

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20375
of C. V. and Florence W. Benz to
Appropriate from an Unnamed Spring
Tributary to Slick Rock Creek
in Kern County

Decision D 1149

ADOPTED OCT 18 1963

DECISION APPROVING APPLICATION

C. V. and Florence W. Benz having filed Application 20375 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 20375 is for a permit to appropriate 1,210 gallons per day (gpd) by direct diversion year-round for domestic purposes from an unnamed spring tributary to Slick Rock Creek in Kern County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, T25S, R32E, MDB&M.

2. The applicants propose to divert, as they have in the past, from an unnamed spring which they have developed to serve a home, lawn and garden. The spring water is conveyed from a redwood box which encloses the spring through 561 feet

of 3/4-inch pipe to a 3,500 gallon steel tank, thence through 150 feet of 1-inch pipe to the place of use. The spring and home are on U. S. Forest Service land, and the applicants occupy the property by virtue of a use permit.

3. The applicants have piped the overflow of the spring to Slick Rock Creek. If this pipe were not installed, overflow from the applicants' above-mentioned spring box would flow approximately 740 feet to Slick Rock Creek which continues in a general southwesterly direction approximately 2.5 miles to its confluence with Cedar Creek. Cedar Creek continues from the Slick Rock Creek junction in the same direction approximately 11.5 miles to enter Poso Creek.

4. Protestants Bowen and Farnsworth, claiming riparian and pre-1914 appropriative rights, use water directly from Cedar Creek for stockwatering purposes along a 5-mile reach of the creek commencing at a point approximately 5 miles below the Slick Rock-Cedar Creek junction.

5. Under normal conditions Slick Rock Creek does not contribute to Cedar Creek during the summer months. During these months water diverted by applicants from the unnamed spring would not reach the protestants as surface flow due to high channel losses and the considerable distance between the two points. Any subsurface contribution that might be made by the spring without the applicants' project is more than offset by the applicants' return water and the fact that the overflow from the spring is piped to Slick Rock Creek, thereby conserving water.

6. The approval of Application 20375 will not cause any appreciable interference with the supply of water available to satisfy the rights of the protestants.

7. There is unappropriated water available to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20375 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents and other data relied upon in determining the matter are: Application 20375 and all relevant information on file therewith, particularly the report of the field investigation made August 23, 1962, files of Applications 10369, 18856 and 18860 and United States Geological Survey "Glennville" 15-minute quadrangle.

ORDER

IT IS HEREBY ORDERED that Application 20375 be, and the same is, approved 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 appropriated shall be limited to the amount which can be beneficially used and shall not exceed 1,210 gallons per day by direct diversion to be diverted year-round.

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, 1966.

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.

6. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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 _____, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member