MINUTE ITEM

11. APPLICATION FOR EASEMENT FOR LOW-LEVEL BRIDGE CROSSING THE TUOLUMNE RIVER APPROXIMATELY 1½ MILES SOUTHWEST OF WATERFORD IN STANISLAUS COUNTY, CHARLES D. WARNER & SON, INC. - W.O. 3371.

Mr. Jim Short appeared personally before the Commission to ask that the Commission delay this item and wait until the Superior Court in Modesto had decided his right to accuse Mr. Warner of previous damages. Mr. Short could not confirm to the Commission whether the low-level bridge or other operations of Charles D. Warner & Son, Inc., were the cause of the damage now being litigated.

The Executive Officer recommended that it would be reasonable to defer Commission consideration until the next meeting in Sacramento and stated that the staff had no objection to the deferment.

The applicant, Charles D. Warner, who also was present, stated that he saw no reason to delay action on the bridge application, but that deferment would cause him no damage as long as he could continue to use the bridge.

UPON MOTION MADE BY COMMISSIONER CRANSTON, DULY SECONDED AND UNANIMOUSLY CARRIED, THE COMMISSION DEFERRED ACTION ON THE CHARLES D. WARNER AND SON, INC., LOW-LEVEL BRIDGE CROSSING APPLICATION UNTIL THE NEXT REGULAR COMMISSION MEETING IN SACRAMENTO.

Attachment
Calendar Item 31 (3 pages)

A 30
S 22

31.

APPLICATION FOR EASEMENT FOR LOW-LEVEL BRIDGE CROSSING THE TUOLUMNE RIVER APPROXIMATELY 1½ MILES SOUTHWEST OF WATERFORD IN STANISLAUS COUNTY, CHARLES D. WARNER & SON, INC. - W.O. 3371.

Mr. Jim Short appeared before the Commission at the October 5, 1959 meeting to protest the unauthorized placement of a low-level bridge and causeway crossing the Tuolumne River about 600 feet upstream from his ranch property, located along the left or south river bank. Mr. Short's protest was based on the contention that, as a result of confinement and diversion of the river flow by the bridge abutments, damage would occur to downstream property adjoining the river.

As the result of a request to Mr. Short for additional factual data to support the objections which he had presented verbally to the Commission, a letter was received which reiterated the statements previously made to the Commission. Mr. Short also submitted a letter of objection to the State Reclamation Board, enclosing a series of photographs. His principal reasons for objecting to the bridge, as presented to this Division, are as follows:

1. It is contended that fills at either end of the bridge will increase the rate of flow under the bridge because of the narrowing of the channel at that point, and that the 8-foot-diameter supporting pier is a formidable impediment to the flow of the river.

2. The bridge was placed in its present location without prior authorization and is therefore illegal.

3. Santa Fe Sand and Gravel Company was denied an easement for a bridge further downstream, even though that bridge was perhaps ten feet higher than the Warner bridge and required no concrete pier in the center and less fill at the ends.

4. Removal of the Warner bridge during times of high water is neither practical nor feasible in the event of flash floods or prolonged rainfall, and the pier itself could not be speedily removed.

Mr. Short further states that there is a pending court action brought by him against Warner for damages to Mr. Short's property resulting from prior activities of Warner in the vicinity of the bridge.

When requested to remove the bridge structure, the owner, Mr. Charles D. Warner, President of Charles D. Warner & Son, Inc., a sand and gravel company operating in the area, immediately appeared in the Los Angeles office of this Division and requested information relating to the procedure for obtaining an easement; he further requested a staff inspection of the bridge site.

A visit to the bridge site revealed that the Tuolumne River on that day consisted of a stream varying in width from 65 feet in the deeper channel to approximately 200 feet in the more shallow channel. The channel meanders

through the river valley, which varies in width from about one-quarter to one-half mile. The river valley is enclosed by banks which rise an estimated 20 to 50 feet above the rocky valley floor.

The bridge spanning the stream flow consists of the structural framework of two railroad flat cars laid end to end, secured to the banks at either end and to an eight-foot-diameter concrete support in the center. This support in the present location, together with half the existing bridge, is reported to have withstood the pressure resulting from the severe December 1955 flood, at which time the river overflowed the river valley banks and inundated adjoining farm and orchard lands.

Engineering reports indicate that the maximum authorized controlled release of waters from upstream dams is 9,000 second-feet, and that the maximum estimated stream flow increment from runoff entering the river between the dam and the bridge is 2,000 second-feet. This would represent a total of controlled release and runoff of 11,000 second-feet passing the bridge site. 12,000 second-feet may pass the bridge site before the water reaches the bottom of the bridge. As a safeguard, any controlled release from the upstream dams which would be greater than 9,000 second-feet is preceded by a four-day notice. The applicant has agreed, in the event of such notice, to remove the flatcar portion of the bridge within this time limit, using heavy equipment employed on his adjacent gravel-extraction operation.

Comparison of a 1916 U.S.G.S. map and pictorial evidence in the possession of the applicant discloses little change in the location of the river channel over the past 45 years. The principal channel follows closely the right side of the river valley in a northeasterly to southwesterly direction from Waterford to just above the bridge site where the valley runs in a due East-West direction; the river channel then crosses the valley and appears to be deflected along the left bank at about the site of Mr. Short's ranch. No appreciable change in the downstream channel or the velocity of the river flow resulting from the bridge placement is anticipated.

The Chief Engineer of the Turlock Irrigation District has expressed approval of the bridge, the State Reclamation Board has authorized the bridge placement from a standpoint of flood control, and the owners of the upland property at either end of the bridge have submitted letters expressing satisfaction with the bridge placement.

In his objections to the Warner bridge, Mr. Short mentions that Santa Fe Sand and Gravel was denied an easement for a bridge further downstream. The actual situation was that Santa Fe Sand and Gravel withdrew its application prior to presentation to the Commission after being advised that the staff recommendation would be unfavorable because (1) the bridge would clear a stream flow of only 7,000 second-feet, (2) the high superstructure would trap brush and debris during high water, and (3) the diagonal placement of the bridge across the stream would divert water directly into the bank, which in turn could wash away valuable orchard land. The applicant did not wish to follow the staff suggestion that the structure be placed in another less restricted location where the objectionable features could be overcome.

It is the opinion of the staff that the Warner bridge, as presently located, will not adversely affect any of the downstream property owners. Further, it would be an advantage for the applicant to be able to use this bridge for transporting maximum loads of rock, gravel and sand, instead of having to use existing weight-restricted, high-level county bridges.

A bridge easement, issued for a 15-year term or until the operation in the vicinity is abandoned, whichever occurs first, at an annual rental of $250 with provision for renewal for two periods of ten years each at such reasonable terms as the State may then impose, appears reasonable. The agreement should also contain requirements that the lessee remove the structure prior to any controlled water release greater than 9,000 second-feet from the upstream dams, and keep the bridge operation covered with liability insurance in the minimum amounts of $50,000 property damage and $100,000/$200,000 bodily injury and death.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A 15-YEAR EASEMENT AT AN ANNUAL RENTAL OF $250 TO CHARLES D. WARNER & SON, INC., FOR THE MAINTENANCE AND USE OF A LOW-LEVEL BRIDGE CROSSING THE TUOLUMNE RIVER IN THE SOUTH HALF OF SECTION 32, T. 3 S., R. 11 E., M.D.B.& M., STANISLAUS COUNTY, THE EASEMENT TO CONTAIN PROVISION FOR:

1. EARLIER TERMINATION IN THE EVENT THE ADJACENT ROCK, GRAVEL AND SAND EXTRACTION OPERATION BY THE LESSEE IS ABANDONED OR DISCONTINUED.

2. RENEWAL FOR TWO PERIODS OF 10 YEARS EACH UPON SUCH REASONABLE TERMS AS THE STATE MAY THEN IMPOSE.

3. TEMPORARY REMOVAL OF THE TOP PORTION OF THE BRIDGE PRIOR TO THE CONTROLLED RELEASE OF MORE THAN 9,000 SECOND-FEET OF WATER FROM THE UPSTREAM DAM.

4. A REQUIREMENT THAT THE LESSEE OBTAIN AND KEEP IN FORCE LIABILITY INSURANCE WITH MINIMUM LIMITS OF $50,000 PROPERTY DAMAGE AND $100,000/$200,000 BODILY INJURY AND DEATH, AND PROVIDE THE STATE WITH CERTIFIED COPIES OF THE POLICIES.