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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24048 )  
of Harold L. and Jean E. Walters )  
to Appropriate from Cromberg Spring ) Decision 1415  
Tributary to Cogswell Ravine Thence )  
Jackson Creek in Plumas County. )  
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DECISION APPROVING APPLICATION

Harold L. and Jean E. Walters having filed Application 24048 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 24048 is for a permit to appropriate 300 gallons per day (gpd) by direct diversion from January 1 to December 31 of each year for domestic purposes from Cromberg Spring tributary to Cogswell Ravine thence Jackson Creek in Plumas County. The point of diversion is to be located within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T23N, R12E, MDB&M.

Applicants' Project

2. Applicants propose to divert water from the spring and convey it across national forest and state highway land for use in a dwelling applicants intend to construct.



1415

Protests

3. Protests were filed by the following named parties who hold licenses to divert quantities of water from Cromberg Spring as listed

<u>Name</u>	<u>License (Application) Number</u>	<u>Quantity (gpd)</u>
James E. & Marie G. Ward	2284 (9207)	300
	3484 (12117)	300
	3486 (12122)	400
Joseph A. & M'Linda E. Kennedy	3483 (11205)	1,000
Henry E. Magill	5464 (9273)	1,400
Robert W. & Kathryn T. Elfen	2193 (9274)	500
	2572 (9392)	500
Donald J. & Luella J. Harrison	2732 (9275)	4,000
	Total	<u>8,400</u>

The protestants divert water from the spring through a single pipeline. They claim the flow of the spring reduces to an amount less than their combined requirements at times during dry years.

Applicants' Conveyance System

4. Applicants propose to convey water from the spring either through the existing pipeline utilized by protestants or through a separate pipeline which the applicants will install. Protestants question the ability of applicants to do either. Approval of the application will not confer on applicants any right to occupy or use land or other property. The applicants may utilize any conveyance system which will enable them to put the water to beneficial use, but must acquire whatever rights are necessary to permit them to use the system.

Availability of Unappropriated Water

5. On September 27, 1972, the measured overflow from the spring was at the rate of 9,360 gpd (6.5 gallons per minute (gpm)). Where the stream crosses the old highway a few hundred feet below the spring, the flow was at the rate of 14.6 gpm. Based upon these measurements and measurements made in earlier years in connection with the above-mentioned filings, it is reasonable to conclude that, except during dry years, the flow of the spring will exceed the total diversions by the protestants pursuant to their appropriative rights totaling 8,400 gpd.

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 24048 should be approved 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: Application 24048 and all relevant information on file therewith, particularly the report of field investigation made on September 27, 1972.

ORDER

IT IS HEREBY ORDERED that Application 24048 be approved, 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 300 gallons per day by direct diversion from January 1 to December 31 of each year.

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

3. Right of access shall be obtained and construction work shall begin on or before nine months from date of permit and shall thereafter be prosecuted with reasonable diligence. Upon failure to comply with these provisions within the allowed time, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1974.

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

6. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control 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 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.

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. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

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 1, 1973

W. W. ADAMS

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W. W. Adams, Chairman

RONALD B. ROBIE

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Ronald B. Robie, Vice Chairman

E. F. DIBBLE

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E. F. Dibble, Member

ROY E. DODSON

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Roy E. Dodson, Member

**ABSENT**

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Mrs. Carl H. (Jean) Auer, Member