

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22703 of )  
Louis D. and Dorothy Bugni, et al, to )  
Appropriate from Snake River in Sutter )  
County )  

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Decision 1331

DECISION APPROVING APPLICATION

Louis D. and Dorothy Bugni, et al, having filed Application 22703 for a permit to appropriate unappropriated water; protests having been received; the applicants 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22703 is for a permit to appropriate 0.76 cubic foot per second (cfs) by direct diversion from September 1 of each year to April 1 of the succeeding year for stockwatering, irrigation and recreational purposes



from Snake River (main drainage canal Reclamation District 2054) in Sutter County. The point of diversion is to be located within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 33, T17N, R2E, MDB&M.

2. Applicant presently holds License 8306 (Application 19511) for the diversion of 0.76 cfs from about October 15 of each year to about February 15 of the succeeding year for recreational purposes (duck club) on the same place of use as is described in Application 22703.

3. The purpose of Application 22703 is to extend the existing period of diversion to include the period from September 1 of each year to April 1 of the succeeding year and to add stockwatering and irrigation as purposes of use.

4. The Hi-6 Club, which diverts downstream from applicant pursuant to Permit 14670 (Application 19881, Decision D 1208), protested Application 22703 on the basis of possible unavailability of water.

5. The Snake River commences in Butte County as a maze of drains and canals east of the Gray Lodge Waterfowl Management Area and flows in a southerly direction to the East Interceptor Canal. The East Interceptor Canal joins the West Interceptor Canal to form the Wadsworth Canal. Water in the Wadsworth Canal flows to the Sutter By-Pass and thence to the Sacramento River.

6. Flow in the Snake River during the latter portion of the year is mainly waste water from upstream irrigation. There are no records of flow in the Snake River; however, a U.S.G.S. gaging station is located on Wadsworth Canal a short distance downstream from the confluence of the East and West Interceptor Canals.

7. Water is physically available in the Snake River at the proposed point of diversion during the season requested. During the field investigation on September 19, 1968, a representative of the protestant Hi-6 Club indicated that there was generally a sufficient flow in the Snake River to meet the needs of the club.

8. Unappropriated water is available 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.

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22703 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Applications 22703,

19881, 19511 and all relevant information on file there-  
with, particularly the report of a field investigation made  
September 19, 1968.

ORDER

IT IS HEREBY ORDERED that Application 22703 be, and  
it is, approved, and that a permit be issued to the appli-  
cants 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  
0.76 cubic foot per second by direct diversion to be diverted  
from about September 1 of each year to about April 1 of the  
succeeding year. The equivalent of such continuous flow  
allowance for any 30-day period may be diverted in a shorter  
time for the purpose of irrigation if there be no interference  
with vested rights.

2. The maximum quantity herein stated may be re-  
duced in the license if investigation warrants.

3. Actual construction work shall begin on or be-  
fore September 1, 1969, and shall thereafter be prosecuted  
with reasonable diligence, and if not so commenced and  
prosecuted this permit may be revoked.

4. Said construction work shall be completed on or  
before December 1, 1971.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control 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 Resources Control 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 and to carry out legally established water quality objectives.

8. Permittee shall allow representatives of the State Water Resources Control 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.

9. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action will be taken by the Board only after notice to interested parties and opportunity for hearing.

10. Diversion of water under this permit and under License 8306 (Application 19511) shall not exceed 0.76 cubic foot per second or its equivalent as provided in Paragraph 1 of this permit.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at San Francisco, California.

Dated: FEB 20 1969

KERRY W. MULLIGAN  
Kerry W. Mulligan, Chairman

W. A. ALEXANDER  
W. A. Alexander, Vice Chairman

GEORGE B. MAUL **ABSENT**  
George B. Maul, Member

NORMAN B. HUME  
Norman B. Hume, Member

E. F. DIBBLE  
E. F. Dibble, Member