

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 20418
and 20467 of Frank M. and Mary A. Boone
to Appropriate from Knass Spring and an
Unnamed Stream, Respectively, Both
Tributary to South Fork Antelope Creek
in Tehama County

Decision D 1134

ADOPTED MAY 22 1963

DECISION APPROVING APPLICATIONS

Frank M. and Mary A. Boone having filed Applications 20418 and 20467 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 Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 20418 is for a permit to appropriate 2,500 gallons per day by direct diversion year-round for irrigation, domestic and stockwatering purposes from Knass Spring in Tehama County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T28N, R2E, MDB&M.

2. Application 20467 is for a permit to appropriate 12 acre-feet per annum by storage to be collected from October 1

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of each year to May 1 of the succeeding year for irrigation, stockwatering, fire protection, recreational, and fish culture purposes, with the point of diversion to be located within the same parcel as the point of diversion described in Application 20418.

3. Applicants propose to divert from two springs located on their property approximately 30 feet apart, referred to by the applicants in the singular as "Knass Spring," and to convey the water to a 10,000-gallon regulatory storage tank. Water from the tank will be used for two homes, garden, trees and pasture. They also propose to construct a dam and a reservoir of a capacity of 12 acre-feet and impound the waters of an unnamed stream at a point a short distance upstream from the point where water from the springs joins the unnamed stream. They intend to use some of the stored water for irrigation purposes and the balance for fire protection, recreation, fish culture and stockwatering.

4. On September 7, 1962, the flow of the unnamed stream at the applicants' reservoir site was approximately 10 gallons per minute (gpm), and the flow of one of the two springs was approximately 1 gpm. Water from the other spring was piped to a home and was not measured.

5. Protestant City of Red Bluff diverts approximately 22,000,000 gallons per month at a diversion dam located on Antelope Creek at a point approximately 36 miles downstream from the junction of the unnamed stream with South Fork Antelope Creek under claimed pre-1914 rights and under agreement with other

users. It is restricted from diverting during the period from June 1 to October 1 by agreement with other water users.

6. Protestants, Los Molinas Mutual Water Company and Henry W. Edwards et al., divert from a common point on Antelope Creek located approximately four miles below the point of diversion of the protestant City of Red Bluff under claim of pre-1914 appropriative rights and under agreement with other users. Due to an insufficient supply of water, protestant Edwards et al. irrigate between 900 and 1,000 acres of a total irrigable acreage of 1,230 acres and the land being irrigated is partially supplied by well water. Los Molinos Mutual Water Company serves an area of approximately 2,500 acres, of which 1,000 to 1,500 acres are irrigated when water is available.

7. No surface flow from Knass Spring reaches the South Fork Antelope Creek during the critical summer season. Percolating water from this source could possibly reach the creek as underflow. However, due to the presence of a heavy growth of grasses and other vegetation, it is doubtful that any significant quantity of water reaches the creek. Since return flow from the applicants' use should offset whatever contribution is presently being made to the flow of the creek by the springs, the direct diversion proposed by Application 20418 will result in no measurable diminution in the supply available to the protestants at their points of diversion from 36 to 40 miles downstream. Unappropriated water is available to supply the applicants for the storage contemplated by Application 20467.

9. The intended uses are beneficial.

10. As the applicants in their answers to the protests claim riparian rights to water from Knass Spring, a term should be included in the permit issued on Application 20418 stating that water diverted under the permit shall not be in addition to such water, if any, as permittee may be entitled to use from the same source on the place of use authorized by the permit by virtue of a riparian or other right.

From the foregoing findings, the Board concludes that Applications 20418 and 20467 should be approved and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Applications 20418 and 20467 and all relevant information on file therewith, particularly the report of the field investigation made on September 7, 1962; United States Geological Survey Water Supply Papers, Part 11, "Pacific Slope Basins" for the water years 1940-41 to 1960-61; United States Geological Survey 15-minute quadrangles, "Panther Spring" and "Red Bluff"; and California Division of Mines and Geology, Geological Maps of California, "Westwood Sheet."

ORDER

IT IS HEREBY ORDERED that Applications 20418 and 20467, be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated pursuant to the permit issued on Application 20418 shall be limited to the

amount which can be beneficially used and shall not exceed 2,500 gallons per day by direct diversion to be diverted year-round.

2. The amount of water appropriated pursuant to permit issued on Application 20467 shall be limited to the amount which can be beneficially used and shall not exceed 12 acre-feet per annum by storage to be collected from about October 1 of each year to about May 1 of the succeeding year.

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

4. Actual construction work shall begin on or before October 1, 1963, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

5. Construction work shall be completed on or before December 1, 1965.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

7. 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.

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 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.

9. 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.

10. The permit issued pursuant to Application 20467 shall contain the following term: This permit does not authorize collection of water to storage during the period from about May 1 to about October 1 of each season to offset evaporation and seepage losses or for any other purpose.

11. Water diverted under the permit issued on Application 20418 shall not be in addition to such water, if any, as permittee may be entitled to use from the same source on the place of use authorized by the permit by virtue of a riparian or other right.

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 , 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member