

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23153
of Kenneth A. Davis to Appropriate
from an Unnamed Stream in Placer
County.

Decision 1351

DECISION APPROVING APPLICATION

Kenneth A. Davis having filed Application 23153 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant 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 Resources Control Board pursuant to said stipulation; the board, having considered all available information, finds as follows:

1. Application 23153 is for a permit to appropriate 8,000 gallons per day by direct diversion from January 1 to December 31 of each year and one acre-foot per annum by storage from October 15 of each year to June 1 of the succeeding year for irrigation, domestic, and recreational purposes from an unnamed stream tributary to Secret Ravine thence Miners Ravine thence Linda Creek thence Sacramento River in Placer County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, T12N, R7E, MDB&M.

2. The unnamed stream drains a small watershed containing natural vegetation and irrigated agriculture. Natural flow in the stream is limited to periods of rainfall. The flow in the summer months is widely fluctuating since it is composed of waste water from



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upstream irrigation. On June 6, 1969, the flow at applicant's point of diversion was so small as to be incapable of measurement.

Even though additional irrigation waste waters drain into the stream below applicant's point of diversion, on June 6, 1969, there was no hydraulic continuity between the unnamed stream and Secret Ravine, located downstream.

During periods of rainfall, it is likely that a small flow from the unnamed stream would reach Secret Ravine.

3. There is no hydraulic continuity between the unnamed stream and the Sacramento-San Joaquin Delta during the months of July and August.

4. Protestant Sierra Junior College District diverts from Secret Ravine approximately 6 miles downstream from applicant. The district holds License 2463 (Application 7646) for 0.12 cubic foot per second from April 1 to October 1 for irrigation purposes and year-round for domestic purposes. Use by the district has been considerably less than that authorized by the license. During the years 1963-1965, one-half miner's inch was used to irrigate one acre. During the years 1966-68, an unknown quantity of water was used for "building construction". The district did not appear at the field investigation and did not present any factual data that would tend to show that approval of Application 23153 would interfere with their use of water under their prior rights.

5. In Decision 1292 the board found that Secret Ravine was a gaining stream and that at almost all times water is available in excess of the amount necessary to satisfy the rights of Sierra Junior College District.

6. 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.

7. The intended use is beneficial.

From the foregoing findings, the board concludes that Application 23153 should be approved and that a permit should be issued to the applicant, subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Applications 23153 and 7646 and all relevant information on file therewith, particularly the report of field investigation made June 6, 1969.

ORDER

IT IS HEREBY ORDERED that Application 23153 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 8,000 gallons per day by direct diversion to be diverted from January 1 to December 31 of each year and one acre-foot per annum by storage to be collected from about October 15 of each year to about June 15 of the succeeding year. The total amount of water appropriated under this permit shall not exceed 4.0 acre-feet annually.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

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

4. Said construction work shall be completed on or before December 1, 1972.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1973.

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. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the board finds that such modification is necessary to meet water quality objectives which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in

the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

9. 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.

10. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the board, so that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights.

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

Dated: December 4, 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