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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Applications 11792, 12953 and 13265 by Galaveras County Water District, Application 12842 by North San Joaquin Water Conservation District, and Applications 13156 and 15201 by East Bay Municipal Utility District to Appropriate Water from Mokelumne River and/or from Tributaries of that Stream.

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Decision A 11792, 12842, 12953, 13156, 13265, 15201 D 858

Decided July 3, 1956

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Appearances at Hearing Held at Sacramento on October 18, 19, 20 and 21, November 29 and 30, and December 1, 2 and 5, 1955 and on January 16, 17, 18, 19, 20 and 26 and May 2, 1956:

For the Applicants

Calaveras County Water District	Martin McDonough, Attorney at Law
North San Joaquin Water Conservation District	Edward G. Chandler and Reuben P. Rott, Attorneys at Law
East Bay Municipal Utility District	Harold Raines, Attorney at Law

For the Protestants

Pacific Gas and Electric Company	Joseph E. Sheeks, Attorney at Law
California State Department of Fish and Game	Lucian B. Vandegrift, Deputy Attorney General
North San Joaquin Water Conservation District	Edward G. Chandler and Reuben P. Rott, Attorneys at Law
East Bay Municipal Utility District	Harold Raines, Attorney at Law
Woodbridge Irrigation District	Gilbert L. Jones, Attorney at Law

Other Sources of Water

Studies of the U. S. Bureau of Reclamation, the Division of Water Resources and the State Water Resources Board are sufficiently advanced to indicate with a degree of certainty that from the physical and engineering standpoints, there are no obstacles to prevent water from other sources being made available within the next few years to areas within the Mokelumne River Basin or to the East Bay Municipal Utility District.

Folsom South Canal

A report on the feasibility of water supply development entitled "Folsom South Unit" dated April 1956, recently released by the U. S. Bureau of Reclamation outlines general plans for serving about 200,000 acres of land in Sacramento County and for future extensions to include about 300,000 acres in San Joaquin County from a main canal which would carry water from the American River at Folsom Dam southerly to a point 63 miles southeast of Stockton. Although activity in obtaining contracts for the repayment of the works to provide water to San Joaquin County has not progressed to the extent that it has in Sacramento County, the basic studies have been made and detailed studies are in progress. These studies indicate that the location of the Main Canal of the Folsom South Unit would be located such that practically all of the North San Joaquin Water Conservation District could be served from this source at less cost than by developing supplies from the Mokelumne River.

Although no specific studies have been released proposing that water from this source be transferred to the

East Bay Region, from an engineering standpoint this could be accomplished. It would, however, involve additional pumping plants and possibly additional works for water purification to accomplish the water service proposed under the Mokelumne River Project of the East Bay Municipal Utility District.

Calaveras County Water District could not be served from Folsom South Canal without costly pumping plants and distribution systems and this canal is therefore not considered a feasible source of supply for this District.

Feather River Project

Large quantities of water developed by the Feather River Project will be transferred by the natural stream channels of the Feather and Sacramento Rivers to the Sacramento-San Joaquin Delta. The Delta is a common point of diversion for several distribution canals for both the Feather River Project and the Central Valley Project.

With the advent of Feather River Project water into the Delta, demands for water in Alameda, San Benito and Santa Clara Counties and diversions to areas adjacent to the Delta can be satisfied in addition to present and future commitments for water in other areas of the State for many years hence.

Water from this source could be made available to the North San Joaquin Water Conservation District by pumping from the Delta channels into the canals of Woodbridge Irrigation District.

In the preliminary studies for the construction of a conduit to serve portions of Alameda County, it was not anticipated to serve areas within the present boundaries of the

East Bay Municipal Utility District. However, there would be a slight overlapping of the future proposed annexations of the East Bay Municipal Utility District with the areas proposed to be served with Feather River Project water. Although studies have not been made, it appears engineeringly feasible to serve the southern portion of the East Bay Municipal Utility District with Feather River water from the Alameda, San Benito and Santa Clara Counties Conduit.

Because of the high elevation of lands within the Calaveras County Water District, it would not be economically feasible to serve any Feather River Project water to that area.

The California Water Plan

Bulletin No. 3 of the State Water Resources Board entitled "Report on The California Water Plan" has not been approved by either the above-mentioned board or the State Legislature but it has been published in preliminary form under date of May 1956.

The Plan is designed to include or supplement, rather than supersede, existing water resource development works. As such the Feather River Project and the Folsom South Canal are included as developments proposed in The California Water Plan.

Bulletin No. 3 describes two principal categories of water resource developments; (1) local works to meet present and future needs within the respective areas, and (2) export-import facilities to transport surplus waters from the north areas to areas of deficiency elsewhere in the State. This second category of works is collectively termed "The California Aqueduct System".

Under The California Water Plan, Calaveras County Water District would obtain supplemental water from North Fork of Stanislaus River and from North Fork Calaveras River to supplement supplies from the Mokelumne River. All of these works would be classified as local works to meet present and future needs within the area.

North San Joaquin Water Conservation District adopted the Mehrten or Camanche Project as a source of supply. This plan, together with plans already discussed for obtaining water from Folsom South Canal or from the Sacramento-San Joaquin Delta are possible sources of supply considered for serving the area in the vicinity of Lodi under The California Water Plan.

Specific plans were not outlined in Bulletin No. 3 for supplementing the present supply of Mokelumne River water for use in the East Bay Municipal Utility District service area. There are three points along the present East Bay Municipal Utility District's Mokelumne River Aqueduct line at which the supply could be supplemented by water other than from Mokelumne River. These are (1) Sacramento-San Joaquin Delta and (2) at a crossing of the California Aqueduct line in the vicinity of Pittsburg, and (3) Folsom south canal. The Delta Diversion has briefly been mentioned previously in connection with the Feather River Project. The California Water Plan also envisions a conduit extending along the west side of the Sacramento Valley to the vicinity of Antioch which would supply supplemental water to areas in Contra Costa, Solano, Marin and lower Napa Counties. This conduit crosses the present Mokelumne River Aqueduct of

1978. Such being the case it is the opinion of this Division that, if possible, permits for temporary appropriation of surplus should be granted to those who may proceed with construction and apply the water to beneficial use in the interim.

In connection with the foregoing, Sections 1462 and 1463 of the Water Code contemplate the temporary use of surplus waters of a municipality and state as follows:

"1462. Where permission to appropriate is granted to any municipality for any quantity of water in excess of the existing municipal needs therefor, the department may, pending the application to beneficial use of the entire appropriation permitted, issue permits for the temporary appropriation of the excess of the permitted appropriation over and above the quantity being applied to beneficial use from time to time by the municipality."

"1463. When the municipality desires to use the additional water granted in its application it may do so upon making just compensation for the facilities for taking, conveying, and storing the additional water rendered valueless for said purpose to the person who constructed the facilities. The compensation, if not agreed upon, may be determined in the manner provided by law for determining the value of property taken by eminent domain proceedings."

The North San Joaquin Water Conservation District proposes under Application 12842, construction of a dam at the Mehrten site which is located a short distance below the Camanche site of East Bay Municipal Utility District. It is logical to assume that these two districts could cooperate in the construction of a dam at one of these locations which could be used by the North San Joaquin District on an interim basis and still

be available to the East Bay District at some indefinite date in the future when it was required for municipal purposes. The evidence presented at the hearing indicates that for its ultimate requirements North San Joaquin District can obtain a cheaper and more dependable supply from other sources.

In addition to there being temporary surplus available from the East Bay District's Camanche reservoir it is anticipated that there may be temporary surpluses from the Railroad Flat, Middle Bar, or increased Pardee Reservoirs which might be available for downstream interim use. These waters will be available from East Bay Municipal Utility District under Section 1464 of the Water Code or under some agreement between that district and those parties desiring to make such use.

Although North San Joaquin Water Conservation District may temporarily use surplus waters of East Bay over the interim period and ultimately obtain water for its requirements from other sources, such is not the case for certain uses proposed by the Calaveras County Water District. The Calaveras District must rely permanently on certain waters from the Mokelumne River and as has been previously indicated we are of the opinion they are assured these waters under the State Department of Finance applications. We recognize one of the State filings proposes development at the Railroad Flat site also contemplated by the East Bay District. In view thereof we believe that in East Bay's development of the site consideration must be given to the Calaveras requirements. Such would be accomplished, however, by

evidence submitted by Calaveras indicates that this District is not in a position to proceed with its project in the near future.

5. Flood control on the Mokelumne River is vitally needed for the protection of the lower Mokelumne River watershed and local interests in that area should be afforded an opportunity^{to} secure such protection.

6. Additional sources of water will be available to North San Joaquin Water Conservation District and East Bay Municipal Utility District from the Folsom South Canal, the Feather River Project, and other sources, some of which may be less expensive to develop than the projects on the Mokelumne River. Additional sources of water will also be available to the Calaveras County Water District for a portion of its service area.

7. Calaveras County Water District proposes to furnish water for irrigation and municipal uses within the West Point and Mokelumne service areas from Mokelumne River and its tributaries. The State Water Resources Board estimates that the ultimate water requirements for these areas which should be satisfied from Mokelumne River amount to about 15,000 acre-feet per annum; the remainder of the water required for these areas to be derived from the Calaveras and Stanislaus Rivers. From the record, as a whole, it appears that not more than a yield of 20,000 acre-feet per annum need be allocated from Mokelumne River and its tributaries to Calaveras District to serve these areas.

8. North San Joaquin Water Conservation District estimates its present deficiency of safe ground water yield is 31,000 acre-feet per season under long-time mean climatic conditions.