

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20478
of Archie K. and Jeanette L. Hance
to Appropriate from North Fork
American River in Placer County

ADOPTED FEB 21 1963

Decision D 1108

DECISION APPROVING APPLICATION IN PART

Archie K. and Jeanette L. Hance having filed Application 20478 for a permit to appropriate unappropriated water; a protest having been received; the applicants 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 20478 is for a permit to appropriate 0.063 cubic foot per second (cfs) by direct diversion, year-round, for domestic and irrigation purposes from North Fork American River in Placer County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T13N, R9E, MDB&M.

2. The applicants' point of diversion is located at the upper end of the North Fork Debris Reservoir, also referred to as "Lake Clementine", formed by North Fork Dam where they are

presently pumping from the river into a 500-gallon regulatory storage tank for domestic purposes. In addition to this present use, the applicants intend to irrigate approximately 5 acres by diverting directly from the river into a sprinkling system.

3. A protest to the application was filed by San Juan Suburban Water District located approximately 10 miles below the applicants' point of diversion. The District holds License 6324 confirming the right to 15 cfs from June 1 to November 1 of each year by direct diversion and Permit 7728 authorizing the diversion of 6,500 acre-feet by storage between January 1 and June 1 of each year from the main stem of the American River. It also claims rights to the same source which are based upon use prior to 1914 and rights pursuant to court decree.

4. The entire flow of the American River and its tributaries during the months of July through October of an average year is required to satisfy downstream rights on the American River and in the Sacramento-San Joaquin Delta. During the remainder of the year there is water in excess of the amounts necessary to satisfy such rights, including those of the protestant.

5. There is unappropriated water available from about November 1 of each year to about July 1 of the succeeding year 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. There is

no unappropriated water to supply the applicants during the months of July, August, September, and October.

6. The intended uses are beneficial.

7. The applicants state in their answer to a protest filed against their application that they have a riparian right to the use of water from the source designated in the application. The permit to be issued should contain a term stating that water diverted pursuant to the permit shall not be in addition to such water, if any, as permittees may be entitled to use from the same source on the place of use authorized by the permit by virtue of a riparian or other right.

From the foregoing findings, the Board concludes that Application 20478 should be approved in part and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 20478 and all relevant information on file therewith, particularly the report of the field investigation made on June 6, 1962, Decisions D 893, D 990, D 1082, and D 1098 of the State Water Rights Board; USBR Exhibits 164 and 164-A, part of the record of the hearing on Applications 5625 et al., and "Reports on 1956 Cooperative Study Program," Volumes 1 and 2 and supplements.

IT IS HEREBY ORDERED that Application 20478 be, and the same is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.063 cubic foot per second by direct diversion to be diverted from about November 1 of each year to about July 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. Construction work shall be completed on or before December 1, 1965.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

5. Progress reports shall be filed promptly by permittees 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.

7. Water diverted under this permit shall not be in addition to such water, if any, as permittees may be entitled

to use from the same source on the place of use authorized by this permit by virtue of a riparian or other right.

8. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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 , 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member