

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21349 of
Calvin W. and Beverly Scott,
Application 21600 of Earl and Helen
Hallas, Application 21606 of
Howard Costa, et al., and
Application 21619 of Fred J. and
Roberta A. Duerst, to Appropriate
from Pacific Placer Reservoir
in Calaveras County

Decision D 1225

ADOPTED AUG 25 1965

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DECISION DENYING APPLICATIONS 21349 AND 21619
AND CANCELING APPLICATIONS 21600 AND 21606

Application 21349 of Calvin W. and Beverly Scott,
Application 21600 of Earl and Helen Hallas, Application
21606 of Howard Costa, et al., and Application 21619 of
Fred J. and Roberta A. Duerst having been filed; protests
to the applications having been received; a public hearing
having been held before the State Water Rights Board in
San Andreas, California, on March 10, 1965, conducted by
Chairman Kent Silverthorne and Member William A. Alexander;
due notice of the time, place and nature of said hearing
having been given by certified mail to said applicants and
protestants; said notice having been received, as is

evidenced by signed return receipts; Calvin W. and Beverly Scott and Fred J. and Roberta A. Duerst having appeared as applicants and protestants and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

1. The applications are for permits to appropriate from Pacific Placer Reservoir in Calaveras County. The points of diversion are on the perimeter of the reservoir, which is on the common boundary of Sections 19 and 20, T4N, R11E, MDB&M.

Application 21349 is for 0.33 cubic foot per second (cfs) by direct diversion, year-round, for irrigation and stockwatering purposes. Application 21619 is for 2 cfs by direct diversion, year-round, and 150 acre-feet by storage, between December 1 of each year and May 1 of the succeeding year, for irrigation, stockwatering, domestic, fire protection, fish culture, and wildlife propagation purposes.

2. No appearance was made at the hearing by or on behalf of Earl and Helen Hallas and Howard Costa, et al. No good cause for the failure of these applicants to appear or for further hearing has been shown within the five-day period provided by Section 1352 of the Water Code and by Section 731 of the Board's rules (23 Cal. Adm. Code). Applications 21600 and 21606 have been abandoned, and they should be canceled.

3. Pacific Placer Reservoir was formed approximately 26 years ago by a dredge which excavated below the water table in a small ground water basin. There is little surface inflow into the reservoir and the major source of its supply is percolating ground water. The reservoir has a surface area of 2.3 acres and its estimated capacity is 25 acre-feet.

4. Applicants Scott have been pumping from the reservoir since 1958 for the irrigation of from 5 to 10 acres of pasture and for supplemental domestic use. They plan to irrigate a total of 20 acres. Applicants Duerst presently use water from the reservoir for stockwatering purposes and propose the irrigation of 158 acres of permanent pasture and use at a contemplated subdivision.

5. Applicants Duerst and Scott have protested each other's application. All of the applicants claim riparian rights to the reservoir which, though artificially constructed, has, through existence and use over a long period of time, apparently assumed the characteristics of a natural body of water.

6. In the month of May 1964, the time of the year when the reservoir contains the greatest amount of water, its average depth was 12 feet. The present uses from the reservoir draw it down between 5 and 8 feet. The estimated annual yield of the reservoir is 50 acre-feet at most, which is not sufficient to meet the present uses of the applicants under their claimed riparian rights.

7. There is no unappropriated water available to supply the applicants.

8. Applicant Duerst claims that the entire reservoir is on his property. A survey prepared by V. J. Gretzinger, Civil Engineer (Staff Exh. 1, RT 7), shows that all of the applicants have land contiguous to the reservoir. A determination of this dispute is not within the Board's jurisdiction.

From the foregoing findings, the Board concludes that Applications 21349 and 21619 should be denied, and Applications 21600 and 21606 should be canceled.

ORDER

IT IS HEREBY ORDERED that Applications 21349 and 21619 be, and they are, denied.

IT IS FURTHER ORDERED that Applications 21600 and 21606 be, and they are, canceled.

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 , 1965.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

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

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