

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23140  
of River Development Company  
to Appropriate from the Sacramento  
River in Tehama County.

Decision 1359

DECISION APPROVING APPLICATION

River Development Company having filed Application 23140 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on July 8, 1969; applicant having appeared and presented evidence and protestant Contra Costa County Water Agency having appeared; the evidence received at the hearing having been duly considered, the Board finds as follows:

Substance of the Application

1. Application 23140 is for a permit to appropriate 25 cubic feet per second (cfs) by direct diversion from January 1 to June 15 and from September 1 to December 31 of each year and 1,500 acre-feet per annum (afa) by storage from October 15 of each year to May 15 of the succeeding year for recreational and fish culture purposes from the Sacramento

River in Tehama County. The point of diversion is to be located within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, T29N, R3W, MDB&M.

#### Description of Applicant's Project

2. The water covered by Application 23140 will be used at a recreation oriented subdivision adjacent to the Sacramento River approximately four miles south of the city of Anderson. The central feature of the subdivision will be a recreational lake, which will have a capacity of approximately 1,500 acre-feet and a surface area of approximately 203 acres. Water will be pumped from the river into the lake by an existing pumping plant at a rate of 25 cfs. After the initial filling of the lake, the water diverted, except for evaporation and seepage losses, will return to the river over a spillway.

#### Disposition of Protests

3. Protestant Contra Costa County Water Agency, the only protestant appearing, presented no evidence at the hearing. However, it requested the Board to retain jurisdiction over any permit issued on Application 23140 for the purpose of making changes in or revoking the permit in conformance with its findings on "Application 5625 and 38 other applications to appropriate water from the Sacramento-San Joaquin Delta water supply" or any other applications prior to Application 23140 (RT 13). The requested term is substantially

the same as terms the Board has included in permits issued on other applications to appropriate water in the Sacramento-San Joaquin drainage area, is agreeable to the applicant, and should be included in any permit issued on Application 23140. The inclusion of this term will remove the objections of the other protestants to the approval of Application 23140.

Unappropriated Water Available to Applicant

5. Decision 1045 and subsequent decisions covering applications within "Reach 1" of the Sacramento River (Keswick to Knights Landing) wherein the applicant's project is located, found that unappropriated water occurred from September 1 to June 15, the applicant's diversion season, during most years. There has been no change in circumstances to justify a different conclusion at this time.

6. Unappropriated water is available to supply the applicant, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

Other Rights Held by Applicant

8. The applicant holds Permit 8303 (Application 13667) to divert 12 cfs from May 1 to November 1 from the Sacramento River for irrigation and stockwatering purposes at the site of the proposed lake. A petition is pending to change the character of use to include recreational and fish culture purposes in order that some of the water covered by Permit 8303 may be diverted through the lake to offset evaporation and seepage losses. The applicant intends to rely upon riparian and pre-1914 appropriative rights and water purchased from the Bureau of Reclamation to offset evaporation and seepage losses during the period not covered by Application 23140 and Permit 8303.

The permit issued on Application 23140 should contain a term stating that simultaneous diversion under the permit and diversion for recreational and fish culture purposes under Permit 8303 (Application 13667), riparian, and pre-1914 appropriative rights shall not exceed the quantities authorized by the permit.

From the foregoing findings, the Board concludes that Application 23140 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 23140 be, and it is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 25 cubic feet per second (cfs) by direct diversion to be diverted from about January 1 to about June 15 and from about September 1 to about December 31 of each year and 1,500 acre-feet per annum by storage to be collected from about October 15 of each year to about May 15 of the succeeding year.

The maximum rate of diversion to offstream storage shall not exceed 25 cfs. The water diverted, less evaporation and seepage losses, shall be returned to the Sacramento River within  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of Section 28, T29N, R3W, MDB&M.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

2. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of making changes in or revoking the permit in conformance with its findings on "Application 5625 and 38 other applications to appropriate from the Sacramento-San Joaquin Delta water supply" or any other application prior to Application 23140.

3. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair.

4. The maximum quantity herein stated may be reduced in the license if investigation warrants.

5. Actual construction work shall begin on or before December 1, 1970 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

6. Said construction work shall be completed on or before December 1, 1972.

7. Complete application of the water to the proposed use shall be made on or before December 1, 1973.

8. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

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

10. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

12. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other

vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

13. If the dam will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction shall not be commenced until the Department has approved plans and specifications.

14. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian and/or prior appropriative right, the rights so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the largest of the rights.

15. Simultaneous diversions under this permit and diversion for recreational and fish culture under Permit 8303 and under riparian and pre-1914 appropriative rights for recreational and fish culture purposes shall not exceed 25 cubic feet per second by direct diversion and 1,500 acre-feet per annum by storage.



Adopted as the decision and order of the State  
Water Resources Control Board at a meeting duly called and  
held at Sacramento, California.

Dated: May 21, 1970

KERRY W. MULLIGAN  
Kerry W. Mulligan, Chairman

E. F. DIBBLE  
E. F. Dibble, Vice Chairman

NORMAN B. HUME  
Norman B. Hume, Member

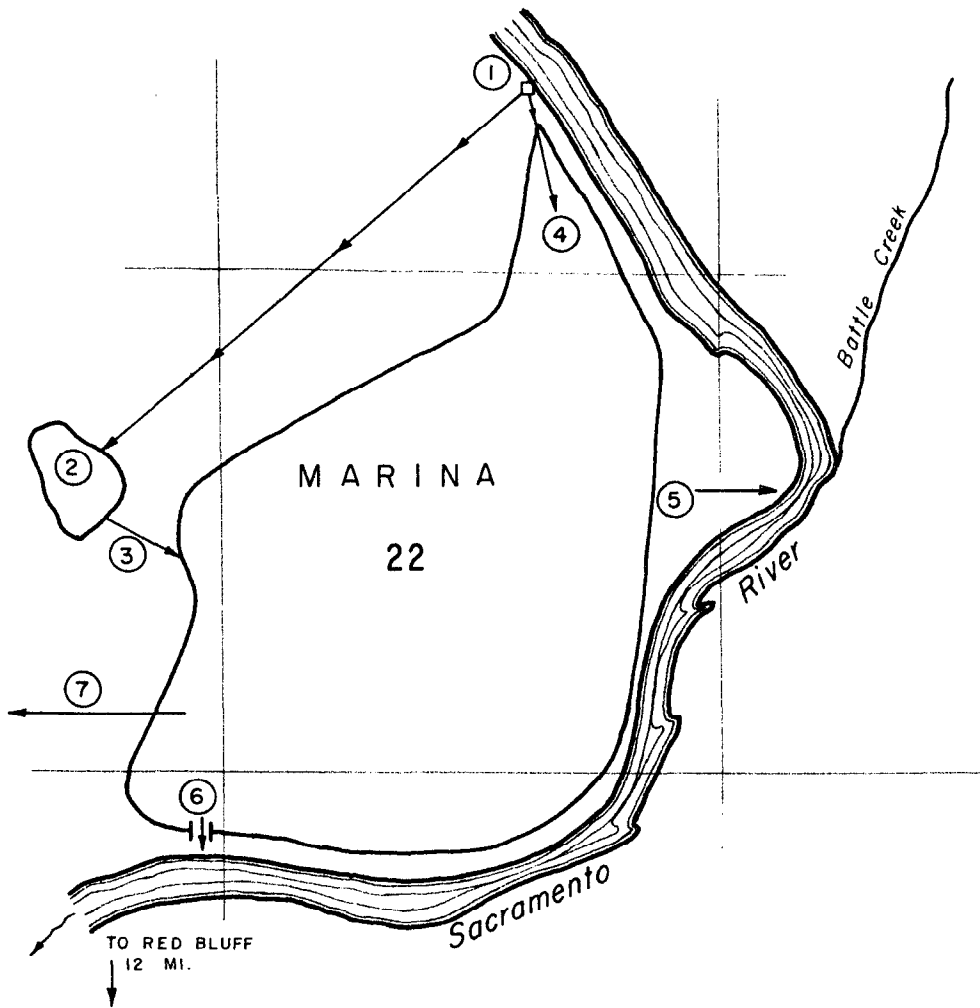
RONALD B. ROBIE  
Ronald B. Robie, Member

W. W. ADAMS  
W. W. Adams, Member

R. 3 W.



M.D.B. & M.



T. 29 N.

- ① PUMP STATION
- ② IRRIGATED UNDER PERMIT 8303 (APPLICATION 13667)
- ③ RETURNFLOW TO MARINA
- ④ MARINA SERVED BY APPLICATION 23140
- ⑤ LEVEE SEEPAGE TO RIVER
- ⑥ SPILLWAY AND DRAINPIPE TO RIVER
- ⑦ EVAPORATION

**SCHEMATIC DIAGRAM OF DIVERSION  
FROM SACRAMENTO RIVER**

**BY  
RIVER LAKES RANCH**