

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

ADOPTED JUL 27 1966

In the Matter of Application 21635
of H. T. Thrash to Appropriate Water
from Unnamed Stream in Plumas County

Decision D 1253

DECISION DENYING APPLICATION

H. T. Thrash having filed Application 21635 for a permit to appropriate unappropriated water; protests having been received; an investigation having been made by the State Water Rights Board pursuant to Title 23, California Administrative Code, Section 728; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided in Title 23, California Administrative Code, Section 737; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 21635 is for a permit to appropriate 0.4 cubic foot per second (cfs), year-round, by direct diversion and 1 acre-foot per annum (afa) by storage, from November 1 of each year to April 30 of the succeeding year, from an unnamed stream tributary to Rabbit Creek, thence Slate Creek, thence North Yuba River in Plumas County. The point of diversion is to be located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T21N, R9E, MDB&M, a short distance downstream from Pike Spring. The

proposed use is for domestic water supply for a 400-lot La Porte Pines Country Club subdivision. The need for the first 205 lots is claimed to be 39.7 gallons per minute.

2. The protestant, La Porte Water District, a private corporation, diverts from the same stream approximately 1,500 feet downstream under a claim of right based on use commenced prior to 1914. Protestant claims present and past use from this source of the amount of water required to satisfy the needs of the town of La Porte, with a peak population of 250 persons during the summer months. Protestant contends that use by applicant to supply a 205-lot subdivision would completely deplete protestant's supply. Applicant contends in his answer to the protest that the proposed diversion will not diminish the amount of water available to the protestant and that the town of La Porte receives practically its entire supply from a source in a different watershed and serves less than six users by diverting from applicant's proposed source.

3. Based on field investigations by the Board's staff, the flow of the stream at the applicant's proposed point of diversion drops below 39.7 gallons per minute (the amount required to supply the first unit of the proposed subdivision) soon after August 1 and progressively decreases to about 40 per cent of this amount by about November 1. Protestant diverts the maximum amount available to it at its point of diversion during the late summer and fall months.

4. There is hydraulic continuity between the applicant's proposed point of diversion and protestant's point of diversion, so that any diversion by applicant would have a direct effect on the amount of water available to protestant.

5. The amount of water spilled by protestant at Barnes Spring, its other source of supply, is less than the amount it diverts from the Pike Spring source. Part of the District cannot be supplied from Barnes Spring with the present system but must be served from the Pike Spring source.

6. There is little or no unappropriated water available to the applicant during the late summer and early fall months. Applicant requires another source or more storage capacity to provide a domestic water supply for year-round use in the proposed subdivision. The applicant has not shown that he could beneficially use the unappropriated water available during some months in the year without an additional source of supply or additional storage to provide water during the critical period.

From the foregoing findings, the Board concludes that Application 21635 should be denied.

The records, documents, and other data relied upon in determining this matter are Application 21635 and all relevant information on file therewith, particularly the report of the field investigation made on April 27, 1965, and data on streamflow collected thereafter during the dry season.

ORDER

IT IS HEREBY ORDERED that Application 21635 be,
and it 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 1966.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member