

P 14186

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 14186
(Application 19934))
U. S. WATER AND POWER RESOURCES)
SERVICE)
Petitioner)

Order: WR 80-12
Source: Putah Creek
County: Napa

ORDER DENYING PETITION TO ADD
IRRIGATION AS A PURPOSE OF USE UNDER PERMIT 14186

BY THE BOARD:

The U. S. Water and Power Resources Service (Service) holds Permit 14186 (Application 19934) which allows storage of 7,500 acre-feet per annum for municipal, domestic, and stockwatering purposes. The appropriation is a portion of 33,000 acre-feet per annum reserved by Board Decision D869 for use within the watershed of Putah Creek above Monticello Dam. The Service petitioned to add irrigation of 4,000 acres in Napa County as a purpose of use under the permit. Napa County is the intended beneficiary of the project and is the appropriate lead agency under the California Environmental Quality Act (CEQA). Napa County has failed to complete and file an environmental document for the petitioned project. The County does not have a definite plan for the project. The Board having considered all the foregoing, finds as follows:

Substance of Application

1. The U. S. Water and Power Resources Service filed Application 19934 on January 27, 1961, and received Permit 14186 on September 20, 1963. The permit allows collection to storage of 7,500 acre-feet per annum in Lake Berryessa from November 1 through May 31. Water is to be used for domestic, municipal, and stockwatering in an area of 10,000 acres within a gross service area of 209,000 acres, all in Napa County and all tributary to Lake Berryessa.

Maximum annual use has been 530 acre-feet for domestic use adjacent to Lake Berryessa.

2. The Service filed a petition to add irrigation as a purpose of use to Permit 14186 on August 9, 1976. The petition proposes irrigation of 4,000 net acres in Napa County within the gross service area of 209,000 acres.

3. Notice of the petition was issued February 28, 1977. A protest was received from Norman Pease, an appropriator of water in the watershed above Lake Berryessa, alleging that approval of the petition would accelerate depletion of the 33,000 afa reservation by changing use of water under Permit 14186 from essentially non-consumptive use to consumptive use.

4. The parties stipulated to proceedings in lieu of hearing and a field investigation was conducted on January 25, 1978. The protest is still unresolved.

5. County of Napa (County), as the sponsoring public agency, should be the lead agency under CEQA. The Board cannot be lead agency because it does not have sufficient detail of the proposed irrigation project to prepare an environmental document. The Board staff has informed the Service and the County that the County should complete the required environmental document so that the petition can be acted on.

6. Board staff contacted the County on several occasions to determine the progress in preparing the environmental document. No environmental document has been prepared because the County has no definite plan for the project. No pumping plants, pipelines, or areas to be irrigated have been determined.

7. The State Board cannot act on the petition because neither the permittee or the County has furnished details of the proposed irrigation use of water.

8. A new petition can be filed if and when a definite project has been formulated.

ORDER

THEREFORE IT IS ORDERED that the petition to add irrigation use to Permit 14186 is denied.

Dated: July 17, 1980

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

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

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

ABSENT
Jill B. Dunlap, Member

ABSENT
F. K. Aljibury, Member

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 19934 Filed January 27, 1961 at 1:12 P.M. (Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER Amended application received 3-21-61

I, The United States of America (SEE SUPPLEMENT) Name of applicant or applicants of P. O. Box 2511, Sacramento 11 Address County of Sacramento State of California

, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO VESTED RIGHTS:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Putah Creek Napa Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed located in Solano, Yolo and County, tributary to Yolo By-Pass and Sacramento River

2. The amount of water which applicant desires to appropriate under this application is as follows: (SEE SUPPLEMENT)

(a) For diversion to be directly applied to beneficial use 20 cubic feet per second, to be diverted from January 1 to December 31 of each year. 1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

(b) For diversion to be stored and later applied to beneficial use 7500 acre-feet per annum, to be collected between November 1 and May 31 of each season. 1 acre-foot equals 325,851 gallons

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is municipal, domestic and stockwatering (SEE SUPPLEMENT) Domestic, irrigation, power, municipal, mining, industrial, recreational purposes.

4. The point of diversion is to be located at Monticello Dam, S 47° 30' W., 2640' from NE corner of Section 29, T8N, R2W, MDB&M. (SEE SUPPLEMENT) State bearing and distance or coordinate distances from section or quarter section corner being within the SW 1/4 of NE 1/4 State 40-acre subdivision of public land survey or projection thereof

of Section 29, T. 8N, R. 2W, M. D. B. & M., in the County of Yolo and Solano (SEE SUPPLEMENT) State 40-acre subdivision of U. S. Government survey or projection thereof

5. The main conduit terminates in / of Sec. , T. , R. B. & M.

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from Lake Berryessa (See Paragraph 5 - Supplement) Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being feet in height (stream bed to level of overflow); feet long on top; and constructed of

(c) The storage dam is 258/274' streambed to top of dam Concrete, earth, brush, etc. has normal feet in height (stream bed to spillway level); 1023 feet long on top; 16 feet freeboard of 16 feet, and is constructed of concrete (see Dwg.No.413-208-479) Concrete, earth, etc.

7. Storage Reservoir Monticello Reservoir (Lake Berryessa) Name

The storage reservoir floods lands in (SEE SUPPLEMENT) Indicate section or sections, also 40-acre subdivisions unless shown upon map

It has a surface area of 19290 acres, and a capacity of 1,600,000 acre-feet. If reservoir has a capacity of 25 acre-feet or more fill in the following: Diameter of outlet pipe inches; length feet; difference in elevation from spillway level to highest point of outlet pipe feet; fall in pipe feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

Sec. _____ T. _____ R. & M. _____
 Name stream _____
 The water will not be returned to _____
 State 40-acre subdivision _____
 of _____

The size of the nozzle to be used is _____ inches.
 The nature of the works by means of which power is to be developed is _____
 Turbine, Pelton wheel, etc.
 The use to which the power is to be applied is _____
 For distribution and sale or private use, etc.

The maximum theoretical horsepower capable of being generated by the works is _____
 Second feet \times fall + 8.8
 horsepower.
 The maximum amount of water to be used through the penstock is _____
 cubic feet per second.
 The total fall to be utilized is _____
 Difference between nozzle or draft tube water level and first free water surface above
 feet.

14. Power Use. The irrigation season will begin about _____
 Beginning date
 March 15 and end about _____
 Closing date
 October 15
 NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The segregation of acreage as to crops is as follows: Rice _____ acres;
 alfalfa _____ acres;
 pasture _____ acres;
 general crops _____ acres;
 orchard _____ acres.
 13. Irrigation Use. The area to be irrigated is _____
 State net acreage to be irrigated
 acres. (SEE SUPPLEMENT)

Nature of Right (right, appurtenant, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.
 12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.
 If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.
 Contracts are being negotiated with representatives of owners

All joint owners should include their names as applicants and sign application at bottom of third page.
 Do(es) applicant(s) own the land whereon use of water will be made? Yes or No _____
 Jointly? Yes or No _____

40-acre tracts, describe area in a general way and show detail upon map.
 watersheds tributary to Monticello Dam as shown on Drawing No. 413-208-546
 acres net within a gross area of 299,900 acres including all lands within Putah Creek
 State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all

Description of Proposed Use

11. Place of Use. Municipal, domestic and stockwatering uses within an area of 10,000 _____
 Nevada County
 10. Construction work will begin on or before _____
 June 1963
 Construction work will be completed on or before _____
 June 1985
 The water will be completely applied to the proposed use on or before _____
 June 1988

Completion Schedule

The estimated cost of the diversion works proposed is _____
 Give only cost of intake, or headworks, pump, storage reservoirs and main conduits described herein
 9. The estimated capacity of the diversion conduit or pumping plant proposed is _____
 State cubic feet per second or gallons per minute
 See Paragraph 8 supplement

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.
 1,000 feet; total fall from intake to outlet _____
 feet; kind _____
 Rived steel, concrete, wood-stave, etc.
 (b) Pipe line: Diameter _____
 inches; length _____
 feet; grade _____
 feet per _____
 of construction _____
 Earth, rock, timber, etc.
 feet; depth of water _____
 feet; length _____
 feet; grade _____
 feet per 1,000 feet; materials _____
 (a) Canal, ditch, flume: Width on top (at water line) _____
 feet; width at bottom _____
 Cross out two not used
 8. Conduit System (describe main conduits only) (SEE SUPPLEMENT)

P14186

2-1-80 Name Chgd to U.S. Water & Power
Resource Service

SUPPLEMENT TO PUTAH CREEK APPLICATION NO. 19934

<u>Township, Range</u>	<u>Sections</u>
T. 8 N., R. 2 W.	18, 19, 29, 30, 31, 32
T. 7 N., R. 3 W.	2
T. 8 N., R. 3 W.	3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35
T. 9 N., R. 3 W.	7, 18, 19, 20, 28, 29, 30, 31, 32, 33
T. 8 N., R. 4 W.	1
T. 9 N., R. 4 W.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 36
T. 10 N., R. 4 W.	22, 26, 27, 30, 31, 32, 34, 35, 36
T. 10 N., R. 5 W.	14, 23, 24, 25

PARAGRAPH 8: CONDUIT SYSTEM

Distribution systems will be installed at the locations, and of such size, as future growth and development of the areas within the place of use may dictate.

PARAGRAPH 11: PLACE OF USE

The water will be used within the place of use shown on Drawing No. 413-208-519 ^{Amended by order of 522-63 (D1131)} accompanying this application.
546

PARAGRAPH 13: IRRIGATION USE

Irrigation will be incidental to municipal uses.

PARAGRAPH 15: MUNICIPAL USE

A portion of the water applied for will be supplied to towns and municipalities presently in existence or as may be developed within the place of use either as a supplemental or primary supply.

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SUPPLEMENT TO PUTAH CREEK APPLICATION NO. 19934

The estimated buildup in water requirements within the place of use shown is:

Years	0	5	10	15	20	25
Population	500	3,000	7,500	15,000	30,000	45,000
Ac. Ft. Water		250	1,000	2,500	5,000	7,500

On the basis of 150 gallons per day per person the average annual requirement is 10.44 c.f.s.; however, for peaking a diversion of 20.0 c.f.s. is required.

SUPPLEMENT TO PUTAH CREEK APPLICATION NO. 19934

The United States of America, pursuant to the provisions of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, known as the Federal Reclamation laws, and acting for this purpose by H. P. Dugan, Regional Director, Bureau of Reclamation, Region 2, P. O. Box 2511, Sacramento 11, County of Sacramento, State of California, acting for this purpose by delegation of authority from the Secretary of the Interior through the Commissioner of the Bureau of Reclamation, pursuant to the Act of Congress of December 19, 1941, c. 595 (55 Stat. 842),

SUPPLEMENT TO PUTAH CREEK APPLICATION NO. 19934

PARAGRAPH 2: AMOUNT OF WATER

Whenever natural flow is available a direct diversion of up to 30 c.f.s. of water will be made available for municipal, domestic, and stockwatering purposes through conduit systems as required and as authorized by the County of Napa.

The ⁷⁵⁰⁰~~10,000~~ acre-feet of storage applied for in this application does not include water temporarily stored and later released to provide flood control space in the reservoir.

The total quantity of ⁷⁵⁰⁰water applied for under direct diversion and by storage is ~~10,000~~ acre-feet annually. This quantity will be derived from the 33,000 acre-feet of water annually reserved, for reasonable beneficial use within the watershed of Putah Creek above Monticello Dam, by Decision 869 of the California State Water Rights Board.

PARAGRAPH 3: USE

Amended by order of 5-22-63 (D1131) 417-208-546
This water is for use in the County of Napa, within the area shown by the accompanying Drawing No. 413-208-519. Return flows resulting from water diverted under this application and remaining in the place of use depicted are intended for return to the reservoir and are not intended for appropriation by others.

PARAGRAPH 4: POINT OF DIVERSION

The point of diversion for the quantities applied for shall be considered as Monticello Dam, although physical works, at the discretion of the County of Napa, may be located on the banks of the reservoir as the use of water may dictate as developed.

PARAGRAPH 5: MAIN CONDUIT

Several distribution systems will ultimately be installed, each diverting from the reservoir at a different point and serving a separate portion of the place of use depicted.

PARAGRAPH 7: STORAGE RESERVOIR

The reservoir floods lands in the following sections, as shown on the attached drawings Nos. 413-208-483 and 413-208-484.

15. **Municipal Use.** This application is made for the purpose of serving (SEE SUPPLEMENT)
Name city or cities, town or towns. Urban areas only
having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____
Name of claim
and the nature of the mines is _____
Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____
Cubic feet per second, gallons per minute. State basis of estimate

The water ^{will} ~~will not~~ be polluted by chemicals or otherwise _____
Explain nature of pollution, if any

and it ^{will} ~~will not~~ be returned to _____ in _____ of
Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M.

17. **Other Uses.** The nature of the use proposed is domestic and stockwatering
Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. Domestic uses shall be limited to those residences
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

not connected to municipal systems. Stockwatering uses shall be as required for
industrial use, and unit requirements

animals allowed under local rules and ordinances.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, state specifically the time required for filing same.
Yes or No

19. Does the applicant own the land at the proposed point of diversion? Yes If not, give name and address of owner and state what steps have been taken to secure right of access thereto.
Yes or No

20. What is the name of the post office most used by those living near the proposed point of diversion?

Spanish Flat, California

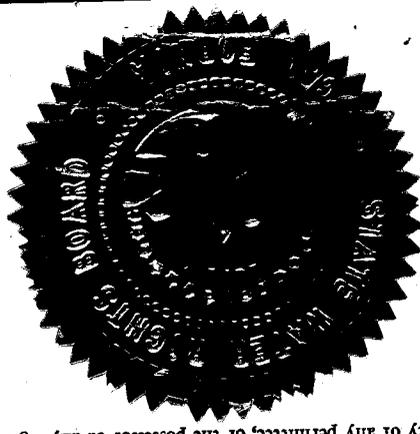
21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? University of California and owners of private lands along Putah Creek

downstream of Monticello Dam.

[SIGNATURE OF APPLICANT] /s/ E. F. Sullivan
Acting Regional Director

7.

14106



STATE WATER RIGHTS BOARD

Dated: SEP 20 1963

L. K. Hill
Executive Officer

L. K. Hill

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

- This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:
1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 7500 acre-feet per annum by storage to be collected from about November 1 to about May 31 of each season.
 2. The maximum amount herein stated may be reduced in the license if investigation warrants.
 3. The time allowed to complete application of the water to the proposed use shall not extend beyond December 1, 1994, and may be terminated at any time prior thereto by order of the State Water Rights Board after hearing and upon a finding by the Board that full beneficial use of water has been made under Permits 10657, 10658 and 10659 issued on Applications 11199, 12578 and 12716 of the United States covering the Solano Project.
 4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.
 5. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
 6. Permittee shall allow representatives of the State Water Rights Board, and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

IMPORTANT
 MUST NOT FILL IN BLANKS BELOW
 PERMIT No. 14186