

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23269 of  
John M. and Barbara M. Thompson,  
Applications 23270 and 23271 of  
Coarsegold Ranch Development Company  
and Recreational Campgrounds Ltd., and  
Application 23529 of Shirley and John  
Stocchetti to Appropriate from Grub  
Gulch Creek and Five Unnamed Streams  
in Madera County.

Decision 1448

DECISION APPROVING APPLICATION 23269 (IN PART),  
AND 23529, AND DENYING APPLICATIONS 23270 AND  
23271

BY THE BOARD:

John M. and Barbara M. Thompson, Gordon E. Alexander, et al,  
and Shirley and John Stocchetti having filed Applications 23269,  
23270, 23271, and 23529, respectively, for permits 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 Resources  
Control Board pursuant to said stipulation; Coarsegold Ranch  
Development Company and Recreation Campgrounds, Inc., having succeeded  
Gordon E. Alexander, et al as owners of Applications 23270 and 23271;  
the Board, having considered all available information, finds as  
follows:

Substance of the Applications

1. (a) Application 23269 is for a permit to appropriate  
30 acre-feet per annum (afa) by storage from November 1 of each year  
to April 15 of the succeeding year for irrigation, stockwatering,  
wildlife propagation, fish culture and recreational purposes from  
Grub Gulch Creek in Madera County. The point of diversion is to  
be located within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7S, R20E, MDB&M.

(b) Application 23270 is for a permit to appropriate 16.7 afa by storage from October 1 of each year to June 1 of the succeeding year for recreational, fish culture and stockwatering purposes from an unnamed stream tributary to Coarse Gold Creek in Madera County. The point of diversion is to be located within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6, T8S, R21E, MDB&M.

(c) Application 23271 is for a permit to appropriate 18 afa (total for three reservoirs) by storage from October 1 of each year to June 1 of the succeeding year for recreational and fish culture purposes from three unnamed streams in Madera County. The points of diversion are to be located within the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 7, T8S, R21E, MDB&M.

(d) Application 23529 is for a permit to appropriate 11.5 afa by storage from December 1 of each year to April 15 of the succeeding year for stockwatering and wildlife propagation purposes from an unnamed stream in Madera County. The point of diversion is to be located within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 22, T8S, R21E, MDB&M.

#### Applicants' Projects

2. The reservoirs described in these applications are on upper tributaries of the Fresno River above Hidden Dam and, except for the reservoirs described in Application 23271, have been constructed and in use for a number of years. They are used principally for recreation and stockwatering. Application 23269 includes irrigation as a purpose of use. However, as the applicants' plans as related in a letter received January 15, 1974, indicate that it is doubtful that they will ever be able to use the reservoir for irrigation, irrigation as a purpose of use should not be included in any permit issued pursuant to Application 23269.

## Protests

3. The applications were protested by the Madera Irrigation District (hereinafter referred to as "District") which claims an adjudicated right to divert 200 cubic feet per second (cfs) from the Fresno River and holds Permit 10472 (Application 15287) to divert an additional 200 cfs from the river. The District's diversion dam is approximately five miles east of the City of Madera. Also, the District protests in its capacity as the principal beneficiary of the Hidden Project which is under construction on the Fresno River approximately 15 miles below the lowermost applicant by the U. S. Bureau of Reclamation (hereinafter referred to as "Bureau").

The Bureau protested the applications on the basis of its Application 18733 for the appropriation of 100,000 afa from the Fresno River for its Hidden Project. The Bureau dismissed its protests to Applications 23269 and 23529 upon assurance by the Board that any permit or permits issued pursuant to these applications would contain the standard term providing for the bypass or release of water necessary to satisfy prior rights.

The County of Madera protested the applications on the basis of Permit 11172 (Application 17311) held by the Department of Fish and Game. Upon its failure to show it had authority to represent the department in the matter, the county's protest was dismissed.

### Disposition of Applications 23270 and 23271

4. On November 30, 1973, the records of the Madera County Assessor showed that the ownership of the land on which the reservoirs under Applications 23270 and 23271 are or will be located had changed since these applications were filed. Part of the area is now owned by Coarsegold Ranch Development Company and part by Recreation Campgrounds, Inc. In response to a request for clarification of

intent to proceed, a general partner of Coarsegold Ranch Development Company stated that the applications could be canceled. No response was received from Recreation Campgrounds, Inc. Therefore, Applications 23270 and 23271 should be denied for lack of intent to proceed with diligence to complete the necessary works and apply water to beneficial use.

#### Availability of Water at the Applicants' Points of Diversion

5. As Application 23529 was filed following an inspection of a reservoir covered by License 9803 (Application 22943) which found that more water was being stored than authorized by the license, there is no question as to the availability of water at the source. The reservoir covered by Application 23269 has filled in past years in a few days following storms.

#### Availability of Unappropriated Water

6. The District operates a gaging station on the Fresno River approximately 15 miles above its confluence with the San Joaquin River. The gaging station records, which cover the years 1939 through 1960 and 1963 through February 1971, show that every year there has been water passing the gaging station. Use of water between the gaging station and the mouth of the Fresno River is not substantial in relation to the supply available during most years. The minimum quantity passing the gaging station for the period of record was 202 acre-feet in 1957. The maximum quantity was 234,491 acre-feet in 1969. The average annual quantity for the period of record was 34,554 acre-feet. The records of the flow at the District's gaging station show there is not sufficient flow in the Fresno River during the month of November to justify including it in the diversion season in any permit issued pursuant to Application 23269 (Ex. 13, hearing on Application 15287).

The Bureau concluded from its studies that the Hidden Project will develop an average annual new water supply of 23,800 acre-feet. Decision 1407 of the Board, adopted on January 4, 1973, ordered that the Bureau's permit be subject to additional depletion of flow into Hidden Reservoir of 2,000 afa by upstream appropriations subsequent to May 22, 1959, the date Application 18733 was filed. The Board's study of upstream allocations pursuant to this condition shows that depletions resulting from appropriations under Applications 23269 and 23529 will come within the limits of this 2,000 acre-foot reservation.

7. 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.

8. The intended use is beneficial.

#### Environmental Effect

9. The Board's initial study of applicants' projects pursuant to the California Environmental Quality Act indicated that the projects would not have a significant effect on the environment. Negative Declarations to that effect for Applications 23269 and 23529 were prepared and circulated in accordance with administrative regulations. No adverse comments having been received, the Board confirms the Negative Declarations.

From the foregoing findings, the Board concludes that Applications 23269 and 23529 should be approved to the extent indicated and that permits should be issued to the applicants subject to the limitations and conditions set forth in the order following. It is further concluded that Applications 23270 and 23271 should be denied for failure to show intent to proceed.

The records, documents, and other data relied upon in determining the matter are: Applications 11048, 13541, 15287, 17311, 18733, 22943, 23123, 23269, 23270, 23271 and 23529 and all relevant information on file therewith, particularly the reports of field investigations made on June 23, 24, and October 23, 1970; statements of water diversion and use S-4978 and S-5005; flow records provided by Madera Irrigation District for its gage "8 miles west of Madera" on Fresno River; Reclamation Board's publication "Lower San Joaquin River Flood Control Project, Operation and Maintenance Manual, Parts I, II, and III" (1967 and 1969); "Water Resources Data for California, Part I. Surface Water Records, Volume 2: Northern Great Basin and Central Valley"; and topographic maps published by the United States Geological Survey covering the area under consideration.

#### ORDER

IT IS HEREBY ORDERED that Application 23269 (except for irrigation purposes) be approved in part and Application 23529 be approved, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. (a) The water appropriated pursuant to Application 23269 shall be limited to the quantity which can be beneficially used and shall not exceed 30 acre-feet per annum by storage to be collected from December 1 of each year to April 15 of the succeeding year.

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- (b) The water appropriated pursuant to Application 23529 shall be limited to the quantity which can be beneficially used and shall not exceed a total of 11.5 acre-feet per annum by storage to be collected from December 1 of each year to April 15 of the succeeding year.

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

3. The amount authorized for appropriation 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, 1978.

5. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

6. Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, 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.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately

water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

7. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

8. 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.

9. After the initial filling of the storage reservoir permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.



10. Permittee shall 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 State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released.

11. Permittee shall install a staff gage in his reservoir meeting the approval of the State Water Resources Control Board for the purpose of determining water levels in the reservoir.

12. Permittee shall keep the reservoirs free of phreatophytes.

IT IS FURTHER ORDERED that Applications 23270 and 23271 be denied.

Dated: May 15, 1975

W. W. ADAMS  
W. W. Adams, Chairman

W. DON MAUGHAN  
W. Don Maughan, Vice Chairman

ROY E. DODSON  
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER  
Mrs. Carl H. (Jean) Auer, Member