

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 17303 )  
of Henry W. and Irene Struckman )  
to Appropriate from Owl Creek and )  
Clear Creek in Plumas County )

---

Decision No. 1002

ADOPTED APR 10 '61

DECISION APPROVING APPLICATION IN PART

Henry W. and Irene Struckman having filed Application 17303 for a permit to appropriate unappropriated water; protests having been received; a hearing having been held in Quincy on May 24, 1960; applicant and protestant Leonard E. Goodman having appeared and having offered evidence at said hearing, and the same having been duly considered, the Board finds as follows:

1. Application 17303 is for a permit to appropriate year-round 0.5 cubic foot per second from Owl Creek, tributary to Clear Creek, and 2.5 cubic feet per second from Clear Creek, tributary to North Fork Feather River in Plumas County, for domestic, mining, and fire protection purposes.

2. Application 17303 relates to the same points of diversion and project that are covered by the applicants' License 4494 (Application 8996), dated January 7, 1957, which confirms the rights acquired by use for mining and domestic purposes, with a priority dated from June 14, 1937, to 0.57 cubic foot per second year-round from Clear Creek and to 0.50

cubic foot per second year-round from Owl Creek, with the maximum diversion from the combined sources not to exceed 0.57 cubic foot per second. The Board's licensing action had reduced the quantities of water previously covered by permit, and Application 17303 would utilize existing capacity of the diversion ditch for usage and rights supplementary to License 4494.

3. Protestant Goodman claims riparian rights on his unpatented mining claim located on Owl Creek and Clear Creek downstream from the diversion points to the Struckman Ditch. The Goodman protest alleges use of water by protestant since July 1941 for mining, domestic, and fire protection purposes.

4. The watershed of Clear Creek and Owl Creek above the applicants points of diversion scales approximately 3.2 square miles and ranges in elevation from a maximum of about 5,300 feet to about 4,000 feet. The area is heavily timbered, rugged, and a very productive watershed, depending to a large extent on snow melt as the source of runoff.

5. Stream flow at the applicants' points of diversion decreases to an amount equal to or less than the 0.57 cubic foot per second covered by License 4494 (Application 8996) on or about July 1 of a normal runoff year, and the flow of the creeks does not increase substantially until about November. During the winter and spring months, there is plenty of runoff to satisfy both the applicants and protestant.

6. There is unappropriated water available to supply the applicants between November 1 and July 1 of the succeeding year, and subject to suitable conditions such water may be diverted at said times and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 17303 should be approved in part and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 17303 be, and the same is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.5 cubic foot per second to be diverted from Owl Creek and 2.5 cubic feet per second to be diverted from Clear Creek, from about November 1 of each year to about July 1 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

IT IS FURTHER ORDERED that, except to the extent specifically approved, Application 17303 is denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the            day of            , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member