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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 20857,  
20858, 20859, 20860, 20861 and 20863,  
of Lake County Flood Control and  
Water Conservation District to Appro-  
priate from Clear Lake and Tributaries,  
and Tributaries of Cache Creek in  
Lake County.

Decision 1434

DECISION DENYING APPLICATIONS

BY BOARD MEMBER DODSON:

Lake County Flood Control and Water Conservation District having filed Applications 20857, 20858, 20859, 20860, 20861 and 20863 for permits to appropriate unappropriated water; a public hearing having been held before the State Water Resources Control Board on January 16, 1974; applicant having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows: .

Substance of the Applications

1. Application 20857 is for a permit to appropriate a total of 100 cubic feet per second (cfs) by direct diversion, year-round, from Clear Lake at 13 points of diversion for irrigation, domestic, industrial and municipal purposes (Staff Exh. 1).

The other five applications are for permits to appropriate a total of 120,700 acre-feet per annum by storage in five

reservoirs from October 1 to July 1 for irrigation, domestic, municipal, industrial and recreational purposes\* (Staff Exh. 1).

Applicant's Project

2. If fully developed, the project would consist of five reservoirs on streams tributary to Clear Lake collecting surplus water for later release into Clear Lake for rediversion at the 13 points of diversion covered by Application 20857 (RT 7, 13, 16). The applicant views the applications as covering one large project to be developed in stages (RT 11).

Ability of the Applicant to Proceed With Its Project With Diligence

3. The project completion schedules stated in the applications at the time of their filing in 1962 were as follows (Staff Exh. 1):

<u>Application</u>	<u>Begin Construction</u> (year)	<u>Complete Construction</u> (year)	<u>Complete Use</u> (year)
20857	Some works existing	2000	2000
20858	1977	1980	1980
20859	1975	1978	1980
20860	1972	1975	1980
20861	1970	1972	1980
20863	1980	1984	2000

Subsequent to filing of the applications, it appeared to the applicant that the English Ridge Project of the U. S. Bureau of Reclamation (Bureau) on the Eel River might be a more beneficial

\*Application 20863 does not include irrigation use.

project to serve the same area that applicant's project would serve. For that reason no further consideration was given to moving ahead with the project under these applications (RT 10). However, in 1972 the Bureau announced that it was abandoning the English Ridge Project and the applicant was left without a substitute supply and 10 years of time lost on its own project (RT 10, 14).

The Bureau's decision to abandon the English Ridge Project might be considered just cause for the delay that has occurred if the applicant now intended and was able to proceed with due diligence toward completion of the project. However, according to applicant's witness, optimistic schedules for the appropriations requested in the applications would add ten years to the schedules set forth previously (RT 11). Under such a schedule dates for beginning construction range from 1980 to 1990, for completion of construction from 1982 to 2010 and for completion of use of water from 1990 to 2010. The applicant failed to present any explanation or evidence to justify such a delay in commencing construction.

The means of financing the construction of works under these applications has not been decided. A great deal would depend on the size of the projects (RT 12). Several possible sources of partial financing were mentioned, including local bonds, or federal participation under various programs including flood control, small reclamation project loans and soil conservation programs (RT 12, 16). No details were given as to which methods of financing would apply to which portions of the project. However, the testimony only implies that proposed financing will be available

and it is not possible, with any certainty, to conclude that adequate financing is or will be available for the project.

The applicant's plans under these applications are not definite enough to be considered reasonable, in accordance with Title 23, California Administrative Code, Section 776 which provides:

"An application will be denied when it appears after hearing that (a) the applicant does not intend to initiate construction of the works required for the contemplated use of water within a reasonable time and thereafter diligently prosecute the construction and use of water to completion, or (b) the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources, or other cause."

From the foregoing findings the Board concludes that Applications 20857, 20858, 20859, 20860, 20861 and 20863 should be denied.

IT IS HEREBY ORDERED that Applications 20857, 20858, 20859, 20860, 20861 and 20863 be denied without prejudice to filing other applications for the same or a similar project at such time as the applicant is prepared to proceed diligently with the proposed appropriation of water within a reasonable time.

Dated: May 16, 1974

We Concur:

ROY E. DODSON  
Roy E. Dodson, Member

W. W. ADAMS  
W. W. Adams, Chairman

RONALD B. ROBIE  
Ronald B. Robie, Vice Chairman

MRS. CARL H. (JEAN) AUER  
Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN  
W. Don Maughan, Member