

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

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In the matter of Application 11733 of Charles L. Lambert to appropriate from Freshwater Creek tributary to Humboldt Bay in Humboldt County, for Irrigation and Domestic Purposes.

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Decision A. 11733, D. 593

Decided December 27th, 1948

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APPEARANCES AT INVESTIGATION CONDUCTED AT THE SITE OF THE PROPOSED APPROPRIATION ON MAY 22, 1948:

For the Applicant

Charles L. Lambert

Ernest Lambert

For the Protestants

D. S. Ward

Otto Kausen

California State Fish & Game Commission

(Leo Shapovalov

(L. E. Lahr

(S. C. Smedley

For the State Engineer

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

APPEARANCES AT INVESTIGATION CONDUCTED AT THE SITE OF THE PROPOSED APPROPRIATION ON SEPTEMBER 28, 1948:

For the Applicant

Charles L. Lambert

In propria persona

For the Protestants

California State Fish and Game Commission

( L. E. Lahr

( S. C. Smedley

For the State Engineer

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

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O P I N I O N

General Description of Project

Application 11733 was filed by Charles L. Lambert on February 17, 1947, for a permit to appropriate 0.5 cubic foot per second from Freshwater Creek in Humboldt County within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T 4 N, R 1 E, H.B. & M., from January 1 to December 31 of each year for irrigation and domestic uses.

Protests

California State Fish and Game Commission claims that Freshwater Creek is used by spawning salmon and steelhead and that trout are planted by the Commission, thus requiring that the flow be maintained for these uses. Protestant states that if applicant will agree to maintain a flow of not less than 150 gallons per minute past his dam, or all flow in the stream whenever it is less than 150 gallons per minute, the protest may be dismissed.

D. S. Ward claims rights to 0.17 cubic foot per second by virtue of License 1359, issued in the matter of Application 4485 and further claims that applicant is applying for more water than the flow in the stream during the low flow period of the year.

Field Investigations

Stipulations to an informal hearing under the provisions of Article 13, Section 733(b) of the California Administrative Code having been entered into by

both the applicant and protestants 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 22, 1948 and on September 28, 1948. Accompanying the engineer on May 22 were Ernest Lambert, son of the applicant, Otto Kausen for D. S. Ward, and Leo Shapovalov, L. E. Lahr and S. C. Smedley for the California State Fish and Game Commission. Those present on September 28 in addition to the engineer, were Charles L. Lambert, applicant, and L. E. Lahr and S. C. Smedley for Fish and Game Commission.

#### General Discussion

During the course of the field investigations it was revealed that the applicant proposed to sub-divide the land into about 20 homesites and that irrigation use would be confined to lawns and small gardens which would probably not total more than 7 or 8 acres. It was further disclosed that he did not propose to pump directly from the creek but from a sump adjacent to the creek bed, using the intervening bank as a filter for the water supply and also eliminating any dam in the creek and any channel or conduit leading therefrom. In view of the proposed use the applicant agreed to reduce the amount of water sought under Application 11733 to 0.15 cubic foot per second.

Since the applicant reduced the amount of water applied for and stated that he did not propose continuous pumping directly from the stream, and since the application, if approved, would be subject to vested rights, the protestants did withdraw their protests against the approval of Application 11733.


#### ORDER

Application 11733 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a stipulated hearing having been held in accordance with the provisions of Section 733(b) of the California Administrative Code and the protests having been withdrawn:

IT IS HEREBY ORDERED that Application 11733 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 27th day of December, 1948.



  
Edward Hyatt, State Engineer.