

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18397)
of John A. and M. Elizabeth Garcia)
to Appropriate from Walker Creek)
in Glenn County)

Decision D 1008

ADOPTED MAY 4 '61

DECISION APPROVING APPLICATION

John A. and M. Elizabeth Garcia having filed Application 18397 for a permit to appropriate unappropriated water; protests having been received; all protests having been withdrawn except that of Glenn-Colusa Irrigation District; the applicants and remaining protestant having stipulated to proceedings in lieu of hearing as provided for by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 stipulations; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18397 is for a permit to appropriate 2.35 cubic feet per second from Walker Creek in Glenn County between April 15 and October 15 of each year for irrigation purposes within Sections 2, 3, and 11, T19N, R3W, MDB&M.

2. Applicants' point of diversion is located at an abandoned gravel pit, known as Susie Lake, which is supplied by the surface and underflow of Walker Creek. During the proposed diversion season the flow of Walker Creek consists

1008

almost entirely of return water from wells on upper tracts and seepage from the Glenn-Colusa Irrigation District main canal, known as Central Irrigation Canal.

3. During the applicants' diversion season, the District uses Walker Creek as a conduit to deliver seepage water and releases from its main canal to serve lands located below the applicants' point of diversion.

4. There are no records of the flows of Walker Creek except for spot measurements taken by the Board's engineers and engineers of the protestant District during the year 1960, which showed unappropriated water flowing intermittently above the crossing of the protestant's main canal and occurring during the applicants' proposed diversion season.

5. There occur at times, and in varying amounts and frequency, quantities of water to supply the applicants and, subject to appropriate conditions, such water may be taken and used by the applicants in the manner proposed without causing substantial injury to the protestant or any other lawful user of water.

6. The unappropriated water existing in Walker Creek is commingled with water to which the protestant has a prior right; therefore, it is incumbent upon the applicants to install proper measuring devices, and obtain access for the location of same, to determine in the future the quantity of unappropriated water and time of occurrence.

7. Construction of the applicants' project is complete.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18397 should be approved and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18397 and all relevant information on file therewith, particularly the report of the filed investigation made July 29, 1959, and addendum; United States Geological Survey, Willows, Fresno, and Flounoy Quadrangles, 15-minute series, dated 1951, 1958, and 1958, respectively.

IT IS HEREBY ORDERED that Application 18397 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 2.35 cubic feet per second to be diverted between about April 15 and about October 15 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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

3. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

4. Permittee shall install and maintain a measuring device or devices on Walker Creek above the Central Irrigation Canal and diversion of water under this permit in any thirty-day period shall not be in excess of the amount of water flowing in Walker Creek above said canal. No water shall be diverted under this permit until said measuring devices have been installed and approved by the State Water Rights Board.

5. 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.

6. 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.

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 , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member

10
11
12



13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

