

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22946)
of SMM Farms Inc. and John Kalfsbeek)
to appropriate from Colusa Trough) Decision 1328
in Colusa County.)

DECISION APPROVING APPLICATION

SMM Farms Inc. and John Kalfsbeek having filed Application 22946 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on October 15, 1968; applicants and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1. Application 22946 is for a permit to appropriate 16.25 cubic feet per second by direct diversion from March 15 to June 30 and September 1 to January 15 of each year for irrigation and recreation purposes from Colusa Trough (Drain Canal 2047) tributary to the Sacramento River in Colusa County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 28, T16N, R2W, MDB&M.

2. Applicants propose to irrigate 679 acres of rice during the irrigation season. This acreage has been irrigated either by applicants or their predecessors in

interest for approximately the last ten years. Applicants also propose to flood approximately 150 acres for duck hunting throughout the duck season.

3. The source of water for this application is the Colusa Trough, which is also known as the Colusa Basin Drain and Reclamation Main Drain No. 2047. The trough is located on the floor of the west side of the Sacramento Valley and collects natural runoff and agricultural waste and return water from over a 500-square-mile area. During the irrigation season, most of the flow in the trough is waste and return water. Some natural flow is present in the trough during the spring and storm periods and it is possible that some natural flow is present at all times.

4. The Colusa Trough is approximately 75 miles long and originates at the Glenn-Colusa Canal and terminates at Knights Landing, where water from the trough flows into the Sacramento River or is diverted into another irrigation canal called the Knights Landing Ridge Cut.

5. Approximately two miles below applicants' point of diversion on the Colusa Trough is a gaging station maintained by the Department of Water Resources. There is also a gaging station maintained by the Department of Water Resources at the confluence of the trough and the Sacramento River. Until 1956 a gaging station was maintained at the Knights Landing Ridge Cut.

6. There have been 70 permits and licenses issued on applications to divert from the Colusa Trough and 4 permits and licenses issued on applications to divert from the Knights Landing Ridge Cut (see Decisions D-683, 785, 1045 and 1190). The flows recorded at the gaging stations reflect the use under these permits and licenses.

7. There are no substantial return flows to the Colusa Trough between applicants' point of diversion and the gaging station two miles downstream. Records from this gaging station and the gaging stations at Knights Landing indicate that there is water physically available in the Colusa Trough during the requested seasons of diversion which is in excess of that used by existing diverters from the trough and its tributaries.

8. Unappropriated water is available to supply the applicants, 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.

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22946 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 22946 be, and it is, approved, and that a permit be issued to the applicants 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 16.25 cubic feet per second by direct diversion to be diverted from about March 15 to about June 30 of each year and from about September 1 of each year to about January 15 of the succeeding year. The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

2. 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.

3. The maximum quantity herein stated may be reduced in the license if investigation warrants.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

5. 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.

6. 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 and to carry out legally established water quality objectives.

7. 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.

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

Dated: FEB 6 1969

~~KERRY W. MULLIGAN~~
Kerry W. Mulligan, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

GEORGE B. MAUL
George B. Maul, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member