

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22880)
of David and Bonnie Blake to
Appropriate from an Unnamed Creek
in Humboldt County

Decision 1354

DECISION DENYING APPLICATION

David and Bonnie Blake having filed Application 22880 for a permit to appropriate unappropriated water; protests 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; 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:

Substance of Application

1. Application 22880 is for a permit to appropriate 16,000 gallons per day (gpd) by direct diversion from January 1 to December 31 of each year for irrigation and domestic purposes from an unnamed creek tributary to Trinity River in Humboldt County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T56N, R5E, HB&M.

Applicants' Project

2. Applicants' project consists of a small rock dam on the unnamed creek from which water is transmitted by gravity to a 3,880-gallon storage tank by 1,320 feet of plastic pipe.

Protests

3. Protests against the approval of Application 22880 were filed by Lawrence O. and Josephine K. Clayton and Bruce O. McIntosh and Thomas O. McKnight, doing business as McIntosh & McKnight Ready Mix Co.

4. The Claytons' protest is based upon their rights under License 467 (Application 2705) to divert 0.06 cubic foot per second (27 gpm) from May 1 to September 1 of each year for irrigation use and year round for domestic use.

5. The McIntosh & McKnight Ready Mix Co. is located downstream from the Claytons' point of diversion. Their protest is based upon a riparian right to use water from the unnamed creek to wash sand and gravel for use in making concrete. Water is used during the period November to June.

Existence of Unappropriated Water

6. Subsequent to June 11, 1968, applicants commenced to divert water from the unnamed creek. Since the diversion began, the Claytons have been continuously short of water during the dry season.

7. During periods of dry weather there is insufficient water in the unnamed creek to satisfy the requirements of applicants and protestants.

Applicants' Alternate Supply

8. Applicants have received permission to obtain water from the Willow Creek Community Services District, which has a pipeline crossing applicants' property and therefore applicants do not require water from the creek.

Conclusion

From the foregoing findings, the Board concludes that Application 22880 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 22880 and all relevant information on file therewith, particularly the report of field investigation made June 11, 1968.

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

Dated: January 23, 1970

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member

RONALD B. ROBIE
Ronald B. Robie, Member

WINFRED W. ADAMS
Winfred W. Adams, Member