

David H.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23996)
of Madelaine Stipp and Scott Stipp)
to Appropriate from an Unnamed)
Stream Tributary to Scott River in)
Siskiyou County.)

Decision 1405

DECISION APPROVING APPLICATION IN PART

Madelaine Stipp and Scott Stipp having filed Application 23996 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; 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:

Substance of Application

1. Application 23996 is for a permit to appropriate 4,000 gallons per day (gpd) by direct diversion from January 1 to December 31 of each year for irrigation and domestic purposes from an unnamed stream tributary to Scott River in Siskiyou County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T45N, R10W, MDB&M. The place of use is shown as Parcel F on the attached map.

Applicants' Project

2. Applicants currently pump water from a nearby spring on adjoining property for irrigation of one-half acre of lawn and vegetable garden and for domestic use in a fully plumbed house in which three or four people live year round. A doughboy swimming pool and a 10-foot duck pond are also supplied. This diversion and use of water is authorized under Permit 16471 issued on September 11, 1972 on Application 23997.

Applicants believe the spring now in use is insufficient for their proposed expansion in water use. They wish to divert water from an upper spring, from which the unnamed stream designated in this application originates, which will yield a greater flow and will flow by gravity to the place of use, thus eliminating pumping costs. Their present pump lift is about 60 feet whereas the upper spring is over 400 feet higher in elevation than the place of use.

If this application is approved, applicants will either buy a small parcel of land containing the spring from the owner, Elmer Weeks, or obtain right-of-way from him. In a previous investigation, Mr. Weeks indicated that he would be receptive to such a proposal. Applicants would then convey the water by gravity through a pipeline to a control box from which surplus water diverted would be returned to the unnamed stream, which is the spring channel, at a point upstream from the protestants' diversion points. A tank reservoir would be located just below the control box to provide regulatory storage. The tank would be at an elevation higher than the place of use so as to provide adequate pressure.

Although the application states that three acres will be irrigated, the topography is such that no more than two acres could be irrigated. A sprinkler system would be used and a reasonable duty is about one cubic foot per second to 100 acres, equal to 4.5 gallons per minute per acre or 6,460 gpd per acre.

The irrigation season in this area extends from about April 1 to October 31 so the full 4,000 gpd applied for will not be needed or used during the season from November 1 to March 31 of the succeeding year when water will be used only for domestic purposes. A reasonable duty of water for domestic use for applicants' operation is 200 gpd per person, or 800 gpd for four people.

Protestants' Use of Water

3. Protestants E. A. and Vivian E. Edwards owned at one time the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29 and 17 acres adjoining this on the east which they subsequently divided into five lots shown on the attached map as Parcels A, B, C, D and E. They still own Parcels D, A and B on which no water is being used. In the deeds creating these parcels is a statement reserving a specific percentage of the riparian water right of the original large parcel. It was the Edwards' intention to provide the legal means for the future purchasers of these parcels to be assured of a water supply. They are concerned that diversion of water upstream by applicants will deplete the water supply available to these lots. Parcel D contains an area of about one-half acre which is level enough to be irrigated. Parcels A and B are on a steep slope and would be usable only as small homesites. Future water use would not exceed about 600 gpd per parcel.

Protestants Harry L. and Lila R. Weber own Parcel E and use a very small amount of water at a house trailer when they visit the property occasionally on weekends. In recent weeks, one sprinkler has been run continuously to keep about 0.1 acre green in front of the trailer. The diversion point is a concrete reservoir with a capacity of about 2,000 gallons which is built in the stream channel about 200 feet above the county road on Parcel C owned by the Fairchilds. It is about 1,200 feet downstream from the proposed point of diversion in the application. The Webers' deed grants them 25 percent of the water from this spring and reservoir. The Webers plan to develop the property and it appears that up to two acres could be irrigated.

Protestants Harry D. and Violet A. Fairchild own Parcel C and also use a very small amount of water for domestic use at a camper which was recently moved to the property. Use is limited to occasional weekend visits. The same concrete reservoir used by the Webers serves as the diversion point for the Fairchilds. The Fairchild's deed grants them 18.75 percent of the total supply of the spring. They plan to develop the property by building a house and irrigating several acres of fruit trees and pasture. The steep topography would limit future irrigation to about two acres.

Source and Water Supply

4. The source stream flows through a shallow, rather poorly defined channel about one mile long from elevation 4,400' to 1,760' at its confluence with Scott River. The stream profile is very steep and the width of the watershed never exceeds a couple

of hundred feet. The area is covered with a thick growth of brush and timber. The stream channel itself supports a dense growth of willows, alders and other phreatophytes.

Flow measurements taken on July 15 and August 28 at Map Points 1, 2, 3 and 4 are shown below:

	<u>July 15, 1972</u>	<u>August 28, 1972</u>
1.	25 gpm	13 gpm
2.	50 gpm	22 gpm
3.	20 gpm	8 gpm
4.	no measurement	6.4 gpm

E. H. Edwards and Gaston Robertson (an employee of applicants) both agreed that diurnal fluctuation in flow at all points on the stream is extreme with low flow about one-half of high flow. Low flow occurs about 5:00 p.m. and the measurements taken at 3:00 p.m. on August 28 can be considered as somewhat lower than daily average. August 28 represents low flow for the year since streamflow in the general area increases in September due to decreased transpiration through the dying leaf surface of the deciduous phreatophytes. The year 1972 is believed by all local residents to have been considerably drier than normal. Normal average daily low flow at the four points are, for these reasons, estimated as follows:

<u>Point</u>	<u>Flow</u>
1	16 gpm
2	30 gpm
3	10 gpm
4	8 gpm

The 4,000 gpd or 2-3/4 gpm applied for may be compared to the present use by all protestants of about one or two gallons

per minute and with potential use on irrigable land and at home-sites on all five parcels of 22 gpm computed as follows:

5 homes at 600 gpd	=	3,000 gpd
4.5 acres at 6,460 gpd	=	<u>29,100 gpd</u>
		32,100 gpd
	=	22.3 gpm

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 23996 should be approved in part 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: Applications 23996 and 23997 and all relevant information on file therewith, particularly the reports of field investigations made July 15 and August 28, 1972.

ORDER

IT IS HEREBY ORDERED that Application 23996 be, and it is, approved in part, 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 by direct diversion 4,000 gallons per day from April 1 to October 31

for irrigation and domestic purposes and 800 gallons per day from November 1 to March 31 for domestic purposes. The maximum amount diverted under this permit shall not exceed three acre-feet per year.

2. To prevent waste of water permittee shall convey the water from the diversion point to the place of use through a pipeline. A regulatory storage reservoir shall be constructed on the line having a capacity of at least 2,000 gallons. The reservoir shall be watertight and shall be equipped with an overflow pipe which will convey overflow back to the source stream without loss, at a point upstream from the northwest corner of Parcel D as shown on the map accompanying the application.

3. The amount authorized for appropriation may be reduced in the license if investigation warrants.

4. Actual construction work shall begin on or before nine months from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Said construction work shall be completed on or before December 1, 1975.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1976.

7. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

8. 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.

Permittee shall take all reasonable steps necessary to minimize waste of water, and may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate tailwater or reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. At any time after notice to affected parties and opportunity for hearing, the Board may impose specific requirements over and above those contained in this permit, with a view to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

9. The quantity of water divered under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

10. 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.

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

Dated: November 2, 1972

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

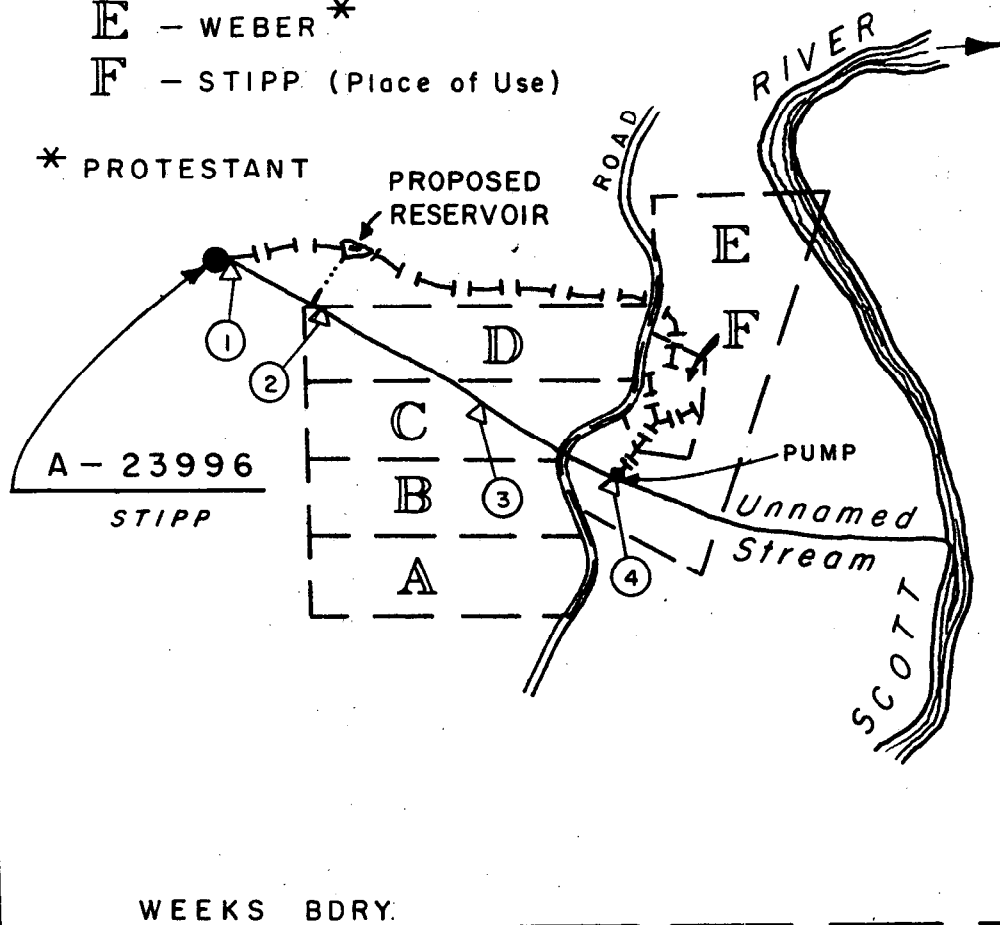
E. F. DIBBLE
E. F. Dibble, Member

ABSENT
Roy E. Dodson, Member

MRS. CARL H. AUER
Mrs. Carl H. (Jean) Auer, Member

PARCEL	OWNER
A	EDWARDS *
B	EDWARDS *
C	FAIRCHILD *
D	EDWARDS *
E	WEBER *
F	STIPP (Place of Use)

* PROTESTANT



- ① - MEASURING POINTS
- — — — — PROPERTY BOUNDARY
- |—|—|— PIPELINE



SISKIYOU CO.
T45N - R10W
M. D. B & M.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

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APPLICATION
23996

SCALE
800 1600 FEET

DATE: 10-2-72	DRAWN: G-CW	CHECKED: DWS	DWG. 2967
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