

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19338
of Roy C. Osterli to Appropriate
from Main Canal, Tributary to
Cross Canal, Thence Sacramento River
in Sutter County

Decision D 1195

ADOPTED OCT 29 1964

DECISION APPROVING APPLICATION IN PART

Roy C. Osterli having filed Application 19338 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants 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 19338 is for a permit to appropriate 5.3 cubic feet per second (cfs) by direct diversion from April 1 to November 1 of each year for irrigation from Main Canal, tributary to Cross Canal, thence Sacramento River in Sutter County. The point of diversion is to be located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T12N, R4E, MDB&M.

2. Main Canal is formed by the junction of Coon Creek and Lateral 6 Drainage Canal. It flows in a general southerly direction about five miles to its junction with Cross Canal. The latter connects with the Sacramento River about 0.75 mile further to the southwest.

3. Applicant's proposed point of diversion is next to Catlett Road. Protestants have farm lands located along both sides of Main Canal between Catlett Road and Cross Canal. They rely on licenses or permits which name as their source either the Sacramento River or Cross Canal. Authorized points of rediversion are located along Main Canal.

4. During the period of the year that the water level is high in the Sacramento River and in Cross Canal, the pipe outlet of Main Canal through the Cross Canal levee is closed, and Main Canal water is pumped into Cross Canal. In the irrigation season the pipe outlet of Main Canal is kept open, and Sacramento River or Cross Canal water (when Main Canal flow is deficient) is able to back up Main Canal almost to Catlett Road. Water is not backed up Main Canal as far as the applicant's point of diversion.

5. Since "back-up water" supply available at protestants' points of rediversion is in excess of their rights, protestants would not be prejudiced by approval of the application.

6. Water from Main Canal contributes to the supply of the Sacramento River. Board's Decision D 1045 was issued following a hearing on Applications 16185, etc., of B. W. Whitmire and others to appropriate from the Sacramento River and tributary sources. As explained in that decision, the percent of the time unappropriated water is available in Reach 2 of the Sacramento River (Knights Landing to City of Sacramento) is as follows:

April	100
May	100
June	91
July	58
August	21
September	94
October	100

7. There is unappropriated water available to supply the applicant except during the months of July and August, 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19338 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.

The records, documents, and other data relied upon in determining the matter are:

1. The files of Application 19338, License 6389-D (Application 7641), Permit 9963 (Application 15856), and License 6399 (Application 15858).

2. Board Decisions D 990 and D 1045.
3. United States Geological Survey "Verona"
7.5-minute quadrangle.

ORDER

IT IS HEREBY ORDERED that Application 19338 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 5.3 cubic feet per second by direct diversion to be diverted from about April 1 to June 30 and September 1 to November 1 of each 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. Actual construction work shall begin on or before June 1, 1965, 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, 1967.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1968.

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 , 1964.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member