

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications
25326, 25327, and 25328 to
Appropriate from Unnamed Streams
and Storey Creek,

IDA MAY VAN DE VENTER,

Applicant,

ST. JOHNS RIVER ASSOCIATION, ET AL.,

Protestants

Decision: 1507

Sources: Unnamed Streams and
Storey Creek

County: Tulare

DECISION DENYING APPLICATIONS

BY THE BOARD:

Ida May Van De Venter having filed Applications 25326, 25327, and 25328 for permits to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on October 18, 1978; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

Substance of Applications

1. Application 25326 is for a permit to collect 2.8 acre-feet per annum (afa) from November 1 to April 1 for stockwatering purposes. The point of diversion is on an unnamed stream tributary to Moore Creek located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T15S, R26E, MDB&M.

2. Applications 25327 is for a permit to collect 5.7 afa from November 1 to April 1 for stockwatering purposes. The point of diversion is on an unnamed stream tributary to Moore Creek located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T15S, R26E, MDB&M.

3. Application 25328 is for a permit to collect 20 afa from October 1 to May 30 for stockwatering purposes. The point of diversion is on Storey Creek tributary to Long Creek located within the NE¼ of SW¼ of Section 31, T15S, R26E, MDB&M.

Protests

4. Applications 25326, 25327, and 25328 were protested by the St. Johns River Association on the basis that there is no unappropriated water available in the streams tributary to Cross Creek (RT 49). Under its claim of pre-1914 appropriative rights and riparian rights, St. Johns River Association believes that the proposed appropriations will diminish the natural flow available to its members for irrigation, stockwatering, and domestic purposes. Water is also needed to replenish the underground supply within its service area (RT 48-53).

5. James and Barbara Orlopp protested Application 25328 on the basis that the proposed appropriation will reduce the water supply available to satisfy their prior right as covered under licensed Application 9384.

Unappropriated Water

6. Previous Board Decisions 1018 and 1432 on the Tule River, and Decision 1435 on Sand Creek tributary to Cross Creek, both tributary to Tulare Lake found that no unappropriated water is available. Further evidence that no unappropriated water exists in the Tulare Lake watershed is that ground-water levels are receding and causing some land to subside.

7. The record shows that Protestants Orlopp have rarely obtained their full allotment of water as covered under their license because of the insufficient supply. The Orlopp reservoir is located approximately one-half mile downstream from the applicant's dam on Storey Creek (RT 30).

8. Based upon previous Board decisions and the testimony received at the hearing, the Board concludes there is no unappropriated water available to supply the applicant except for rare, extremely wet years. Denial of Applications 25326 and 25327 should have no effect on the applicant's claim of right to regulate water in the two smaller reservoirs if water is not stored more than 30 days.

ORDER

IT IS HEREBY ORDERED that Applications 25326, 25327 and 25328 be denied.

Dated: JUNE 21, 1979

/S/ W. DON MAUGHAN
W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER
William J. Miller, Member

/S/ L. L. MITCHELL
L. L. Mitchell, Member

/S/ CARLA M. BARD
Carla M. Bard, Member

