

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD



In the Matter of Application 19759)
of Masato Nitta, a.k.a. James Nitta)
to Appropriate from an Unnamed Stream)
Tributary to Secret Ravine in)
Placer County)

Decision D 1087

ADOPTED JUN 26 '62

DECISION DENYING APPLICATION

Masato Nitta, also known as James Nitta, having filed Application 19759 for a permit to appropriate unappropriated water; protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an 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 19759 is for a permit to appropriate 0.25 cubic foot per second (cfs) to be diverted from about May 10 to about November 10 of each year for irrigation purposes from an unnamed stream tributary to Secret Ravine in Placer County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T12N, R8E, MDB&M.

2. The unnamed stream originates near the Pacific Gas and Electric Company's Boardman Canal approximately one

mile above the applicant's point of diversion and, during the summer months, consists mostly of irrigation return flow of water purchased by various users from the Pacific Gas and Electric Company.

3. Applicant proposes to construct a sump on the unnamed stream from which he will pump to irrigate approximately 14 acres of orchard.

4. Protestant Margaret Saladana diverts water from the unnamed stream from about June 1 to about October 31 of each year at a point approximately 1,200 feet downstream from the applicant under claimed pre-1914 appropriative rights for the irrigation of approximately 22 acres of orchard.

5. During the summer months the protestant diverts the entire flow of the unnamed stream for the irrigation of her orchard and in recent years has had to purchase water from the Pacific Gas and Electric Company to supplement the supply available from the stream.

6. There is no unappropriated water available to supply the applicant.

From the foregoing findings, the Board concludes that Application 19759 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 19759 and all relevant information on file therewith, particularly the report of the field investigation made January 5, 1962 and USGS "Pilot Hill" and "Rocklin" 7½-minute quadrangles.

This decision is not intended to affect whatever right applicant may have to recapture drain water from his own land.

IT IS HEREBY ORDERED that Application 19759 be, and the same is, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member