

State of California

MEMORANDUM

TO: 1. Roger E. Dupuis *Concur, RED 1-14-93*
 2. Murt K. Lininger *& concur. M. D.*
 3. Roger T. Johnson
 4. Edward C. Anton

DATE: January 14, 1993*Yoko Mooring*

Yoko Mooring
 Sanitary Engineering Technician
 Application Unit #1

FROM: **DIVISION OF WATER RIGHTS**
STATE WATER RESOURCES CONTROL BOARD

SUBJECT: AUTHORIZATION TO ACCEPT AN APPLICATION IN A FULLY APPROPRIATED STREAM SYSTEM PURSUANT TO EXCEPTION CONDITIONS SPECIFIED IN BOARD ORDER 91-07

This is a request for your written approval to accept an application to appropriate 0.062 cubic foot per second (cfs) from a fully appropriated stream; Sacramento-San Joaquin Delta upstream and the Tuolumne River in Tuolumne County. State Board Orders WR 89-25 and WR 91-07 identify the Sacramento-San Joaquin Delta watershed upstream from the Delta as fully appropriated between June 15 and August 31 (Decision 1594), and the Tuolumne River upstream from Don Pedro Reservoir as fully appropriated between July 1 and October 31 (Decision 995). However, Section 5.0 of Board Order WR 91-07 sets guidance for administrating the declaration and specifically allows an exception to accepting an application on a fully appropriated stream where water is made available under an Exchange Agreement (Section 5.1).

Application 29977 by G. Scott Fahey seeks to appropriate water year round by direct diversion for industrial purposes (bottled water) from two springs which are tributary to the Tuolumne River thence the Delta water system. Decision 995 found that the Modesto Irrigation District and the Turlock Irrigation District hold water right licenses to appropriate all of the flow of the Tuolumne River water for power purposes from July through October of each year. The applicant, therefore, entered into a water exchange agreement with the districts for the period from June 15 to October 31 of each year, when water is not available for appropriation in the Tuolumne River and the Sacramento-San Joaquin Delta system. Any water that the applicant diverts pursuant to Application 29977 during this period will be replenished into the Roger Creek arm of Lake Don Pedro by pumping an equal amount of groundwater from a well located in the SW1/4 of NE1/4 of NE1/4 of Section 8, T3S, R15E, MDB&M. The agreement was executed on December 12, 1992.

If you agree with the above-described exception to the Declaration of Fully Appropriated Stream Systems, please execute the attached Statement for Files.

Attachment

STATEMENT FOR FILES

AN EXCEPTION FROM THE LEGAL EFFECTS OF STATE WATER BOARD DECLARATION OF FULLY APPROPRIATED STREAM SYSTEMS PURSUANT TO ORDER WR 91-07, SECTION 5.1

I hereby approve an exception to Board Orders WR 89-25 and WR 91-07 pursuant to Section 5.1 of Board Order WR 91-07 as it pertains to an application by G. Scott Fahey to appropriate water from two springs in the Tuolumne River water system in Tuolumne County. This exception is subject to a Water Exchange Agreement, executed on December 12, 1992, with the Modesto Irrigation District and the Turlock Irrigation District. The Agreement will make up for any water right deficiency identified in Board Decisions 995 and 1594, in the above declarations, that specify water is not available for appropriation in the watershed upstream from Sacramento-San Joaquin Delta and the Tuolumne River during the period from June 15 to October 31 of each year.



for Edward C. Anton, Chief
Division of Water Rights

Dated: 1-15-93

CONTACT REPORT

DIVISION OF WATER RIGHTS
STATE WATER RESOURCES CONTROL BOARD

Subject A29977

Division Personnel Yoko Mooring

Date 1/4/93 Time 1:13pm

Personal Where _____

Telephone Number _____

Individual(s)/Agency Contacted Scott Fahey, the applicant

Conversation Description He called to let me know that he got a copy of executed agreement between TID and him. He asked me if he faxed the copy, it would make any difference expediting Notice procedure. I told him that since I almost drafted the notice, the mail would do the same at this point. He said he would mail it today. He then said he didn't think he could post notices because POD areas were all snowed in. He asked if it would be OK to post at the post office only. I told him that this office always sends a copy to the post office directly, so his copy would be redundant. maybe he could post to the area local people could see such as market or grocery store. I also informed him that there would be a wording in the notice saying, "POU is offsite for commercial use", and that his permit would have a term, "the permittee is required to notify the Board the location of Bottling Co." He said, "Fine".

Decision(s) _____

Action Items Agreement received 1/6/93.

SURNAME	<u>Ym 1/5/93</u>			
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