

FILED

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CV 80-583 LKK

THE UNITED STATES OF AMERICA,) Plaintiff)

VS

H.C. ANGLE, et al Defendants)

**REPORT
OF
WATER MASTER
To the
UNITED STATES DISTRICT COURT
Eastern District of California
2006**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,)
Plaintiff)

VS

H. C. ANGLE, et al. Defendants)

REPORT OF WATER MASTER, ADMINISTERING THE
DECREE UNDER ORDER OF THE COURT OF APRIL 16, 1983

Orland, California, August 15, 2007

To the United States District Court
for the Eastern District of California

I, George G. Wilson, respectfully submit this report as Water Master under court order dated April 6, 1983. This report covers the year 2006.

I. Under the authority of the above mentioned order, I began my duties as Water Master on April 6, 1983, utilizing office space provided by Orland Unit Water Users' Association, located at 828 Eighth Street, Orland, California.

II. Water Master Program Funding

My salary as Water Master was established by agreement with the Stony Creek Water Master Supervision Committee at \$15,000 annually, with payment to be made as money from assessments became available. On May 1, 1992, my salary increased to \$20,000 annually. I have been reimbursed monthly for expenses. My salary was paid through December 31, 2006.

The annual assessment to water right owners was mailed in July 2006. The total assessment was \$21,824.00

After a reduction for the past six years, the annual assessment for 2006 was returned to the 1999 rate. A copy of the budget for 2007, mailed to all parties with decreed water rights, is attached. (attachment 1).

III. Maintaining the Water Master Program for Stony Creek Watershed

In addition to the normal routine activities associated with the Water Master Program, several additional items were addressed.

- a. Applications to the State Water Resources Control Board for water right permits within Stony Creek Watershed were reviewed.
- b. The following entities within the Stony Creek Watershed continue to divert water for their needs by agreement with the U. S. Bureau of Reclamation for exchange water from Black Butte Reservoir, Stony Creek Water District, U. S. Forest Service, California Division of Forestry, 4-E Water District, the town of Stonyford, the town of Elk Creek, Leon Whitney and the County of Colusa.
- c. In accordance with the court order dated January 8, 1986, Mr. Stephen M. Hackney, Colusa County Director of Planning and Building Administration, provided copies of parcel maps and applications for building permits for review by the Water Master Supervision Committee. All applications for permits within the Stony Creek Watershed were approved by the Committee.
- d. The Century Ranch development, based on information from Colusa County, now consists of approximately 108 homes built in the last 29 years. Although unauthorized diversions have, in the past years, been made from Little Stony Creek, the development has seldom had an adequate water supply because in most years water in the vicinity is not physically available.

In the year 2006, several requests were received for private wells within Century Ranch.

In 1996, the Century Ranch Water Company negotiated with Colusa County to accept the company's system and administer the water distribution as Colusa County Service Area #1.

In 2001, Stony Creek Water District entered into a temporary agreement with Colusa County to provide for exchange water from Little Stony Creek.

- e. Lower Stony Creek Fish & Wildlife and Water Use Management Plan

This activity is unchanged from the previous year.

At this time, several state, federal and private organizations are still involved in observation and studies pertaining to the potential for creating a salmon spawning area on Stony Creek, downstream from Black Butte Dam, however, interest appears to be declining. There appears to be no interference or threat to the Orland Project or other diverters with water rights established by the Angle Decree.

There is a study still in progress to determine if a fish screen at the Orland Project will be required.

f. On April 17, 2001 I received an informal phone call regarding a complaint filed with the Inspector Generals Office. I believe the complaint was referred to the Bureau of Reclamation Regional Office and indicated that the Bureau was delivering irrigation water to lands outside the Orland Project boundaries and that possibly the Federal Water Master was lax in performing his duties.

Although I have not received a complaint or direction, and I doubt if this is a responsibility of the Water Master, I initiated a program to map and delineate precisely all lands receiving water from the Bureau's Orland Project. The staff from the Orland Unit Water Users' Association and the Bureau of Reclamation are assisted in the program.

This program has been very time consuming as it involves over 70 years of records and approximately 1100 owners with over 1400 parcels.

Documentation and mapping of the areas was completed and I provided the U.S. Bureau of Reclamation with this data for further action

IV. Tabulation of Owners and Decreed Water Right (attachment 2)

V. Variations from the Decree

Unauthorized diversions from Stony Creek and its tributaries during 2006 were not a problem.

Diversions by the Town of Stonyford (22.96 acre-feet) from Stony Creek flow (wells) for the year 2006 during the irrigation season, April 15 to September 15, were less than the maximum quantity (30.0 acre-feet) established by Court Order dated January 8, 1986.

This is the fourth year since 1988 that the diversions have been in compliance with the Court Order. This reduction in diversions may have been due to increased cost of water and additional input from me, indicating imminent legal action to ensure compliance. The diversions will continue to be monitored very closely during the summer of 2007.

Stony Creek Water District Directors, as well as other entities diverting under contracts, are continuing to cooperate, in complying with the Angle Decree and their contract with the Bureau of Reclamation for Central Valley Project water.

Disputes between landowners continued but were resolved amicably.

As in the past, there were some small diversions for watering livestock after the irrigation season ended.

VI. Items of Interest

Development within the Stony Creek watershed continues to expand. One proposed development within the Little Stony Creek drainage is planned for 1,000 five-acre holdings. After I informed the developer of the extreme limitations on the availability of surface water and groundwater in the area, I believe the plans were curtailed. However, an investment group based in China continues to inquire occasionally, regarding availability of water.

There were no litigation or formal complaints from diverters within the watershed.

The rainfall for 2006 was 22.91 inches, about normal. Significant rain continued through the month of April.

VII. Water Supply

Runoff from Stony Creek Watershed during the 2006 irrigation season was adequate for the year. Both Orland Project reservoirs filled and the Project has an adequate water supply.

Due to late spring rains, upstream diverters did not commence diversions until the second week of May.

I granted a request by the diverters in the vicinity of Stonyford to continue diversions until October 10th. In granting their request, I considered the hydrology relating to their situation. Continued hot, dry weather caused unseasonably dry conditions in the area and due to late spring high flows in the creek channel, many of the irrigators did not divert their maximum annual entitlement. The Orland Project, nearing the close of the irrigation season, still retained an adequate carry-over in their storage reservoirs and the upstream diversions caused no infringement on the downstream water rights.

VIII. Weather Conditions

Temperatures during the 2006 summer were above normal with 20 days above 100 degrees and 97 days above 90 degrees. Maximum was 110 degrees on July 17th. There were 17 days of freezing or below, with 28 degrees on December 18th.

IX. Non Payment of Annual Assessment

Eighty-two assessments were mailed in 2006 to landowners with decreed water rights, for a total of \$17,459. One hundred percent of the assessment has been collected.

X. Conditions in General

Due to low flows in the creek, diverters in upper Stony Creek did have to rotate irrigations in the latter part of the diversion season.

In addition to usual Water Master duties, much time and effort was expended in cooperating with various federal, state, county and local agencies. There continues to be considerable interest generated in Stony Creek hydrology and water rights by these agencies, as well as private entities.

Respectfully submitted,



George G. Wilson, Water Master
STONY CREEK & TRIBUTARIES

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<u>CURRENT OWNER</u>	<u>ACRES</u>	<u>ACRE-FEET</u>	<u>CFS</u>	<u>DECREED OWNER</u>
Barkley, Dennis	14.0	70.0	0.29	Masterson
Bertsch, Don	1.0	3.75	0.015	Kesselring
Biglow, Kathleen	6.5	41.0	0.17	Kaerth
Bolla, Nicolo	4.4	28.0	0.11	Phelps
Brandenberger	8.7	40.0	0.17	Adams
Browne, Marion	15.0	94.0	0.38	Robertson
Browning, Harold	12.0	81.0	0.32	Triplett
Carly, Lauren	17.6	110.0	0.45	S. N. Green
Carroll, James	10.0	62.5	0.26	Conklin
Colusa County	3.2	12.0	0.049	Kesselring
Cook, Ken				
Salt Spring Creek	13.0	59.0	0.24	Paine
Stony Creek	25.2	113.0	0.46	Paine
Cushman, Jack	20.0	125.0	0.51	Cushman
Dalton, Larry	3.3	12.4	0.05	Kesselring
Dantzer, Steven	5.4	19.0	0.08	Smith
Danuser, Dorothy	16.0	75.0	0.31	W. H. Stites
Dearing, Edison	5.8	36.0	0.15	J. T. Edwards
Delin, Lars	15.0	94.0	0.39	Millsaps
Dubois, Mary & Clarence Payne	3.3	21.0	0.08	R. G. Stites
Evans, Gary	5.5	35.0	0.14	A. E. Lovelady
Fletcher, Vince	57.0	356.0	1.46	Lovelady
Gaddini, Lillian	21.0	124.0	0.53	J. W. Edwards
Glenn Colusa Irrigation District		20315.0	500.00	Special
Gonzales, Robert	57.6	360.0	1.48	Ridley
Graham, Gordon	0.5	3.0	0.01	Werth
Green, Wendel	14.5	91.0	0.37	Carl Green
Grindstone Land & Cattle	25.5	160.0	0.65	Ellis
Hester, Joseph M.	186.9	701.0	2.87	Kesselring
Hester, Tom	20.0	87.0	0.37	McGahan
Hoover, Maurice	4.0	14.0	0.06	Kimel
Indian Valley School District	3.25	12.2	0.05	Kesselring
Ingraham, Gordon	5.0	31.0	0.13	Harbison
Johnson, Ida	4.5	16.0	0.06	Niesen
Jones, Malcolm	5.83	36.0	0.15	J. T. Edwards
Kerns, Elaine	53.8	221.0	0.90	Wakefield/Whally
Knight, John	48.3	256.0	1.05	Knight
Kokkinakis, George	45.0	281.0	1.15	Foreman
Kokkinakis, George	16.0	100.0	0.41	Rowecroft
Lacroix, Raymond	25.0	156.0	0.64	Mann
Leidy, Richard	4.0	25.0	0.10	Brittan
Leidy, Richard	5.0	31.0	0.13	Ray
M.N.C. & K Farming, Ltd	10.2	65.0	0.26	Fender
Marks, Steve	240.3	1274.0	5.23	Brown
Marks, Steve	19.8	93.0	0.18	Harmon
Marks, Steve	32.7	219.0	0.89	Triplett
Mast, Fritz	12.1	64.0	0.26	Bedford
McCosker, David	29.3	183.0	0.75	Lovelady
Moody, Arthur	70.2	263.0	1.08	Pearson
Moody, Arthur	41.8	157.0	0.64	Kesselring

<u>CURRENT OWNER</u>	<u>ACRES</u>	<u>ACRE-FEET</u>	<u>CFS</u>	<u>DECREED OWNER</u>
Moon, James	1.0	3.75	0.015	Kesselring
Moore, Kenneth	220.0	1100.0	4.49	Sutliff
Niles, Peter	9.7	61.0	0.25	Lovelace
Orland Unit Water Users' Assn.	21000.0	85050.0	279.00	Orland
		51000.0	East Park	
		Feed Canal	250.00	
Otterson, Mike	11.0	69.0	0.28	J. F. Stites
Pendell, Frank	12.4	58.0	0.24	Fairlee
Pride, Daryl	5.83	36.0	0.15	J. T. Edwards
Prime, Michael & Robin	8.0	50.0	0.21	Morris
Pritchett, Dorothy	4.5	28.0	0.12	Diefenback
Quiberg, Mary	22.4	123.0	0.41	Kesselring
Roman Catholic Church	1.6	6.0	0.02	Catholic Church
Smith, Maudry	6.2	39.0	0.16	Hineline
Smith, Maudry	15.0	74.0	0.31	Harmon
Spurlock, Marjorie	8.9	56.0	0.23	Hunter
Stafford, Tom	27.70	139.0	0.57	Mary O'Leary
Stemberga, Aldo	5.6	35.0	0.14	Harshaw
Suwanna Ranch	28.0	140.0	0.57	Soeth
U.S. Forest Service	93.2	583.1	2.40	Fout Springs
U.S. Forest Service	22.0	138.0	0.56	J.O. Brittan
U.S. Forest Service	5.0	18.8	0.077	Kesselring
Vernon, Evelyn	30.2	202.0	0.81	Triplett
Vogt, Chester	15.0	94.0	0.38	Studebaker
Vogt, Chester	7.0	44.0	0.18	Lucas
Walkup, Leroy	43.7	205.0	0.85	Welton
Wells, Joyce	1.5	9.0	0.04	Kennedy
Westcamp, Charles	0.8	3.8	0.12	Harmon
Westcamp, Jessie	5.0	31.0	0.13	Foutch
Westcamp, Jessie	42.4	265.0	1.08	Chastain
White, Gerald (Elsie Martinez)	9.0	50.0	0.17	Kesselring
Whitney, Leon	43.7	244.0	1.01	Provence
Whitney, Leon	1.0	4.7	0.02	Mulford
Whitney, Leon	22.10	104.0	0.43	Troxel
Whitney, Leon	12.00	48.0	0.20	Bickford
Williams, Joe	1.0	3.75	0.015	Kesselring
Williams, Michael	5.0	31.0	0.13	O'Leary
Wood, David (Family Trust)	5.20	24.0	0.10	Johansen
Wood, David (Family Trust)	200.00	1060.0	4.35	Lewis
	23216.64	168056.75	1076.70	

OFFICE OF WATER MASTER

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George G. WILSON
WATER MASTER
By Authority of the U.S. District Court
For the Eastern District of California

April 16, 2007

TO: Owners of Water Rights Under the Angle Decree
FROM: George G. Wilson, Water Master
SUBJECT: Budget for the year 2007

Enclosed are copies of the 2007 budget for the Water Master Program as directed by the Court Order dated June 21, 1984, which established the budget procedure.

The billing for 2007 provides for one annual assessment, which the Water Master Supervision Committee plans to mail on or about July 1, 2007.

As in previous years, response from the year 2006 assessment was very good.

The budget for 2007 reflects a rate for future assessments, which should remain constant and provide a cash reserve to allow for unforeseen contingencies, such as litigation associated with the Water Master Program.

Sincerely,



George G. Wilson
Water Master
Stony Creek & Tributaries

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WATER MASTER PROGRAM
STONY CREEK & TRIBUTARIES
PROPOSED BUDGET 2007 CALENDAR YEAR

	<u>Income</u>	<u>Expenses</u>
Cash on hand March 23, 2007	\$38,031	
Assessment (same as 1999)	\$21,824	
Salary – Water Master (Jan. 1, 2007 – Dec. 31, 2007)		\$20,000
Operating Expenses (travel, supplies, attorney fees, etc.)		\$ 5,000
Cash on hand – 2008 (projected)	\$34,855	