

BEFORE THE DIVISION OF WATER RESOURCES  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

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In the Matter of Application 11766 of C. J. Pine to appropriate water from an unnamed spring tributary to Clear Lake via Scott Creek in Lake County for Domestic Purposes.

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Decision A. 11766 D - 583

Decided - July 15, 1948

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APPEARANCES AT INVESTIGATION CONDUCTED AT THE SITE OF THE PROPOSED APPROPRIATION ON MAY 15, 1948.

For the Applicant

C. J. Pine

In propria persona

For the Protestant

Clear Lake Water Company

Walter Ward, Vice-President

For the State Engineer

A. S. Wheeler, Assistant Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

Also in attendance was Stanley Skeehan, Assistant Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

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OPINION

GENERAL DESCRIPTION OF PROJECT

Application 11766 was filed by C. J. Pine on March 10, 1947, for a permit to appropriate 10,000 gallons per day from an unnamed spring tributary to Clear Lake via Scott Creek in Lake County to be diverted at a point located within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 17, T 15 N, R 10 W, M.D.B. & M. The use proposed is domestic.

## PROTEST

The Clear Lake Water Company alleges that it or its predecessors have made continuous use of the waters from the creeks tributary to Clear Lake since 1860. It further asserts that since 1914, all of these waters, except during years of abnormal rainfall, have been stored in Clear Lake and then released for irrigation purposes in Yolo County between April 1 and November 1 of each year.

The Water Company asserts that approval of the above numbered application will result in reduction of water available to them.

### Field Investigation

Stipulations to an informal hearing under the provisions of Article 13, Section 733(b) of the California Administrative Code having been entered into by the applicant and the protestant and the stipulations having been approved by the State Engineer, an investigation was conducted at the site of the proposed appropriation by an engineer of the Division on May 15, 1948. Accompanying the engineer was Stanley Skeehan, also of the Division, the applicant, and Walter Ward of the Clear Lake Water Company.

### General Discussion

The source under this application is an unnamed spring located on a hillside about 1200 feet above Scott Creek to which it is tributary from the east. There is no surface flow from the spring to Scott Creek at any time and due to a heavy growth of brush at and between the spring and the creek, it appeared doubtful that little, if any, water from the spring reaches Scott Creek except during the winter months.

At the commencement of the investigation a conference was held during which it was found that the applicant had abandoned the proposed development on

that portion of his property lying east of Scott Creek and was building a house and proposed a small garden adjacent thereto on the small portion of his property lying west of Scott Creek between the creek and the county road.

It was then estimated that under the circumstances the applicant's use would not exceed 5000 g.p.d. The applicant then requested the amount of water sought under Application 11766 be reduced to 5000 g.p.d.


With the understanding that the amount sought under this application would be reduced to 5000 g.p.d. and that, if approved, it would be subject to vested rights, Mr. Ward stated there was no further objection to approval of the application and he then, as Vice-President of the Company, signed a letter withdrawing the protest.

O R D E R

Application 11766 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having been held in accordance with the provisions of Section 733(b) of the California Administrative Code, the application having been amended as requested on May 15, 1948 and the protest having been withdrawn:

IT IS HEREBY ORDERED that Application 11766 be approved and that a permit be issued to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 15th day of July, 1948

  
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State Engineer

