flat Springs, tributary to West Martis Creek, in Placer County. The points of diversion are to be located (a) within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, T16N, R17E, MDB&M, and (b) within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, T16N, R17E, MDB&M.

3. Applicant plans to supply water for municipal and recreational needs within a 15,000-acre land development to be located to the north of Lake Tahoe. The land is located entirely within the Martis Creek Basin, which is within the larger Truckee River Basin. It is owned by the Fibreboard Corporation. The applicant, Trimont Water Company, was formed by Fibreboard with the intent that it become an investor-owned public utility to serve water to the development.

4. The amount of unappropriated water available in the Truckee River Basin will be limited by the proposed California-Nevada Compact, which allocates 10,000 afa to California for use within the basin.

5. No inventories have been made by any California agency of the present water use within the Truckee River Basin. The applicant's inventory and estimate of use within the basin is 7,938 afa. Records of the State Water Resources Control Board indicate that present and committed use within the basin is approximately 6,100 afa.

6. From the information available, the Board concludes that there is still sufficient water in the Truckee River Basin within the 10,000 acre-foot limitation to justify issuance of permits to applicant.

7. Applications 22822 and 22823 were protested by the California Department of Fish and Game and three downstream water users.

The protest of Fish and Game was withdrawn during the hearing when applicant agreed to make certain flow releases for the protection of fish (see Condition 11 of the following order) and to set aside certain easements along the watercourse within the development to provide pedestrian ways and fishing access.

With respect to other downstream protestants, applicant introduced operation studies covering the driest periods of record since 1900 which indicate that downstream protestants would not be injured by the proposed diversion and storage. This evidence was not rebutted.

8. Approval of Applications 22822 and 22823 will probably increase the amount of water actually used and committed to use within the California portion of the Truckee River Basin to approximately the 10,000-afa limitation contained in the proposed California-Nevada Compact. If the applicant does not proceed with the proposed development within a reasonable period of time, the requested amount of water should be released for appropriation by others. A 5-year period within which to commence developing the project, with a succeeding 10-year build-up period for use of the water, appears reasonable.

9. 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.

10. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 22822 and 22823 should be approved and that permits should be issued to the applicant subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Applications 22822 and 22823 be, and they are, approved, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated under the permit to be issued pursuant to Application 22822 shall be limited to the quantity which can be beneficially used, and shall not exceed 1.33 cubic feet per second by direct diversion from January 1 to December 31 of each year. The instantaneous rate of diversion may exceed said rate provided the amount of water appropriated by direct diversion shall not exceed 82 acre-feet in any month (equivalent to a continuous flow of 1.33 cfs). The water appropriated by storage shall not exceed 530 acre-feet per annum, to be collected between October 1 of each year and April 30 of the succeeding year. Total appropriation under this permit shall not exceed 890 acre-feet in any year.

2. The water appropriated under the permit to be issued pursuant to Application 22823 shall be limited to the quantity which can be beneficially used, and shall not exceed 0.3 cubic foot per second by direct diversion from January 1 to December 31 of each year. The instantaneous rate of diversion may exceed said rate provided the amount of water appropriated by direct diversion shall not exceed 19 acre-feet in any month (equivalent to a continuous flow of 0.3 cfs). The amount of water appropriated by storage shall not exceed 88 acre-feet per annum, to be collected between October 1 of each year and April 30 of the succeeding year. The maximum rate of diversion to off-stream storage shall not exceed 1.35 cubic feet per second.

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

4. Actual construction work shall begin on or before December 1, 1970, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Said construction work shall be completed on or before December 1, 1975.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1985.

7. No extensions of time beyond December 1, 1985, to complete application of the water to the proposed use shall be allowed without a hearing before the State Water Resources Control Board.

8. 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.

9. 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 and to carry out legally established water quality objectives.

10. 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 the project works to determine compliance with the terms of this permit.

11. In order to maintain the fishery in Martis Creek below the point of diversion under Application 22822, permittee shall bypass the following flows:

(a) During a normal year, one cubic foot per second or the natural flow, whichever is less, year-round.

(b) During a dry year, a minimum of 0.66 cubic foot per second year-round or the natural flow, whichever is less. A dry year is defined as a year when, by May 31, recorded precipitation at the Truckee ranger station for the period beginning July 1 of the preceding year does not exceed 18 inches.

(c) During a critically dry year, a minimum of 0.66 cubic foot per second or the natural flow, whichever is less, for the period from November 1 of each year to May 31 of the succeeding year; during July, August and September the natural flow; during June and October a minimum of 0.33 cubic foot per second or the natural flow, whichever is less. A critically dry year is defined as a year when, by May 31, recorded precipitation at the Truckee ranger station for the period beginning July 1 of the preceding year does not exceed 15 inches.

12. Water entering the reservoir after, or collected in the reservoir during, the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights.

13. Permittee shall install and maintain an outlet pipe of adequate capacity in its dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Resources Control Board to comply with the preceding paragraph.

14. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

15. Construction of the dam shall not be commenced until the Department of Water Resources has approved plans and specifications.

Adopted as the decision and order of the State
Water Resources Control Board at a meeting duly called
and held at Bishop, California.

Dated: June 19, 1969

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member

RONALD B. ROBIE
Ronald B. Robie, Member