

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 13056 by L. K. and Lois Hauser to
Appropriate Water from an Unnamed Spring Tributary via Randolph
Canyon, Hangtown Creek and Webber Creek to South Fork American
River, in El Dorado County for Irrigation and Domestic purposes.

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Decision A. 13056 D. 701

Decided March 27, 1951

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER
RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON AUGUST 17, 1950:

L. K. Hauser	Applicant
J. F. Bonner)	(Representing Pacific Gas and Electric Company)
F. Brenneman)	
S. Skeehan	Associate Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer

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O P I N I O N

General Description of the Project

Application 13056 contemplates an appropriation of 0.032
cubic foot per second, year round, from an unnamed spring, tributary
via Randolph Canyon, Hangtown Creek, and Webber Creek to South Fork
American River, at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T 10 N,
R 11 E, M.D.B. & M., in El Dorado County, for irrigation and domestic

purposes. Diversion is to be by means of 2 pumps, their intakes to be placed directly in the spring, their aggregate capacity 25 gallons per minute. Conveyance is to be by means of 130 lineal feet of earth ditch, water line width 1.5 feet, depth 0.5 foot, supplemented by 90 lineal feet of 3/4 or 1 inch pipe. Use will include domestic service to one household and the irrigation of a half acre garden and a half acre of pasture. Irrigation is to extend from April 15 until October 1. No other water right is claimed.

Protest

The Pacific Gas and Electric Company protests the application on the basis of a claimed appropriative right to divert 100,000 miners inches (2,500 c.f.s.) from the American River to and through its' Folsom Power House for generating electricity for public consumption. It contends that any diminution of the flow of the American River would be against the public interest in that it would reduce power output.

No answer to the protest was submitted by the applicants.

Field Investigation

The applicants and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on August 17, 1950 by an engineer of the Division. The applicants and the protestant were present or represented during that investigation.

Records Relied Upon

Application 13056 and all data and information on file therewith.

Discussion

The unnamed spring from which the applicant proposes to appropriate under Application 13056 is described as being tributary via Randolph Canyon and Hangtown Creek to the American River. From the proposed point of diversion to the junction of the North and South Forks of the American River the distance (by river) scales about 28 miles. 10 miles below the stream junction mentioned is located a U.S.G.S. stream gaging station (American River at Fair Oaks) for which a 44 year record of discharge has been published. The protestant's Folsom Power House is located on the 10 mile reach above the gaging station. Mean discharges of American River at Fair Oaks during June, July, August and September in each of the 10 most recent years of published record have been as follows:

Monthly Mean Discharges of American River at
Fair Oaks (second-feet)

<u>Year</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>
1939	784	165	106	108
40	3233	734	387	410
41	4639	1319	459	354
42	9163	2402	541	378
43	4337	1273	350	248
44	3117	632	215	224
45	4573	1052	270	268
46	3243	753	290	376
47	1452	272	179	149
1948	7380	1298	308	240

The tabulated figures indicate that the flow of American River during June is usually greater than the 2,500 second feet claimed by the protestant and that during July, August and September it is usually much less than that amount. While the rights of the Pacific Gas and Electric Company to divert waters of American River are not definitely known it is a reasonable surmise in the light of common knowledge that those rights cover at least the usual summer flow. It follows therefore that unappropriated water probably exists in American River at the protestant's power plant through June but not during July, August or September. In that connection it is to be noted that the applicants desire to irrigate from about April 15 until about October 1.

The proposed point of diversion while termed a spring in the application is actually, according to the report of field investigation, a well. The report of field investigation states that the well is located near the thread of a small ravine, that the well is 20 feet deep, that the well pierces 2 water bearing strata which act as collecting channels, that water issues from the upper stratum causing the well to overflow, that this condition obtains until about July 1 but not thereafter, that when the well does not overflow the 200 feet of ravine leading from the well to the creek bed is dry and that the nearest flowing stream observed at that season is Hangtown Creek, about 1/2 mile to the south. Again according to the report of field investigation the applicant pumps 4 hours per day at the time of year of the investiga-

tion and the well recovers overnight, the water at such season issuing from the lower of the 2 water bearing strata only. The applicants' equipment, the report states, is a 1/4 horse power pump of a rated capacity of 350 gallons per hour.

The injury to the protestant resulting from the abstraction of 0.032 cubic foot per second from the flow reaching Folsom power plant during July, August and September would be small. The fall at that power plant is reported to be approximately 50 feet and the power loss due to the proposed diversion could not therefore exceed approximately $(50 \times 0.032)/8.8$ or 0.18 theoretical horsepower. Actually such power loss probably will be much less, the yield of the well, when visited in August, 1950, being of the order of 4 x 350 or 1400 gallons per day (0.0021 cubic foot per second) rather than the 0.032 cubic foot per second applied for. Furthermore such small quantity as the well may produce must, during the dry months, flow a half mile or more underground in order to enter any living stream tributary to the source which supplies the protestant. Should it surface earlier it would be dissipated.

From the information above set forth it is concluded that the applicants' proposed diversion cannot injure the protestant earlier than about July 1 of a normal season, and that any injury that might be caused after about July 1 is too small and too problematical to constitute a reasonable ground for protest. It is the opinion of this office therefore that the diversion proposed in Application 13056 cannot

injure the protestant materially if at all and that the application should be approved and permit issued subject to the usual terms and conditions.

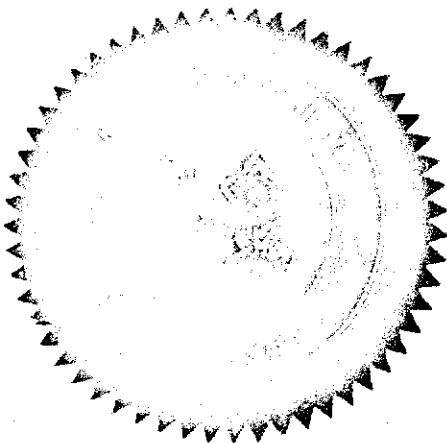
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ORDER

Application 13056 having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13056 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 27th day of March , 1951.



A. D. Edmonston
A. D. Edmonston
State Engineer