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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23284)
of FRANK CALOSSO to Appropriate)
from Dry Creek in Sacramento County)

Decision 1376

DECISION APPROVING APPLICATION

Frank Calosso having filed Application 23284 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:

Substance of the Application

1. Application 23284 is for a permit to appropriate 3 cubic feet per second (cfs) by direct diversion from April 1 to October 31 of each year for irrigation purposes from Dry Creek in Sacramento County. The point of diversion is to be located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T5N, R8E, MDB&M.

Availability of Water

2. Dry Creek flows from the junction of its north and south forks approximately 5 $\frac{1}{4}$ miles in a general southwesterly direction to the applicant's point of diversion. It continues from that point 5- $\frac{1}{4}$ miles to the point of diversion of protestant C. Norman Adams. Thence 1- $\frac{1}{4}$ miles to the U.S.G.S. gaging station "near Galt" and from that point approximately 10 miles to its confluence with the Mokelumne River. (See Plate I).

3. Earlier investigations of Dry Creek have established that there is no continuous surface flow between Dry Creek and the San Joaquin-Sacramento Delta. During the investigation on August 26, 1970, there was approximately 3 cfs flowing in Dry Creek at the point of diversion, but at the Highway 50 bridge, about $3\frac{1}{2}$ miles below the gaging station, there was no flow.

4. The U.S.G.S. gaging station "near Galt" provides a continuous record of the flow of Dry Creek since 1945. The mean monthly flows in cfs from March through October for the years 1945 through 1970 are shown in Appendix I. From 1945 through 1966, during the month of June there were records of no flow or less than 0.5 cfs in 50 percent of the years. However, for the last four years there has been a significant change in the amount of water flowing past the gaging station. This can be explained partly by the completion of Lake Amador on Jackson Creek which flows into Dry Creek. Lake Amador was completed in 1966 by Jackson Valley Irrigation District and stores 22,000 acre-feet for irrigation within the district. The district uses Jackson Creek as a natural conduit to convey portions of the irrigation water it supplies, and some of the carriage water escapes downstream. This tends to increase the flow down Dry Creek. Also, in the last few years, a number of farmers in the watershed have been increasing their areas irrigated by pumping from the groundwater basin, thus causing an additional increase in tailwaters to Dry Creek. For the months of July, August, and September, the same trend can be seen. In only a few of these months, in the 21 years of record prior to 1967, was there water flowing in Dry Creek. However, since 1967 there has been a significant increase in the flows during these months. The record indicates no change has occurred during the month of October, and it should be omitted from any permit issued on the application.

Protestant

5. Application 21877 of protestant C. Norman Adams was approved by Decision D 1245 issued March 2, 1966. Mr. Adams' application was protested by a riparian user at the confluence of Dry Creek and Mokelumne River. The application was approved with a special condition applicable to diversions during the months of May and June. The special condition set forth in Decision D 1245 should also be included in any new permit issued on Dry Creek, and is included as condition 11 of the Order of this decision.

Supplemental Supply

6. The applicant is currently purchasing water from Jackson Valley Irrigation District which is delivered to him through the natural channel of Dry Creek. There may be times when water is not available for appropriation under Application 23284. As a condition for approval of the permit on Application 23284, Mr. Calosso should be required to provide the Board with evidence that he has a continuing supplemental adequate supply for his needs when no water is available for appropriation under this application.

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 23284 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 21877 and 23284 and all relevant information on file therewith, particularly the report of field investigation made August 26, 1970.

ORDER

IT IS HEREBY ORDERED that Application 23284 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 3 cubic feet per second by direct diversion to be diverted from April 1 to September 30 of each year.

The equivalent of the continuous flow allowance by direct diversion for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

The total amount of water to be taken from the source shall not exceed 900 acre-feet per year.

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

3. Actual construction work shall begin on or before nine months from date of permit 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, 1973.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1974.

6. Progress reports shall be submitted promptly by permittee when requested 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 in water quality control plans 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. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

11. Diversion under this permit shall be made only at such times as there is flow at the U.S.G.S gaging station "near Galt" and in addition during the months of May and June diversions shall be made only at such times as there is overflow at the dam located on Dry Creek within the NE $\frac{1}{4}$ of Section 1, T 4 N, R 5 E, MDB&M.

12. The permittee shall provide evidence satisfactory to the Board that he has a continuing supplemental supply of water to satisfy his needs when no water is available for appropriation under 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, on July 1, 1971.

Attachments

KERRY W. MULLIGAN

Kerry W. Mulligan, Chairman

E. F. DIBBLE

E. F. Dibble, Vice Chairman

NORMAN B. HUME

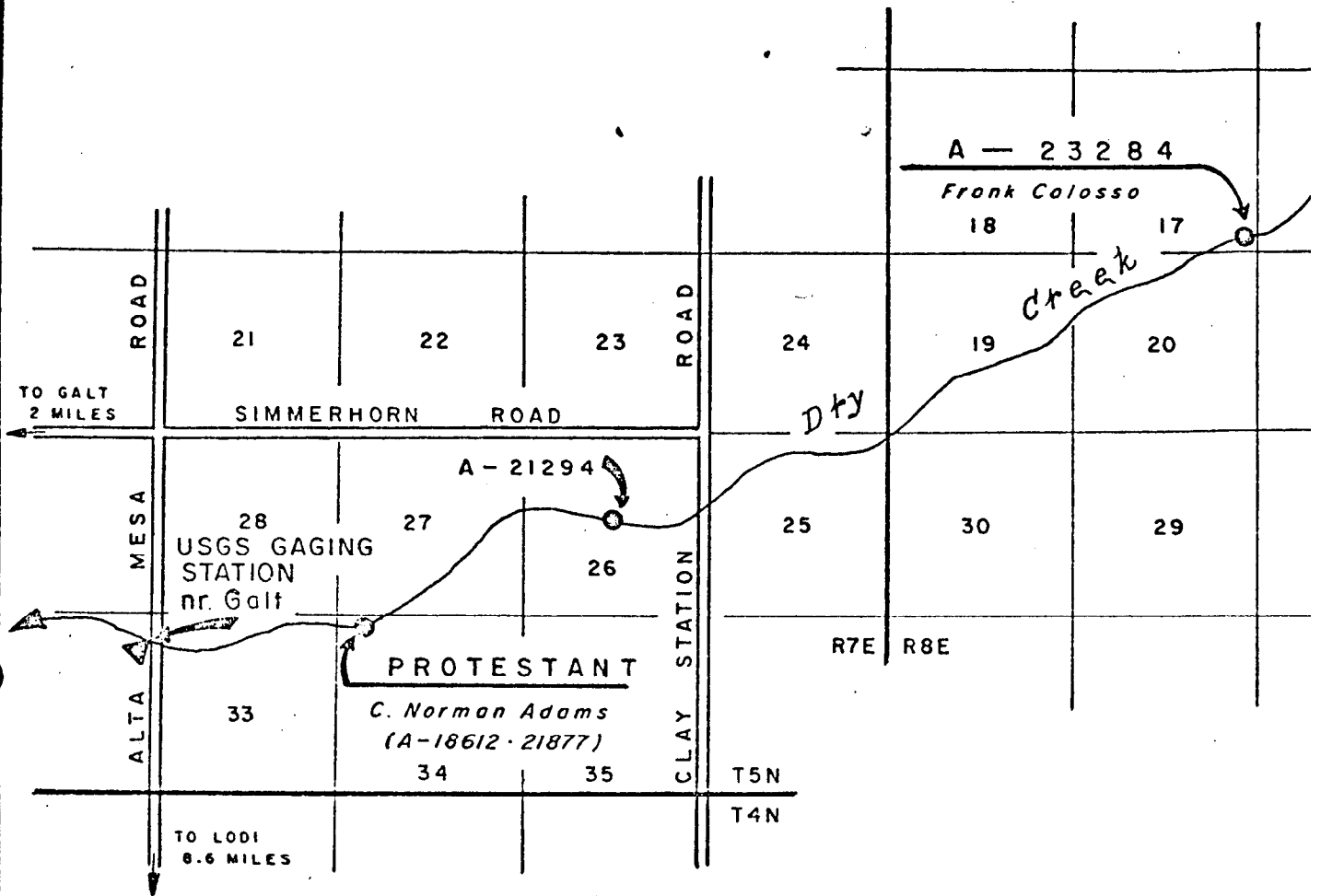
Norman B. Hume, Member

RONALD B. ROBIE

Ronald B. Robie, Member

W. W. ADAMS

W. W. Adams, Member



SACRAMENTO CO.
M.D.B & M.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOA

APPLICATION
23284

SCALE
0 1 2 MILES

DATE: 12-23-70 | DRAWN: C.C.W. | CHECKED: G.K.M. | DWG. 291

APPENDIX I

DRY CREEK NEAR GALT

Mean Monthly Flow in cfs

Year	Mar.	April	May	June	July	Aug.	Sept.	Oct.
1944	*	*	*	*	*	*	*	C
1945	386	135	29.3	14.4	0	0	0	C
46	170	138	20.4	1.15	0	0	0	C
47	107	44.7	0.09	0	0.30	1.14	0.01	C
48	174	289	82.0	16.2	0.06	0.18	0.44	C
49	657	57.5	3.31	0	0	0	0	C
1950	151	166	18.9	0	0	0.02	0	C
51	495	91.1	68.1	2.18	0	0	0	C
52	1102	194	52.5	3.58	0	0.53	0	C
53	89.5	54.4	27.5	5.21	0.51	0.39	0.10	C
54	256	117	5.95	0.09	0.17	0.20	0.08	C
1955	75.4	61.9	40.5	0.30	0.006	0.07	0	C
56	141	64.2	72.3	0.74	0	0	0	C
57	437	60.4	102	4.54	0	0	0	C
58	1046	2038	83.3	19.1	0.59	0	0	C
59	45.8	14.9	0.86	0	0	0	0	C
1960	187	28.1	5.09	0	0	0	0	C
61	18.1	0.32	0	0	0	0	0	C
62	245	13.9	0.26	0	0	0	0	39
63	283	640	119	11.6	0	0	0	C
64	40.8	27.8	2.83	0	0	0	0	C
65	855	321	49.9	2.09	0	0	0	C
66	40.1	12.2	0.63	0.33	0	0	0	C
67	437	916	166	41.1	4.18	1.36	0.01	C
68	202	59.7	20.6	3.76	2.07	4.19	1.26	C
69	520	307.0	50.2	10.4	5.81	3.40	4.01	C
70	478	74.3	21.5	4.48	1.14	5.30	9.11	1
Total	8638.7	5924.4	1043.0	141.3	14.84	16.78	15.02	
Average	332.3	227.9	40.1	5.43	0.57	0.65	0.58	

N. R. = No record