

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 12493
and 19423 of Tuolumne County Water
District No. 2 to Appropriate from
Lily Creek, Bell Creek, and North Fork
Tuolumne River in Tuolumne County

Decision D 1210

ADOPTED FEB 17 1965

DECISION APPROVING PETITIONS FOR CHANGE IN
POINT OF DIVERSION, PLACE OF USE, AND
CHARACTER OF USE UNDER APPLICATION 12493,
AND APPROVING APPLICATIONS 12493 AND 19423

Applications 12493 and 19423 having been filed; protests
against both applications having been submitted; the applicant
having filed petitions for change in point of diversion, place of
use, and character of use under Application 12493; a public hearing
having been held on December 10, 1963, by Board Members William A.
Alexander (presiding) and Ralph J. McGill; evidence having been
presented; the Board, having considered the evidence and now being
fully informed in the premises, finds as follows:

1. The proposed changes in point of diversion, place of
use, and character of use under Application 12493 as set forth in
petitions filed on May 14, 1963, by Tuolumne County Water District
No. 2 would not operate to the injury of any lawful user of the
water involved and should be approved.

2. The protest against Application 12493 by Ora B. Houck,
Evelyn B. Mason, and John H. Matkin, and the protest against

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Application 19423 by John H. Matkin, concern inundation of certain property by the proposed Browns Meadow Reservoir. This matter is not within the jurisdiction of the Board.

3. The protests by Turlock and Modesto Irrigation Districts, Waterford Irrigation District, and City and County of San Francisco have been withdrawn in accordance with an agreement dated December 2, 1963, between the applicant and those protestants. Protestant California Department of Fish and Game has stipulated that its protest may be dismissed if any permits issued pursuant to these applications are conditioned in accordance with a stipulation and agreement dated October 2, 1964, between the applicant and California Department of Fish and Game. The U. S. Bureau of Reclamation has indicated that its protest may be dismissed if diversion is disallowed during the months of July through October. The applicant has agreed to this limitation.

Applications 12493 and 19423 should be approved, and permits should be issued to the applicant, subject to vested rights and the limitations and conditions set forth in the following order.

ORDER

IT IS ORDERED that the petitions for changes of point of diversion, place of use, and character of use under Application 12493 be, and they are, approved.

IT IS FURTHER ORDERED that Applications 12493 and 19423 be, and they are, approved, and that permits be issued to the applicant, subject to vested rights and to the following limitations and conditions:

1a. The water to be appropriated for municipal, domestic, fishery enhancement and recreational purposes under permit issued pursuant to Application 12493 shall be limited to the quantity which can be beneficially used and shall not exceed 12,750 acre-feet per annum (afa) from North Fork Tuolumne River by storage in Browns Meadow Reservoir to be diverted from about November 1 of each year to about June 30 of the succeeding year.

b. The water to be appropriated for municipal, domestic, fishery enhancement and recreational purposes under permit issued pursuant to Application 19423 shall be limited to the quantity which can be beneficially used and shall not exceed by direct diversion 200 cubic feet per second (cfs) from Lily Creek, 200 cfs from Bell Creek, and 65 cfs from North Fork Tuolumne River, and by diversion to storage 2,600 afa from Lily Creek by storage in Pine Valley Reservoir, 10,000 afa from Bell Creek by storage in Bell Meadows Reservoir, and 30,000 afa from North Fork Tuolumne River by storage in Browns Meadow Reservoir. The season of diversion for both direct diversion and diversion to storage shall be from about November 1 of each year to about June 30 of the succeeding year.

2. The total quantity of water diverted from North Fork Tuolumne River under permits issued pursuant to both Application 12493 and Application 19423 by direct diversion and rediversion of stored water shall not exceed 20,000 afa at a rate not to exceed 65 cfs.

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

4. Actual construction work shall begin on or before June 1, 1966, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, these permits may be revoked.

5. Construction work shall be completed on or before December 1, 1968.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1988.

7. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

8. All rights and privileges under this permit, including method of diversion, method of use, and quantities of water diverted are subject to the continuing authority of the State Water Rights 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.

9. Permittee shall allow representatives of the State Water Rights 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. This permit does not authorize collection of water to storage during the period from about July 1 to about October 31 of each year to offset evaporation and seepage losses or for any other purposes.

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

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

13. Permittee shall install and maintain outlet pipes in each dam of such sizes and at such locations as are specified by the Department of Water Resources.

14. This permit is subject to the terms of an agreement dated December 2, 1963, between Tuolumne County Water District No. 2, County of Tuolumne and Turlock Irrigation District, Modesto Irrigation District, Waterford Irrigation District, and the City and County of San Francisco and filed of record with the State Water Rights Board.

15. This permit is subject to the terms of a stipulation and agreement dated October 2, 1964, between Tuolumne County Water District No. 2 and California Department of Fish and Game and filed of record with the State Water Rights Board.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, this day of , 1965.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member