

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 15857 )  
of Fred and Adeline Podesta and )  
Fred F. Podesta, Jr., to Appropriate )  
from an Unnamed Stream Tributary to )  
Calaveras River in San Joaquin County )

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**ADOPTED FEB 15 '62**

Decision D 1058

DECISION APPROVING APPLICATION

Application 15857 having been filed with the State Water Rights Board by Fred and Adeline Podesta and Fred F. Podesta, Jr.; protest's having been submitted by Stockton and East San Joaquin Water Conservation District, Julia, Lloyd, and Fred Pezzi, and Andrew L. and Margaret F. Cuneo; a public hearing having been held before Ralph J. McGill, Member, State Water Rights Board on October 10, 1961, in Stockton, California; applicants and protestant District and protestants Cuneo having appeared at said hearing and protestants Pezzi having failed to appear; evidence having been presented and received at said hearing; applicants and protestants District and Cuneo having stipulated at the hearing to the issuance of a permit on Application 15857 subject to the inclusion of a special term therein; the State Water Rights Board, having duly considered said stipulation and evidence received at said hearing and now being fully informed in the premises, finds as follows:

1. The applicants' project was completed in the year 1954.

2. The stipulation entered into between the applicants and protestants should be approved, and a special term should be included in the permit to be issued pursuant to Application 15857 limiting the permittees' diversion season to times when visible flows occur simultaneously in the source at the points designated in said stipulation.

3. There is unappropriated water available at times to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed during those times without causing substantial injury to any lawful user of water.

4. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 15857 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 15857 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and the following limitations and conditions:

1. The amount of water to be appropriated for irrigation and stockwatering purposes under this permit shall be limited to the amount which can be beneficially used and shall

not exceed 2,500 acre-feet per annum by storage to be collected from about November 1 of each year to about June 1 of the succeeding year.

2. Diversion to storage under this permit is allowed only when visible flows of water occur simultaneously in the channel of the Calaveras River at the following points: Stockton gaging station in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 17, T2N, R7E; the Solari Road Bridge in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 17; and at the Clements Road Bridge near the SE corner of Section 3, T2N, R8E, MDB&M.

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

4. Complete application of water to the proposed beneficial use shall be made on or before December 1, 1965.

5. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

6. All rights and privileges under the permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights 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.

7. Permittees 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 Rights Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of said water is not authorized under this permit.

8. This permit does not authorize collection of water to storage during the period from about June 1 to about October 31 of each season to offset evaporation, seepage losses, or for any other purpose.

9. Permittees shall allow representatives of the State Water Rights 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 Order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the  
day of \_\_\_\_\_, 1962.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member