

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18821)
of Ernest G. Lemos and Agnes F. Lemos)
to Appropriate from an Unnamed Spring)
Tributary to Parks Canyon in Siskiyou)
County)

Decision D 1017

ADOPTED JUN 30 '61

DECISION APPROVING APPLICATION IN PART

Ernest G. Lemos and Agnes F. Lemos having filed Application 18821 for a permit to appropriate unappropriated water; protest having been received; the applicants and 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 stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18821 is for a permit to appropriate 0.06 cubic foot per second from an unnamed spring tributary to Parks Canyon in Siskiyou County year-round for domestic use and stockwatering purposes within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T48N, R4W, MDB&M.

2. The proposed point of diversion is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T47N, R4W, MDB&M, being on Klamath National Forest land. A special use permit to convey water from the spring to applicants' place of use has been issued by the Forest Service.

3. Flows of water from the named source vary in quantity during the summer months of most years from approximately 30 gallons per minute in May to approximately 2 gallons per minute in September. Transpiration losses occasioned by heavy growth of grasses and phreatophytes between the named source and protestant's property prevent usable flows from reaching the protestant's property during the summer months. The applicants' diversion will not reduce, by any measurable quantity, the protestant's supply.

4. The quantity of water reasonably necessary to meet the applicants' requirements computed in accordance with the provision of Title 23, California Administrative Code, Section 657, is 4,000 gallons per day.

5. There is unappropriated water 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 18821 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 18821 and all relevant information on file therewith, particularly the reports of the field investigation made May 6 and 7, 1960; United States Geological Survey (USGS) Copco quadrangle, 15-minute series, dated 1954.

IT IS HEREBY ORDERED that Application 18821 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 4,000 gallons per day to be diverted year-round.

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

3. Actual construction work shall begin on or before December 1, 1961, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1963.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

6. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights 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 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