

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24461)
of Yreka Airpark, Inc., to)
Appropriate from Yreka Creek in) Decision 1475
Siskiyou County)

DECISION DENYING APPLICATION

BY THE BOARD:

Yreka Airpark, Inc., having filed Application 24461 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 24461 is for a permit to appropriate 1.11 cubic feet per second (cfs) by direct diversion from March 1 to November 15 of each year for irrigation purposes from Yreka Creek in Siskiyou County. The point of diversion is to be located within NE1/4 of SW1/4 Section 14, T45N, R7W, MDB&M.

1475

Applicant's Project

2. Applicant proposes to divert water for irrigation of 80 acres of pasture within a 115-acre parcel lying between Interstate Highway 5 and Yreka Creek.

Protestants

3. Twelve protests were received against this application: eleven from persons who use water from Yreka Creek for domestic or irrigation purposes or both, and one from the Department of Fish and Game, discussed infra. The eleven protestants claim the right to use water from Yreka Creek based on riparian and appropriative rights. Appropriative water rights in Yreka Creek were adjudicated in 1932. A portion of the rights then adjudicated are still being exercised. In addition, some water is taken under riparian rights. It is not possible to identify, without an adjudication, the exact quantity of water taken under valid claim of right. However, valid appropriative and riparian rights consume at least 1 cfs during the summer months.

4. The Department of Fish and Game presented evidence that Yreka Creek was a valuable spawning and nursery stream for steelhead, which would be seriously threatened by any increased diversion during the summer. This is found to be true. The Department recommended that to protect fish and wildlife the following minimum flows should be bypassed:

March 1 to April 30 25 cfs
May 1 to June 15 17 cfs
June 16 to October 31 9 cfs
November 1 to November 15 ... 17 cfs

Environmental Considerations and Availability of Unappropriated Water

5. Yreka Creek heads on the slopes of Forest Mountain at an elevation of about 4,000 feet and flows in a northeasterly direction for 18 miles to its confluence with Shasta River about 7.6 miles upstream from Shasta River's confluence with Klammath River. It is a year-round, snow-fed steelhead spawning and nursery stream of considerable value with an annual spawning escapement ranging from 100 to 1,000 adult fish.

The installation by the Department of Transportation of a \$40,000 lighted fish passage facility where Yreka Creek flows under Interstate 5 is compelling evidence of the value placed on the resource.

Diversion as proposed in Application 24461 is likely to result in harm to this fishery resource.

6. Yreka Creek is presently heavily diverted. No continuous records of streamflow are available. However, several measurements have been recorded in the Board's files and are summarized in the following table:

YREKA CREEK FLOW MEASUREMENTS

<u>Location</u>	<u>Date</u>	<u>Measured By</u>	<u>Flow (cfs)</u>
Staff gage by Airstrip in Section 14 ² / ₁	5/13/75	DF & G	35.95
Staff gage by Airstrip in Section 14 ² / ₁	5/20/75	DF & G	25.05
Upstream of Yreka Waste- water Plant Discharge ¹ / ₁	6/16/75	DF & G	5.46
Downstream of Yreka Discharge ² / ₁	6/16/75	DF & G	6.18
At Montague Bridge ¹ / ₁ (above Yreka Discharge)	6/23/75	SWRCB	6.93
NW1/4 NW1/4 Section 23 ¹ / ₁	Summer 1959	SWRCB	0.9*
NW1/4 NW1/4 Section 23 ¹ / ₁	10/13/59	SWRCB	1.5*

*Estimated

1. Upstream from applicant's proposed point of diversion.
2. Vicinity of applicant's proposed point of diversion.

The City of Yreka no longer diverts water from Yreka Creek on a regular basis which it was authorized to do when the 1959 estimates were made. Allowing for increased flow due to this cessation, there would probably be 3 or 4 cfs in the stream under the 1959 flow conditions above the applicant's proposed point of diversion. However, even assuming continued non-diversion, flows are insufficient.

7. There is insufficient water available, particularly during the irrigation season, to satisfy the needs of the applicant and downstream vested rights and to maintain the fishery resource.

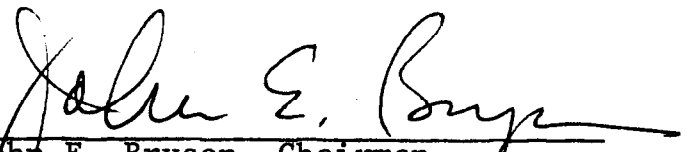
8. Unappropriated water is not available to supply the applicant in the seasons and amounts requested.

From the foregoing findings, the Board concludes that Application 24461 should be denied.

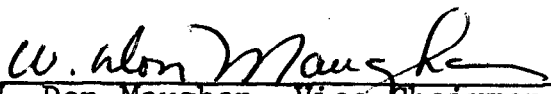
The records, documents, and other data relied upon in determining the matter are: Application 24461, Application 16392 and all relevant information on file therewith, particularly the report of the field investigation made on June 24, 1975.

IT IS HEREBY ORDERED that Application 24461 be denied.

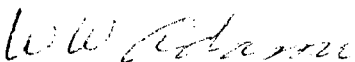
Dated: October 20, 1977



John E. Bryson, Chairman



W. Don Maughan, Vice Chairman



W. W. Adams, Member

