

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18560)
of Moore Brothers to Appropriate from)
Markham Ravine in Placer County)

Decision No. D 1000

ADOPTED APR 10 '61

DECISION APPROVING APPLICATION

Moore Brothers, having filed Application 18560 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; and investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18560, as amended, is for a permit to appropriate 3 cubic feet per second by direct diversion between March 15 and October 15 of each year and 80 acre-feet per annum by storage between November 1 of each year and April 1 of the succeeding year for irrigation and stockwatering purposes.

2. Applicants' points of diversion are located approximately 8 miles below the origin of Markham Ravine. From that point the stream flows approximately 10 miles to its confluence with East Side Canal, thence 3 miles to Cross Canal. Cross Canal enters Sacramento River at a point approximately 4.5 miles below the confluence of Cross Canal and East Side Canal.



3. Practically all of the flow of Markham Ravine during the period of the applicants' direct diversion season is spill from Nevada Irrigation District's Canal at its crossing of Markham Ravine below the applicants' points of diversion. The water which the applicants seek to appropriate by direct diversion is principally return water, a large portion of which comes from their own lands.

4. The protestants, B. J. Ukropina et al., hold Permit 4215 (Application 7641) and Permit 9857 (Application 15745) to divert from Cross Canal. The records of the diversion of the protestants maintained by the Department of Water Resources (Sacramento-San Joaquin Water Supervision) and the records of the flows of Cross Canal as recorded at "Natomas Cross Canal at Head" gaging station show that the protestants' source of water during the critical months of June, July, and August is primarily backwater from the Sacramento River, only a small portion coming from Cross Canal and tributaries.

5. A field investigation on August 30, 1960, found that virtually all of the flow of Markham Ravine was diverted at a point approximately two miles upstream from its confluence with East Side Canal and did not reach the protestants.

6. There are no available records of the flows of Markham Ravine other than those obtained by the engineer of the Board's staff. At the time of the field investigation on August 30, 1960, the flow above the applicants' points of diversion was between 0.25 and 0.5 cubic foot per second.

7. There is sufficient water during most years to satisfy the storage feature of Application 18560.

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

9. The intended use is beneficial.

10. Construction of the applicants' project is complete.

From the foregoing findings, the Board concludes that Application 18560 should be approved and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining this matter are: Application 18560 and all relevant information on file therewith, particularly the reports of the field investigations made on April 28 and August 30, 1960, Permit 4215 (Application 7641), and Permit 9857 (Application 15745); United States Geological Survey, Knights Landing, Lincoln and Auburn quadrangles, 15-minute series, dated 1952, 1953 and 1954, respectively; California Department of Water Resources, "Report of Sacramento-San Joaquin Water Supervision," for the years 1949 to date.

IT IS HEREBY ORDERED that Application 18560 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second by direct diversion from about March 15 to about October 15 of each year and 80 acre-feet per annum by storage from about November 1 of each year to about April 1 of the succeeding year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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

3. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

4. 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.

5. 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.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on the _____ day of _____, 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member