

After careful consideration, the Board concludes that its decision to add the point of diversion on East Borrow Pit is correct but that our previous order should be clarified in several respects.

2. The petition presents the following issues relating to the appropriateness of adding the point of diversion on the East Borrow Pit.

a. Do Poodle Creek and East Borrow Pit constitute a common supply under the conditions specified in Board Order No. WR 79-22?

b. Assuming Poodle Creek and East Borrow Pit are a common supply, was the Board's decision to approve the addition of a point of diversion on the East Borrow Pit an abuse of discretion?

c. Did the Board correctly define the type of injury contemplated by Water Code Section 1702?

3. The Board addressed the first issue in paragraphs 3, 13, and 14 of the original order. In those paragraphs, the Board concluded that the East Borrow Pit and Poodle Creek constitute a common supply under certain conditions. The protestants argue that this conclusion is incorrect because the Board failed to conclude: (1) that the water levels in the East Borrow Pit and at the petitioner's existing point of diversion on Poodle Creek would be the same when the petitioner is diverting water, and (2) that the petitioner's ability to divert water at the existing point of diversion will not be impaired by problems of grade and of shallow channel on Poodle Creek. The protestants' argument is that, unless the Board can make these findings, the East Borrow Pit and Poodle Creek do not have the physical characteristics of a lake. The facts do not support the protestants.

4. The evidence at the hearing established that presently the two inlet pipes connecting Poodle Creek and East Borrow Pit were 20 inch and

18 inches in diameter and that following the modifications proposed by the Department of Water Resources, the inlet structures will be two square 4' x 4' openings. (RT 118-119) Protestant Donal Meyer estimated that there will be hardly any head loss between Poodle Creek and East Borrow Pit when this modification takes place. (RT 119) The engineer for the protestants estimated the increase of capacity to be between six and eight times. (RT 129) The licensees' engineer estimated that there would be no problem in the diversion of water by the licensees if the capacity of the inlet pipes were doubled. (RT 43.) This uncontroverted evidence supports our conclusion that the East Borrow Pit and Poodle Creek will be the hydraulic equivalent of a lake when the proposed modification in the inlet pipes takes place and when the inlet pipes are open.

5. The protestants allege in the second issue that the Board abused its discretion by approving the addition of the point of diversion on East Borrow Pit because the decision is not reasonable or logical, authorizes a change not needed, shifts unreasonably the burden of policing the water diversions from petitioner to protestant, and is premature. A specific response to such vague characterizations of our order is probably not too helpful in establishing that we did not abuse our discretion in this matter; however, a brief explanation of the reasons behind our decision should suffice to establish that our decision constitutes a reasonable exercise of our discretion.

6. On August 3, 1961, a field investigation on Application 19749 was conducted. It determined that the source of water in Poodle Creek during the irrigation season was water backed up from the East Borrow Pit. The Board verified this fact during a field investigation in 1966 prior to issuing a license. The 1966 field investigation established

that permittees had used 5 cfs during the season of maximum use and License 8012 was issued in 1966 confirming such use. At the time of issuance of the license, the capacity of the two inlet pipes evidently was not a limiting factor. Since that time, several factors have changed the situation. Evidently, the channel of Poodle Creek has become clogged with silt reducing the flow of water to the licensees' point of diversion. In addition, diversion of water from Poodle Creek between the licensees' point of diversion and Pump Station 3 have increased. These diversions have caused the capacity of the two inlet pipes connecting Poodle Creek and East Borrow Pit to be a limiting factor in the availability of water to the licensees. The Board recognizes that the enforcement of the relative priorities on Poodle Creek may solve the licensees' problems concerning the availability of water. tiowever, the only assured way of enforcing these priorities is to have the diversions regulated by a water-master under the provisions of Part 4, Division 2 of the Water Code, commencing with Section 4,000. Basically, the licensees have pursued a physical solution rather than this alternate administrative remedy..

7. The protestants failed to convince us that we should deny the licensees request because other possible solutions exist. Even if the licensees pursued the creation of a watermaster service area on Poodle Creek or if the proposed modifications in Pump Station 3 solved the immediate problem, the licensees would be required to continue to maintain the hydraulic capacity of Poodle Creek between the licensees' point of diversion and Pump Station 3. While the licensees will have to maintain the channel of Poodle Creek between its point of diversion on East Borrow Pit and on Poodle Creek, the length of channel to maintain is substantially less than under the previous situation. This savings alone justifies the approval of the point of diversion on East Borrow Pit.

8. The possibility of seepage damage to adjacent landowners presents a substantial concern to the Board and in other circumstances such a claim may convince us to deny a change of point of diversion or take other action in a related proceeding before the Board. However, the -evidence at the hearing concerning seepage damage to the protestants is sketchy. The protestants allege such damage but they presented no evidence of it. (RT 66, 67, 80, 84, 87, 102, 103, 120, 125, 132) The licensees' engineer estimated that the water level in Poodle Creek would be raised a matter of inches if the licensees are allowed to use the point of diversion on East Borrow Pit. (RT 54) In the alternative, the licensees' engineer prepared a plan to dredge the channel of Poodle Creek to reduce the elevation of the channel sufficient to prevent any seepage problem. (RT 32, 48, 49) While the protestants dispute the licensees right to dredge this portion of the channel of Poodle Creek, they also assert that we have no jurisdiction to determine the relative rights of the licensees and protestants regarding the use of Poodle Creek. The Board agrees and leaves it to the parties to resolve that issue. Assuming the licensees prevail, the Board is not convinced that any seepage damage would occur under the licensees proposed operation. However, a conservative approach is to approve the licensees' request, if otherwise allowable, subject to the possibility of termination if a seepage problem occurs.

9. The protestants allege that the Board incorrectly interpreted Water Code Section 1702. Order No. WR 79-22 adequately discussed this issue. The protestants in their petition have not convinced us that our previous analysis is incorrect.

10. As earlier stated, the protestants requested that Order No. WR 79-22 be clarified in several respects as follows:

- (a) The phrase "substantially equal" in paragraph 5(b) of the order should be defined as a difference in elevation of less than 6 inches between the new diversion point and the old diversion point, when petitioners are diverting at a rate of 5 cfs at the old point;
- (b) Paragraph 6 should be amended to provide that the three year period should commence from the time the petitioners first use the new point of diversion;
- (c) The order should require the licensees to establish a right of access across the protestants' lands; and
- (d) The order should be amended to require that if the licensees fail to divert water within three years from the date of opening the modified conduits at Pump Station 3 that the approval of the change in point of diversion to the East Borrow Pit shall terminate.

11. The Board's response to these requests is as follows:

- (a) The purpose behind the requirement that the water level in Poodle Creek and East Borrow Pit be substantially equal was to assure that the licensee was only diverting water when Poodle Creek and East Borrow Pit are the hydraulic equivalent of a lake. The protestants' request to define "substantially equal" as a difference of six inches or less is a good one. However, the point of measurement should be the new point of diversion on East Borrow Pit and the point of rediversion at the confluence of the unnamed stream and Poodle Creek;
- (b) The Board agrees. A new license term needs to be added to require the licensee to report to the Board when its first use of the new point of diversion occurs;

(c) The licensees allege that they have the right to convey water in Poodle Creek from the new point of diversion on East Borrow Pit to a point of rediversion on Poodle Creek because Poodle Creek is a natural watercourse within the meaning of Water Code Section 7075. The protestants allege that that portion of the channel where the water would be conveyed is not a natural watercourse. We do not have the jurisdiction to determine this issue. Accordingly, it is inappropriate for us to include the requested provision in our order; and

(d) The Board agrees.

ORDER

IT IS HEREBY ORDERED that:

1. Paragraph 5 of Order No. WR 79-22 is amended to read as follows: "Water shall not be diverted from the East Borrow Pit of Sutter Bypass until the capacity of the conduit connecting Poodle Creek and East Borrow Pit has been increased in accordance with the plans of the Department of Water Resources, and water shall not be diverted from the East Borrow Pit of Sutter Bypass except: (a) when the conduits between East Borrow Pit and Poodle Creek are open; and (b) when the difference in the water levels in Poodle Creek and East Borrow Pit is equal to or less than six inches. The water level in Poodle Creek and East Borrow Pit shall be measured at the points of diversion authorized by paragraph 3(a) and by paragraph 3(b).

2. Paragraph 6 of Order No. WR 79-22 is amended to read as follows: "The point of diversion authorized by paragraph 3(b) shall be deleted if the licensee fails to commence diverting water at said point within three years from the date the capacity of the conduits linking East Borrow Pit with Poodle Creek has been increased in accordance with the

plans of the Department of Water Resources or if, upon motion of any landowner adjacent to Poodle Creek or, upon the Board's own motion the Board finds after notice to all affected parties and hearing unless waived, that the conveyance of water in Poodle Creek by the licensee injures landowners adjacent to Poodle Creek by seepage or otherwise. The authority of the Board to delete said point of diversion shall terminate upon expiration of a period of three years from the date the licensee commenced diverting water at the point of diversion authorized in paragraph 3(b), unless sooner terminated, or extended upon a finding of good cause by the Board."

3. A new paragraph 7 is added to Order No. WR 79-22 as follows:

"Licensee shall file with the Board a statement that they have commenced diverting water at the point authorized in paragraph 3(b) within 30 days of said commencement."

4. The petition for reconsideration of Order No. WR 79-22 is denied except as Order No. WR 79-22 is modified above..

Dated: December 20, 1979

WE CONCUR:

/S/ WILLIAM J. MILLER
William J. Miller, Vice-Chairman

/S/ CARLA M. BARD
Carla M. Bard, Chairwoman

/S/ L. L. Mitchell
L. L. Mitchell, Member

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LEGAL DIVISION

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8 IN THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
9 SACRAMENTO, CALIFORNIA

10 _____)
11 In The Matter of License No. 8012)
Issued on Application 19749 of) PETITION FOR
12 NEVIS INDUSTRIES, INC., ET AL,) RECONSIDERATION
License and Applicant, DAVID)
13 E. NALL, ET AL., Protestants,)
Order WR 79-22)
14 Approving Petition to Change)
Points of Diversion)
15 _____)

16 TO: State Water Resources Control Board

17 PROTESTANTS: David E. Nall; Ross D. Madden;
18 Donal Meyer; Edward E. Nall.

19 Protestants in the above captioned matter hereby petition
20 for reconsideration of Order WR 79-22 of the State Water Resources
21 Control Board (Board) entered on August 16, 1979, pursuant to
22 Water Code § 1357 and § 737.1 of Title 23 Cal. Adm. Code, Article
23 14.5.

24 In support of their petition, Protestants hereby submit the
25 following:

26 1. The names and addresses of Protestants are as follows:

27 DAVID E. NALL, 1154 Richland Road, Yuba City, California,
28 95391;

1 ROSS D. MADDEN, 1330 Franklin Road, Yuba City, California,
2 95991;

3 DONAL MEYER, 11870 South Butte Road, Sutter, California,
4 95982;

5 EDWARD E. NALL, 1154 Richland Road, Yuba City, California,
6 95991.

7 2. The specific action of the Board, of which Protestants
8 request reconsideration, is amendment of Petitioner's License
9 No. 8012 to include a new **point** of diversion for direct diversion
10 from the East Borrow Pit of Sutter Bypass **S10°28'47" W5363.23**
11 feet from the Northeast Corner of Section 14, **T15N, R1E, MDB&M,**
12 being within the Southeast quarter of the Southeast quarter of
13 Section 14, **T15N, R1E, MDB&M.**

14 3. The date on which the Order was made by the Board:
15 August 16, 1979.

16 4 . The reasons the **action** of the Board was inappropriate
17 or improper are as follows:

18 'A. The determination that Poodle Creek **and** East Borrow Pit
19 will constitute a common supply, "the hydraulic equivalent of a
20 lake," when the Department of Water Resources completes modifi-
21 cations at its Pumping **Plant** 3 and when the conduit between **Poodle**
22 Creek and East Borrow Pit is open is not supported by substnntjal
23 evidence in that there has been no finding that:

24 (i) Water levels at the East Borrow Pit and the
25 Petitioner's existing point of diversion on Poodle Creek will be
26 the same when the Petitioner is diverting at its maximum rate of
27 5 cubic feet per **second** at its **existing** point of diversion. (In-
28 deed, evidence based on current conditions as elicited at the

1 hearing is clearly to the contrary);

2 (ii) **Petitioner's** ability to divert water at its
3 existing point of **diversion** will not be impaired by the current
4 problems of the grade and shallowness of the channel of Poodle
5 Creek downstream from **the existing** diversion point. Petitioners
6 have stated that **their engineer** determined that "**the** problem of
7 the grade and dimension of Poodle Creek was a serious one no
8 matter how large the pump station entrance..." (Petitioner-
9 Licensee's Reply Brief, at Page 6).

10 **Unless** both of these findings can be made, it cannot be con-
11 cluded that the Petitioner will be diverting from a lake or
12 common supply oven with the enlargement of the opening. Water
13 levels at any two points of diversion on a lake are the same and
14 not just "substantially" equal. The water level of a lake does
15 not change appreciably in the area of one diversion. If a
16 **diverter** from a "lake" cannot divert because 'enough water doesn't
17 reach his diversion point, **even** though other diverters on the
18 "lake" are able to divert, then it must be true that the diverter
19 is not **really diverting from** a lake at all. Petitioner's own
20 engineer testified that Poodle Creek and the East Borrow Pit
21 would not operate like a lake and this was its reason for **re-**
22 **questing the change.**

23 If there is not a common supply or lake in this case, then
24 the new point of diversion on the East Borrow **Pit** proposed by
25 the **Petitioner** would initiate a new water right. The Board **dis-**
26 **cussed** this issue and suggested that so long as the conduits
27 at **Pumping Plant 3** are not **opened**, the East Borrow Pit and
28 **Poodle Creek** are not a common supply. A **change** in point of **di-**

1 version from the area of limited inflow of water to one of **rela-**
2 **tively** unlimited inflow greatly increases the reliability of
3 the **right, and,** as such, would initiate a new right..

4 Even when the conduit opening is **enlarged,** so that flow is
5 not restricted, the Petitioner's new point of diversion would
6 greatly increase the reliability of its right. If the Peti-
7 tioner's engineer correctly evaluated the grade and dimension
8 problems of Poodle Creek, sufficient water would still not
9 reach the old diversion point, In that event, the East Borrow
10 Pit and Poodle Creek will not function as a common supply even
11 with the Pumping Plant 3 changes, and the Petitioner's new point
12 of diversion at a more reliable source should be treated as an
13 initiation of a new right.

14 B. Even if the Board's determination that Poodle Creek and
15 the East Borrow Pit will constitute a lake or **common** supply were
16 supported by substantial evidence, the Board's decision to
17 approve **Petitioner's new** point of diversion is not reasonable
18 or logical, authorizes a change Petitioner has not **been** required
19 to show is needed, **unreasonably** shifts the burden of policing
20 water diversions **and** water levels from Petitioner to Protestants,
21 is precipitant in a matter which is not **urgent,** and thereby con-
22 stitutes an **abuse** of discretion in that:

23 (i) The Board approved Petitioner's new point of-
24 diversion only when the East Borrow Pit and Poodle Creek function
25 together as a lake. Until Pumping Plant 3 changes are completed
26 and the conduit between the water sources is open and the
27 water levels are "substantially equal", so that there is a lake,
28 Petitioners are not allowed to divert from the new point of **di-**

1 version. In effect, Petitioners are allowed to divert at the
2 new point of diversion only when they logically would have no
3 reason to. They are not allowed to use the new diversion point
4 when they would most **need** it, when there is not a lake and
5 water does not reach their old point of diversion, because such
6 a change would initiate a new right.

7 (ii) The Water Code leaves it to the Board's dis-
8 cretion to approve a change in point of diversion if Petitioner
9 shows and it finds that other water users won't be **injured**. The
10 Board in this matter approached the change petition as if Pro-
11 testants have a burden of showing why a change should not be
12 approved. The Board should, however, be looking to the Petitione
13 who seeks the change to show why it needs the change and why the
14 change should be approved in preference to requiring Petitioner-
15 Appropriator to pursue its usual remedy of policing junior ap-
16 propriators and- illegal diverters to protect its existing diver-
17 **sion.**

18 (iii) Petitioners are not left in any better position
19 as a result of the **Board's** Order than they were in before. Con-
20 versely, however, Protestants are left in a much worse position.
21 A new burden is placed on Protestants to monitor water levels to
22 determine when levels are not "substantially equal" in the al-
23 leged lake, and to detect and measure seepage or other damage
24 to their property since Protestants will **be** required to **show that**
25 **there** is not a lake and/or there is seepage or other damage.

26 **At** the same time, an existing burden is removed from Peti-
27 tioners: **No** longer does the Board insist that the Petitioner-
28 Appropriator **police** junior appropriators and illegal diverters to

1 protectits senior right. The **Board** avoids this issue of a
2 **senior** appropriator's **usual** remedy by determining that there is
3 a lake instead of a stream. The Board should require Petitioner
4 to rely on its usual and historical remedy against junior
5 and illegal diverters to protect its existing diversion, and not
6 burden Protestants with Petitioner's problem.

7 (iv) The Board **has acted** precipitantly in approving
8 Pctitioncr's new diversion point, **and** should wait for certain
9 factual and **legal** questions to be determined before approving'
10 Petitioner's change.

11 The Board **approvcd** Petitioner's new diversion point, on
12 four **conditions that** may or may not ever be met:

- 13 1. The Pumping Station 3 modifications must **be** completed.
- 14 2. The conduits must be open.
- 15 3. Water levels in Poodle Creek and the East Borrow Pit
16 must be "substantially equal".
- 17 4. The Board must not find that Protestants are injured
18 by seepage or otherwise.

19 Since there is a substantial question as to whether the
20 water sources will function as a lake (and no evidence that it
21 will), Petitioner's new diversion point should not be approved
22 until that question is resolved.

23 Since there is also a controversy concerning Petitioner's
24 access to the drainage ditch that it needs to transport water
25 across Protestants' land, the **Petitioner should** have the burden
26 of showing it has **the** ability to 'secure'the necessary right of
27 access rather than forcing Protestants to file suit in the matter
28 when and if Petitioners begin diverting at the new **point**.

1 C. The Board's conclusion that Protestants must show that
2 Petitioner's change in diversion point will substantially
3 diminish the quantity or quality of water **available** to Pro-
4 testants is predicated on the following errors of law:

5 (i) Contrary to the legal finding of the Board, **injury**
6 **to a** legal user of water, such as seepage damage, is included
7 in the scope of the Board's protection. The Board should also
8 recognize that seepage damage must lead to impaired **use of**
9 land -- and hence **of water** -- by Protestants, and so injure
10 Protestants' water right as well.

11 (ii) Contrary to the legal finding of the Board,
12 Water Code § 1702 protects water users from changes in points
13 of diversion which will **injure them**. There is no requirement
14 of substantial injury.

15 5. The Protestants request to have the following specific
16 actions taken by the Board: Order WR 79-22 should be modified
17 to effect the following changes:

18 A. The Board should not approve Petitioner's new point of
19 diversion from the **East** Borrow Pit. Protestants are advised by
20 the Department of Water Resources, and will show on **reconsidera-**
21 tion of this matter, that the new pump facilities at Pumping
22 Plant 3 are not yet operational and that the openings of the
23 old conduits that allow flow through to Poodle Creek will probably
24 **not** be increased in size until next Spring **or** Summer.

25 Petitioners could be allowed to re-apply if, **after** Pumping
26 Plant 3 is modified and the conduits open, **the** East Borrow Pit
27 and Poodle Creek at Petitioner's present point of diversion can
28 be shown to function as a lake so that water **levels** on East **Bor-**

1 row Pit and on Poodle Creek at Petitioner's present point of
2 diversion arc **the same** when **Petitioner** is diverting at **a rate**
3 of 5 cubic feet per second. Petitioners should at that time be
4 required to show a right of access to the drainage **ditch** on
5 Protestants' property. Petitioner's right to divert should be
6 conditioned on there being no seepage damage or **other injury**
7 to Protestant, and the Board should retain authority over this
8 question.

9 **B. If the** Board's Order is allowed to stand, the Board
10 should modify the Order'as follows:

11 (i) Paragraph **5(b)** must be clarified. Water levels
12 in the East Borrow Pit **and** Poodle. Creek are required to be
13 "substantially equal". "Substantially **equal**" should be **defined**
14 as a **difference** in elevation **of less** than 6 inches between the
15 new diversion point and the old diversion point, when Petitioners
16 'arc diverting **at** a rate of 5 cubic feet per second at the old
17 point. The change in elevation **of a** lake would certainly not
18 exceed 6 inches.

19 (ii) Paragraph 6 must be amended to provide that **Pro-**
20 **testants** shall have three years from the time the Petitioners
21 use the new diversion point to show that the conveyance of
22 Petitioner's water in the drainage ditch on Protestants' land
23 causes seepage damage or **other injury** to Protestants. Such a
24 use may **not** even occur during a three yearperiod from the date
25 of **the present** Order.

26 . (iii) The Order should be amended to require Petitione
27 to show it has the ability to secure the **necessary right** of
28 access to tho drainage ditch on Protestants' lands.

1 (iv) **The Order** should be amended to provide that if
2 Petitioners do not divert water at the new point of diversion
3 within three years of the opening of the conduits at Pumping
4 Plant 3, **approval** of the change in diversion point will **termi-**
5 **nate**. This Order **should not** be allowed to hang indefinitely
6 over the heads of Protestants.

7 6. Copies of this Petition and the attached Statement of
8 Points and Authorities in support of legal issues raised in this
9 Petition have been sent to all interested parties.

10
11 DATED: _____, 1979.

12 *Respectfully submitted,*

13 DOWNEY, BRAND, SEYMOUR & ROHWER

14
15 By 

16 GEORGE BASYE, ESQ.

17
18 By 

19 ANNE J. SCHNEIDER, ESQ.

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PROOF OF SERVICE BY MAIL

I declare that:

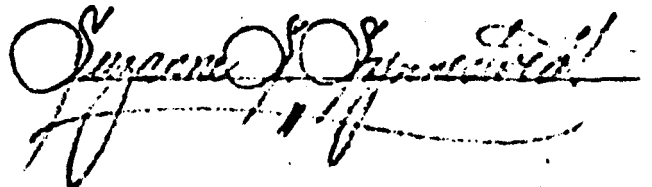
I am employed in the County of Sacramento, California.
I am **over the age of eighteen years** and not a party of the
within entitled **cause**; my business address is 555 Capitol
Mall, Suite 1050, Sacramento, California. On September 13,
1979 _____; I served the attached PETITION
(Date)
FOR RECONSIDERATION

by placing a true copy thereof enclosed in a **sealed** envelope
with postage thereon fully prepaid, in the United States mail
at Sacramento, County of Sacramento, California addressed as
follows:

- Paul R. Minasian, Esq.
MINASIAN, MINASIAN, MINASIAN,
- SPRUANCE & BABER
Attorneys at Law
P. O. Box 1679
Oroville, CA 95965

I declare under **penalty** or perjury that **the** foregoing
is true and correct, and that this declaration was **executed** on
September 13, 1979 at Sacramento, California.
(Date)

SUZANNE S. SYNNESTVEDT



Files,

D. H. Kite

Permit and License Unit

October 3, 1979

POODLE CREEK INVESTIGATION

In December of 1978 a public hearing was held on the petition of Hevis Industries to change points of diversion under License 8012 (Application 19749). During the hearing, testimony was given that there were nine diversions with no rights to divert water from Poodle Creek existing between the licensee's point of diversion and Pumping Station 3 and that four diversions with no rights were diverting water from "tributarics" to Poodle Creek. The location of these diversions were shown on a map prepared by the engineering firm of St. Maurice-DeLakamp-Misser dated May 28, 1975. As a result of this testimony, the Board requested that an investigation be made.

During September 1979, I made a reconnaissance survey of Poodle Creek from Pumping Station 3 to the Hevis property in the NE1/4 of SEC4, Section 13, T15N, R12E. I also interviewed the owner and/or lessee of most of the land in this reach. I was told that in the spring, during initial flooding of the rice fields, it is a common practice to bring in portable pumps to expedite this initial filling of the checks.

At the time of my inspection there were no portable pumps in Poodle Creek. All of the pumps in the creek were serving lands covered by permit or license. In some cases, the pumps in use at the time of license inspection have been replaced or supplemented by new pumps.

The four pumps referred to as being in "tributarics" are still in place. Actually these "tributarics" are ditches that receive runoff from the irrigated fields and return the water to Poodle Creek. Three of these pumps are picking up tailwater from licensed places of use and reapplying it to the fields. One pump is irrigating approximately 120 acres of rice on land not covered by permit or license.

Conclusions:

There is no problem of the magnitude suggested by the testimony presented at the hearing. With the one exception noted, all of the lands irrigated by water from Poodle Creek are covered by permit or license. The amount of water applied to the land when it is planted with rice probably exceeds the licensed amount, however, as much of this is recirculated tailwater it is difficult to determine if more than the licensed amount is consumptively used. In the

springtime, when the fields are being flooded, water may be diverted at a rate greater than allowed by the "rotation term". If this causes problems, it is a matter that should be resolved by the six parties involved and not be a concern of this office unless a specific complaint is received. In two instances License 10576 (Application 22969) and Permit 17700 (Application 24633) water has been used on a portion of the places of use outside of allowable season (i.e. during July and August).

Action Required:

1. Solicit application for one unpermitted parcel.
2. Follow up on exchange contracts or other method of obtaining surface water for the two parcels covered by Applications 22969 and 24633.

DWK:lylar