

## State Water Resources Control Board

**NOTICE OF PETITION TO CHANGE THE POINT OF DIVERSION FOR SCOTT  
RIVER DECREE NO. 30662 DIVERSION NUMBER 446 (ADJUDICATED  
WATER RIGHT J00023)  
AND  
REQUEST FOR INVESTIGATION AND REPORT ON THE PROPOSED  
CHANGE OF THE POINT OF DIVERSION OF DECREED WATER RIGHT OF  
THE SCOTT RIVER DECREE**

COUNTY: SISKIYOU STREAM SYSTEM: SCOTT RIVER

Lance Batistich (Petitioner) has filed a petition to change (Petition) the Scott River Decree, No. 30662 of the Siskiyou County Superior Court, January 16, 1980 (Decree) pursuant to paragraph 64 of the Decree and Water Code section 1706. Petitioner seeks to change the point of diversion for Decree diversion number 446-7-B25, a pre-1914 appropriative water right. Petitioner seeks to move the present POD specified for diversion number 446-7-B25, which is located on Kidder Creek, to the mainstem of the Scott River. If the State Water Resources Control Board (State Water Board) finds that the change is in accordance with applicable law, it will recommend that the Siskiyou County Superior Court issue an Order moving diversion number 446-7-B25 from Schedule B25 to Schedule D4 of the Decree, and imposing any other conditions the State Water Board deems appropriate.

Changing the point of diversion of a pre-1914 appropriative water right normally does not require a State Water Board proceeding. However, paragraph 64 of the Decree creates a process by which a party to the Decree may request that the State Water Board investigate a proposed modification of the Decree and file a report of its conclusions with the court, which will review the report and, if it approves the proposed modification, enter a supplemental decree formalizing the change. This process provides an opportunity for other water users to object to the proposed change.

Petitioner has filed a change petition under Water Code section 1706 and has also filed a "Request for Investigation, Report, and Recommendations" under paragraph 64 of the Decree seeking State Water Board review and recommendations concerning the proposed modification to diversion number 446-7-B25. The State Water Board will evaluate the proposed change and issue a report that determines whether the proposed modification is in accordance with applicable law and makes a recommendation to the Siskiyou County Superior Court regarding the proposed change. If any party objects to the proposed modification, the State Water Board will hold a hearing or in-lieu

proceeding prior to issuing the report. Pursuant to paragraph 64 of the Decree, the State Water Board will apportion the costs of its investigation (and hearing, if necessary) to the parties as nearly as may be possible in accordance with Water Code section 2850 et seq.

Any correspondence directed to the Petitioner should be sent to the following contact: Lance Batistich, 525 Old Natividad Road, Salinas, CA 93908.

Summary of Adjudicated Right J000023 and Proposed Change

Source:	Kidder Creek thence Scott River
Point of Diversion:	<u>Present:</u> Kidder Creek (Diversion Number 446-7-B25), California Coordinate System 1983 (CCS83), Zone 1, North 2,442,908 feet and East 6,300,971 feet within NW¼ of SW¼ of Section 36, T43N, R10W, MDB&M. <u>Proposed:</u> Scott River, CCS83, Zone 1, North 2,472,496 feet and East 6,316,572 feet within NW¼ of NW¼ of Section 4, T43N, R9W, MDB&M.
Amount:	11.25 cubic feet per second by direct diversion
Season:	April 1 to October 15 of each year for Irrigation; January 1 to December 31 of each year for Domestic and Stockwatering use
Purpose of Use:	<u>Present:</u> Irrigation, Domestic, Stockwatering <u>Proposed:</u> No change
Place of Use:	<u>Present:</u> 500 acres (may also be irrigated from Diversion Nos. 603-4-C, 617-4-C, 614-4-B34, 615-4-B34, and 616-4-B34) within Sections 4 and 5, T43N, R9W, MDB&M. <u>Proposed:</u> No change

More information regarding this petition is available at: [Petition Information](#)

Any interested person may file a written protest against this petition. (Wat. Code, § 1703.1.) Protest submittal information is available at: [Protest Information](#)

Protests must be received by the Division of Water Rights by **4:30 p.m. on September 11, 2019.**

For more information, please contact Arvin Chi at [Arvin.Chi@waterboards.ca.gov](mailto:Arvin.Chi@waterboards.ca.gov) or (916) 341-6969. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Arvin Chi, P.O. Box 2000, Sacramento, CA 95812-2000

Date of Notice: **August 12, 2019**