

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23492 )  
of U. S. Eldorado National Forest )  
to Appropriate from Unnamed Stream ) Decision 1409  
Tributary to Dogtown Creek in )  
El Dorado County. )  
\_\_\_\_\_ )

DECISION APPROVING APPLICATION

U. S. Eldorado National Forest having filed Application 23492 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 23492 is for a permit to appropriate 1900 gallons per day by direct diversion from January 1 to December 31 of each year for fire protection, domestic and industrial purposes from an unnamed stream, tributary to Dogtown Creek in El Dorado County. The maximum amount diverted will not exceed 1.3 acre-feet per year. The point of diversion is to be located within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 34, T9N, R13E, MDB&M.

Applicant's Project

2. Water is piped approximately 250 feet from a small concrete box to a wooden tank where it is available for fire protection, dust sprinkling and domestic use by visiting recreationists.

1409

Protestants

3. Bank of America N. T. & S. A., corporate co-trustee of Pension Trust Fund for Operating Engineers, and Cosumnes Irrigation Association protested the application on the ground that any diversion during the irrigation season would interfere with their rights to divert water from the Cosumnes River and the Middle Fork Cosumnes River.

Availability of Unappropriated Water

4. During the winter season, the flow at the proposed point of diversion will be adequate for the diversion proposed by the applicant. During the irrigation season, the flow from the source decreases to a fraction of a gallon per minute, ceases a short distance below the proposed point of diversion and does not contribute to the flow of Dogtown Creek, Middle Fork Cosumnes River or Cosumnes River. Therefore, diversion by applicant during the irrigation season as proposed will not injure the protestants.

5. 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.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 23492 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.

The records, documents, and other data relied upon in determining the matter are: Application 23492 and all relevant

information on file therewith, particularly the report of field investigation made on July 24, 1972.

ORDER

IT IS HEREBY ORDERED that Application 23492 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 1900 gallons per day by direct diversion from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 1.3 acre-feet per year.

2. The amount authorized for appropriation may be reduced in the license if investigation warrants.

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

4. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

5. 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.

Permittee shall take all reasonable steps necessary to minimize waste of water, and may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting

diversions so as to eliminate tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. At any time after notice to affected parties and opportunity for hearing, the Board may impose specific requirements over and above those contained in this permit, with a view to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

6. 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.

7. 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.

8. The right to use water for fire protection purposes authorized by this permit is limited to that quantity normally necessary to maintain an adequate reserve for fire protection.

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

Dated: January 4, 1973

## ABSENT

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

E. F. DIBBLE

E. F. Dibble, Member

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member