

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25667)
PATRICIA A. SINGLETON)
Applicant)
RALPH AND IRENE ORTIZ)
Protestants)

Decision: 1523
Source : Unnamed Stream
County : Placer

DECISION APPROVING APPLICATION 25667

BY THE BOARD:

Patricia A. Singleton having filed Application 25667 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided 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:

Substance of Application

1. Application 25667 is for two acre-feet per annum by storage from November 1 to April 1 for domestic, recreational, fire protection, and fish and wildlife protection and enhancement from an unnamed stream tributary to Antelope Creek. The point of diversion is located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T12N, R7E, MDB&M.

Applicant's Project

2. The applicant's project was constructed in 1965 and consists of an earth dam 100 feet long and 10 feet high, forming a reservoir with an area of 0.2 acre and a capacity of two acre-feet. A one and one-half horsepower pump and

25 feet of one-inch PVC pipe have been installed to irrigate one-half acre of lawn and garden and to provide water for several domestic animals.

Protest

3. Ralph and Irene Ortiz protested the application on the basis of injury to vested rights and that the proposed appropriation would have an adverse environmental impact. They hold licensed Application 22048 which authorizes appropriation of 0.029 cubic foot per second, by direct diversion from an unnamed stream tributary to Antelope Creek. Water is used for irrigation and stockwatering purposes and the diversion season is from April 1 to June 30. The protestants' point of diversion is about one-half mile downstream from the applicant.

4. The protestants contend that there are already too many appropriators on Antelope Creek and that the applicant's project creates a potential hazard because the dam may fail during periods of high flow. They stated that they would not oppose the application if illegal diverters are prevented from taking water from Antelope Creek. This is not the proper proceedings to consider these claims. However, the matter will be investigated by staff.

Availability of Unappropriated Water

5. The watershed above the applicant's reservoir consists of about 20 acres and the runoff is derived entirely from rainfall. The applicant currently purchases water from the Placer County Water Agency and wishes to minimize the water purchased by collecting to storage winter runoff. There are no records of the flow of the source stream, however, due to the small watershed and the

rainfall in the area there apparently is flow only during and shortly after storms. The supply appears to be adequate to supplement the applicant's needs.

6. The applicant's diversion season is not in conflict with that of the protestant and would not cause an injury to the protestants' vested rights provided the applicant does not prevent any flow from proceeding down the channel during the period April 1 to June 30. In view of the watershed and climate, it is unlikely that significant natural flow occurs during that period.

7. The intended use is beneficial.

Environmental Considerations

8. This Board decision authorizes the following activity: collection and storage of water in an existing reservoir for domestic, recreational, fire protection, and fish and wildlife protection and enhancement purposes. Such activity constitutes only a minor modification to land, and such activity is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Record In This Matter

9. The records, documents, and other data relied upon in determining this matter are: Application 25667 and all relevant information on file therewith including the Engineering Staff Analysis dated March 1, 1979.

Public Interest

10. In the absence of specific information indicating a hazard to downstream life or property, it is not within the authority of the Board to deny

applications for small projects on the basis of general allegations of safety problems. The size of the dam precludes specific approval by the Division of Dam Safety, Department of Water Resources, and the limited size of the project should not constitute a downstream hazard. Placer County has determined that a project of this type and size for this area does not constitute a significant hazard, and has exempted them from its building permit program.

Conclusions

11. From the foregoing findings, the Board concludes that Application 25667 should be approved and that a permit be issued to the applicant subject to the conditions set forth in the following order.

ORDER

IT IS HEREBY ORDERED that Application 25667 be approved and that a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12, and 13)* in addition to the following limitations:

1. The appropriation shall be limited to the quantity which can be beneficially used and shall not exceed two acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

* The Board maintains a list of standard permit terms. Copies are available upon request.

2. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

Dated: August 16, 1979

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ L. L. MITCHELL

L. L. Mitchell, Member

/S/ WILLIAM J. MILLER

William J. Miller, Vice Chairman

/S/ CARLA M. BARD

Carla M. Bard, Member

5

