

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19881 )  
of Hi-6 Club, a co-partnership,  
to Appropriate from Snake River  
in Sutter County

Decision D 1208

ADOPTED DEC 22 1964

DECISION APPROVING APPLICATION IN PART

Application 19881 of Hi-6 Club having been filed; a protest to the application having been withdrawn; a public hearing having been held before the State Water Rights Board in Sacramento, California, on May 19, 1964, conducted by Board Members Kent Silverthorne, Chairman, presiding, and Ralph J. McGill, for the purpose of determining the availability of unappropriated water to satisfy the applicant; applicant having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

1. Application 19881 is for a permit to appropriate two cubic feet per second (cfs) by direct diversion from April 1 of each year to February 1 of the following year for irrigation and recreational purposes from Snake River in Sutter County. The points of diversion are to be located within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 10, T16N, R2E, MDB&M.

2. Applicant pumps from the river at a point approximately six miles upstream from where the river discharges into East Interception Canal. Water is used to irrigate 70 acres, of which 40 acres are in rice and the remainder in permanent pasture. The land is also flooded for duck hunting. Water has been used in this manner for the past seven years. The applicant proposes no additional or different use of water.

3. Snake River flows through the East Interception Canal approximately one mile due west where it joins West Interception Canal to form Wadsworth Canal. Wadsworth Canal flows in a general southwesterly direction to its confluence with Sutter By-Pass. The water entering Sutter By-Pass flows through toe drains along the levees of the bypass and through various sloughs crossing the bypass, finally discharging through Sacramento Slough into a sector of the Sacramento River designated as "Reach 2" in water supply studies.

4. The flow in the Snake River during the summer months is principally waste water from upstream irrigation. Water is physically available at the proposed points of diversion during the applicant's diversion season. However, as the river is in hydraulic continuity with Reach 2 of the Sacramento River, the availability of unappropriated water to supply the applicant depends upon the availability of unappropriated water within that reach of the river.

5. Permits of the Bureau of Reclamation to appropriate from the Sacramento River and the Delta issued following Board's

Decision D 990 contain a condition providing that diversion and storage of water for use beyond the Sacramento-San Joaquin Delta or outside of the watershed of the Sacramento River Basin shall be subject to rights initiated by applications for use within said watershed and the Delta, regardless of the date of filing of said applications.

Taking this limitation into account and utilizing reports of the 1956 cooperative study program (Staff Exh. 4) and "Central Valley Project Operation Study, Shasta Reservoir Operation" (Staff Exhs. 6 & 7), the conclusion is reached that there is no water surplus to prior rights in Reach 2 of the Sacramento River during the months of July and August.

6. 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.

7. The intended use is beneficial.

8. Applicant's land is contiguous to the source, and it claims a riparian use to the water thereupon (RT 14), but said claimed right has not been established by court decree. The permit should provide that upon a judicial determination that the land, or a portion thereof, is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

From the foregoing findings, the Board concludes that Application 19881 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 19881 be, and it 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 water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed two cubic feet per second by direct diversion to be diverted from about April 1 to about July 1 of each year and from about September 1 of each year to about February 1 of each succeeding year. The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The maximum quantity 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, 1968.

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.

6. 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.

7. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

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