

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22895  
of Sam and Ann Schmoll to Appro-  
priate from an Unnamed Spring  
in Placer County

Decision 1313

DECISION APPROVING APPLICATION

Sam and Ann Schmoll having filed Application 22895 for a permit to appropriate unappropriated water; a protest 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22895 is for a permit to appropriate 1,000 gallons per day (gpd) by direct diversion from January 1 to December 31 of each year for domestic purposes from an unnamed spring tributary to an unnamed stream tributary to Truckee River in Placer County. The point of diversion is to be located within the  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 9, T16N, R15E, MDB&M.

2. Applicants propose to use water at a fully plumbed home. To reach applicants' property, the pipe must cross either the private property of protestants or U. S. Forest Service land. While protestants have indicated that they will not allow the applicants' pipeline to cross their property, the U. S. Forest Service has indicated that if the residents owning property near the spring cannot develop a common water supply, the Forest Service will grant to applicants a right of access to the spring.

3. The minimum flow of the unnamed spring was measured in the fall of 1966, a dry year, at 28,800 gpd. On May 27, 1968, the flow was approximately 40,000 gpd. To date, permits have been issued for 7,000 gpd.

4. Protestants Charles R. and Phyllis J. Booth have Permit 15137, which allows an all-year diversion of 3,000 gpd for domestic purposes. They also claim a riparian right for the same water.

5. 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.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22895 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Application 22895 and all relevant information on file therewith, particularly the report of the field investigation made May 21, 1968.

ORDER

IT IS HEREBY ORDERED that Application 22895 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 1,000 gallons per day by direct diversion to be diverted from January 1 to December 31 of each year.

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

3. Actual construction work shall begin on or before June 1, 1969 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1971.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

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.

9. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion or right-of-way for the conveyance system.

Adopted as the decision and order of the State  
Water Resources Control Board at a meeting duly called and  
held at Sacramento, California.

Dated: SEP 5 1968

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

/s/ W. A. Alexander  
W. A. Alexander, Vice Chairman

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

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

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