

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18961)
of Leroy and Jewell Kahl)
to Appropriate from Unnamed Stream)
Tributary to Coloma Canyon in)
El Dorado County)

Decision D 1041

ADOPTED NOV 13 '61

DECISION DENYING APPLICATION

Leroy and Jewell Kahl having filed Application 18961 for a permit to appropriate unappropriated water; protests having been received; the applicants 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 pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18961 is for a permit to appropriate 0.06 cubic foot per second (cfs) by direct diversion from May 1 to November 1 of each year for irrigation purposes from unnamed stream, tributary to Coloma Canyon in El Dorado County. The point of diversion is to be located in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, T12N, R10E, MDB&M.

2. The applicants propose to divert from a reservoir on unnamed stream tributary to Coloma Canyon which they have constructed and which is now in use pursuant to Permit 11652.

3. Protestants Ray F. Bell and Harold I. Wells divert from Coloma Canyon immediately below the applicants near its junction with the unnamed stream for irrigation and stockwatering purposes under claimed riparian rights.

4. On September 15, 1960, there was no flow in the unnamed stream at a point approximately 600 feet above the applicants' reservoir. On April 19, 1961, approximately 5 gallons per minute were flowing into applicants' reservoir and on July 13, 1961, this flow had diminished to 1 quart per minute.

5. The entire natural flow of the unnamed stream during the irrigation season is required to satisfy the rights of riparian owners.

6. At the time of the filing of the application, in the year 1959, Mr. Bud Shadle, located upstream from the applicants, was importing water purchased from the Georgetown Divide Public Utility District and storing it in reservoirs, since removed, along the channel to irrigate his adjacent lands. During the time these reservoirs were in existence and when water was being imported into the watershed, there was seepage and return flow at applicants' reservoir from use of such imported water by Mr. Shadle. Since the removal of the dams, such water, which was subject to

appropriation, no longer exists. Mr. Shadle plans to resume the importation of water next year. However, he intends to operate his project so as to recapture any waste water or return flow before it leaves his property.

7. There is no unappropriated water in the source to supply the applicants.

From the foregoing findings, the Board concludes that Application 18961 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 18961 and all relevant information on file therewith, particularly the report of the field investigations made February 18, 1960, April 19, 1961 and July 13, 1961, files of Application 18961 and Permit 11652 (Application 18189); United States Geological Survey Garden Valley, Coloma, and Greenwood Quadrangles, 7.5-minute series, dated 1950, 1949, and 1949, respectively; Bulletin No. 56 of State Division of Water Resources, "Survey of Mountainous Areas," dated December 1955; and United States Weather Bureau, "Climatological Data-California" annual summary.

IT IS HEREBY ORDERED that Application 18961 be, and the same is, denied.

Adopted as the decision and order of the State Water
Rights Board at a meeting duly called and held at Sacramento,
California, on the day of , 1961

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member