

*Lib.*

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 20848	)	
of Springville Public Utility District	)	
to Appropriate from North and Middle	)	Decision 1432
Forks Tule River in Tulare County	)	

DECISION DENYING APPLICATION

BY BOARD VICE CHAIRMAN ROBIE

Springville Public Utility District, a municipal corporation, having filed Application 20848 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 April 13, 1972; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1. Application 20848 is for a permit to appropriate 1.5 cubic feet per second (cfs) of water from the North and Middle Forks of Tule River in Tulare County between January 1 and December 31 of each year for domestic and municipal purposes. The proposed points of diversion are located within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 1, T21S, R29E, MDB&M, and the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 35, T20S, R29E, MDB&M, approximately one-half mile above the confluence of the North Fork and the Middle Fork of the Tule River.



2. Protestants are various riparian and appropriative water users on the Tule River below Success Dam and Reservoir. Success Dam impounds water of the Tule River and its tributaries for use downstream for domestic, municipal, recreational and primarily agricultural purposes.

3. The record indicates that there is no unappropriated water available to satisfy the application. Applicant has not presented any evidence to contradict the findings of Decision 1018 that except for infrequent floods no unappropriated water exists in the Tule River or its branches. The Board has no power to approve an application and issue a permit unless it first finds that unappropriated water is available to supply the applicant (Water Code Section 1375).

IT IS HEREBY ORDERED that Application 20848 is denied.

Dated: February 21, 1974

We Concur:

RONALD B. ROBIE  
Ronald B. Robie, Vice Chairman

W. W. ADAMS  
W. W. Adams, Chairman

ROY E. DODSON  
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER  
Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN  
W. Don Maughan, Member