

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

000

In the Matter of Application 13580 by M. R. Barnett to Appropriate Water from Greenwood Creek Tributary to South Fork of American River in El Dorado County for Irrigation and Domestic Purposes.

000

Decision A. 13580 D. 716

Decided August 27, 1951

000

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

M. R. Barnett	Applicant
J. F. Bonner) F. Breneman)	(Representing Protestant (Pacific Gas and Electric (Company
S. Sweeney	Associate Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer.

000

OPINION

General Description of the Project

The application contemplates an appropriation of 0.5 cubic foot per second from April 1 to October 15 of each season from Greenwood Creek, tributary to South Fork of American River, in Placer County, at a point within the NE¹/₄ SW¹/₄ of Section 3, T11N R9E M088M, for irrigation and domestic purposes. Diversion is to be effected by means of a 240 gallons-per-minute pumping plant, operating against a static head

of 140 feet. The project includes a 6 inch aluminum pipe line 1000 feet long. The water is to be used mainly in irrigating 40 acres of permanent pasture located within the ~~33 1/2~~ of the same Section 3 and in watering some 42 head of livestock. Water is also to be used at a milk house and for domestic purposes at a dwelling occupied by 4 people.

Protest

The Pacific Gas and Electric Company protests the application on the basis of a claimed appropriative right to divert 100,000 miner's inches (2500 cubic feet per second) 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.

Field Investigation

The parties having both 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 applicant was present and the protestant was represented during that investigation.

Records Relied Upon

Application 13500 and all data and information on file therewith.

Discussion

In the course of the investigation of August 17, 1950 the flow of Greenwood Creek at the point where the applicant proposes to

divert was observed to be about $\frac{1}{2}$ cubic foot per second. This, the parties agreed, represents about the minimum flow of the stream. The applicant is reported to have stated that the creek never goes dry, that it is fed mainly by springs and, to the best of his knowledge, receives no foreign waters. According to the report of the investigation, Lichen Creek joins Greenwood Creek $\frac{1}{2}$ mile below the proposed point of diversion, more than doubling the flow of the latter stream, and approximately $\frac{1}{2}$ mile below that junction the combined flow of Lichen and Greenwood Creeks enters the South Fork of American River. The same report states that while a portion of the applicant's lands are riparian to Greenwood Creek, the portion which he proposes to irrigate under Application 13580, lies beyond the boundary of the Greenwood Creek watershed.

During a discussion which took place in the course of the investigation the protestant's representative stated that the protest might be considered withdrawn if the application is so amended as to eliminate diversion after July 1; and that representative suggested that the applicant collect water in storage during the rainy season for use after July 1. The discussion ended with an understanding that the applicant would communicate with the Division within 60 days in regard to amending his application. He did not so communicate however and the Division on November 27, 1950 addressed to his attorneys a letter containing the following passage:

"If nothing is heard from you upon expiration of 30 days from the date hereof it will be assumed that Mr. Barnett wishes this office to base a decision in the matter upon the information now in its files."

The letter just mentioned elicited no reply.

The protestant's Folsom Power House is located on the American River below the junction of the North and South Forks of that stream. Ten miles below the junction just mentioned, at a point which is also below the Folsom Power House, is located the U.S. Geological Survey stream gaging station "American River at Fair Oaks" for which a 44 year record of discharge has been published. The distance, scaled along the course which the water follows, from the applicant's proposed diversion to the U.S.G.S. gage is some 30 miles. 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	7300	1298	308	240

It is apparent from the tabulated figures that the flow of American River during June is usually greater than the 2500 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 pro-

testant's power plant until about the end of June but not thereafter.

In that connection it is to be noted that the applicant desires to divert from April 1 until October 15. Obviously a water supply available only during April, May and June, in the applicant's locality, is unsatisfactory for certain crops although usable, beneficially, upon crops which mature sufficiently early.

From the information above set forth it is concluded that unappropriated water ordinarily exists in Greenwood Creek until about June 30 but does not ordinarily exist between July 1 and October 15. It is further concluded that irrigation between April 1 and June 30 is a beneficial use of water provided that crops are restricted to those requiring early irrigation only. In view of these conclusions it is the opinion of this office that Application 13580 should be approved, subject to the usual terms and conditions, but with diversions thereunder limited to periods from April 1 to June 30 of each season.

oOo

ORDER

Application 13580 having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13580 insofar as it relates to diversion from about April 1 to about June 30 be approved and that a permit be issued subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that authorization to divert under
Application 13580 from about July 1 to about October 15 be denied.

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

Original signed by

A. D. Elmonston
State Engineer

30112