

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

## MEMORANDUM

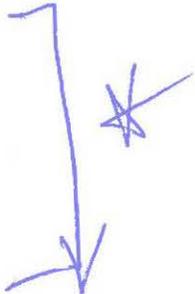
TO K. L. Woodward  
FROM L. D. JohnsonDATE August 28, 1964  
SUBJECT Continuity of Flow,  
Application 21647 - Unnamed  
Stream Tributary to North  
Fork Tuolumne River in  
Tuolumne County

This application was referred to the Hearing Section for investigation regarding continuity of flow to the Sacramento-San Joaquin Delta.

I visited the area of the proposed project on August 25, accompanied by Peter J. Kerns, the applicants' son. No construction work has been done on the project. The point of diversion is located on an unnamed stream approximately 100 feet from its confluence North Fork Tuolumne River. Flow at the point of diversion was about 0.2 cubic foot per second. The flow of North Fork Tuolumne River below the confluence with the unnamed stream was about 2 cubic feet per second.

The flow of North Fork Tuolumne River was also checked at Browns Meadow several miles downstream. Although the surface flow was less, it still exceeded 1 cubic foot per second. Continuity of flow apparently exists from the point of diversion to the Delta.

Although continuity of flow exists, approval of the application would not diminish the supply to the Delta during the critical months in the years of water shortage. The flow of





Tuolumne River during July, August and September is now almost completely controlled by the 290,000 acre-foot capacity Don Pedro Reservoir of Turlock and Modesto Irrigation Districts. In addition to storage the districts have rights for direct diversion not to exceed 4500 cubic feet per second.

Under present conditions uncontrolled flow below Don Pedro Dam has occurred during July, August and September only for a few days, usually in July, during wet years. At these times no shortage would be expected to be occurring in the Delta.

In addition, the districts hold Application 14127, Permit 9320, for storage of an additional 1,568,000 acre-feet in the proposed new Don Pedro Reservoir. Usable storage capacity of 1,730,000 acre-feet is now planned for this reservoir. Upon completion of this project, uncontrolled flows during July, August and September in Tuolumne River below the reservoir can be expected to be practically nonexistent.

Both Turlock Irrigation District and Modesto Irrigation District received notice of Application 21647. Neither district submitted a protest. A letter was received from Modesto Irrigation District indicating that they had no objection to the application.

L. C. Jopson, in his memorandum "General Instructions for the Handling of Unprotested Applications" dated August 2, 1963, states as follows:

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"d. Where applicant is above a reservoir which has an all year season of collection or diversion and exercises full control of the stream during the critical season; or where a downstream diverter takes the entire flow during the critical season. If applicant can eliminate the protest of the agency controlling or diverting the entire stream, all year diversion is allowed subject to higher level staff approval."

The project proposed under Application 21647 can be expected to result in no diminution of supply to the Delta during July, August and September in years of water shortage. The situation conforms substantially to the instructions in the Chief Engineer's memorandum. Thus, I recommend that a permit be issued to the applicants for the full season requested.

L. D. Johnson  
L. D. Johnson  
Senior Engineer

