

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23877 )  
of Corinne A. Bird and Applica- )  
tion 23878 of Oliver H. and Lillian E. )  
Conrad to Appropriate from an Unnamed ) Decision 1417  
Stream, Harrison Gulch and an Unnamed )  
Mine Tunnel, Respectively, in Shasta )  
County. )  
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DECISION APPROVING APPLICATIONS

Corinne A. Bird and Oliver H. and Lillian E. Conrad having filed Applications 23877 and 23878, respectively, for permits 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 Applications

1. Application 23877, as amended, is for a permit to appropriate 300 gallons per day (gpd) from Harrison Gulch and 50 gpd from an unnamed tributary by direct diversion, year round, for domestic purposes. The points of diversion are to be located within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 4 and NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 10, T29N, R10W, MDB&M.

2. Application 23878 is for a permit to appropriate 3,200 gpd by direct diversion, year round, for domestic purposes from an unnamed mine tunnel tributary to Harrison Gulch in Shasta County. The point of diversion is located in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 9, T29N, R10W, MDB&M.

#### Applicants' Projects

3. Under Application 23877 the applicant proposes to develop a spring in an unnamed stream tributary to Harrison Gulch and pipe the water by gravity several hundred feet to a dwelling site for drinking and household use. When there is not sufficient water available in the tributary, the applicant proposes to pump water from Harrison Gulch, partly for irrigation of a small garden. On September 21, 1972, the date of the field investigation, the flow in the unnamed stream at the applicant's proposed point of diversion was approximately one-half gallon per minute. There was no water in Harrison Gulch.

4. The project covered by Application 23878 has been in existence for a number of years. The applicants divert water from an unnamed mine tunnel through a pipeline attached to a bulkhead constructed inside the tunnel. At the time of the investigation the tunnel was completely filled in with earth from slides and no water was visible. The applicants have been receiving a limited supply of water from this source.

#### Protest

5. B. J. and Shirley Willhite protested the applications on the grounds of prior use of water from Harrison Gulch.

The protestants' point of diversion is approximately two miles downstream from the applicants. They use water for domestic purposes on land which is not contiguous to Harrison Gulch and they do not claim a riparian right. There is no application or permit to appropriate water for this diversion. Protestants state water was first used by them in 1971. While the water to be diverted by applicants may interfere with the supply to the protestants, they have not shown that they have a prior right to the water.

#### Availability of Unappropriated Water

6. 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 23877 and 23878 should be approved and that permits 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: Application 23877 and Application 23878 and all relevant information on file therewith, particularly the report of field investigation made September 21, 1972.

ORDER

IT IS HEREBY ORDERED that Application 23877 and Application 23878 be, and they are, approved and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated under the permit issued pursuant to Application 23877 shall be limited to the quantity which can be beneficially used and shall not exceed 300 gallons per day from Harrison Gulch and 50 gallons per day from an unnamed tributary, year round. The equivalent of the continuous flow allowance by direct diversion for any 7-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The water appropriated under the permit issued pursuant to Application 23878 shall be limited to the quantity which can be beneficially used and shall not exceed 3,200 gallons per day by direct diversion, year round. The equivalent of the continuous flow allowance by direct diversion for any 7-day period may be diverted in a shorter time if there be no interference with vested rights. The maximum amount diverted under this permit shall not exceed 1.8 acre-feet per year.

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

4. Actual construction work under the permit issued pursuant to Application 23877 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, 1974.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1975.

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

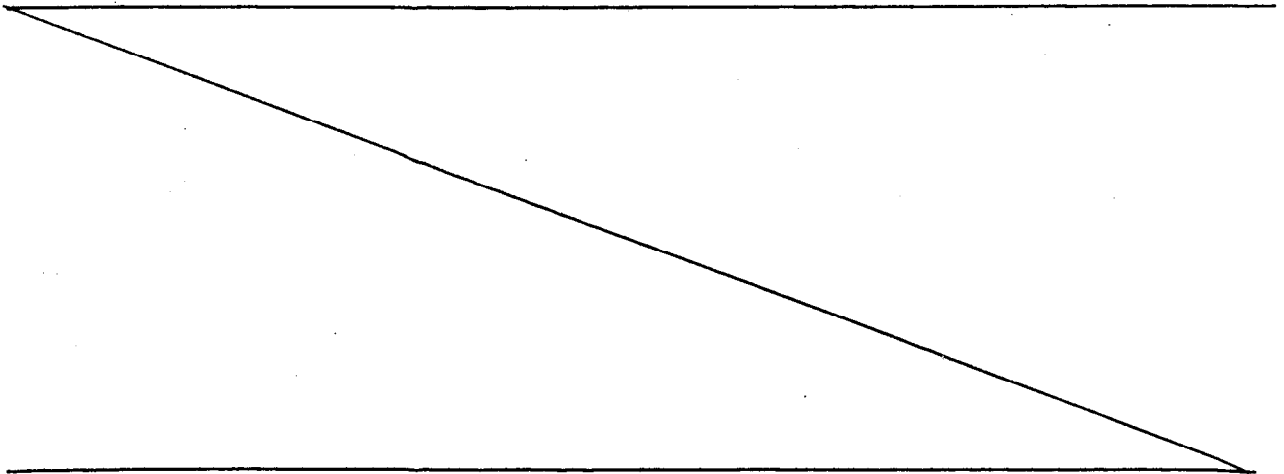
8. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality 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.

9. 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.

10. 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 to 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.



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

Dated: February 15, 1973

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

RONALD B. ROBIE  
Ronald B. Robie, Vice Chairman

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

ROY E. DODSON  
Roy E. Dodson, Member

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