

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25089)
to Appropriate from Cromberg Spring)
in Plumas County,)

HAROLD L. AND JEANE E. WALTERS)

Applicants,)

CROMBERG SPRING WATER ASSOCIATION,)
ET. AL.)

Protestants)

Decision: 1513

Source: Cromberg Spring

County: Plumas

DECISION APPROVING APPLICATION IN PART

BY THE BOARD:

Harold L. and Jean E. Walters having filed Application 25089 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on August 2, 1977; applicants and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

Substance of the Application

1. Application 25089 is for a permit to appropriate 4810 gallons per day (not to exceed 3.1 acre-feet per year) by direct diversion from Cromberg Spring from January 1 to December 31 of each year, for domestic purposes. The point of diversion is located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T23N, R12E, Mount Diablo Base and Meridian, and is tributary to Cogswell Ravine, thence Jackson Creek, thence Middle Fork Feather River.

Applicants' Project

2. Applicants currently hold permitted Application 24048 to divert 300 gallons per day (gpd) year round from Cromberg Spring for the same purpose and place of use as Application 25089.

3. Cromberg Spring surfaces inside a large covered concrete collecting basin located at the foot of a mountain adjacent to an old portion of State Route 70, which has been relocated several hundred feet to the west. The spring, old roadway, and current highway are all within the boundaries of Plumas National Forest. A buried four-inch steel pipe extends westerly from the collecting basin to supply domestic water for several individual properties to the west and north, including that of the applicants. Applicants obtain water through a separate one-inch plastic pipe extending from an old lateral connection located near the spring on Forest Service property between the old and new highways.

4. Applicants propose to obtain the requested appropriation through their existing pipe connection to the Cromberg Spring system. A Special Use Permit has been granted by the Forest Service for use of water from the Cromberg Spring collecting basin and for installation and maintenance of the supply pipe.

5. Prior to filing Application 24048 in 1972, the applicants obtained water from a well on their property. The quantity and quality of the water was not suitable for domestic use and the well has since been abandoned.

6. Cogswell Ravine, to which Cromberg Spring is tributary, runs through the applicants property. Water has been utilized from the ravine in the past, however, there is usually no flow during the summer and other dry periods. The applicants have not claimed a riparian right to the flow from Cromberg Spring.

Protests

7. Application 25089 was protested by the Cromberg Spring Water Association, Robert and Kathryn Elfen, Leland Thorne, James and Marie Ward, and Henry Magill. All existing diverters from Cromberg Spring, except the applicants, are members of the Cromberg Spring Water Association, including the above individually named protestants. Members of the Association hold licensed applications as follows:

<u>Application No.</u>	<u>Holder</u>	<u>Amount (gpd)</u>
9207	Ward	300
9273	Magill	1,400
9274	Elfen	500
9275	Ross, et. al.	4,000
9392	Elfen	500
11205	Huntley	1,000
12117	Ward	300
12122	Ward	<u>400</u>
		Total = 8,400

The protestants claim injury to prior rights, insufficient water in the subject source, and interruption of public use by local residents and passersby from the overflow of the collecting basin.

Existence of Unappropriated Water

8. The record indicates that the yield of Cromberg Spring can vary considerably, even during a single day. However, almost continuous overflow from the spring collecting basin has existed in the past. The protestants do not deny that water is available, but object to the quantity requested and the resulting effect on spring overflow.

9. Board Decision 1415, adopted on February 1, 1973, found that unappropriated water was available at Cromberg Spring in addition to the prior vested rights of 8,400 gpd at that time. The decision ordered issuance of a permit for 300 gpd on the applicants' previous Application 24048 (see "Applicants' Project" infra). The cumulative total of 8,700 gpd is the current authorized appropriation from the spring. Prior to October 1972, when two licenses were revoked for non use, appropriations from Cromberg Spring totaled 9,250 gpd.

10. Analysis indicates that approximately 9,500 gpd should be available from Cromberg Spring for short periods (two days), even during the driest periods, if storage in the collecting basin is considered.

11. Allowing for infrequent simultaneous maximum use by all appropriators from the spring under normal conditions, approximately 1,700 gpd of unappropriated water should generally be available.

Applicants' Use of Water

12. Applicants reside year round on the 5.6 acre property. A lawn and garden totalling about one-half acre and several domestic animals are maintained on the property. The 300 gpd permitted appropriation under Application 24048 is sufficient to satisfy the applicants indoor and animal watering needs. Application 25089, therefore, would provide for watering of lawn and garden areas.

13. Compared to the other appropriations from Cromberg Spring (see "Protests" infra) and considering the capacity of the applicants' existing pipeline, the requested quantity of water is excessive for the contemplated use.

14. Any permit issued on Application 25089 should be conditioned to protect prior vested rights, especially against unreasonably heavy watering of lawn and garden areas when the yield of the source is low, as determined by the existence or non-existence of an overflow from the spring collecting basin.

15. The intended use of water is beneficial and reasonable in the quantity authorized below.

Public Interest Considerations

16. The spring collecting basin contains a steel pipe that discharges water when the basin is full. There is no disagreement that this overflow is captured in containers by many people. The location of the spring is not readily identified from the state highway, however. Restricting beneficial domestic use of water that would mostly flow unused downstream, to insure continuous overflow for intermittent public use, is not reasonable in this instance. Even with the additional appropriation authorized herein, the spring will overflow most of the time.

General Considerations

17. Board Decision 1275 found that unappropriated water does not exist in the Feather River during the months of July, August, and September. Cogswell Ravine downstream of State Route 70 is generally dry during some or all of this period, therefore, surface hydraulic continuity in the approximate mile between Cromberg Spring and the Middle Fork Feather River is, at most, intermittent. Subsurface hydraulic continuity with the river may exist; however, most domestic use by the applicants should return to the subsurface flow toward the river.

Environmental Considerations

18. This decision authorizes additional use of water in the applicants' existing facilities, and requires a minor change consisting of the installation of a water measuring device on the existing pipeline. Such minor changes are exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15101, Chapter 3, Title 14, California Administrative Code.

Conclusions

From the foregoing findings, the Board concludes that unappropriated water is available in the amount of 1,700 gallons per day, no other legal user of water will be injured, and Application 25089 should be approved in part. The season of diversion shall extend from January 1 to December 31 of each year. A permit should be issued to the applicant in accordance with the above and subject to the limitations and conditions set forth in the order below.

ORDER

IT IS HEREBY ORDERED that Application 25089 be approved in part and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (6, 10, 11, 12, and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1,700 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 1.0 acre-foot per year.

* The Board maintains a list of standard permit terms. Copies of these are available upon request.

2. Complete application of water to the proposed use shall be made on or before December 1, 1983.

3. Permittee shall not exercise any other existing right to the use of water named herein so long as this permit or any license issued pursuant thereto remains in effect.

4. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

5. Permittee shall not commence outdoor watering of any lawn, garden, or other area authorized under this permit if water is not freely discharging from the steel overflow pipe at Cromberg Spring. During any one day, if the discharge from the steel overflow pipe at Cromberg Spring ceases to flow after commencement of said outdoor watering, such watering shall be terminated within three hours after the cessation of the spring overflow.

6. No water shall be diverted under this permit until permittee has installed a device satisfactory to the State Water Resources Control Board which is capable of measuring the total cumulative flows diverted by the permittee from Cromberg Spring under this permit and Permit 16589 (Application 24048). Said measuring device shall be located so as to be easily accessible to an appropriate representative of the Cromberg Spring Water Association, and shall be properly maintained.

Dated: JUNE 21, 1979

/S/ W. DON MAUGHAN
W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER
William J. Miller, Member

/S/ L. L. MITCHELL
L. L. Mitchell, Member

/S/ CARLA M. BARD
Carla M. Bard, Member

