

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22505 )  
of Clifford W. and Hazel Keele to )  
Appropriate from a Spring ) Decision 1299  
Tributary to Littlefield Creek in )  
Trinity County )

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DECISION APPROVING APPLICATION

Clifford W. and Hazel Keele having filed Application 22505 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant 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 (predecessor of the State Water Resources Control 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 22505 is for a permit to appropriate 3,740 gallons per day by direct diversion, year-round, for domestic and stockwatering use from a spring tributary to Littlefield Creek thence Mad River in Trinity County. The point of diversion is to be located within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 32, T2S, R8E, HB&M.

2. Applicants own portions of three quarter sections along Littlefield Creek about a dozen miles upstream from Ruth Reservoir on the Mad River. They now obtain water for six houses on their property and for a few head of livestock under License 3807 (Application 11299). This supply has not been reliable in recent years and the pending application would supplement it by a pipeline to a spring located 50 feet from Littlefield Creek, within the boundaries of Six Rivers National Forest. The applicants have the necessary special use permit for a water transmission line through the national forest.

3. Protestant Humboldt Bay Municipal Water District has recently constructed Ruth Reservoir to its initial-stage capacity of 52,000 acre-feet. Permits issued to the District by the Board authorize annual storage at Ruth Reservoir of a total of 120,000 acre-feet, plus direct diversion some 60 miles down the Mad River at Essex in the amount of 200 cubic feet per second, year-round. The District had expected to build Ruth Reservoir to its full capacity by 1967, but the District has been conducting a feasibility study to reconsider enlargement of the reservoir. The District's new general manager informed the Board by telephone in January, 1968, that the District's present intention is not to enlarge Ruth Reservoir, but to seek any additional supplies from other sources or projects.

Annual progress reports filed by the District with the Board indicate that the District is not yet utilizing the full yield of its first-stage construction of Ruth Reservoir.

4. The District's initial-stage operating study dated 1960 shows that Ruth Dam would have spilled in 31 out of 32 years, and that in 25 out of 32 years spill would have occurred from a 120,000 acre-foot reservoir. Occurrence of spill at Ruth Reservoir nearly always coincides with streamflow at Essex in excess of diversions by the District and, consequently, with the availability of unappropriated water. The 32-year annual averages include 83,600 acre-feet diverted at Essex for water supply and a total of 836,400 acre-feet flow past Essex which includes a requirement of 42,000 acre-feet for preservation of fish and protection of downstream rights (District's Exh. 7, Application 19466).

5. Littlefield Creek normally goes dry near the applicants' property in June or July, and at the ranger station just above Mad River by about July 25 of each year. Thereafter it does not begin flowing again to Mad River until November or December of most years. Appropriation by the applicants in this summer and fall period of water that would not reach Ruth Reservoir could not possibly prejudice the protestant, and in nearly the entire balance of most years water is flowing unused past Essex.

6. Unappropriated water is 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22505 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 22505 and all relevant information on file therewith, particularly the report of the field investigation dated June 26, 1967, and the memorandum of field visit dated October 9, 1967; the file of Application 19466 and Decision D 1086; topographic maps published by the United States Geological Survey covering the area under consideration.

ORDER

IT IS HEREBY ORDERED that Application 22505 be, and it is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3,740 gallons per day by direct diversion to be diverted year-round.

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

3. Actual construction work shall begin on or before December 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1970.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1971.

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

7. 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 Resources Control 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.

8. Permittee shall allow representatives of the State Water Resources Control 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 Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: APR 4 1968

/s/ George B. Maul  
George B. Maul, Chairman

Absent  
W. A. Alexander, Vice Chairman

/s/ Ralph J. McGill  
Ralph J. McGill, Member

/s/ E. F. Dibble  
E. F. Dibble, Member

/s/ Norman B. Hume  
Norman B. Hume, Member