

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19436 )  
of Frank Trosi, Sr., Martin Ryan )  
and Camille Ryan to Appropriate )  
from an Unnamed Stream in )  
Lassen County )

Decision D 1066

**ADOPTED FEB 15 '62**

DECISION APPROVING APPLICATION IN PART

Frank Trosi, Sr., Martin Ryan and Camille Ryan having filed Application 19436 for a permit to appropriate unappropriated water; protests having been received; a public hearing was held before the State Water Rights Board September 21, 1961, at Susanville, California, before Board Member Ralph J. McGill, at which the parties appeared. Evidence having been received and the Board having considered the same and now being fully advised in the premises, finds as follows:

1. Application 19436 is for a permit to appropriate 1.0 cubic foot per second (cfs) by direct diversion from April 1 to October 1 of each year and 15 acre-feet per annum by storage from November 1 of each year to April 1 of the succeeding year for irrigation and stockwatering purposes from an unnamed stream in Lassen County. The point of diversion is to be located in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, T22N, R17E, MDB&M.



1066

2. The 34-year average runoff of Long Valley Creek, to which the named source is tributary, at Scotts, 7 miles below applicant and 27 miles above protestants, is 11,300 acre-feet annually (Staff Exh. 2, Table 1). Nineteen per cent of this total or 2,147 acre-feet (af) occurs in February, 17 per cent or 1,932 af in March, 25 per cent or 2,836 af in April, and 13.8 per cent or 1,559 af in May. Runoff drops sharply in June and continues to be low the remainder of the year. Consumptive demand for irrigation, exclusive of rainfall, averages 10,265 acre-feet annually for the 4,130 acres irrigated from Long Valley Creek. Monthly distribution of this annual demand shows that the growing season begins in May when 18 per cent of the total demand occurs, which is 1,848 af. For June it is 20 per cent or 2,053 af; for July, 24 per cent or 2,463 af; August, 21 per cent or 2,156 af; and in September, 17 per cent or 1,745 af (Staff Exh. 2, Table II). Although some pre-season irrigation occurs in order to use the water when it is plentiful, the demand prior to May 1 is small in relation to the mean annual runoff.

3. Protestants Laura Garnier and C. H. Matheson have a common diversion from Long Valley Creek under License 324 (Application 202) with separate places of use. They are entitled to divert 3.06 cubic feet per second from about March 1 to about September 1 of each year for irrigation of 245 acres.

4. Surplus water is available from November to May of most years which could be used by the applicants without substantial injury to the protestants and other lawful users of water. There is no unappropriated water between May 1 and October 1 in most years.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19436 should be approved in part and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 19436 be, and the same is, approved in part, and that a permit be issued to the applicants 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 1.0 cubic foot per second by direct diversion to be diverted between about April 1 and about April 30 of each year and 15 acre-feet per annum by storage to be collected from about November 1 of each year to about April 1 of the succeeding year.

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

3. Actual construction work shall begin on or before September 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1964.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

6. 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.

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.

8. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Rights Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of water is not authorized under this permit.

9. This permit does not authorize collection of water to storage during the period from about April 1 to about November 1 to offset evaporation and seepage losses or for any other purpose.

10. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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                      , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member