

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24818 )  
to Appropriate from North Fork )  
Cosumnes River and Two Unnamed )  
Tributary Streams in El Dorado County )

DONALD D., JAMES A., AND SHELLY K. )  
WILSON )

Decision: 1517

Applicants )

COSUMNES IRRIGATION ASSOCIATION )  
RANCHO MURIETA )

Protestants )

DECISION APPROVING APPLICATION

BY THE BOARD:

Donald D. Wilson, et al., having filed Application 24818 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 Resources Control Board pursuant to said stipulations; the Board, having considered all information, finds as follows:

Substance of the Application

1. Application 24818 is for a permit to appropriate by direct diversion 0.124 cubic foot per second (cfs) from April 1 to June 30 for irrigation and domestic use and 4,500 gallons per day (gpd) from December 1 to June 30 for domestic use. The application is also for diversion to storage of nine acre-feet per annum (afa) from December 1 to June 30 of the succeeding year for irrigation and fire protection purposes. The maximum annual diversion is not to exceed 37 afa. Storage reservoirs at three of the diversion points on the two unnamed streams are within

the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T9N, R10E, MDB&M. The fourth diversion point on North Fork Cosumnes River is within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 19, T9N, R11E, MDB&M.

### Applicants' Project

2. The applicants propose to construct on their property three reservoirs having storage capacities of seven, one and one acre-feet, respectively, on the unnamed streams. The fourth and primary point of diversion is on U. S. Bureau of Land Management (BLM) land on North Fork Cosumnes River. Water will be diverted directly from this diversion as well as to storage in two of the reservoirs. The applicants also have an existing well with a submersible pump capable of pumping five gallons per minute which could be used as an alternative source. Water from this well is used for orchard irrigation and is not used for drinking. Community supplies are not available. The property is not within the El Dorado Irrigation District.

### Protests

3. The protests of both the Cosumnes Irrigation Association and Rancho Murieta, claim that the applicants' appropriation after May 1 from North Fork Cosumnes River, Diversion Point No. 4, would deprive them of entitled water. Both protestants are willing to dismiss their protests if the applicants agree not to divert after May 15. The applicants do not wish to reduce their diversion season.

### Availability of Unappropriated Water

4. The Board in its Decision 1369 found that no unappropriated water is available in the Cosumnes River watershed from July through October. The applicants' diversion season conforms with this, but the protestants request no diversion in half of May and all of June.

5. The U. S. Bureau of Reclamation (Bureau) proposes to construct a large Nashville project on the Consumnes River, but has not secured congressional authorization or funding. The Bureau obtained assignment in 1964 of State applications filed under Water Code Section 10500 for this project. The assignment specifically subjects these applications to future water development in the counties of origin. Thus, Application 24818 is senior in priority to the Bureau's Nashville project. Moreover, the Bureau did not protest Application 24818.

6. Water right applications and Statements of Water Diversion and Use exclusive of applications for the Nashville project, show a total demand of about 57 cfs in the system. Gaged flow in the Cosumnes River upstream of the protestants' projects exceeds this demand about 97 percent and 84 percent of the time in May and June, respectively (38 year period from 1940 through 1977). Downstream of the protestants, gaged flow exceeds demand about 94 percent of the time in May and 75 percent in June (36 year period from 1942 through 1977).

7. Applicants' intended use is beneficial and unappropriated water is available for diversion for the period sought, subject to appropriate conditions, without causing harm to other lawful water users.

#### Environmental Considerations

8. This Board decision authorizes a small direct diversion and storage project which involves minor alterations in the condition of land, water and vegetation which do not result in significant loss of mature natural vegetation. Therefore, this project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

### Other Considerations

9. The U. S. Bureau of Land Management will grant the necessary easements.

10. The Bureau has contracted with the El Dorado Irrigation District since 1955 to operate Jenkinson Lake of the Sly Park Unit. The District uses the North Fork Cosumnes River as a conveyance system to deliver water downstream past the applicants' project to Rancho Murieta. Accordingly, any permit issued should contain a requirement that Sly Park releases be bypassed.

11. The records, documents, and other data used in deciding this matter area: Files of Applications 1838, 2296, 5645B, 5646, 5647A, 16142, 19266, 21835, 23416, and 24818; Decisions 1256, 1366, 1369, and 1451; U. S. Geological Survey Water Resources Data for California; and particularly the Engineering Staff Analysis of Record dated December 12, 1977 in Application 24818.

### Conclusions

From the foregoing findings, the Board concludes that unappropriated water is available and that approval of the application will not harm lawful water users nor cause significant adverse environmental effects.

### ORDER

IT IS HEREBY ORDERED that Application 24818 be approved and that a permit be issued subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 7, 10, 11, 12, and 13)\* in addition to the following conditions:

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\* The Board maintains a list of standard permit terms. Copies are available upon request.

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (A) by direct diversion: (1) 0.124 cubic foot per second from April 1 to June 30 of each year for irrigation purposes, (2) 4,500 gallons per day from December 1 of each year to June 30 of the succeeding year for domestic purposes; and (B) by storage: 9 acre-feet per annum from December 1 of each year to June 30 of the succeeding year. The total amount of water to be taken from the source for all uses shall not exceed 37 acre-feet per water year of October 1 to September 30.

2. The maximum rate of diversion to offstream storage shall not exceed 150 gallons per minute.

3. Construction of the project shall be completed on or before December 1, 1982 and complete application of the water to the proposed use shall be made on or before December 1, 1983.

4. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

5. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

6. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

7. Permittee shall at all times by-pass those flows released by El Dorado Irrigation District for delivery to customers downstream from permittees' point of diversion.

Dated: JUL 19 1979

ABSENT

W. Don Maughan, Chairman

L. L. Mitchell

L. L. Mitchell, Member

William J. Miller

William J. Miller, Vice Chairman

Carla M. Bard

Carla M. Bard, Member