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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22875)
of Lenard D. Huntley and Mary A.)
Huntley to Appropriate from an)
Unnamed Spring in Nevada County)

ORDER AMENDING AND REINSTATING DECISION 1321

On March 6, 1969, the State Water Resources Control Board adopted an "Order Granting Petition for Reconsideration of Decision 1321" pursuant to a petition by the South Sutter Water District. Said petition contends that the Board's Finding 5 is erroneous as to the period during which there is water in the Bear River in excess of the petitioner's requirements and available for diversion by the applicants, requests the Board to revise Finding 4 so as to identify the "summer months" during which no continuity of flow is deemed to exist between the point of diversion of applicants and that of protestant, and requests the Board to conform its order accordingly.

Based on investigations made during the year 1969, the Board finds that the period during which there is no continuity of flow from the unnamed spring to the Bear River is from about May 1 through approximately October 31, and Finding 4 should be amended accordingly.

Finding 5 in Decision 1321 was based in part on the assumption that water passing the U.S.G.S. gaging station "near Wheatland" below the petitioner's Camp Far West Reservoir was available for appropriation. However, an operation study for Camp Far West Reservoir shows that flows reported at that gaging station include releases made in compliance with the terms for the protection of fish in petitioner's Permits 14871 and 11297 covering the Camp Far West project. Also, the petitioner's project is not fully developed and water has not been placed to full beneficial use. Records of the U.S.G.S. gaging station "near Wheatland" and the operation study for Camp Far West Reservoir show that from about November 1 of each year to about May 1 of the succeeding year there is water in excess of the protestant's requirements. This is consistent with previous decisions by the Board involving the Bear River (Decisions D 914, 1091, and 1228) and Finding 5 should be amended accordingly.

Since there is no hydraulic continuity between the unnamed spring and the Bear River during the period when no unappropriated water is available in the river, no revision of the approved year-round diversion season for Application 22875 should be made. Decision 1321 should be amended in accordance with the foregoing findings and, as amended, should be reinstated. Because of the time elapsed since the decision was adopted, the dates specified in the decision for commencing and completing the appropriation of water should be advanced.

ORDER

IT IS HEREBY ORDERED that Findings 4 and 5 on page 2 of Decision 1321 be amended to read as follows:

4. Field investigations by Board personnel show that there is no continuity of surface flow between the unnamed spring and the Bear River from about May 1 to about October 31 and therefore diversion by applicants will not deprive protestant of water during such time.

5. Operation studies for Camp Far West Reservoir and records of the U.S.G.S. gaging station on the Bear River "near Wheatland" show that there is water in excess of protestant's requirements and available for diversion by the applicants from about November 1 of each year to about May 1 of the succeeding year, which is consistent with previous decisions by the Board involving the Bear River (Decisions D 914, 1091, and 1228).

The dates for commencing construction, completion of construction and application of the water to the proposed use shall be June 1, 1971, December 1, 1973 and December 1, 1974, respectively, and the order contained in Decision 1321 shall be so amended.

IT IS FURTHER ORDERED that Decision 1321, as amended, be, and it is, reinstated.

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

Dated: September 24, 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

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

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In the Matter of Application 22875)
of Lenard D. Huntley and Mary A.)
Huntley to Appropriate from an)
Unnamed Spring in Nevada County)

ORDER GRANTING PETITION
FOR RECONSIDERATION OF DECISION 1321

On January 9, 1969, the State Water Resources Control Board adopted Decision 1321 in which the Board approved Application 22875 of Lenard D. and Mary A. Huntley.

On February 10, 1969, the South Sutter Water District, protestant to Application 22875, filed a petition for reconsideration of Decision 1321. Petitioner requests reconsideration by the Board to accomplish the following purposes:

(1) Revise Finding 4 to identify the "summer months" during which no continuity is deemed to exist between the point of diversion of applicants and that of protestant.

(2) Revise Finding 5 to show no unappropriated water in the Bear River between April 30 and October 31.

(3) Conform the order of the Board to revised Findings 4 and 5 by deleting from the permit any period during which continuity is found to exist under Finding 4 and during which no unappropriated water remains under Finding 5.

The South Sutter Water District protested Application 22875 upon the basis of rights obtained under Applications 10221 and 14804. Application 10221 was assigned to South Sutter Water District by the State of California on September 17, 1959, pursuant to Water Code Section 10504. The assignment was made subject to the:

"Prior rights of any county in which the water sought to be appropriated originates to use such water as may be necessary for the development of such county."

Application 14804 was favored by a release of priority of the State of California Applications 5633 and 5634. The release was made subject to the:

"Prior rights of any county in which the water sought to be appropriated originates to use such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code of California."

The conditions contained in the assignment and release of priority appear to grant to Application 22875 a priority with respect to the rights of South Sutter Water District pursuant to Applications 10221 and 14804. However, since this subject was not referred to in Decision 1321, the parties are allowed 30 days from the date of this order within which to serve on each other and file written comments if they so desire.

With respect to the revisions requested by petitioner the Board believes that a further investigation of the flow from the unnamed spring may be warranted.

THEREFORE, IT IS HEREBY ORDERED that Decision 1321
be reconsidered.

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

Dated: March 6, 1969.

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

GEORGE B. MAUL
George B. Maul, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member