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STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

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In the Matter of Application 17258 ) Source: Ragsdale Creek  
by Daniel O. and Mary W. Newton ) County: Nevada

Decision No. D 900

Decided: May 14, 1958

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In attendance at investigation conducted by the staff  
of the State Water Rights Board on August 22, 1957:

Daniel O. Newton	)	Applicant
Mary W. Newton	)	Applicant
Philip T. Clay	)	Protestant
Wilder B. Clay	)	Protestant
James Butler	)	
Charles Butler	)	
Robert Hannan	)	
Ed Pilliard	)	Interested Parties
Albert Casey	)	
William Higgins	)	
S. L. Andrews	)	Representing the State
Associate Hydraulic Engineer	)	Water Rights Board

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DECISION

Substance of the Application

Application 17258 was filed August 27, 1956, for a  
permit to appropriate 20 acre-feet of water per annum by storage

to be collected from October 15 of each year to June 1 of the succeeding year. The source is Ragsdale Creek tributary to Bear River via Wolf Creek in Nevada County. The water will be impounded behind an earth dam 15 feet high by 225 feet long located within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 22, T14N, R8E, MDB&M. A portable sprinkler system will be used to irrigate 60 acres of pasture consisting of 22 acres within the SW $\frac{1}{4}$  of Section 22 and 38 acres within the NW $\frac{1}{4}$  of Section 27, T14N, R8E, MDB&M. The reservoir will be used for boating and fishing purposes and for stockwatering of 300 head of stock. The applicants claim ownership of the land at the point of diversion and of the land to be served.

#### Protest

Philip T. Clay and Wilder B. Clay jointly protest the application upon the apprehension that the proposed appropriation will require all the flow of Ragsdale Creek after April 15 of each year. They claim a right to the use of water from the stream by virtue of riparian ownership, that since September 1955 they have diverted therefrom at a point within the E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 21, T14N, R8E, MDB&M, commencing about April 15 of each year for irrigation of pasture, and that they also use water for domestic purposes.

#### Answer

In reply to the protest, the applicants claim that Ragsdale Creek is an intermittent stream that flows only during

the winter runoff season, that the amount applied for is small in comparison to the total runoff, that applicants and their predecessors in interest have used Ragsdale Creek water since 1861 in an amount far in excess of the amount requested, that water from Lake Combie on Bear River is purchased by the applicants for irrigation purposes from Nevada Irrigation District which returns, in part, to Ragsdale Creek downstream from their ranch during the period April 15 to October 15 and that protestants have a domestic well which "according to the protestants' own statements is fully adequate for their needs during the period in question".

#### Field Investigation

The applicants and protestants, with the approval of the State Water Rights Board, stipulated to proceedings in lieu of hearing as provided for under Section 737 of the Board's rules, and a field investigation was conducted on August 22, 1957, by S. L. Andrews, an engineer of the Board. The applicants and protestants were present at the investigation.

#### Records Relied Upon

The records relied upon for support of this decision are Application 17258 and all relevant information on file therewith with particular reference to the report on the field investigation by an engineer of the Board referred to in the preceding paragraph and on file in the records of said application, entitled "Report of Field Investigation of Application 17258", dated September 18, 1957; Bulletin No. 10, State Water Resources Board, "Placer County Investigations", dated 1955;

United States Geological Survey, Lake Combie Quadrangle, dated 1950, scale 1 inch = 2,000 feet; United States Geological Survey, Water Supply Papers, "Pacific Slope Basins in California".

#### Description of the Watershed

According to the report of field investigation, Ragsdale Creek heads about 12 miles northeast of the City of Auburn within the NE $\frac{1}{4}$  of Section 22, T14N, R8E, MDB&M, in the vicinity of Egbert Hill, at an elevation of about 1740 feet, and flows in a general southwesterly direction about 0.75 mile to the applicants' point of diversion, thence in a general westerly direction about 2 miles to a confluence with Wolf Creek. From this junction, Wolf Creek flows in a general southwesterly direction a distance of about 1.5 miles to Bear River. The protestants are located on Ragsdale Creek about 0.75 mile downstream from the applicants' point of diversion and about 0.25 mile downstream from the lower boundary of the applicants' irrigated pasture. The watershed areas above the points of diversion of applicants and protestants are about 250 and 450 acres, respectively.

#### Applicants' Project

The aforementioned report further indicates that the applicants' dam was built under U. S. Soil Conservation Service supervision and was completed in October of 1956, that at the time of the investigation there was about 10 acre-feet of water behind the dam, that the estimated capacity of the reservoir is about 20 acre-feet, and that water is released from the reservoir into

the stream channel and rediverted from the creek at a point about 600 feet downstream by means of a pump and applied to irrigation upon about 60 acres of land through a portable sprinkler system. However, it is indicated that the applicants' present operation is inefficient as it allows some of the released water to waste down Ragsdale Creek, and it is their intention to eventually pump directly from the reservoir.

In addition to the winter flow impounded in the reservoir, the applicants purchase 55 miner's inches of water from the Nevada Irrigation District during the period April 15 to October 15. This water is pumped from Lake Combie and is conveyed by a canal to the Ragsdale Creek watershed. This purchased water is applied by portable sprinkler system to the irrigated pasture above the reservoir. Return flow from this irrigation is collected in the reservoir and reused downstream. The storage reservoir is also used directly as a regulating basin for water purchased from the district.

Subsequent to the field investigation the applicants requested that the application be amended so as to terminate the season of diversion on May 1 rather than June 1 as originally requested.

#### Protestants' Project

The protestants divert water from Ragsdale Creek by pumping from a pool created by a concrete weir 25 feet long and 3 feet high. The water is applied to the irrigation of from 4 to 5 acres of pasture by means of a portable sprinkler system.

Water is also diverted to a small storage tank for fire protection and to supply a swimming pool of a capacity of about 50,000 gallons. According to the report of field investigation the protestants' property is contiguous to the creek.

#### Water Supply

Little information is available as to the flow of water in Ragsdale Creek during the requested season of diversion; namely, October 15 to May 1. According to Table 4 of Bulletin No. 10, State Water Resources Board, "Placer County Investigation", dated 1955, the average annual precipitation at Auburn (elevation 1363) is 33.12 inches with 88% of the annual total occurring between the period November 1 to May 1. In April there is received on an average 8.7% of the total annual rainfall.

The United States Geological Survey maintains two stream-gaging stations on the lower reach of Bear River. The station, "Bear River near Auburn" is located about two miles upstream from the confluence of Wolf Creek and Bear River and the station "Bear River near Wheatland" is located one mile southwest of the Town of Wheatland and about 21 river miles below the "near Auburn" gage. The watershed area contributing to Bear River between the two gages, including Wolf Creek and Ragsdale Creek, totals 155 square miles. During the period that published streamflow records of both gages are available (December, 1941 to September, 1954) the annual runoff has averaged 790 acre-feet per square mile. During April, the runoff has averaged 59 acre-feet per square mile or 7.5 per cent of the average annual. As

Ragsdale Creek is located to the extreme east and at an elevation considerably higher than average for the contributory area, a conservative estimate of the average runoff at the applicants' proposed dam for the period October 15 to May 1 would be in the order of 200 acre-feet. The runoff area contributing to the flow of Ragsdale Creek at the protestants' point of diversion but below the applicants' dam is about 0.3 square mile.

The report of field investigation includes the following statement as to streamflow conditions:

"William Higgins, J. M. Sanford, Edward Pilliard, and Charles Butler, who purportedly have resided in the area for many years, provided the consensus that in an average year there has been no flow in Ragsdale Creek from natural runoff after May 1."

#### Discussion

The protestants are apprehensive that approval of Application 17258 will result in interference with their use of water from Ragsdale Creek after April 15. The application as amended seeks a permit to appropriate from October 15 to May 1. Hence, the only period of apparent conflict is the 15-day period from April 15 to May 1. Based upon the estimated runoff of Ragsdale Creek as discussed in the preceding section of this decision it is apparent that the supply normally available for diversion to storage is several times that sought under Application 17258, that the season of diversion can be terminated as early in the season as April 15 without affecting the feasibility of the project, and that in view of the uncertainty of the existence of surplus water in the stream after the beginning of the

irrigation season, approval of the application for diversion beyond April 15 is not justified.

#### Conclusions

The evidence indicates and the Board finds that there is usually unappropriated water in the source designated in Application 17258 available to supply the applicants, which water may be appropriated to a substantial extent in the manner proposed in the application without injury to any other lawful user of water, that the intended uses are beneficial and that said application should be approved for diversion to storage between October 15 and April 15 and permit issued subject to the usual terms and conditions.

#### Order

Application 17258 for a permit to appropriate unappropriated water having been filed, a protest having been submitted, an investigation having been made by the State Water Rights Board and said Board being fully informed in the premises:

IT IS HEREBY ORDERED that Application 17258 be and the same is hereby approved in part and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions, to wit:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 20 acre-feet per annum to be collected from about October 15 of each year to about April 15 of the succeeding year.



2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Construction work shall be completed on or before December 1, 1960.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1961.

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

6. All rights and privileges under this 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.

That portion of Application 17258 seeking diversion to storage between April 15 and May 1 of each year is hereby denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Fresno, California, this 14th day of May, 1958.

/s/ Henry Holsinger

Henry Holsinger, Chairman

/s/ W. P. Rowe

W. P. Rowe, Member

/s/ Ralph J. McGill

Ralph J. McGill, Member