

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22915)
of Don L. Turnidge to Appropriate) Decision 1326
from Bremer Creek in Humboldt County)

DECISION APPROVING APPLICATION

Don L. Turnidge having filed Application 22915 for a permit to appropriate unappropriated water; a protest 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22915 is for a permit to appropriate one cubic foot per second (cfs) by direct diversion, year-round, and 27 acre-feet per annum by storage from November 1 of each year to April 1 of the succeeding year for domestic, irrigation, stockwatering, recreational, and fish culture purposes from Bremer Creek in Humboldt County. The point of diversion is to be located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, T7N, R5E, HB&M.

2. Bremer Creek heads near the Humboldt-Trinity county line at an approximate elevation of 3,000 feet and courses in a general northwesterly direction approximately

1326

2 $\frac{1}{4}$ miles to its confluence with the Trinity River. The applicant proposes to divert from the creek on Forest Service land approximately $\frac{1}{2}$ mile upstream from the Trinity River confluence, for which a special-use permit will be issued. Storage of water will be at an existing off-stream reservoir, which will be enlarged. The water will be used for stockwatering, for a swimming pool, for commercial fish culture ponds, for 80 domestic units for campers and trailers and to irrigate a golf course.

3. Protestants Bruce McIntosh, et al, hold License 259 (Application 1226) to appropriate 0.12 cfs from Bremer Creek from May 1 to October 1 for the irrigation of 10 acres. Their diversion system was washed out in the year 1964 and they plan reconstruction during the year 1968. They claim that they were short of water when they used it last.

Since the protestants' diversion works were washed out, an upstream diversion by the Willow Creek Water Company has apparently been abandoned, which should augment the flow available to the protestants when they resume their diversion.

4. There is no record of the historical flows of Bremer Creek. However, rainfall records in the vicinity of the applicant's and protestants' projects are available as well as the historical flows of Willow Creek (1959 through 1966), which is tributary to the Trinity River approximately one mile upstream from the Bremer Creek-Trinity River confluence. Bremer Creek and Willow Creek have approximately the same range in elevation and other characteristics. A correlation study made by an engineer on the Board's staff for the years 1959 through 1966 (Tables I and II, Engineering Staff

Analysis of Application 22915) shows that in most months during the period of protestants' diversion season under License 259, the calculated mean daily flow of Bremer Creek at protestants' point of diversion exceeds the 1.12 cfs required by the applicant's and protestants' projects. The study also shows that the accumulated flows during those months exceeds the annual 343 acre-feet required by the two projects in all years. During the balance of applicant's diversion season there is also surplus water available to the applicant.

5. Unappropriated water is therefore 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.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22915 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Applications 22915, 21482 and 1226 and all relevant information on file therewith, particularly the report of the field investigation on Application 22915 made June 11, 1968; United States Geological Survey (U.S.G.S.), Water Supply Papers, Part 11, "Pacific Slope Basins in California", for the year 1960; U.S.G.S. "Surface Water Records of California", Volume 1, for the years 1961 through 1964; U.S.G.S. "Water Resources Data for California", Part 1, Volume 1, for the years 1965 and 1966; and U.S.G.S. 15' quadrangles "Blue Lake" and "Willow Creek", California.

ORDER

IT IS HEREBY ORDERED that Application 22915 be, and it is, approved, and that a permit 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 one cubic foot per second by direct diversion to be diverted year-round and 27 acre-feet per annum by off-stream storage to be collected at a maximum rate of one cubic foot per second from about November 1 of each year to about April 1 of the succeeding year.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

3. Actual construction work shall begin on or before June 1, 1969, and shall 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, 1970.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control 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 Resources Control 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 and to carry out legally established water quality objectives.

8. Permittee shall allow representatives of the State Water Resources Control 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 Resources Control Board at a meeting duly called and held at San Diego, California.

Dated: **JAN 23 1969**

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

GEORGE B. MAUL
George B. Maul, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member