

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
INTRAOFFICE CORRESPONDENCE

DATE: November 16, 1960

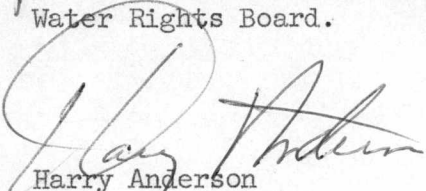
TO: Robert D. Montgomery, Regional Manager, Region 2

FROM: Harry Anderson, Deputy Director

SUBJECT: Application 18827, Sopiago Creek, El Dorado County.

Attached is a copy of a letter from the State Water Rights Board concerning subject application which would indicate that this department proceeded inappropriately in connection with this field hearing.

May we please have your explanation of the circumstances involved in this case and the draft of a suggested reply to the State Water Rights Board.



Harry Anderson
Deputy Director

Attachment

STATE OF CALIFORNIA
SACRAMENTO

WP411
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Inter-Departmental Communication

To: [Mr. Walter T. Shannon, Director
Department of Fish and Game
722 Capitol Avenue, Room 5099
Sacramento, California

Attention: Mr. J. C. Fraser
Water Projects Coordinator

From: State Water Rights Board

Date: November 4, 1960

File No.

Subject: Application 18827
Wetsel-Oviatt Lumber
Company, Sopiago Creek,
El Dorado County

Consideration is now being given to a decision on protested Application 18827 of Wetsel-Oviatt Lumber Company to appropriate water from Sopiago Creek in El Dorado County. The Department of Fish and Game is one of the protestants against approval of the application. Both applicant and protestants stipulated to informal proceedings in lieu of formal hearing.

At an investigation conducted by the Board, the representative of the Department of Fish and Game stated that he was unable to state the conditions which, if complied with, would satisfy the Department's protest and that he was appearing only as an interested observer. In a subsequent telephone conversation with a staff member of the Department, it was indicated that a bypass of two cubic feet per second was recommended as a condition for withdrawal of protest. However, no information has been submitted by the Department's representative to justify the amount of stream flow which it seeks to have maintained.

The Board requires a protestant to not only establish the basis of his claim of right but to provide information on how the amount of the claim was determined. It is therefore necessary for the Department of Fish and Game to provide the Board with information substantiating the need for the amount of flow requested to be maintained in Sopiago Creek in order to protect the existing fishery.

Your early consideration of the above matter will be appreciated.

L. K. Hill
Executive Officer

STATE OF CALIFORNIA

WP. WA 18827
Sopiago Cr.

7-60 15M SPO

Interdepartmental Communication

To: Mr. L. K. Hill, Chairman
State Water Rights Board
1401 21st Street
Sacramento, California

Date: December 1, 1960

File No.

From: Department of Fish and Game

Subject: Water Application 18827 Sopiago Creek, El Dorado County

Please accept our apology for the misunderstanding which apparently has arisen over our protest to Water Application 18827 on Sopiago Creek, El Dorado County. A series of unfortunate circumstances prevented us from sending a fisheries biologist to the field hearing. We thought the matter had been straightened out in a telephone conversation between Mr. Carter of your staff and Mr. Cordone, Fisheries Biologist, Region II.

Our recommendations for a 2 c.f.s. or the natural flow water release from the proposed diversion are the result of investigations conducted by L. R. Dunham and D. W. Kelley on April 20, 1956, by Almo J. Cordone and D. W. Kelley, July 18, 1958, and by J. Galbreath on November 7, 1958. These men are all professional fisheries biologists and concur in the opinion that it would require 2 c.f.s. or the natural flow to maintain the fishery in Sopiago Creek.

The stream has all of the environmental characteristics of good trout water but has been subjected to severe pollution in the last few years. This pollution came from the Berry Mill and from poor logging practices above the diversion site. The Berry Mill was sold last year and will not operate in the future. Flushing flows in the Sopiago Creek this spring should clean up the remaining pollution and restore the fine trout habitat that formerly existed there.

The applicant's diversion point is one-half mile above the junction of Sopiago Creek with the North Cosumnes River. The stream is accessible for about one-fourth mile above the diversion site but after that drops off steeply as it approaches the mouth. We believe that this stream should be protected according to law, and that this can be done by releasing 2 c.f.s. or the natural flow year around from the diversion. More than that amount is present during the summer of all but dry years.

COPY ORIGINAL SIGNED BY
W. T. SHANNON

Director

RM: am

cc: Region 2 ✓