

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25107)
JIMMIE OWENS WELCH, JR.)
Applicant)
NEVADA IRRIGATION DISTRICT, ET AL.)
Protestants)

Decision: 1535
Sources : Clipper Creek and
Little Clipper Creek
County : Nevada

DECISION DENYING APPLICATION

BY THE BOARD:

Jimmie Owens Welch, Jr., having filed Application 25107 for a permit to appropriate unappropriated water; protests having been received; an investigation in lieu of hearing authorized by all parties having been held; evidence having been received and duly considered; the Board finds as follows:

Substance of the Application

1. Application 25107 is for a permit to appropriate 0.6 cubic foot per second by direct diversion from March 1 to May 30 for frost protection, 0.2 cubic foot per second from May 1 to October 30 for irrigation, 400 gallons per day from January 1 to December 31 for domestic use, and five acre-feet per annum by storage from November 1 to April 1 for all of the above uses. The points of diversion are within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 33, T16N, R9E, MDB&M. The source streams are Clipper Creek and Little Clipper Creek which are tributary to Bear River.

Applicant's Project

2. The proposed project site is located about four miles east of Grass Valley. The applicant proposes direct diversion and storage to provide water for 18.5 acres of vineyard, pasture, lawn and garden, and domestic use. A small diversion dam has been built on Little Clipper Creek but no water has been diverted from the pond.

3. The proposed project would pump water from two creeks into a reservoir to be built on a hill. Water would then be gravity fed to the place of use. Water would also be pumped directly to the place of use from the two creeks.

Protests

4. Nevada Irrigation District (NID), South Sutter Water District (SSWD), Carl Comenzind, Esther Ellis, Lauren and Lona West, Elton Kantor, and Robert and Violet Jean filed protests against Application 25107. The U. S. Bureau of Reclamation did not protest on the assumption that any permit issued would reflect previous Board findings of no unappropriated water during July and August.

5. NID and SSWD claim there is no unappropriated water during the summer and during many winter months. Protestant Comenzind claims that the applicant's small diversion dam has forced the stream underground thus interfering with his diversion about 20 feet downstream from the dam. Protestants Jean are the only other protestants using water from the local stream system and, except during 1978, the stream was dry and did not reach their point of diversion. Protestants Ellis, Kantor, and West based their protests on environmental concerns.

Availability of Unappropriated Water

6. NID operates Rollins Reservoir and SSWD operates Camp Far West Reservoir, two relatively large projects downstream from the applicant's points of diversion.

Available information indicates that there is unappropriated water in Bear River during the winter and early spring of most years but not during the summer.

7. Section 760, Title 23, California Administrative Code, requires the applicant to show that he has an alternative source of water to meet his needs during the nonpermitted season. However, the applicant has not indicated any alternative sources of supply for the summer months, nor do we know of any.

8. The applicant was notified by letter dated March 16, 1978, that there was not enough water available to satisfy his proposed project. Applicant was informed, however, that a permit for a decreased amount of water might be possible if he would reduce the size of his project and if it was still feasible. The applicant did not respond to this letter nor to a followup letter. Further attempts to contact him by phone have also failed. The applicant did not appear at the field investigation held as a required part of the proceeding in lieu of hearing.

Other Considerations

9. On March 7, 1977 the Department of Forestry wrote a letter to the applicant denying his application for a certificate to convert the timbered part of his 19 acres to vineyard. This denial was based on economic and physical limitations and did not reach the environmental impact stage.

Conclusions

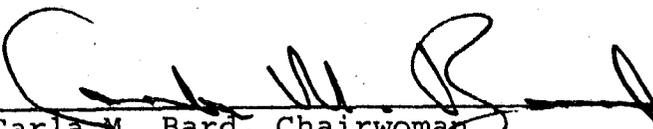
10. From the foregoing findings, the Board concludes that Application 25107 should be denied.

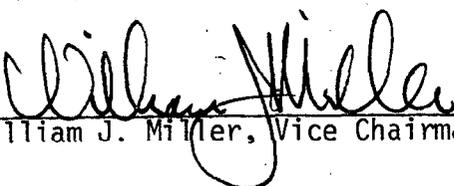
ORDER

IT IS HEREBY ORDERED that Application 25107 be denied.

Dated:

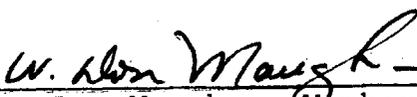
SEP 20 1979


Carla M. Bard, Chairwoman


William J. Miller, Vice Chairman

ABSENT

L. L. Mitchell, Member.


W. Don Maughan, Member