

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 19209  
and 19517 of J. H. and Rachel Crum  
and William F. and Dorothy E. Peterson,  
Respectively, to Appropriate from  
Fraser Creek in Lassen County

ADOPTED FEB 21 1963

Decision D 1112

DECISION APPROVING APPLICATIONS

J. H. and Rachel Crum and William F. and Dorothy E. Peterson having filed Applications 19209 and 19517, respectively, for permits to appropriate unappropriated water; a 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 19209 is for a permit to appropriate 123.6 acre-feet per annum by storage from November 1 of each year to April 30 of the succeeding year for irrigation purposes from Fraser Creek, tributary to the Pit River in Lassen County. The point of diversion is to be located within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 29, T38N, R6E, MDB&M.

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2. Application 19517 is for a permit to appropriate 49 acre-feet by storage from November 1 of each year to June 1 of the succeeding year for domestic, stockwatering and irrigation purposes from Fraser Creek, tributary to the Pit River in Lassen County. The point of diversion is within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 3, T37N, R6E, MDB&M.

3. Applicant Crum has constructed the dam and reservoir described in Application 19209 in cooperation with the United States Soil Conservation Service from which he will divert water for the irrigation of 77 acres. The dam has already been approved for safety by the Department of Water Resources. Applicant Peterson's dam and reservoir were approximately one-half complete on February 3, 1961, the date of the field investigation of both projects. This dam is not within the jurisdiction of the Department of Water Resources. Water from this reservoir will be used to serve a dwelling, for the watering of 25 head of cattle, and as a supplemental supply for the irrigation of 118 acres.

4. Fraser Creek originates at a point approximately two miles above the site of applicant Peterson's reservoir and thence follows a northwesterly course for approximately three miles to the Crum reservoir thence approximately two miles to a lava rim over which the water spills and the stream disperses onto the lands of the protestant, Reuben Albaugh.

5. The protestant flood irrigates pasture and hay lands during the winter and spring months under claimed riparian and pre-1914 appropriative rights by means of low dams and levees.

6. The watershed above applicant Crum's reservoir is approximately 17.1 square miles and the watershed above applicant Peterson's reservoir is approximately four square miles. The average annual runoff per square mile in the Pit River Basin, which includes these watersheds, varies from 140 acre-feet to 400 acre-feet, depending upon the locality. Most of the runoff occurs during the winter months. Fraser Creek is usually dry from June until October. On February 15, 1962, most of the protestant's irrigated land was covered with water and a flow of approximately 5 cfs was flowing through a cut in his diversion levee.

7. In normal years there is considerable rainfall during the month of May, and the entire flow of Fraser Creek during that month is necessary to satisfy the protestant's flood irrigation of his pasture and hay lands. Application 19517 should be denied insofar as it proposes storage during the month of May. There is sufficient water available during normal years to satisfy both the applicants and protestant except during the month of May.

8. There is unappropriated water available to supply the applicants from about November 1 of each year to about May 1 of the succeeding year, 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.

9. The intended uses are beneficial.

From the foregoing findings, the Board concludes that Application 19209 should be approved and that Application 19517 should be approved in part and that permits should be issued to the applicants 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: Applications 19209 and 19517 and all relevant information on file therewith, particularly the report of the field investigation made February 3, 1961; Department of Water Resources Bulletin No. 86, "Upper Pit River Investigation," dated November 1960; United States Geological Survey Pitville SE and Bieber SW Quadrangles, 7½-minute series (advanced sheets).

IT IS HEREBY ORDERED that Application 19209 be, and the same is, approved, and that Application 19517 be, and the same is, approved in part, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated pursuant to Application 19209 shall be limited to the amount which can be beneficially used and shall not exceed 126.3 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

2. The amount of water appropriated pursuant to Application 19517 shall be limited to the amount which can be

beneficially used and shall not exceed 49 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

3. Construction work under the permit to be issued pursuant to Application 19517 shall be completed on or before December 1, 1965.

4. Complete application of the water to the proposed uses under both permits shall be made on or before December 1, 1966.

5. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until licenses are issued.

6. All rights and privileges under these permits, 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.

7. Permittees 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 these permits.

8. These permits do not authorize collection of water to storage during the period from about May 1 to about November 1 of each season to offset evaporation and seepage losses or for any other purpose.

9. Permittees shall install and maintain outlet pipes of adequate capacity in their dams 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 reservoirs or collected in the reservoirs 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 said water is not authorized under these permits.

10. In accordance with the requirements of Water Code Section 1393, the holder of the permit issued pursuant to Application 19209 shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

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 \_\_\_\_\_, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member