



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

RE-NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 5648X02

DATE FILED: June 6, 2001

This is a re-notice of the Thomson Family Trust Petition for Partial Assignment of State Filed Application 5648 which has been assigned the number Application 5648X02. Application 5648X02 has been modified since the previous notice, dated August 24, 2001, and the changes are described under "Description of the Project." The applicant seeks diversion of water from two unnamed tributaries and Six Mile Creek, which are tributary to Angels Creek thence New Melones Reservoir. The project is located in Calaveras County.

Application 5648 was filed by the State of California on July 30, 1927 under the provision of Water Code section 10500 (State Filing) and later assigned to the State Water Resources Control Board (SWRCB) for administration as provided by Water Code section 10500 et. seq. The SWRCB shall hold a public hearing in accordance with section 10504 and 10505 of the Water Code before approving any application submitted by a petitioner for partial assignment of a state filing pursuant to section 10500. The hearing shall be for the purpose of determining whether the state filing should be assigned and whether the proposed completed application submitted by the petitioner should be approved in whole or in part.

The SWRCB will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed at the Division of Water Rights web-site: www.waterrights.ca.gov. Please mail any correspondence to the applicant to the following address:

Thomson Family Trust
c/o Tom Maddock
Boyle Engineering Corp.
1501 Quail Street
Newport Beach, CA 92660

DESCRIPTION OF THE PROJECT

The modifications to the project from the previous notice include an increase in the rate of diversion from 4,500 gallons per day (gpd) to 45,242 gpd; an increase in the storage amount from 6.2 acre-feet annually (afa) to 9.7 afa; and a change in storage season from June 1 through March 31 of the succeeding year to October 1 through March 31 of the succeeding year. The combined amount of water taken by direct diversion and storage during any one year shall not exceed 28.1 acre-feet (af). The primary use of water from the reservoirs will be domestic use and irrigation of five acres of pumpkins; other uses include

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incidental recreation and fire protection. Water diverted into storage will be divided among five reservoirs as follows:

- (1) Upper Reservoir 1 forms a 12-foot-high dam forming a 1.64 af capacity with a surface area of 0.40 acres (constructed in the early 1950s);
- (2) Lower Reservoir 2 forms a 12-foot-high dam forming a 0.39 af capacity with a surface area of 0.13 acres (constructed in the early 1950s);
- (3) Reservoir 3 proposes a 12.5-foot-high-dam forming a 1.68 af capacity with a surface area of 0.37 acres;
- (4) Reservoir 4 proposes a 12-foot-high dam form a 1.01 af capacity with a surface area of 0.34 acres;
- (5) Reservoir 5 proposes an 8-foot-high dam forming a 0.48 af capacity with a surface area of 0.14 acres.

The additional 4.5 af of water will be used to keep the ponds full for the fish and offset any evaporation levels and seepage.

Water stored in Reservoirs 1, 2, 3, and 5 will be diverted from (1) an unnamed stream tributary to Six Mile Creek and (2) Six Mile Creek via a pipeline. Water stored in Reservoir 4 is from the second unnamed stream tributary to Six Mile Creek. In addition, water in Reservoir 2 can spill into Reservoir 4.

APPLICATION INFORMATION

Points of Diversion are:

- (1) Reservoir 1 located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 13; T3N, R13E, MDB&M
- (2) Reservoir 2 located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 13; T3N, R13E, MDB&M
- (3) Reservoir 3 located with the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 13; T3N, R13E, MDB&M
- (4) Reservoir 4 located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 13; T3N, R13E, MDB&M
- (5) Reservoir 5 located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 13; T3N, R13E, MDB&M; and
- (6) Six Mile Creek Diversion is located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 18, T3N, R14E, MDB&M.

Amount: (A) 45,242 gpd (by direct diversion, not to exceed a total of 18.4 afa.
(B) 9.7 afa to storage.

Season: June 1 through October 15 for direct diversion
October 1 through March 31 for storage

Purpose: Domestic, Irrigation, Recreation, and Fire Protection

Place of Use: 5 acres within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the section 13, T3N, R13E, MDB&M

The Diversion and place of use are located within the County of Calaveras.

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mike Falkenstein, State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Parties who have already filed protests against this application and do not have any additional concerns do not need to file a new protest against this application. The protests that were accepted against this application remain in good standing.

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the SWRCB or on the Division's web-site www.waterrights.ca.gov, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Patricia Meroney
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 4:00 p.m.** on the **60th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterrights.swrcb.ca.gov. Protest forms may also be obtained from our web-site at www.waterrights.ca.gov.

DATE OF NOTICE: 10-04-02