

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 17892 by
William E. Rodden, et al., and Applications
17893, 17894, 17895, 17896, and 17897 by
William E. Rodden to appropriate from various
tributaries of Littlejohns Creek in
Calaveras County

Decision No. D 930

ADOPTED APR 6 '59

Substance of the Applications

Application 17892 was filed on November 25, 1957, by William E. Rodden, Violet S. Boone, Lucille S. Tulloch, Pearl Schonhoff and Clairborne Schonhoff for a permit to appropriate 48 acre-feet per annum by storage to be collected from October 1 of each year to June 1 of the succeeding year from Peachy's Creek tributary to Littlejohns Creek in Calaveras County. The water is to be collected by an earth dam 24.8 feet high by 500 feet long located within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 8, T1S, R12E, MDB&M*, and will have a capacity of 48 acre-feet. The water will be used for stockwatering purposes and cattle will drink directly from the reservoir (Tulloch Reservoir).

Applications 17893, 17894, 17895, 17896 and 17897 were filed on November 25, 1957, by William E. Rodden for permits to appropriate water from various streams tributary to Littlejohns

*All townships and ranges refer to Mount Diablo Base and Meridian.

Creek as follows:

<u>App. No.</u>	<u>Name of Reservoir</u>	<u>Location</u>	<u>Height (Feet)</u>	<u>Length (Feet)</u>	<u>Capacity & Amt. Requested (af)</u>	<u>Source</u>
17893	Barbara	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 T1N, R11E	19	160	4	Unnamed Creek tributary to Martells Creek
17894	Stephanie	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6 T1S, R12E	11	500	15	Unnamed Creek tributary to Martells Creek
17895	Bonita	SE $\frac{1}{4}$ NE $\frac{1}{4}$ projected Section 32 T1N, R12E	16	350	8	Peachy's Creek
17896	Tinnen	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19 T1N, R12E	14	270	9	Martells Creek
17897	McDowell	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 T1N, R12E	15	350	11	Unnamed Creek tributary to Bit Springs Creek thence Martells Creek

The water will be collected between October 1 of each year and June 1 of the succeeding year and will be used for stock-watering purposes, the cattle drinking directly from the reservoirs.

Protests

Protests against approval of the six subject applications were submitted by Owen E. Wilkinson on behalf of Edna R. Owen and Irene Owen Wilkinson based upon prior application and riparian rights. The protests were identical in nature and claim that because the protestants' prior Application 16531 was canceled for lack of sufficient unappropriated water, approval of the subject applications would cause injury to said protestants, "...by denying

them their rights, ...". The protestants claim that they or their predecessors have diverted the water at a point within the S $\frac{1}{2}$ of Section 31, T1N, R10E, and used said water for stockwatering and irrigation purposes. In each protest the protestants stated that the protest could be disregarded and dismissed if the applicants would confine their storage season to November 1 to May 31.

Answers to Protests

In answer to the protestants, the applicants declare as follows:

"As evidenced by willingness of protestant to dismiss protest if diversion season is confined from November 1 to May 31, the only month placed at issue is October. During the month of October there is normally insufficient rainfall in this watershed to be of any benefit to the protestant. In an exceptional year of heavy rainfall, in October the amount of water diverted by the applicant would be negligible.

"Diverting water around or through applicant's dam would cause a great expense to the applicant."

Field Investigation

The applicants and protestants with the approval of the State Water Rights Board stipulated to the proceedings in lieu of hearing as provided for under Section 737 of the Board's rules, and a field investigation was conducted July 18, 1958, by J. J. Heacock, an engineer of the Board. The applicants and protestants were present or represented at the investigation.

Records Relied Upon

The records relied upon in support of this decision are Applications 17892, 17893, 17894, 17895, 17896 and 17897 and all relevant information on file therewith, with particular reference

to "Report of Field Investigation", dated June 27, 1958; United States Department of Commerce, Weather Bureau "Climatological Data-California"; Bulletin No. 1, State Water Resources Board, "Water Resources of California", dated 1951; Bulletin No. 5, Department of Public Works, "Flow in California Streams", dated 1923; Decision No. D 922 of the State Water Rights Board, dated December 18, 1958; Bulletin No. 11, State Water Resources Board, "San Joaquin County Investigation", June 1955; and various U. S. Geological Survey quadrangles of the area.

Source

The sources of the applications under consideration herein are small streams tributary to Littlejohns Creek rising in the foothill area of southwestern Calaveras County. Littlejohns Creek rises in the southerly portion of T2N, R11 and R12E and flows for about 10 stream miles in a southerly direction thence westerly for over 40 miles to its confluence with the San Joaquin River near the City of Stockton. In general, the watershed above the various dams is rolling hill with moderate slopes and has a light covering of scattered oaks and apparently thin soil mantles. The following tabulation gives the areas of the various watersheds:

Applications	17892	17893	17894	17895	17896	17897
Area in acres	32	77	102	270	315	130
Total area of contributory watersheds - 1.45 square miles.						

Information Secured by Field Investigation

All of the dams are complete and some water was impounded at the time of the investigation on July 18, 1958. The dams were

built with the aid of the U. S. Soil Conservation Service. In all cases except for Application 17894 the spillways are constructed through hard shale or harder rock around an abutment and discharge into the natural stream channel below the toe of the dam. For the dam under Application 17894, the spillway is through a natural saddle approximately 100 feet from the right abutment and overflow discharges into a canyon westerly from the source canyon. None of the dams are equipped with outlet pipes.

At the time of the investigation Martells Creek and Peachy's Creek were both dry where they entered the valley floor above their confluence with Littlejohns Creek.

The projects of the applicants lie 15 to 20 stream miles upstream from the protestants' property.

Water Supply

According to Table 2 of the United States Department of Commerce, Weather Bureau, "Climatological Data-California", Annual Summaries for the years 1942 through 1952, the mean annual precipitation at San Andreas, near the local of the applicants' proposed projects is 30.07 inches. Table 1 herein sets forth the monthly precipitation at San Andreas for the period 1942 through 1952, the period of available stream flow records for Littlejohns Creek near Farmington.

Appendix D. of Bulletin No. 11, State Water Resources Board, "San Joaquin County Investigation", dated June, 1955, sets forth the flow of Littlejohns Creek at Farmington for the periods 1942-44 and 1946-52. Table II herein contains the stream flow records at that station as reported in Bulletin No. 11. A

comparison of the precipitation (Table I) during the month of October, the only month during which the protestants object to the proposed diversion, in the upper watershed, with the runoff at Farmington (Table II) reveals that little, if any, relationship exists. The flow of Littlejohns Creek at Farmington during the summer and fall months is undoubtedly return flow and drainage water from irrigation of adjacent lands and not dependent upon the antecedent rainfall. The protestants' point of diversion is about six stream miles above the Farmington Recorder Station.

According to Table 91 of Bulletin No. 5, Division of Engineering and Irrigation, "Flow in California Streams", dated 1923, the estimated mean seasonal runoff per square mile of Littlejohns Creek watershed, is 201 acre-feet. The estimated maximum and minimum runoff per square mile is 709 and 10 acre-feet, respectively. The distribution of seasonal runoff by months, according to Bulletin No. 5 is as follows:

January	- 34.2%	July	- 0.3%
February	- 25.2%	August	- 0.0%
March	- 23.7%	September	- 0.1%
April	- 5.5%	October	- 0.6%
May	- 2.6%	November	- 1.6%
June	- 1.0%	December	- 5.2%

Upon the assumption that the watersheds above the applicants' points of diversion contribute about the same per unit of watershed area as Littlejohns Creek as a whole and that the monthly distribution of runoff of those watersheds is also approximately

TABLE I
 Monthly Precipitation at San Andreas
 (in inches)

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1942	7.10	3.50	2.47	5.82	3.09	0.00	0.00	0.00	0.00	0.17	4.96	7.56
1943	7.88	3.84	7.98	2.65	.10	.20	0.00	0.00	0.00	.78	2.01	2.61
1944	3.64	5.66	2.43	2.71	.69	0.00	0.00	0.00	.45	1.60	5.63	4.03
1945	.43	7.49	6.11	.74	.96	.40	0.00	T	.18	2.60	4.66	7.18
1946	1.52	1.96	4.50	0.00	1.55	0.00	T	0.00	.09	1.29	6.37	3.00
1947	1.14	2.24	2.12	.50	.30	.48	0.00	0.00	0.00	5.15	1.48	1.12
1948	1.25	3.05	6.11	6.61	3.00	.03	0.00	T	0.00	.67	.40	4.75
1949	3.03	3.84	6.92	T	.66	0.00	.02	.06	T	.09	3.27	2.24
1950	8.42	4.45	4.14	2.52	.45	0.00	0.00	0.00	0.00	0.00	10.60	6.93
1951	6.51	3.14	3.13	1.29	1.73	T	0.00	0.00	0.00	1.53	4.13	8.02
1952	8.69	3.32	6.64	1.84	.17	.08	.05	0.00	.27	0.00	2.61	6.85
AVERAGE	4.51	3.86	4.78	2.24	1.15	.11	.006	.005	.09	1.26	4.19	4.57
MEDIAN	3.64	3.50	4.50	1.84	.69	.015	.00	.00	.00	.78	4.13	4.03

TABLE II
Littlejohns Creek at Farmington
(in acre-feet)

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1942										370	900	1960
1943	14130	11340	33850	3020	250	240	250*	250*	240*	120*	120*	120*
1944	120*	21170	17010	360	330	230	80	0	0	**	**	**
1945	**	*	**	**	**	**	**	**	**	**	**	**
1946	**	**	153	306	480	631	703	939	915	400	510	970
1947	240	500	3890	180	790	**	**	**	**	**	**	**
1948	250	19	2990	5130	450	600	630	630	650	370	70	0
1949	60	1080	12180	320	570	570	470	500	340	32	95	12
1950	18960	11680	2680	1070	330	290	250	230	170	90	14820	36440
1951	18430	**	10220	1050	530	180	180	180	180	180	120	6140
1952	37030	15070	37250	2400	**	**	**	**	**	**	**	**
AVERAGE	11150	8690	13380	1540	466	392	366	390	356	224	2380	6520
MEDIAN	7190	11340	10220	1050	465	290	250	250	240	180	120	970

* estimated
** no record

the same, the flows in acre-feet reaching the several points of diversion during October should be approximately as follows:

<u>Application</u>	<u>Mean</u>	<u>Maximum</u>	<u>Minimum</u>
17892	.06	.21	.003
17893	.14	.51	.007
17894	.19	.66	.01
17895	.50	1.77	.025
17896	.59	2.07	.029
17897	.24	.84	.012

Other Matters

The protestants filed Application 16531 on August 17, 1955, to appropriate 3 cubic feet per second from Littlejohns Creek between March 1 and October 1 of each year for irrigation of 160 acres and stockwatering purposes. The application was protested by two downstream users. A field investigation was made on July 22, 1957, and on July 23, 1957, the applicants requested that the application be canceled.

Discussion

According to the report of field investigation made on July 18, 1958, Owen E. Wilkinson, representing the protestants, stated that he did not believe that the appropriations could materially affect them, except possibly in the month of October.

The amount of runoff from the 1.45 square miles of drainage area above the applicants' projects during the month of October as discussed in a previous section is of such small proportions as to be insignificant to the protestants some 15 to 20 stream miles

downstream. Upon the basis of the foregoing information the protest must be considered as without merit.

The existence of unappropriated water during the diversion season, other than the month of October, was not contested by the protestants. From the record it is evident that substantial amounts of runoff occur from Littlejohns Creek watershed during the major portion of the diversion season proposed in the applications, and that unappropriated water exists in sufficient quantities in the sources named in the subject applications to Justify the issuance of permits for the entire season requested.

Conclusions

The information indicates, and the Board finds, that unappropriated water exists at times in substantial quantities in the sources from which the applicants seek to appropriate and that such water may be taken and used in the manner proposed by the applicants during those times without injury to downstream parties. It is, therefore, the conclusion of the Board that Applications 17892, 17893, 17894, 17895, 17896 and 17897 should be approved and that permits should be issued to the applicants subject to the usual terms and conditions.

ORDER

Applications 17892, 17893, 17894, 17895, 17896 and 17897 for permits to appropriate unappropriated water having been filed with the State Water Rights Board, protests against their approval having been submitted, an investigation having been made by agreement of the parties under Rule 737, said Board having considered

all of the available information, and now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 17892, 17893, 17894, 17895, 17896 and 17897 be and the same are hereby approved, and it is ordered that permits be issued to the applicants subject to vested rights and the following terms and conditions, to wit:

1. The amount of water appropriated under Application 17892 shall be limited to the amount which can be beneficially used and shall not exceed 48 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

2. The amount of water appropriated under Application 17893 shall be limited to the amount which can be beneficially used and shall not exceed 4 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

3. The amount of water appropriated under Application 17894 shall be limited to the amount which can be beneficially used and shall not exceed 15 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

4. The amount of water appropriated under Application 17895 shall be limited to the amount which can be beneficially used and shall not exceed 8 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

5. The amount of water appropriated under Application 17896 shall be limited to the amount which can be beneficially used and shall not exceed 9 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

6. The amount of water appropriated under Application 17897 shall be limited to the amount which can be beneficially used and shall not exceed 11 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

7. The maximum amounts herein stated may be reduced in the license if investigation so warrants.

8. Complete application of the water to the proposed uses shall be made on or before December 1, 1960.

9. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

10. All rights and privileges under these permits including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable method of use or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on this ____ day of _____, 1959.

Henry Holsinger, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member