

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18025)
of City of Yuba City to appropriate)
from the Feather River in)
Sutter County)

Decision D 1135

ADOPTED MAY 22 1963

DECISION APPROVING APPLICATION IN PART

Application 18025 of City of Yuba City to appropriate unappropriated water having been filed; protests having been received; a public hearing having been held before the State Water Rights Board (hereinafter referred to as "the Board"), in Yuba City, California, on December 19, 1961, Kent Silverthorne, Chairman, presiding; the applicant and the protestant United States Bureau of Reclamation having appeared and presented evidence; the Department of Water Resources, State of California, and Feather Water District having appeared as interested parties; all evidence at said hearing having been duly considered, the Board finds as follows:

1. Application 18025 is for a permit to appropriate 15.6 cubic feet per second (cfs) by direct diversion, year-round, for municipal use from the Feather River in Sutter County. The point of diversion is to be located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 11, T15N, R3E, MDB&M.

2. Protestant Garden Highway Mutual Water Company holds Licenses 2033 and 4659 for direct diversion of 39 and 23 cfs, respectively, from April 15 to November 1 of each year,

for the irrigation of approximately 3,688 acres, diverting from the Feather River at points located approximately 12 miles below Yuba City. Protestant United States Bureau of Reclamation holds Permits 12721 through 12727 covering various features of the Central Valley Project on the Sacramento River and in the Sacramento-San Joaquin Delta. These protestants assert that the approval of Application 18025 would result in interference with the supply of water available to them to satisfy their aforementioned rights.

3. Landowners within the boundaries of protestant Reclamation District 800, on whose behalf the protest was filed, divert from Indian Slough and Old River in the San Joaquin Delta under claim of riparian, prescriptive and pre-1914 appropriative rights for the irrigation of approximately 6,310 acres. This protest asserts that the approval of Application 18025 would result in the aggravation of the salinity problem already present in the Delta.

4. Applicant proposes to develop a supply of water from the Feather River to replace its present supply from a well system. Its wells are producing a diminishing supply of water due to a lowering local water table, and water from the wells is becoming unsatisfactory as to water quality. An intake structure will be constructed on the river and the water will be conveyed through either a 35-inch or 42-inch welded steel pipe to treatment works and pumping plant to serve the city which has a present population of 13,000 people and 4,000 residential structures. In the year 1980 it is estimated that

the city will have a population of 24,000 and 8,300 residential structures.

5. As the Feather River is tributary to and contributes relatively large flows to the Sacramento River, the existence of unappropriated water to satisfy Application 18025 depends upon whether or not there is water surplus to the amounts necessary to satisfy holders of prior rights to the flows of the Sacramento River below the mouth of the Feather River.

6. An analysis of the available water supply in the Sacramento River from Knights Landing, located just above the Feather River-Sacramento River confluence, to the City of Sacramento, based on the "1956 Cooperative Study Program" (Staff Exh. 8) and the "Central Valley Project Operation Study, Shasta Reservoir Operation" (Staff Exhs. 6 and 7) shows that water surplus to the quantities necessary to satisfy prior rights on the Sacramento River occurs at the applicant's point of diversion in most years except during the months of July and August.

7. There is unappropriated water available to supply the applicant from about January 1 to about July 1 and from about September 1 to about December 31 of each year 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 from about July 1 to about September 1 of each year.

8. The intended use is beneficial.

From the foregoing findings the Board concludes that Application 18025 should be approved in part and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Application 18025 be, and the same is, approved in part, and that a permit be issued to the applicant 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 15.6 cubic feet per second by direct diversion to be diverted from about January 1 to about July 1 and from about September 1 to about December 31 of each year.

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

3. Actual construction work shall begin on or before December 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1966.

5. Complete application of water to the proposed use shall be made on or before December 1, 1970.

6. 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.

7. 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.

8. Permittee 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