

STATE OF CALIFORNIA
THE RESOURCES AGENCY

EDMUND G. BROWN
Governor

HUGO FISHER
Administrator

Second Biennial Report
of the
STATE WATER RIGHTS BOARD

Kent Silverthorne, *Chairman*
Ralph J. McGill, *Member*
W. A. Alexander, *Member*
L. K. Hill, *Executive Officer*



July 1, 1961—June 30, 1963

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THE BOARD STAFF

Executive Officer.....Leland K. Hill
Chief Counsel.....Gavin M. Craig
Senior Attorney.....Luther H. Gulick
Senior Attorney.....Bertram G. Buzzini
Associate Attorney.....Muir J. Woolley
Chief Engineer.....Leslie C. Jopson
Supervising Engineer, Investigation.....John M. Page
Supervising Engineer, Hearing.....Kenneth L. Woodward
Supervising Engineer, Application and
Permit Processing.....Lawrence C. Spencer
Senior Engineer, Project Modification.....Charles M. Harris
Senior Engineer, Project Analysis.....Lloy Johnson
Senior Engineer, Hearing.....Seward L. Andrews
Senior Engineer, Hearing.....Lee W. Carter
Senior Engineer, Hearing.....Donald E. Kienlen
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SECOND BIENNIAL REPORT
OF THE
STATE WATER RIGHTS BOARD

July 1, 1961-June 30, 1963

STATUTORY DUTIES OF STATE WATER RIGHTS BOARD

The general purpose and responsibility of the board is to further the orderly acquisition and determination of water rights by administering Parts 1, 2, 3, and 5 of Division 2 of the Water Code, which concern the following:

- (1) Appropriation of unappropriated water through the application, permit, and license procedure.
- (2) Assistance to the courts and parties in the adjudication of water rights.
- (3) Recordation of water extractions and diversions in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura.
- (4) Filing of statements regarding cessation of or reduction in the extraction of ground water by use of water from an alternate nontributary source in the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

ORGANIZATION

The State Water Rights Board is within the Resources Agency and is composed of three members appointed by the Governor subject to confirmation by the Senate, each member representing the State as a whole. One member is required to be a registered civil engineer under the laws of the State, one member is required to be an attorney admitted to practice law in the State, and the occupation of the third is undesignated. The members are appointed for staggered four-year terms. The chairman is designated by, and serves in that capacity at the pleasure of, the Governor.

On April 23, 1963, Mr. Kent Silverthorne entered upon a second term as a board member and chairman. Mr. Ralph J. McGill was first appointed to the board February 14, 1958, and is now in his second term which expires on January 15, 1966. Mr. William A. Alexander is the third member. He was appointed April 10, 1961.

A staff of engineering, legal, and administrative personnel under the direction of an executive officer assists the board and provides services to the public in water right matters. As of June 30, 1963, with 89 authorized positions, the board members and staff actually consisted of 85 employees.

The board maintains an office in Los Angeles to provide service in water right matters to the Southern California water users. Recordation of ground water extractions by pumping, which pertain solely to southern counties, are primary duties of this office, as well as project investigation for license and adjudication work in the area. These latter functions are handled by the Los Angeles office to the extent of the limited staff's capability.

APPLICATION, PERMIT, AND LICENSE ACTIVITY

The Fee Structure Report mentioned briefly in the last biennial report was completed in the fall of 1961. The report reviewed the history of fee structure and exemptions, tabulated the collection of fees by fiscal years, examined the philosophy of imposition of fees, and compared the fee structure in California with that of the other western states. On November 16, 1961, it was transmitted to the Honorable J. Howard Williams, Chairman of the Senate Finance Subcommittee, the Honorable Carley V. Porter, Chairman of the Ways and Means Subcommittee, and to Mr. A. Alan Post, Legislative Analyst. No action was taken by the Legislature to change the fee structure.

Data Processing System and Procedures

The punch card and punch tape system for automatic data processing was expanded during this biennium for the application, permit and license operations of the board. As of June 30, 1963, data from all pending applications had been extracted and stored. Data from all applications above No. 13800 which had been permitted or licensed had also been processed.

To facilitate data processing, a unique system of numerical stream coding has been developed which now makes it possible to accurately identify all authorized diversions on any stream tributary system. Another numerical code system allows selection of diversions in any geographical area of the State by using land survey locations of section, township, range, base and meridian. A total of nine classifications for selection, including the two mentioned above, are currently employed.

Automatic machine data processing is presently being employed in nine separate procedures formerly requiring manual operation. In these programs, the stored data is retrieved and used in the preparation of daily and monthly tabulations of information contained in current applications. Retrieved data is also integrated into programmed text for automatic machine writing of notices, form letters and similar documents.

The adapting of data processing techniques to the operations of the board has resulted in a higher degree of speed and accuracy which is contributing to an improved level of service to the public.

During the current biennium approximately 10 filing cabinets of canceled maps, consisting of more than 3,000 linen tracings and prints thereof prepared by registered engineers in support of major applications were photographed on transparency and the maps were sent to archives. The film provides adequate means of recovery of the old maps when necessary.

Significant Trend Resulting From Competition for Unappropriated Water

Policy of the board as it relates to applications to appropriate water in three general areas in the State is of interest.

The board has found that in view of the prior rights, together with the water requirement to repel sea water from intruding into the Delta and connecting channels, no water is available for further appropriation in a normal year of the unregulated flow of the Sacramento River and other tributaries of the Delta during a part of the irrigation season. Therefore applications for water from any point on a stream from which there is hydraulic continuity to the Sacramento River below Keswick Dam or to the Delta are now allowed

only for a part of the season. Generally, there is no water available for appropriation during the months of July and August.

In 1961 the board ruled that maintenance of a flow of 125 cfs in the Russian River for recreational purposes and for fishlife was in the public interest. Also, in view of the substantial irrigation economy which had developed along the Russian River in reliance on a continuance of the flow, which during the summer months is almost entirely imported from the Eel River, permits granted to Sonoma County Flood Control and Water Conservation District and Mendocino County Russian River Flood Control and Water Conservation Improvement District for the Coyote Valley Project on the river were made subject to future applications to appropriate from the river downstream from the project to the extent that water has been beneficially used continuously on the proposed place of use since prior to 1949, the date of filing of the districts' applications.

The Lake Tahoe Basin is likewise an area where the availability of water for appropriation is of concern. Negotiations of the California-Nevada Interstate Compact Commission indicate that the probable allocation of water to California under the compact may shortly be fully appropriated. The board has determined therefore that the reservation of large quantities of water by a few developers for long-range future development is not in the public interest and has adopted the policy of limiting the development period under permits in this area to 1970 in order that the available supply may be made available to a larger number of the people.

The inability to issue permits for a full season supply, notwithstanding the physical availability of the water, will obviously impede development in the foothill and mountain areas where an alternate supply is not readily available. However, the board is convinced that this problem can best be overcome by the county boards of supervisors or some other legal entity within a given county entering into an exchange agreement with the operators of the California Aqueduct System or the Central Valley Project. Such an arrangement would make the local supply available for appropriation to local use with the project water being purchased by the county and used to meet the requirements of the downstream prior rights which otherwise would be adversely affected.

Hearings and Decisions

During this biennium, the board concluded hearings on proposed major developments on the Calaveras River and Yuba River and held 51 days of hearings on a major development contemplated on the Middle Fork Feather River.

On the Calaveras River, development is proposed by Calaveras County Water District, U. S. Bureau of Reclamation, and Stockton and East San Joaquin Water Conservation Districts. All three applicants are seeking permits to impound water in the New Hogan Reservoir now under construction by the U.S. Corps of Engineers as a flood control and water conservation project. Calaveras County also plans several upstream conservation reservoirs. The Stockton and East San Joaquin District is also seeking a permit for water to be diverted below New Hogan Reservoir to recharge the ground water basins underlying the district.

The hearing on the Yuba River involved Yuba County Water Agency, Placer County Water Agency, Nevada Irrigation District, Johnson Rancho County Water District, and Tahoe National Forest. The primary issue concerns

conflicting projects planned by Yuba County Water Agency and Johnson Rancho County Water District for development of the river.

Richvale Irrigation District is seeking permission to construct a major hydroelectric and conservation project on the Middle Fork Feather River. This project would include three storage reservoirs in the headwaters and a series of diversion dams and powerplants along the canyon reach of the stream extending from the vicinity of Quincy to the backwaters of the State's Oroville Reservoir. This development is opposed by the Department of Fish and Game, Department of Water Resources, County of Plumas, and numerous recreational organizations which contend that it will essentially destroy the Middle Fork as a fishing stream.

The board adopted 119 decisions during this biennium. The record in 67 of the decisions was developed by the staff under the provisions of Board Rule 737, "Proceedings in Lieu of Hearing." Under this procedure the applicants and protestants, by stipulation, waive a formal hearing before the board. Instead, a field investigation is made and a conference with all parties is held at the proposed project site. This procedure is especially helpful in those cases where the problem is local in nature, where the available information as to water supply and use of water is not already available, and where the expense to the parties of obtaining necessary legal and technical assistance is of major concern to them.

Following is a summary of important decisions.

Decision D 1030, adopted on August 17, 1961, involving applications to appropriate from Russian River watershed in Mendocino and Sonoma Counties, concerned reconsideration of an earlier decision, D 965. This was the first decision reconsidered under the authority of Water Code Sections 1357, 1358, and 1359. Two of the applications involved diversion from East Fork Russian River in furtherance of the Coyote Valley Project constructed by the U.S. Corps of Engineers. The project is operated by Sonoma County Flood Control and Water Conservation District and Mendocino County Russian River Flood Control and Water Conservation Improvement District.

Upon the adoption of Decision D 965, the Sonoma District requested that the hearing be reopened to receive additional evidence regarding construction schedules and proposed use of water. Decision D 965 was vacated and after further hearing was replaced by Decision D 1030.

The principal issues raised in this matter related to flows required for preservation of fishlife, the validity of a direct diversion request for recreational purposes where the water was not being taken under control, and the reservation of water for use within the Russian River Valley. Pursuant to an agreement between the California Department of Fish and Game and the applicant districts, the board provided in the permits for releases of water from Coyote Dam of sufficient quantity to furnish 150 cubic feet per second at the junction of East Fork Russian River and 125 cubic feet per second below the Sonoma District's lowest point of diversion. The board also found that the proposed direct diversion for recreational purposes, although a beneficial use, could not be allowed under the permit, as the water was not taken under physical control and consequently no actual appropriation was effected. In view of the summer resort economy along the Russian River which depends on continuation of flow during the summer months, the districts' permits were subordinated to subsequent applications for irrigation purposes, provided the proposed place of use had been irrigated prior to January 28, 1949, the

date of filing of the districts' applications, and served since then without interruption.

Decision D 1035, adopted August 17, 1961, concerned an application of American Utilities, Incorporated, to appropriate from Bear Creek in Santa Cruz County for the domestic requirements at a subdivision. The flow of Bear Creek is dependent upon rainfall. Following the winter and spring months the flow decreases sharply. The records indicated that in dry years the flow of Bear Creek is inadequate to satisfy downstream prior rights. Inasmuch as the water to be appropriated was to serve a substantial development, the board approved the application with a condition that the permittee would obtain a supplemental source of water to supply its needs when the flow of Bear Creek was insufficient. Subsequently the permittee drilled two horizontal wells in the mountainside which produced a supplemental supply meeting the requirements of the board.

Decision D 1045, adopted on November 13, 1961, concerned fourteen applications to appropriate from Sacramento River between the City of Sacramento and Hamilton City and from the Colusa Basin Drainage Canal. The board found that the applications to appropriate from the Colusa Basin Drainage Canal and from the Sacramento River below Knights Landing should be denied for the months of July and August because of insufficient unappropriated water and that the applications to appropriate from the river above Knights Landing should be denied for the period June 15 to August 30. The board found that, although water is physically available at the applicants' points of diversion during the months mentioned, it is water released from Shasta Dam and that issuance of permits would subvert the purpose for which the Central Valley Project was planned, would be contrary to the public interest, and that rights to the uses of stored water which existed in the river should be obtained by contracts with the federal government.

Decision D 1051, adopted December 21, 1961, concerned applications of Tahoe National Forest to appropriate water in six manmade lakes in North Yuba River watershed in Sierra County. The lakes are within the National Forest but the dams controlling the water surface were constructed in the 1860's by predecessors of Sierra Buttes Canal and Water Company for mining purposes. Use for mining ceased in 1938 and since that time the lakes have been used by the protestant for recreation purposes—boating, fishing and swimming. The Forest Service wished to continue the recreational development of the lakes and the surrounding area. The board found that granting of permits to the Forest Service for recreational use by the public would not be incompatible with the private recreational uses enjoyed by the protestant.

Decision D 1056, adopted on February 15, 1962, ordered the approval of nine applications to appropriate from Lake Tahoe and tributaries. The waters of Lake Tahoe and Truckee River, to which Lake Tahoe is tributary, are regulated by several decrees and agreements. Storage in the lake is regulated for release via Truckee River to users in Nevada. Since Lake Tahoe is an interstate lake with extensive existing and potential commercial and recreational development around the lake, there is a requirement for equitable division of these waters between the states. Although a compact between the States of California and Nevada for allocation of the waters of the basin has not been consummated, a gross diversion figure of 34,000 acre-feet has reportedly been adopted by the Joint Compact Commission for use within the basin. Approximately 23,000 acre-feet of the total would be allocated to California. As the quantities requested by the applications before the board

would have exceeded the total proposed allocation to California, it was necessary to impose certain restrictions on any permits issued in order to allow continuous and orderly development in the California portion of the basin. Accordingly, permits issued pursuant to Decision D 1056 were limited to a maximum quantity of 250 gallons per day per capita with development to be completed by 1970.

Decision D 1064, adopted on February 9, 1962, approved four applications of Coastside Water District in San Mateo County. The applications involved five streams tributary to the Pacific Ocean near Half Moon Bay for municipal, domestic, and irrigation purposes. Information submitted during a hearing indicated that future demands for municipal water were very speculative and that feasibility of the proposed project for irrigation was based on obtaining an interest-free loan from the federal government under the Small Projects Act. The board concluded that permits should be issued to the District conditioned so that if relatively immediate development is not possible for irrigation purposes, development by local interests would not be prohibited. Accordingly, permits were issued conditioned on the district submitting semiannual progress reports relative to the development and requiring a hearing before the board on any request for an extension of time to make the development.

Decision D 1073, adopted on March 15, 1962, denied nine applications to appropriate from Eagle Lake in Lassen County for irrigation purposes. The board found that maintenance of the present water level of the lake is required for preservation of the existing fisheries and for recreational purposes and that it would not be in the public interest to permit lowering of the lake level. Over one-half million dollars has been spent by Lassen County and various other agencies to develop the recreational potential of the lake including establishment or reestablishment of the Eagle Lake trout. Prior lowering of the lake by the Tule Irrigation District during the 1920's and early 1930's plus limitation of spawning areas reduced the Eagle Lake trout population almost to the point of extinction. The rehabilitation program started by the Department of Fish and Game in 1958 with as few as six spawners per year has progressed to the planting of about 100,000 yearlings and 20 adult brood stock during 1961, plus planting of fingerlings in other lakes of similar salinity. The board also found that if the lake were used for storage of water for later diversion as proposed by the applicants, water would be available for irrigation in only 11 of the 41 years of record and for the most part only during periods of excess rainfall when supplemental water would not be required by the applicants. The limited quantity of water thus available for a firm irrigation supply did not merit the large capital outlay required for project development.

Decision D 1114, adopted March 14, 1963, concerned competing applications by Calaveras County Water District, Tuolumne County Water District No. 2, and Oakdale and South San Joaquin Irrigation Districts to appropriate water from Stanislaus River and tributaries. The board ruled in favor of Calaveras County Water District for a development of the North Fork Stanislaus River for hydroelectric power generation and irrigation purposes. The Calaveras applications were approved primarily because the project would provide the greatest benefit and more fully develop the river. Tuolumne County Water District No. 2 petitioned for reconsideration, alleging among other things that the board erred in concluding that the Calaveras project would best serve the public interest. The board denied the petition and on

June 10, 1963, the Tuolumne District petitioned for writ of mandate in the Superior Court of Tuolumne County. The matter is still at issue.

Decision D 1121 involved applications by three municipal water districts in Riverside, San Bernardino, and Los Angeles Counties. The objective of the districts was to reserve the right to occupy, use, and appropriate the underground storage capacity of the ground water basins wherein import surface water was to be stored. Each of the three applications was for a permit to appropriate unappropriated water of the Feather River and Italian Slough in the Sacramento-San Joaquin Delta. The water was to be conveyed to Southern California by the State in state-owned and -operated facilities and there delivered to the applicants pursuant to contracts with the State. The water was to be stored underground by the applicants and later recovered for beneficial use. In denying the applications, the board found that the districts were not seeking to appropriate unappropriated water but were requesting permits to appropriate water which would already have been appropriated by the State of California under its own filings covering features of the California Water Plan. The board further found that control of the water at the proposed point of diversion by the applicants, an essential element in a valid appropriation, would be absent inasmuch as control of the water would rest with the State. The board concluded that none of the applications proposed valid appropriations of unappropriated water within the jurisdiction of the board, and the applications were denied.

On April 29, 1963, the board adopted Decision D 1129 which reverses Decision D 884 adopted by the board in 1958 and selected United Water Conservation District over Calleguas Municipal Water District to construct a major water conservation project on Sespe Creek in Ventura County. Decision D 884 as it related to the appropriation of water from Sespe Creek had been set aside by the superior court and the matter remanded to the board for reconsideration in the light of new and additional evidence.

In the 1958 decision the board decided that Calleguas District's need for water was greater than that of the Oxnard Plain and that to avoid "economic stagnation" of the area, water of Sespe Creek should be reserved for the Calleguas District. The applications of Calleguas were therefore approved. In December 1960 while the case was before the court on appeal, Calleguas joined the Metropolitan Water District of Southern California and has substantially completed the construction of a conduit for a water supply from Metropolitan which will supply the needs of Calleguas for years to come. This, the board decided, was of particular significance in its reconsideration, as Calleguas is not now dependent upon Sespe Creek for a water supply.

The board also found that there existed an immediate need for additional water on the Oxnard Coastal Plain, all of which is located within United's boundaries and that a water supply developed on Sespe Creek can be transported to the coastal plain more economically in the manner proposed by United, which is the only district in a position to serve the entire coastal plain.

The United project includes the construction of three water storage reservoirs with a total capacity of 275,000 acre-feet on Sespe Creek at Cold Springs, Topotopa and Oat Mountain. United was ordered by the board to construct Topatopa Reservoir to a capacity of not less than 160,000 acre-feet inasmuch as public interest demands optimum development of Sespe Creek and the feasibility of constructing reservoirs at Cold Springs and Oat Mountain is questionable.

Decision D 1131 involved an application of the United States Bureau of Reclamation to appropriate water from Lake Berryessa on Putah Creek to serve existing and contemplated domestic and recreational development around the lake. In 1957 the board in Decision D 869 granted permits to the bureau for its Solano Project (Berryessa Lake and South Putah Canal) for substantially all unappropriated water in Putah Creek subject to a reservation of 33,000 acre-feet annual upstream depletion. The primary issue in Decision D 1131 was whether the bureau's diversion should be charged against the upstream reservation on the basis of depletion as contended by the County of Lake or whether the gross diversion under the bureau's project should be "direct writeoff" against the reservation as urged by the bureau. The board, in approving the application, concluded that it was without authority to consider the bureau's application any different than other applications in the watershed and concurred in the position of Lake County.

Small Storage Projects

In recent years, beginning with fiscal 1959-60, an increasing number of applications received by the board have been for small reservoirs of from 1- to 50-acre-foot capacity for stockwatering and other uses. Many such applications have included several reservoirs with as many as 20 in a single watershed included in one application.

Permits for these multiunit and small storage projects became subject to license inspection during the current biennium. Since each reservoir represents a separate point of diversion and storage, it is necessary to observe and measure each reservoir as if a separate application had been filed. The effect of this trend has been to reduce from that of previous years the total number of both applications filed and permits issued. For that reason, the workload of the investigating engineers per application filed has been increased.

The workload on prelicense inspections has been increased by the necessity for an accurate evaluation of the quantity of water used as well as a detailed survey of the area of use.

ADJUDICATION AND RECORDATION ACTIVITY

Adjudication proceedings, when carried through to a decree of the court, define all the water rights of the parties whether such rights are on file with the State Water Rights Board or not. On most streams the majority of rights are not on file with the board, being either riparian in nature or appropriations acquired before the Water Commission Act of 1913. Part 3 of Division 2 of the Water Code provides two procedures through which the State Water Rights Board may assist the courts and the water users in adjudicating water rights. The two procedures are (1) court references, wherein the board is appointed referee in actions already before a court, and (2) statutory adjudications, where a determination may be initiated directly with the board upon petition of the affected water users which culminates in a court decree. Only the court reference procedure is presently available for adjudication of percolating ground water rights independently of surface water sources. For this reason the statutory adjudication procedure, although designed for extensive determination of water rights, is of rather limited utility. The objectives of both procedures are the same—to minimize expense and delay of adjudica-

tion of water rights and to make available to the courts and parties the services of trained and unbiased specialists.

During the period covered by this report, work was completed on two court references and largely completed on a third. Those completed concerned rights to water on Dry Creek in Butte County and Oliver Creek in Mariposa County. The third reference concerns the San Fernando Valley area of the Los Angeles River in Los Angeles County. Work toward completion continued on a court reference on Upper Uvas Creek in Santa Clara County.

San Fernando Valley Reference

During the period of this report, the board completed its Report of Referee pursuant to the order of reference in the case of *City of Los Angeles v. City of San Fernando et al.* The report presents the results of a complete geologic hydrologic investigation of the upper Los Angeles River area centering in San Fernando Valley. The determinations of safe yield of the ground water basins contained in the report are of foremost importance. Such determinations will aid the court in setting water right allocations so as to prevent deterioration of the basins by overdraft. The investigation and report took four years to complete and cost about \$450,000, all of which was paid by the parties named in the action. At the peak of activity, 22 people were employed in the investigation.

Recordation of Water Extractions and Diversions

Under Part 5 of Division 2 of the Water Code, provision is made for filing with the board notices of ground water extractions and diversions in Riverside, San Bernardino, Los Angeles, and Ventura Counties. The objective of the program is to establish a record of beneficial use of water by the accumulation of information from the water users which will reduce the time and cost of determination of water rights in the event of an adjudication. In order to make readily available the basic information provided in the notices, the material has been coded for punchcard processing.

The Water Code also provides for verification by the board of facts stated in a notice. The facts determined and verified by the board then become *prima facie* evidence in court. Verification by the board of annual extractions from wells under these statutes provides information essential in adjudication proceedings should they ever be initiated. A request by the Orange County Water District for verification of notices filed by La Sierra Water Company was received and the determination completed within the period of this report. Work progressed on a request by Western Municipal Water District of Riverside County for verification of statements in the notice filed by Rancheria Water Company in San Bernardino County.

Sections 1005.1 and 1005.2 of the Water Code, applicable in eight southern counties, provide for the filing of statements by water users of their cessation or reduction in the extraction of ground water to permit the replenishment of such ground water by the use of water from an alternate nontributary source. These sections provide that no lapse, reduction, or loss of any right in ground water shall occur by reason of the cessation of diversion up to the extent of such in lieu use by anyone who properly files the required statement. A total of 53 statements were filed with the board covering use for the water year ending October 31, 1961, and 58 for the water year ending October 31, 1962.

ASSISTANCE TO OTHER STATE AGENCIES

A study of water rights relating to property in Merced County on the San Joaquin River and several tributaries was made by the staff of the board at the request of the Attorney General. A confidential report was completed on May 15, 1962, to be used for the trial of *Sacramento & San Joaquin Drainage District v. Harney* (Merced County Superior Court, No. 27822), a proceeding in condemnation.

A similar study in connection with the Middle Creek Flood Control Project, Lake County, was prepared, and a confidential report was delivered to the Attorney General on December 31, 1962, for use in the trial of *Sacramento & San Joaquin Drainage District v. Lulu C. Jones et al.* (Lake County Superior Court, No. 7485) and *Sacramento & San Joaquin Drainage District v. Audrey Jones et al.* (Lake County Superior Court, No. 7006).

The legal work in these studies included an analysis of the documents in chain of title, evaluation of the effects of various provisions in the conveyances relating to water rights, and the formulation of opinions as to the validity of claimed rights.

The engineering analysis included a description of the surface and ground sources as well as an exposition of the quality and quantity of the water supply.

LITIGATION

During the period of this report, court proceedings involving the board were brought in two counties. Tuolumne County Water District No. 2 petitioned the Superior Court for the County of Tuolumne for a Writ of Mandamus on April 29, 1963, to review board Decision D 1114. The court's order granting a writ in the alternative was issued on June 14, 1963. As of the close of the current biennium, the Attorney General had prepared a response on behalf of the board and had entered a stipulation with the petitioner as well as Calaveras County Water District, a real party in interest, for change of venue to Sacramento County.

On January 30, 1963, complaints for injunction were filed with the Superior Court for the County of Sonoma against 10 named individuals, alleging unauthorized diversion and use of water from Santa Rosa Creek. Action was brought by the People of the State of California, acting by and through the State Water Rights Board, pursuant to Water Code Section 1052. As of June 30, 1963, the matter remained at issue.

Litigation previously reported on and remaining *in status quo* includes *Buchanan v. State Water Rights Board* (Superior Court, Los Angeles County, No. 758838) and *Eaton v. State Water Rights Board* (Superior Court, Los Angeles County, No. 758972). Both of these are mandamus proceedings, initiated in 1960, but in which nothing further was done following the filing of a petition.

LEGISLATION

Statutory changes which affect the operation of the State Water Rights Board were enacted by the 1963 Regular Session of the Legislature and became effective September 20, 1963.

Water Code Sections 1317 and 1324 were amended to provide that applications to appropriate water may be canceled for failure of the applicant to file proof of publication or posting, provided that the board first gives the applicant written notice of such possible cancellation and 15 days in which to file his proof.

With respect to court references and adjudications, Sections 2044, 2049, 2050, 2860, and 2861 were repealed. In place of the court order "approving expense and its apportionment," Section 2047 was amended to provide for entry of a judgment against the parties in favor of the board in the amount apportioned to them. Sections 2857 and 2859 were also amended to provide for entry of judgment in favor of the board.

Sections 1057 and 1550, relating to fees collected by the board pursuant to Chapters 1 and 8 of Division 2, were amended to provide that such fees are now to be paid into the State Treasury once each month rather than weekly.

Eliminated by repeal of Section 2865 is the submission to the Governor of a biennial report from the board covering transactions in connection with statutory adjudications.

Changes in the board's licensing procedure were included in amendments to various sections, as follows: In Section 1600, "completion of the project" was modified to "completion of the construction of works and application of the water to beneficial use." Section 1605 now requires the permittee to furnish the board with such records, data, and information as may be required to enable the board to determine conformity with law, rules, and permit. Sections 1610 and 1611, relating to issuance of a license, now authorize reduction of the permitted quantity of water or season of diversion and revocation of a permit rather than mere refusal to issue a license. The permittee still retains the opportunity to request extension of time in which to conform his project to requirements of law, rules, or the permit terms. Sections 1615 through 1618 (Art. 4) were amended to delete any reference to refusing a license and instead provide for court review of board action which grants a license reducing the permitted quantity or season of use.

Measures which were under consideration but failed of adoption are as follows:

SB 150 (Christensen), to provide for new procedures for watershed export applications; SB 703 (Cobey), to transfer state filings from Water Commission to State Water Rights Board; SB 1034 (Teale), exempting from permit and license procedure stockwatering reservoirs; SB 1397 (Cobey), to remove State Water Rights Board from Resources Agency; SB 1401 (O'Sullivan), to authorize riparian owners whose rights may be questionable to file for and receive a license from State Water Rights Board evidencing right; AB 2386 (Hinckley), to require State Water Rights Board to issue a local governmental agency permit for appropriation of water from sewage treatment plants discharging into any river within State. One bill introduced at the request of the board was sent to interim study by the Senate Committee on Water Resources. This is SB 1106 (Cobey), making various changes in the statutory adjudication procedure. Also for interim study was AB 1977 (Davis and Lunardi) authorizing the Department of Fish and Game to make application to the board for "a reservation" of water for fish and wildlife.

MATTERS OF ADDITIONAL INTEREST

Individual board members have responded to many invitations to appear before factfinding committees of both Senate and Assembly as well as professional groups requesting information relating to water rights and functions of government in the field of water resources.

On July 12, 1961, Mr. Alexander served as moderator of a panel discussion for the Dry Year Conference, held in Sacramento, to review effects of a statewide water shortage then in prospect.

On August 29, 1961, Mr. Silverthorne appeared before the Assembly Interim Committee on Water, meeting in Sacramento, to outline the present work of the board as it bears on the general subject of ground water basins. A supplemental statement on this subject was delivered to the committee on August 2, 1962.

On November 16, 1961, the activities of the board were explained at a meeting convened in Sacramento of the several departments, boards, and commissions comprising the Resources Agency.

Mr. Alexander addressed the Sacramento Section of the American Society of Civil Engineers on November 27, 1961, reviewing the board's Decision D 990 on the Sacramento River portion of the Federal Central Valley Project.

Mr. Silverthorne participated in the "34th Annual Statewide Meeting" of the California State Chamber of Commerce as a panel member. This meeting was held November 30, 1961, in Los Angeles.

A Senate factfinding committee meeting at Sonora on September 14, 1962, heard Mr. Silverthorne respond to questions concerning competing and complementary uses of water in California, and on October 18, 1962, the National Reclamation Association at its Portland, Oregon, convention heard Mr. Alexander outline aspects of conjunctive use of surface water and ground water storage in the San Joaquin Valley.

Criticism of Sacramento River Decision D 990 appearing in the Congressional Record was replied to by Mr. Silverthorne in an address before the Irrigation Districts Association convention at Coronado on November 8, 1962, entitled "State-Federal Water Rights Facts." This was followed by a more detailed review of the subject of reclamation law on February 4, 1963, at the Southern California Water Coordinating Conference Symposium on Federal-State Water Rights in Los Angeles.

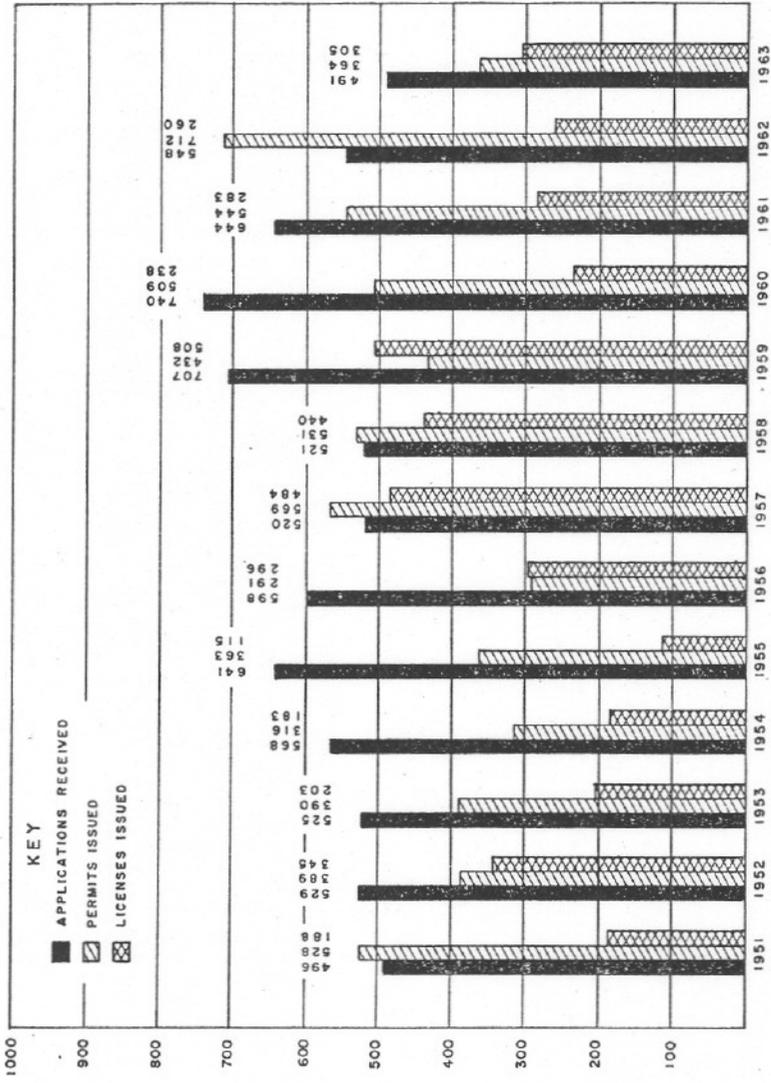
A discussion of the Sacramento River water problems was presented by Mr. Alexander on April 12, 1963, at a joint meeting of the Water Resources Association and Northern California County Supervisors' Association held in Dunsmuir.

Concluding the biennium, Mr. Silverthorne served as a panelist at "the Biennial Conference on Ground Water Recharge and Ground Water Basin Management" held in Berkeley on June 26, 1963.

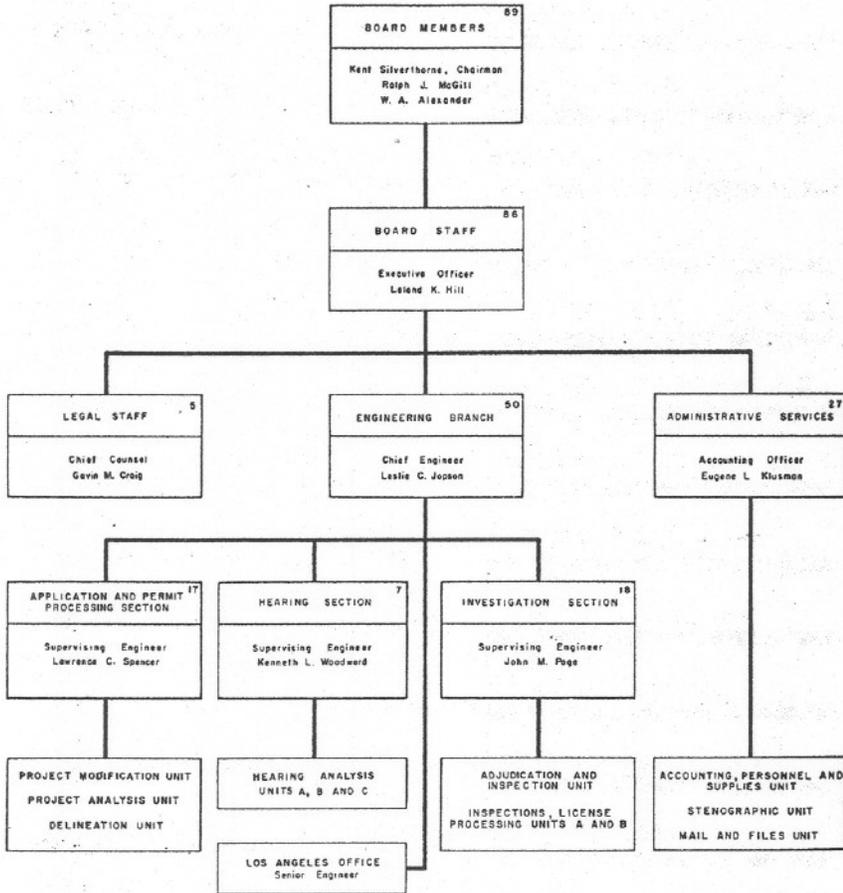
The board has also had a staff representative in attendance at most of the meetings of the California-Nevada Interstate Compact Commission which is attempting to establish by compact an allocation between the two states of the waters of Lake Tahoe, Truckee River, Carson River, and Walker River. Timely advice on water right matters is provided the California commission and close liaison is maintained so that board action on water right applications within the compact area is compatible with compact policy.

During the biennium a total of 16 employees of the board participated in specialized training activities in such diversified fields as management, data processing, ground water hydrology, Friden Flexowriter training and differential and integral calculus. The total number of man-hours of training exceeded 500. All employees of the board participated in in-service training, with over 1,500 man-hours of training involved. Again such diverse subjects as management training, hydraulic measurements, and driver training were covered.

APPLICATIONS RECEIVED, PERMITS AND LICENSES ISSUED
by
CALENDAR YEARS, 1951-1963



STATE WATER RIGHTS BOARD ORGANIZATIONAL STRUCTURE



Note: Number in corner of box represents positions reporting through each level, 1962-1963 budget, modified.

June 30, 1963

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