STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22861 of Robert Alfred Young to Appropriate from an Unnamed Stream in Amador County	Decision 1311

DECISION APPROVING APPLICATION IN PART

Robert Alfred Young having filed Application 22861 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant 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 stipulation; the Board, having considered all available information, finds as follows:

1. Application 22861 is for a permit to appropriate 12 acre-feet per annum (afa) by storage from November 1 of each year to May 1 of the succeeding year for irrigation, domestic, stockwatering, fish culture, recreational and wildlife enhancement purposes from an unnamed stream tributary to New York Ranch Gulch, to Jackson Creek to Dry Creek and to the Mokelumne River in Amador County. The point of diversion is to be located within the NW$\frac{1}{4}$ of NW$\frac{1}{4}$ of Section 6, T6N, R12E, MDB&M.

2. In answer to the protest filed by the Jackson Valley Irrigation District, applicant asserts that he will only divert approximately 3 afa to storage, after the initial filling of his reservoir, to replace water withdrawn for beneficial use and consumed by evaporation. The quantity to be diverted to storage will be limited accordingly in the permit.

3. The operation study in the "Feasibility Report on Jackson Creek Project" by Kaiser Engineers, dated February, 1958, for a proposed 26,000 afa storage project by the Jackson Valley Irrigation District, shows that there would be spills in 10 years and deficiencies in 4 years during a 20-year period similar to the period from 1922 through 1941. As the project was constructed with a capacity of 22,000 afa, the quantity and frequency of spills will be somewhat greater.

4. In Decision D 976, it was found that no unappropriated water was available in Jackson Creek after April 1, so the season when unappropriated water is available to the present applicant from a tributary of Jackson Creek also terminates on April 1.

5. Jackson Valley Irrigation District presently uses only a small fraction of the quantities specified in Permits 11224 and 11589, as its project is still in the early build-up period. Use of the full permit quantities is contingent on additional financing and conversion of several thousand acres within the district to irrigated farming.

6. The protestant stated its protest could be dismissed if applicant would agree to end his storage season on March 31 and accept a permit term requiring him to release water from his reservoir in any year that protestant's reservoir does not fill by that date. Water released from the applicant's reservoir must flow through a Pacific Gas and Electric Company reservoir and the Evitt Reservoir, and then several miles down the channel of New York Ranch Gulch and approximately 10 miles down the channel of Jackson Creek, before reaching the protestant's reservoir. How much water, if any, released from applicant's reservoir in a dry year would reach protestant's reservoir is not certain and would be practically impossible to ascertain. Even if protestant's reservoir failed to fill by March 31, it might fill before May 31 when the protestant's authorized storage season ends. Furthermore, the operation study by Kaiser Engineers for protestant's reservoir shows that the safe yield is based on a series of dry years. Failure to fill in one year does not necessarily reduce the safe yield. If water were released from applicant's reservoir in one year because protestant's reservoir did not fill, that water might be spilled and wasted during the next year or two.

In view of all of these circumstances, plus the fact that applicant's consumptive use of water will not exceed 3 afa, the permit term proposed by protestant is not justified.

7. Unappropriated water is available to supply the applicant, and, subject to suitable conditions, such water may

be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22861 should be approved in part and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Applications 12342A, 16240, 16859, 17605, 17834, 18000, 18180, 18215 and 18401 and all relevant information on file therewith, particularly the report of the field investigation made February 6, 1968.

ORDER

IT IS HEREBY ORDERED that Application 22861 be, and it is, approved in part, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 12 acre-feet to initially fill the reservoir and to refill if emptied for necessary maintenance or repair, and 3 acre-feet per annum by storage, to be collected from about November 1 of each year to about April 1 of the succeeding year.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

2. The maximum quantity 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, 1971.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control 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 Resources Control 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.

6. Permittee shall allow representatives of the State Water Resources Control 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.

7. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit.

8. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board to comply with the preceding paragraph.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: AUG 1 1968

/s/ George B. Maul
George B. Maul, Chairman

/s/ W. A. Alexander
W. A. Alexander, Vice Chairman

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

/s/ Norman B. Hume
Norman B. Hume, Member

/s/ E. F. Dibble
E. F. Dibble, Member