

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19569
of The Christian Churches of
Northern California-Western Nevada
to Appropriate from an Unnamed Spring
Tributary to Poorman Canyon in
Placer County

ADOPTED APR 4 1963

Decision D 1126

DECISION APPROVING APPLICATION

Application 19569 of The Christian Churches of Northern California-Western Nevada to appropriate unappropriated water having been filed; protests having been received; a public hearing having been held before the State Water Rights Board (hereinafter referred to as "the Board") in Sacramento, California, on January 25, 1962, Kent Silverthorne, Chairman, presiding; the applicant and the protestants having appeared and presented evidence; all evidence received at said hearing having been duly considered, the Board finds as follows:

1. Application 19569 is for a permit to appropriate 0.067 cubic foot per second (cfs) by direct diversion, year-round, for domestic and recreational purposes from an unnamed spring tributary to Poorman Canyon in Placer County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T14N, R11E, MDB&M.

2. The applicant, a nonprofit corporation, owns approximately 866 acres of mountain property upon which the unnamed spring is located. The spring is in an abandoned mine

shaft known as Ah Toy Tunnel. The applicant proposes to divert water from this source along with water from other springs on which it now holds permits, to supply a development to be used for religious, educational, and recreational purposes which will include a conference center, campsites and homesites and will eventually accommodate 565 persons.

3. Protestants Pond, Weaver, Caples, and Wood, claiming pre-1914 appropriative rights, divert from the unnamed spring at a point in the Ah Toy Tunnel where a bulkhead has been constructed. From this point water is taken by gravity through approximately 3,760 feet of pipe to a 1,500-gallon regulatory storage tank. Conduits from the tank and directly from the aforementioned pipeline supply the residences of the protestants. Two of the residences are used year-round, and the third is used on weekends and for extended summer vacations. These are the only users who have made a prima facie showing of a pre-1914 appropriative right.

4. The use of water from the unnamed spring by these protestants has varied from an average of not more than one gallon per minute for the week of maximum use during the summer to a low of 0.14 gallons per minute during the winter months.

5. On May 16, 1961, the unnamed spring was flowing at the rate of 16 gallons per minute. Prior to a fire in the year 1960 which burned off vegetation and increased the flow of the spring, the minimum discharge observed from the tunnel was three gallons per minute.

6. During the summer of 1961, which was the last year in a three-year dry period, the protestants' storage tank overflowed all summer, indicating that water diverted from the source by the protestants during that time was in excess of their requirements.

7. Water occurs in the unnamed spring in excess of quantities necessary to supply the protestants under claimed pre-1914 rights which is available to supply the applicant. In addition, water is now being lost through fractures in the bottom and sides of the tunnel which could possibly be salvaged by the applicant and placed to beneficial use.

8. 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.

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19569 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.

ORDER

IT IS HEREBY ORDERED that Application 19569 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 0.067 cubic foot per second 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