

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 20558  
of the United States Klamath National  
Forest, to Appropriate from Oak Bottom  
Creek Tributary to Salmon River in  
Siskiyou County

ADOPTED MAR 14 1963

Decision D 1113

DECISION APPROVING APPLICATION

The United States Klamath National Forest, having filed Application 20558 for a permit to appropriate unappropriated water; a protest having been received; the applicant 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 pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 20558 is for a permit to appropriate 1,080 gallons per day by direct diversion, year-round, for domestic purposes from Oak Bottom Creek, tributary to Salmon River, in Siskiyou County. The point of diversion is to be located within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 1, T11N, R6E, HB&M.

2. The source of water covered by the application is a spring that emerges at the toe of a bank of Oak Bottom Creek,

which is a steep ravine. The channel of the creek is well defined for a distance of approximately 300 or 400 feet downstream from the applicant's point of diversion where it debouches onto bench lands. The terrain slopes southeasterly from that area approximately 3/4 mile to the Salmon River.

3. Applicant proposes to construct a concrete retaining wall around the spring, leaving a screened opening to allow overflow water to pass down the creek. Approximately 1/2 mile of 1 1/4-inch pipe will be laid to transport water from the spring to an existing system that supplies water to the Oak Bottom Guard Station and a public campground.

4. On August 15, 1962, there was a flow of 12 gallons per minute at the applicant's point of diversion. This flow entered the channel of the creek to disappear within 200 feet downstream. There was no flow in the creek above the applicant's point of diversion.

5. Protestant Bessie Tripp diverts from an excavation in one of the numerous gravel bars along the Salmon River under claim of riparian, pre-1914, and Indian rights for domestic use and for the irrigation of approximately 2 acres of garden.

6. The protestant's point of diversion is located over one-half mile from the applicant's point of diversion. The topography of the area and the location of bedrock is such that flows from the applicant's source do not contribute to the protestant's supply. The approval of Application 20558 will not result in harm to the protestant.

7. There is unappropriated water available to supply the applicant, 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20558 should be approved and that a permit should be issued to the applicant 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 20558 and all relevant information on file therewith, particularly the report of the field investigation made August 15, 1962; files of Application 5861; USGS 15-minute quadrangle, "Forks of Salmon, 1955."

#### ORDER

IT IS HEREBY ORDERED that Application 20558 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 1,080 gallons per day by direct diversion to be diverted year-round.

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

3. Actual construction work shall begin on or before September 1, 1963, 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, 1965.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights 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 Rights 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 Rights 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  
Rights Board at a meeting duly called and held at  
California, on the                      day of                      , 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member