

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23819)
)
of Tahoe City Public Utility District) DECISION 1421
)
to Appropriate from an Unnamed Stream)
)
in Placer County)
)

DECISION APPROVING APPLICATION IN PART

By Board Members Dibble and Auer:

Tahoe City Public Utility District having filed Application 23819 for a permit to appropriate unappropriated water; protest having been received; a public hearing having been held before the State Water Resources Control Board on August 30, 1972; applicant having appeared and presented evidence; no appearance having been made by or in behalf of protestant; the evidence received at the hearing having been duly considered; the Board finds as follows:

Substance of the Application

1. Application 23819 is for a limited-term permit to appropriate 0.037 cubic foot per second year-round, not to exceed 15.4 acre-feet per annum, from an unnamed stream (called Spring No. 1) for domestic purposes to provide a substitute water supply to the users under water right Licenses 2008, 4451, 4800 and 4845 (Applications 5184, 13274, 14500 and 13145) which combined, confirm rights to a like amount of water from another stream (RT 9). The permit is to terminate at such time as use of water under the licenses is reestablished (RT 12).



Need for the Permit

2. Previously, the holders of the four licenses obtained their water from an unnamed stream (called Spring No. 3 in the record of the hearing) located in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, T16N, R16E, MDB&M. The water was used to serve the domestic requirements of 10 to 12 families in or around the Tahoe Truckee Forest Subdivision. In 1970 the Tahoe City Public Utility District and North Tahoe Public Utility District began utilizing a portion of Section 34 for the disposal of sewage effluent (Cinder Cone) generated in the two districts. Sometime thereafter an increase in chlorides was detected in the water from Spring No. 3. The Placer County Health Department and the California Regional Water Quality Control Board - Lahonton Region advised the districts that if they wished to continue to dispose of the effluent in that area, an alternate domestic water supply must be provided for the users from Spring No. 3. Application 23819 was therefore filed for that purpose and the necessary pipeline facilities have been provided. Ample water is available from this new source. On August 29, 1972, the day prior to the hearing, the flow was estimated to be about 1.75 cubic feet per second (RT 8).

Position of Protestant

3. The application was protested by Pyramid Lake Paiute Tribe on the contention that any appropriation of water within the Truckee River watershed will detract from the water



supply of Pyramid Lake and be injurious to the Paiute Tribe. In a supplement to the protest which was filed prior to the hearing, the tribe requested that either the application be denied or that a "revocable temporary permit subject to future modification" be issued. In view of the limited-term nature of the permit to be issued, the Board concludes that the objection of the tribe is satisfied and the protest is dismissed.

Effect of the Waste Disposal on the Water Supply

4. The shift in the use of water from Spring No. 3 to Spring No. 1 was recommended out of an abundance of caution that the "Cinder Cone" disposal method may endanger the supply of Spring No. 3 for human consumption. Subsequent experience, however, suggests that no problem exists. While it is true that the chloride content of the water increased slightly after the disposal project was undertaken, the flow of Spring No. 3 is still of excellent quality and there has been no evidence of coliform which could be attributed to the waste discharge (RT 27 and report dated April 1, 1971 entitled "The Cinder Cone" submitted for the record by applicant on September 28, 1972). In this instance there appears to be no reason why a shift from Spring No. 3 to Spring No.1 should not be allowed because it is simply an exchange of water of one spring for another with no adverse affect on the rights of others. However, this should not be interpreted to mean that the Board is adverse to the reclamation of water or that a reasonable change in the composition



of an existing water supply as a result thereof is justification to require the party reclaiming the water to discontinue his operation or to provide to the party affected an alternate supply.

Reduction in Season of Diversion

5. Application 23819 requests an appropriation year-round but was represented at the hearing merely to provide an alternate water supply for the uses heretofore made under Licenses 2008, 4451, 4800 and 4845. License 2008 allows diversion from March 1 to November 1; Licenses 4800 and 4845 allow diversions from June 1 to September 7; and License 4451 allows diversion from May 1 to October 31 of each year. To approve Application 23819 for the full year as requested would be an expansion of use over that authorized by the licenses and would be inconsistent with the understanding of the project upon which the hearing was based. Accordingly, the season of diversion under this application should not extend beyond that allowed under the licenses and, therefore, should be restricted to the period of March 1 to November 1.

Conclusions

6. From the foregoing findings the Board concludes that Application 23819 should be approved in part and that a limited-term permit should be issued, to be revoked at such time as use of water under Licenses 2008, 4451, 4800 and 4845 is reestablished but not later than July 1, 1978, unless the time is extended by further order of the Board, and subject to the additional terms and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 23819 be, and it is, approved 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 0.037 cubic foot per second to be diverted from March 1 to November 1 of each year. The maximum amount diverted under this permit shall not exceed 15.4 acre-feet per annum.

2. 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.

Permittee shall take all reasonable steps necessary to minimize waste of water, and may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit



and to determine accurately water use as against reasonable water requirements for the authorized project. At any time after notice to affected parties and opportunity for hearing, the Board may impose specific requirements over and above those contained in this permit, with a view to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

3. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

4. 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.



5. Reports of use of water under this permit shall be submitted promptly by permittee when requested to do so by the State Water Resources Control Board.

6. This permit shall terminate when use of water under Licenses 2008, 4451, 4800 and 4845 is reestablished but not later than July 1, 1978, unless the time is extended by further order of the Board. So long as the owners of said licenses beneficially use water supplied to them under this permit the licenses will not be subject to revocation for failure to use water pursuant to them.

We Concur:

E. F. DIBBLE

E. F. Dibble, Member

W. W. ADAMS

W. W. Adams, Chairman

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

ABSENT

Roy E. Dodson, Member

Dated: March 15, 1973