

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24418)

DALE F. AND PATSY J. AHLERS)

Applicants)

U. S. BUREAU OF RECLAMATION)

Protestant)

Decision: 1551

Source: Dry Creek

County: Placer

DECISION APPROVING APPLICATION 24418 IN PART

BY THE BOARD:

Dale F. and Patsy J. Ahlers having been assigned ownership of Application 24418 for a permit to appropriate unappropriated water; protests having been received; the applicants and the remaining protestant 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 stipulations; the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 24418 is for 0.375 cubic foot per second (cfs) by direct diversion from May 1 to November 1 for irrigation purposes from Dry Creek in Placer County tributary to Natomas East Drain thence Sacramento River. The point of diversion is within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T10N, R5E, MDB&M.

Applicants' Project

2. The applicants propose to pump directly from Dry Creek to sprinkler irrigate 24 acres. They will capture their tailwater in a collection facility located at a low point on the property and reuse the water. For this reason, there will be little or no return flow to the creek. A groundwater well capable of producing 750 gallons per minute (gpm) will be used as a supplemental supply.

Protests

3. The U. S. Bureau of Reclamation (Bureau), Department of Fish and Game (Fish and Game), Placer County Water Agency (Placer County), and Larry Hugg, and Kenneth Casey filed protests against Application 24418. Fish and Game withdrew its protest against the application when it determined that the project would not have an adverse impact on fish. Placer County and the applicants signed an agreement whereby Placer withdrew its protest and the applicants recognize that they are not entitled to divert water released into Dry Creek for rediversion by Placer. Hugg and Casey withdrew their protests when the applicants indicated a willingness to maintain a reasonable flow in Dry Creek during the summer.

4. The Bureau alleges that there is no unappropriated water in the Sacramento River from June 30 to October 1. However, the Bureau states that it would withdraw its protest if the applicants would agree not to divert water during that period whenever there would be hydraulic continuity between the diversion point and the Sacramento River in the absence of the applicants' diversion. However, since hydraulic continuity normally exists, restrictions in the season of diversion would provide a more positive means of protecting vested rights.

Availability of Unappropriated Water

5. Board Decision D 1045 adopted in 1961 was predicated on a Sacramento River hydrologic study prepared in connection with earlier Decision D 990 which approved Bureau applications on the Sacramento River and Delta for the Central Valley project. Decision D 1045 found that unappropriated water was available in the Dry Creek inflow reach of the Sacramento River except during July and August. No positive evidence was presented to show that those findings are no longer applicable. However, increased water diversion and or Delta outflow

requirements since then indicates that the season when unappropriated water is not available may now be longer. The standard term reserving jurisdiction to the Board to conform the diversion season to future findings by the Board should be included in any permit issued on Application 24418. Subject to other suitable conditions, the water applied for may be diverted in the manner proposed without causing substantial injury to any lawful user of water.

6. The intended use is beneficial.

Environmental Considerations

7. The Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) and the State Guidelines, and the Board determines that there will be no significant effect on the environment as a result of the project.

Record in this Matter

8. The records, documents, and other data relied on in this matter were: Files of Application 24418 and all relevant information filed therewith, particularly the Report of Field Investigation and Engineering Staff Analysis of Record dated May 31, 1977.

Conclusions

9. From the foregoing findings, the Board concludes that Application 24418 should be approved in part and that a permit should be issued to the applicants subject to the conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 24418 be approved in part and that a permit be issued to the applicants subject to vested rights. The permit shall

contain all applicable standard permit terms (6, 10, 11, 12, and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.375 cubic foot per second to be diverted from May 1 to June 30 and from September 1 to November 1 of each year. The maximum amount diverted under this permit shall not exceed 77 acre-feet per year.

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

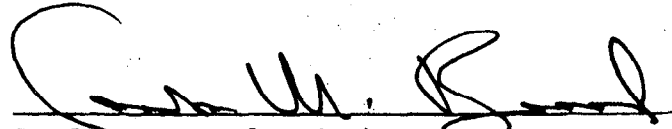
3. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to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

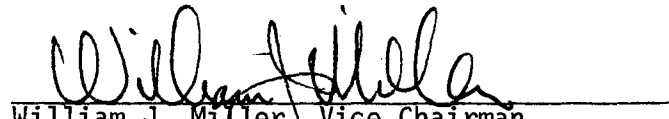
4. This permit is issued subject to the agreement dated May 28, 1975 between the permittees and the Placer County Water Agency, to the extent that such agreement covers matters within the Board's jurisdiction.

5. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

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


Dated: SEP 20 1979


Carla M. Bard, Chairwoman


William J. Miller, Vice Chairman

ABSENT

L. L. Mitchell, Member


W. Don Maughan, Member

