

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18819)
of Charles J. and Esther Oleson)
to Appropriate from Clear Creek in)
El Dorado County)

Decision D 992

ADOPTED FEB 9 '61

DECISION APPROVING APPLICATION IN PART

Charles J. and Esther Oleson having filed Application 18819 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 18819 is for a permit to appropriate one cubic foot per second from Clear Creek, tributary to North Fork Cosumnes River in El Dorado County between April 1 and October 15 of each year for stockwatering and for irrigation of 82.2 acres within Section 33, Township 10 North, Range 12 East, Mount Diablo Base and Meridian.

2. Applicants' place of use is contiguous to and within the watershed of Clear Creek at about elevation 2400 feet above sea level. Their project is complete, and water is now being

beneficially used. Applicants made it clear that the permit they seek is for an appropriative right in addition to and not inclusive of a riparian right which they claim.

3. About a mile downstream from the applicants' point of diversion, the El Dorado Irrigation District, a protestant, diverts from Clear Creek into the Crawford Ditch, for use by and in the district, natural flow up to 10 cubic feet per second under an appropriative right dating from about 1852.

4. Since about 1953, Clear Creek water flowing by the applicants' point of diversion has at times, as required by said protestant, included storage water from Sly Park Reservoir conveyed by the Camino conduit and turned into Clear Creek at a maximum rate of 35 cubic feet per second.

5. Estimates of the natural flow of Clear Creek prior to the introduction of Sly Park storage water indicate, and the Board finds, that in most years water in excess of the rights and use of protestant El Dorado Irrigation District is available to about the end of June but not thereafter.

6. Protestants J. D. Granlees and Cosumnes Irrigation District are located downstream about 25 miles from applicants and one mile from the USGS Michigan Bar gaging station on the Cosumnes River which at their diversion points contains water from many tributaries in addition to Clear Creek. Protestant E. Clemens Horst is located about ten miles farther downstream.

7. The records of the gaging station near Michigan Bar indicate, and the Board finds, that so far as these protestants

are concerned, unappropriated water is available at applicants' proposed point of diversion through the month of June of each year.

8. There is unappropriated water available to supply the applicants from about April 1 to about June 30 of each season and subject to suitable conditions such water may be diverted at said times and used in the manner proposed without causing substantial injury to any lawful user of water.

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18819 should be approved in part and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18819 and all relevant information on file therewith, particularly the report of the field investigation made January 21, 1960; United States Geological Survey, Water Supply Papers, Part 11, "Pacific Slope Basins in California", with particular reference to records of Park Creek near Pollock Pines, Camp Creek near Camino, and Cosumnes River near Michigan Bar; the United States Geological Survey Quadrangle "Camino, California", 1952, 7½-minute series; and the reporter's transcript of evidence taken October 10 and 11, 1955, in the matter of Applications 13707 and 13708 of the United States Bureau of Reclamation with respect to its Sly Park project.

IT IS HEREBY ORDERED that Application 18819 be, and the same is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed one cubic foot per second to be diverted between about April 1 and about June 30 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

4. 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.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity 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.

IT IS FURTHER ORDERED that Application 18819, insofar as it relates to the appropriation of water after July 1 of each season, be, and it 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

W. P. Rowe, Member

Ralph J. McGill, Member