

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18777)
of Herbert Schneider and)
Bernice Schneider to appropriate)
from an Unnamed Drain Tributary to)
Central Irrigation Canal in)
Glenn County)

Decision D 1031

ADOPTED AUG 17 '61

DECISION DENYING APPLICATION

Herbert Schneider and Bernice Schneider having filed Application 18777 for a permit to appropriate unappropriated water; protests having been received; the applicants 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 18777 is for a permit to appropriate 1.5 cubic feet per second (cfs) by direct diversion from April 1 to October 1 of each year for irrigation and stockwatering purposes from an unnamed drain tributary to Central Irrigation Canal in Glenn County. The point of diversion is to be located in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T22N, R2W, MDB&M.

2. Water occurs in the unnamed drain intermittently during the summer irrigation season, depending almost entirely upon irrigation return water from lands supplied by the United States Bureau of Reclamation's Orland Project.

3. Three protestants located below the applicants' point of diversion and above the junction of the drain with Central Irrigation Canal hold licenses confirming rights to divert a total of 2.04 cubic feet per second from the drain for irrigation purposes during the applicants' diversion season.

4. There were no flows in the drain just below the point of diversion of the lowermost licensees, Earle R. and Elsie A. Kelley, from June 1 through September 30 of the year 1959. During the same period in the year 1960, flow in the drain at a point immediately above these protestants' point of diversion was at all times less than their entitlement under License 5030. There is no indication that flow in the drain will increase in the future.

5. There is no unappropriated water in the source to supply the applicants.

From the foregoing findings, the Board concludes that Application 18777 should be denied. Such action is not intended to affect applicants' right to recapture their own drainage water from the unnamed drain.

The records, documents, and other data relied upon in determining the matter are: Application 18777 and all relevant information on file therewith, particularly the report of the field investigation made May 3, 1960, the files of Permit 12279 (Application 16983), including Decision D 961; License 3125 (Application 10515); License 2880 (Application 10882); License 3607 (Application 12657); License 4310 (Application 13746); License 5197 (Application 14614); License 4137 (Application 14851); License 4311 (Application 15048); License 5030 (Application 15084); United States Geological Survey (USGS) Foster Island and Kirkwood quadrangles, 7 $\frac{1}{2}$ -minute series, dated 1951 and 1950, respectively.

IT IS HEREBY ORDERED that Application 18777 be, and the same is, denied.

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