

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 18826 )  
of C. E. Polley to Appropriate )  
from Dry Creek in Tehama County )

Decision D 1015

ADOPTED JUN 30 '61

DECISION APPROVING APPLICATION

C. E. Polley having filed Application 18826 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 18826 is for a permit to appropriate three acre-feet per annum by storage from November 1 of each year to February 28 of the succeeding year for stockwatering and recreational purposes from Dry Creek, tributary to South Fork Cottonwood Creek, in Tehama County. The point of diversion is to be located within the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1, T28N, R9W, MDB&M.

2. Protestants, located between approximately 3/4 mile and approximately 20 miles downstream from the applicant's point of diversion, contend that the approval of the application would interfere with their domestic and stockwatering uses under riparian and pre-1914 appropriative rights.

3. The lands of protestant Westover Company are served by a stream which enters Dry Creek downstream from the applicant's point of diversion, and it cannot be affected by the applicant's project.

4. The applicant's project is complete.

5. On June 2, 1960, the applicant's reservoir described in the application and an upper reservoir, constructed by the applicant under authority of Permit 11947, were both spilling approximately 0.5 cubic foot per second of water.

6. In every water year there is some water in excess of the stockwatering and domestic requirements of the protestants available for storage at applicant's point of diversion during his diversion season which, if not collected by the applicant, would flow to waste past the property of the protestants. In nine out of ten years, this surplus water exceeds the combined storage capacity of both of the applicant's reservoirs.

7. There is unappropriated water available to supply the applicant 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18826 should be approved and that a permit should be issued to the applicant 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: Application 18826 and all

relevant information on file therewith, particularly the report of the field investigations made June 19, 1959 and June 2, 1960, Application 18236 (Permit 11947), and all relevant information on file therewith, and the following 15-minute quadrangle sheets of the United States Geological Survey:

"Chanchebella Peak, 1951," "Ono, 1952," and "Anderson, 1948."

IT IS HEREBY ORDERED that Application 18826 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations 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 three acre-feet per annum by storage to be collected from about November 1 of each year to about February 28 of the succeeding year.

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, 1964.

4. 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.

5. 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.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member