

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 20054, etc.,
of Joseph O. and Susie Legare and Others
to Appropriate from Morrison Creek in
Sacramento County

Decision D 1186

ADOPTED JUN 30 1964

DECISION DENYING APPLICATIONS

Joseph O. and Susie Legare, Lee R. and Levina M. Cook,
John L. and Barbara J. Gross, and Glen A. and Ruth E. Johnson
having filed Applications 20054, 20079, 20090, and 20311, respec-
tively, for permits to appropriate unappropriated water; protests
having been received except as to Application 20311; the applicants
and protestants 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 Rights
Board pursuant to said stipulation and to determine the existence
of unappropriated water to satisfy the applicant under Application
20311; the Board, having considered all available information and
now being fully advised in the premises, finds as follows:

1. The applications are for permits to appropriate
water from Morrison Creek in Sacramento County. Except for
Application 20311 which is limited to irrigation, the water is
to be used for stockwatering and irrigation. Application 20054

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is for 0.32 cubic foot per second (cfs) year-round. Application 20079 is for 0.1 cfs from April 1 to December 1. Application 20090 is for 0.065 cfs from April 1 to November 30, and Application 20311 is for 0.31 cfs from April 15 to November 1. The points of diversion, except for Application 20311 which is located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, are within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, T8N, R6E, MDB&M.

2. Morrison Creek originates in the vicinity of Mather Air Force Base and flows in a general southwesterly direction across the south end of the City of Sacramento to discharge into Beach Lake which is adjacent to the Sacramento River. During the summer months there is no natural flow in the creek, it being comprised primarily of sewage effluent with some irrigation waste water originating from wells.

3. Applicants Legare (Application 20054) pump from a pond formed by a dam on Morrison Creek approximately 500 feet downstream from the Mayhew Road crossing for use on a maximum of 12 acres, most of which is in pasture. Applicants Cook (Application 20079) pump from the channel of the creek a short distance downstream from the Legare point of diversion to irrigate approximately 7.5 acres of alfalfa and for the watering of 15 head of cattle. Applicants Gross (Application 20090) pump from the channel of the creek just above the Legare point of diversion for the watering of trees, lawns, and shrubs. Applicants Johnson (Application 20311), the lowermost of the applicants, located approximately one-half mile below the Hedge Avenue crossing, propose to divert from both branches of the creek to irrigate approximately 25 acres.

4. Protestants hold licenses confirming rights to divert from Morrison Creek for irrigation from March 1 to November 30.

5. Measurements of the flow of Morrison Creek taken during the years 1961 and 1963 show that there is insufficient flow to satisfy the applicants and provide for the protestants during the summer irrigation season.

6. There is no unappropriated water available to supply the applicants during the summer irrigation season. Approval of the applications for the remaining months requested would be of little or no value to the applicants.

From the foregoing findings, the Board concludes that Applications 20054, 20079, 20090, and 20311 should be denied.

The records, documents, and other data relied upon in determining the matter are Applications 20054, 20079, 20090, and 20311 and all relevant information filed therewith, with particular reference to the report of the field investigation dated May 1, 1962, and the files of Licenses 5053 (Application 13531), 5392 (Application 14617), 5296 (Application 14601), 4678 (Application 14672), 6127 (Application 14834), 5252 (Application 14886), 6450 (Application 15302), 6435 (Application 15535), 5582 (Application 15823), 5896 (Application 16734), and 6251 (Application 16986), United States Geological Survey, Carmichael, Sacramento East, Florin, and Clarksburg quadrangles, 7.5-minute series dated 1954, 1953, and 1952, respectively.

ORDER

IT IS HEREBY ORDERED that Applications 20054, 20079, 20090, and 20311 be, and they are, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1964.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member