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JAN 23 2005

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

BY _____
DEPUTY CLERK

80-cv-583 LKK

**THE UNITED STATES OF AMERICA,)
vs Plaintiff)**

H.C. ANGLE, et al Defendants)

**REPORT
OF
WATER MASTER
To the
UNITED STATES DISTRICT COURT
Eastern District of California
2004**

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, December 16, 2005

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 2004.

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, 2004.

The annual assessment to water right owners was mailed in June, 2003. The total assessment was \$17,459.00

The 2004 assessment to water right owners remained the same as the previous year. A copy of the budget for 2005, mailed to all parties with decreed water rights, is attached. (attachment 1).

III. Maintaining the Water Master Program for Stony Creck 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. Participated in negotiating terms for permittee with State Water Resources Control Board.
- 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 28 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 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 involved in observation and studies pertaining to the potential for creating a salmon spawning area on Stony Creek, downstream from Black Butte Dam. 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 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 have 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 assisting 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 is nearing completion and I plan to enter into discussion with the Bureau of Reclamation and probably the Department of Justice and complete my part of the program in the following year.

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

V. Variations from the Decree

There were few unauthorized diversions from Stony Creek and its tributaries during 2004.

Diversions by the Town of Stonyford (27.72 acre-feet) from Stony Creek flow (wells) for the year 2004 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 second year since 1988 that the diversions have been in compliance with the Court Order. This reduction in diversions may have been due to threat of increased cost of water from the new Colusa County Planning Director 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 2005.

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

During the first week of July 2003, I was notified that the U.S. Forest Service planned to drain and refill their Letts Lake reservoir within the Mendocino National Forest on a stream tributary to Stony Creek in order to enhance the fishery.

The lake surface when full covers approximately 319 acres. Diversions to the lake are made under water right ID-017872, issued by the State Water Resources Control Board in 1957 for 0.33 cubic feet per second.

Drainage of the lake commenced on August 19, 2003. I visited the lake several times while water was discharging and on October 10, 2003, after the surface elevation of the remaining water at the outlet gate had remained constant for several weeks. I measured the outflow below the outlet gate (1.6 cfs). I believe this measurement to be accurate within ten percent. There was probably a small quantity of water still seeping into the lake from bank storage.

The lake was refilled and activity resumed in 2004.

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.

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

The rainfall for 2004 was 22.87 inches, slightly above normal. Significant rain continued into the month of April.

VII. Water Supply

Runoff from Stony Creek Watershed during the 2004 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 after April 15th.

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 2004 summer were below normal with 9 days above 100 degrees and 81 days above 90 degrees. Maximum was 102 degrees on August 11th. There were 10 days of freezing or below, with 27 degrees on January 4th.

IX. Non Payment of Annual Assessment

Eighty-two assessments were mailed in 2004 to landowners with decreed water rights, for a total of \$17,459. Over 99 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.

In a cooperative effort involving the U.S. Bureau of Reclamation, Glenn County and the State Department of Water Resources, controlled releases of water were made from Black Butte Reservoir to study the rate of percolation to groundwater from Stony Creek downstream from Black Butte Reservoir.

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>DECREEED 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
Heyne, Willard	8.0	50.0	0.21	Morris
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

<u>CURRENT OWNER</u>	<u>ACRES</u>	<u>ACRE-FEET</u>	<u>CFS</u>	<u>DECREED OWNER</u>
Moody, Arthur	41.8	157.0	0.64	Kesselring
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
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
Western Land Office	20.0	87.0	0.37	McGahan
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

STONY CREEK AND TRIBUTARIES
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G.G. WILSON

WATER MASTER

By Authority of the U.S. District Court
for the Eastern District of California

April 8, 2004

TO: Owners of Water Rights Under the Angle Decree

FROM: George G. Wilson, Water Master

SUBJECT: Budget for the year 2004

Enclosed are copies of the 2004 budget for the Water Master Program and the Court Order dated June 21, 1984, which established the budget procedure.

The billing for 2004 provides for one annual assessment, which the Water Master Supervision Committee plans to mail on or about July 1, 2004.

As in previous years, response from the year 2003 assessment was very good.

The budget for 2004 reflects a rate of assessments, which was reduced by 20 percent in the year 2000. The reduced rate was initiated in order to lower cash reserves in the Water Master Supervision Committee account. It appears that in the year 2005, the 20% reduction will need to be discontinued in order to maintain an adequate cash reserve for 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 2004 CALENDAR YEAR

	<u>Income</u>	<u>Expenses</u>
Cash on hand March 23, 2004	\$47,430	
Assessment (same as 2003)	\$17,459	
Salary – Water Master (Jan. 1, 2004 – Dec. 31, 2004)		\$20,000
Operating Expenses (travel, supplies, attorney fees, etc.)		\$ 5,000
Cash on hand – 2005 (projected)	\$39,889	