

Sopriago Creek
El Dorado Co

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
INTRAOFFICE CORRESPONDENCE

DATE: December 10, 1959

TO: Don Kelley, Fisheries Biologist III

FROM: James L. Galbreath, Fisheries Biologist I

SUBJECT: Results of conversation with Edwin F. Smith, regarding Application 18827 to appropriate water from Sopriago Creek, tributary to the Middle Fork Cosumnes River

On December 4, 1959, I conferred with Mr. Edwin F. Smith, consultant for the Wetzell-Oviatt Lumber Company, in regard to our protest of their application to divert 2 c.f.s. from Sopriago Creek.

I informed Mr. Smith that the protest could be dismissed provided they would release 3 c.f.s. or the natural flow of Sopriago Creek, whichever is less. Mr. Smith said this would be all right during a normal year; however, during a dry year, such as this one, they would hesitate to agree to such a proposal. He estimated the flow at about 4 c.f.s. on November 30, 1959, but is not confident of his "guesstimate". I estimated the flow on November 17, 1959, at about 2.5 c.f.s., which I believe is a little more realistic. The only other flow estimates we have were taken on July 18, 1958, when the flow was estimated at 3-4 c.f.s.

Ed Smith states that consumptive use would be about 60 percent of the 2 c.f.s. or 1.2 c.f.s. About 0.8 c.f.s. would be returned to the stream approximately 1/8 of a mile below the point of diversion. There are two small tributaries entering Sopriago Creek just below this point. He suggested that the 3 c.f.s. release be in effect, with the exception that, when the flow got below the 5 c.f.s. needed to satisfy both parties, the diverter should take one-half the flow and leave the other half for maintenance of fishlife. I told him that we did not make concessions of this nature, although we do stipulate dry year releases in many instances. This would probably be all right except when a very low flow occurs as it has this year.

The situation on Sopriago Creek is an unusual one as there would not be a large amount of stream affected below this diversion. Because of this fact, I think the Water Rights Board might take dim view of our case as the appropriated water is to be used for domestic and industrial use. In this case, the question is: should we make a concession to the applicant because of the small amount of stream involved, or should we fight for the release we think necessary on this stream, and await the decision of the Board? At this point, I am in favor of the latter.

Don Kelley, Fisheries Biologist III
Page 2

Mr. Smith intends to discuss this situation further with the company and also to make further investigations on the creek.

I asked him about the possibility of increasing the size of their small storage reservoir so they would not have to divert all season. He stated that they had investigated that aspect of it and had deemed it impossible to do this because of the rugged topography.

There are three other protestants on this application; therefore, ~~there will be~~ a field hearing ^{will be held} at a later date.

James L. Galbreath
James L. Galbreath
Fisheries Biologist I
Region II

JLG/rs