

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18827)
of Wetsel-Oviatt Lumber Company to)
Appropriate from Sopiago Creek in)
El Dorado County)

Decision D 1077

ADOPTED MAR 15 '62

DECISION APPROVING APPLICATION IN PART

Wetsel-Oviatt Lumber Company having filed Application 18827 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 18827 is for a permit to appropriate two cubic feet per second from Sopiago Creek in El Dorado County between May 1 and December 31 of each year for industrial and domestic use within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T9N, R13E, MDB&M.
2. Applicant's point of diversion is located approximately one-half mile above the confluence of Sopiago Creek and Middle Fork Cosumnes River.



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3. Protestant Arroyo Ditch Company claims a right to divert up to 30 cubic feet per second year-round from Middle Fork Cosumnes River for municipal, industrial, and irrigation purposes dating from the year 1851 at a point approximately 14 miles below the confluence of Sopiago Creek and Middle Fork Cosumnes River.

4. Protestant Cosumnes Irrigation Association diverts from Cosumnes River at a point approximately 25 miles below the point of diversion of Arroyo Ditch Company. It holds License 2629 for 12.5 cubic feet per second and claims pre-1914 appropriative and riparian rights for a total right to divert approximately 30 cubic feet per second.

5. Protestant J. D. Granlees diverts from Cosumnes River at the same point of diversion as the Cosumnes Irrigation Association under claimed pre-1914 appropriative rights, riparian rights, and License 537 for two cubic feet per second. His use is for stock-watering and irrigation of 800 acres and is included in the 30 cubic feet per second claimed by Cosumnes Irrigation Association.

6. Protestant E. Clemens Horst diverts from wells located along the channel of the Cosumnes River at a point below the other protestants under claimed riparian and pre-1914 appropriative rights for the irrigation of 160 acres.

7. At the time of the field investigation made on June 17, 1960, the flow of Sopiago Creek near the applicant's point of diversion was measured at 1.76 cubic feet per second.

8. The monthly mean flows of Middle Fork Cosumnes River as computed from the records of Somerset gaging station and the monthly mean flows of the Cosumnes River as computed from the Michigan Bar and McConnell gaging stations indicate, and the Board finds, that there is unappropriated water to satisfy the applicant for the months of May, June, November, and December, but not during July, August, September, and October.

9. The intended use is beneficial.

10. Protestant Department of Fish and Game has recommended that flows of two cubic feet per second, or the natural flow whenever it is less, be bypassed at the applicant's point of diversion to maintain fish life in Sopiago Creek. The Board finds that this minimum flow is necessary for the preservation and enhancement of fish life and that it is in the public interest that the applicant be required to bypass this amount of water.

From the foregoing findings, the Board concludes that Application 18827 should be approved in part and that a permit should be issued to the applicant 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 18827 and all relevant information on file therewith, particularly the report of the field investigation made June 17, 1960; the files of License 2629 (Application 2296) and License 537 (Application 1838); United States Geological Survey (USGS) Camino, Placerville, and Leek

Spring Hill quadrangles, 15-minute series, dated 1952, 1949 and 1951, respectively; USGS Water Supply Papers "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California"; California Department of Water Resources "Report of Sacramento-San Joaquin Water Supervision" for the years of record; State Water Resources Board, Bulletin No. 2, "Water Utilization and Requirements of California".

IT IS HEREBY ORDERED that Application 18827, be, and the same is, approved in part, and that a permit be issued to the applicant 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 two cubic feet per second to be diverted from about May 1 to about July 1 and from about November 1 to about December 31, of each year.

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

3. Actual construction work shall begin on or before September 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1964.