

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 22160,
22161, 22163 and 22166 of U. S.
Bureau of Land Management to Appro-
priate from unnamed springs in
Kern County

Decision D 1267

DECISION APPROVING APPLICATION

U. S. Bureau of Land Management having filed Applications 22160, 22161, 22163 and 22166 for permits to appropriate unappropriated water; protests having been received; the applicant 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. Each of Applications 22160, 22161, 22163 and 22166 is for a permit to appropriate 1500 gallons per day by direct diversion from January 1 to December 31 of each year for stockwatering and wildlife watering from an unnamed spring in Kern County. The points of diversion are to be located as follows:

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Application 22160 - Within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Section 9, T28S, R32E, MDB&M.

Application 22161 - Within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Section 25, T28S, R32E, MDB&M.

Application 22163 - Within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Section 14, T28S, R32E, MDB&M.

Application 22166 - Within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 23, T28S, R32E, MDB&M.

2. Water is to be diverted from each spring, with perhaps some development work taking place, and conveyed through varying lengths of pipe to troughs, which will serve stock and wildlife present in the area, with any overflow returning to the channel. The springs are capable of producing some water for the proposed use.

3. The flow from each of the springs is consumed by phreatophytes or lost by seepage within a relatively short distance, and does not contribute to the source of supply claimed by the protestants.

4. Unappropriated water is available to supply the applicant, 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.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 22160, 22161, 22163 and 22166 should be approved and that permits should be issued to the applicant 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 22160, 22161, 22163 and 22166 and all relevant information on file therewith, particularly the report of the field investigation made May 11, 1966.

ORDER

IT IS HEREBY ORDERED that Applications 22160, 22161, 22163 and 22166 be, and they are, approved, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1500 gallons per day by direct diversion to be diverted from January 1 to December 31 of each year.

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

3. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

4. 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.

5. 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.

6. 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.

7. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian or other right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California.

Dated: FEB 15 1967

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

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

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

