

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20948)
of Harold A. Davies to Appropriate)
from Unnamed Springs in)
Colusa County)

Decision D 1170

ADOPTED FEB 17 1964

1170

DECISION APPROVING APPLICATION IN PART

Harold A. Davies having filed Application 20948 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board on May 23, 1963, in Sacramento, Board Member W. A. Alexander, presiding; the applicant and protestants having appeared; evidence having been received; the Board, having considered all of the evidence and now being fully advised in the premises, finds as follows:

1. Application 20948 is for a permit to appropriate 1.0 cubic foot per second (cfs) by direct diversion from June 1 to November 1 of each year for irrigation purposes from unnamed springs in Colusa County. The point of diversion is to be located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, T17N, R6W, MDB&M.

2. The point of diversion is to be located about 500 feet above the high waterline of East Park Reservoir on Little Stony Creek. The applicant proposes to construct an earth dam

for regulatory purposes to divert at several points from the pool created by the new dam to the place of use. East Park Reservoir is nearly always full at the end of May each year, at which time the flow from the springs contributes to the reservoir supply. Thereafter, the water level in the reservoir begins to drop so that by July 1 in most years hydraulic continuity between the springs and the reservoir ceases. During the season from July to November when there is no continuity, most of the flow from the springs is lost through evaporation and transpiration.

3. East Park Reservoir is a unit of the Orland Project of the United States Bureau of Reclamation. The dam controls the flows of Little Stony Creek and its tributaries for the purpose of supplying the irrigation requirements for 20,000 acres within the project service area. In addition, Glenn-Colusa Irrigation District diverts all the remaining water in Stony Creek during the season from May through October of each year for beneficial use within its service area.

4. Application 20948 was protested by the United States Bureau of Reclamation, Orland Unit Water Users Association, and Glenn-Colusa Irrigation District. The protestants' prior rights have been adjudicated by a decree of the United

States District Court, Northern Division, North District of California, Second Division, in the case of United States of America v. H. C. Angle et al., Equity No. 30. Whether the applicant is now barred, as the protestants claim he is, from asserting any right to the waters of the springs by the same decree is a matter for the courts to determine rather than this Board.

5. There is unappropriated water available from about July 1 to November 1 of each year 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.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20948 should be approved in part 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 20948 be, and the same is, approved in part, 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

1.0 cubic foot per second by direct diversion to be diverted from about July 1 to about November 1 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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

3. Actual construction work shall begin on or before July 1, 1964, 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, 1966.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1967.

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 Sacramento, California, on the _____ day of _____, 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member