

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications )  
24536, 24537, 24688, and 24936 )  
FAUSTINO SILVA, GARY SILVA, THOMAS P. )  
AND ELSIE MC ENERNEY, AND GLEN D. AND )  
VIRGINIA WHITCANACK )  
Applicants, )  
respectively, )  
UNITED STATES BUREAU OF RECLAMATION, )  
ET AL. )  
Protestants )

Decision: 1525  
Source: Laguna Creek  
County: Sacramento

DECISION DENYING APPLICATIONS

BY THE BOARD:

Faustino Silva, Gary Silva, Thomas P. and Elsie Mc Enerney, and Glen D. and Virginia Whitcanack having filed Applications 24536, 24537, 24688, and 24936, respectively, for permits to appropriate unappropriated water; protests against the approval of each of the applications having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Section 737, Article 14, Subchapter 2, Chapter 3, of Title 23, California Administrative Code; investigations having been made by the Board pursuant to said stipulations; the Board, having considered all available information; finds as follows:

Substance of the Application

1. Application 24536 is for a permit to appropriate 1.7 cubic feet per second (cfs) by direct diversion from April 15 through November 15 of each year for irrigation purposes from Laguna Creek, tributary to Cosumnes River in Sacramento County. The total amount to be diverted is not to exceed 504 acre-feet per annum (afa).

2. Application 24537 is for a permit to appropriate 3 cfs by direct diversion from April 15 through November 15 of each year for irrigation purposes from Laguna Creek, tributary to Cosumnes River in Sacramento County. The total amount to be diverted is not to exceed 900 afa.

3. Application 24688 is for a permit to appropriate 3 cfs by direct diversion from April 1 to October 31 of each year for irrigation purposes from Laguna Creek, tributary to Cosumnes River in Sacramento County. The total amount to be diverted is not to exceed 900 afa.

4. Application 24936 is for a permit to appropriate 6 cfs by direct diversion from April 1 to November 1 for irrigation purposes and 7,500 gallons per day (gpd) from January 1 to December 31 for stockwatering both from an unnamed stream, tributary to Hadselville Creek, thence Laguna Creek, thence Cosumnes River in Sacramento County. The total amount to be diverted under this application is not to exceed 2508 afa.

#### Background

5. The Sacramento Municipal Utility District (SMUD) owns and operates the Rancho Seco Nuclear Power Plant in southeastern Sacramento County. SMUD purchases cooling water from the United States Bureau of Reclamation (Bureau). The Bureau delivers this cooling water to SMUD from the Folsom South Canal. SMUD discharges wastewater, blowdown from its cooling towers, to an unnamed stream tributary to Hadselville Creek, thence Laguna Creek, thence Cosumnes River. Each of the applicants seeks to appropriate this wastewater. The Bureau does not claim any rights to this wastewater by virtue of its contract with SMUD. The Galt Irrigation District has purchased this wastewater for the past several years and is presently negotiating a long-term contract for its purchase from SMUD.

Availability of Unappropriated Water

6. The applicants' proposed source of water is SMUD's wastewater flow. Since Galt Irrigation District has purchased this wastewater from SMUD, this source is not available for the applicants' use. Although water other than SMUD's wastewater is found in Laguna Creek and its tributaries during the irrigation season, this water is used under the exercise of other rights. Therefore, the Board concludes that Applications 24536, 24537, 24688 and 24936 should be denied.

Record in this Matter

7. The records, documents, and other data relied upon in determining this matter are Applications 24536, 24537, 24688, and 24936 and all other relevant information on file therewith.

ORDER

IT IS HEREBY ORDERED that Applications 24536, 24537, 24688, and 24936 are denied.

Dated: August 16, 1979

/S/ W. DON MAUGHAN

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W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER

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William J. Miller, Vice Chairman

/S/ L. L. MITCHELL

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L. L. Mitchell, Member

/S/ CARLA M. BARD

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Carla M. Bard, Member

