

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22853)
of S. N. Moore to appropriate from) Decision 1330
Panther Canyon in Lake County)

DECISION APPROVING APPLICATION IN PART

S. N. Moore having filed Application 22853 for a permit 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22853 is for a permit to appropriate one cubic foot per second (cfs) by direct diversion from March 1 to October 30 of each year and 14 acre-feet per annum by storage from November 1 of each year to May 1 of the succeeding year for mining, domestic and stockwatering purposes from Panther Canyon tributary to Wolf Creek,



1330

2. Panther Canyon collects storm runoff from an area of approximately 200 acres and water from several small springs. The upper reaches of the canyon dry up in August and September; however, springs feed the lower reaches throughout the year so there is hydraulic continuity between the lower reach of the canyon and Wolf Creek.

3. The applicant's proposed place of use is a mining claim which is located on public land administered by the Bureau of Land Management.

4. In Decision 1316 (Application 22407) the Board found that unappropriated water is available in Wolf Creek, at a point just below the confluence of Wolf Creek and Panther Canyon, only when water is spilling over Moore Dam on Cache Creek. Unappropriated water will be available in Panther Canyon only when water is spilling over Moore Dam and the rights under Application 22407 are satisfied.

5. Records of flow on Cache Creek indicate that there is insufficient flow existing at least during the period June through October of each year to warrant including those months in any season of diversion by applicant. Therefore the portion of the application requesting direct diversion during these months should be denied.

6. The watershed above applicant's proposed dam is somewhat in excess of 200 acres and should produce the 14 acre-feet for storage requested in the application.

7. Unappropriated water is available to supply the storage portion of the application and direct diversion during the months of March, April and May, 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22853 should be approved in part 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: Application 22853 and all relevant information on file therewith, particularly the report of field investigation made April 8, 1968.

ORDER

IT IS HEREBY ORDERED that Application 22853 be, and it is, approved in part, 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 14 acre-feet per annum by storage to be collected from about November 1 of each year to about May 1 of the succeeding year and 1 cubic foot per second by direct diversion to be diverted from about March 1 to about May 31 of each 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 September 1, 1970, 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, 1971.

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.

9. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights.

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 Resources Control Board to comply with the preceding paragraph.

10. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

11. Before being released into a natural stream, water used under this permit for mining and milling operations

shall be passed through a settling pond, or otherwise clarified, and shall be free from cyanide or other substances employed in such operations which are deleterious to living organisms.

12. Permittee shall restrict his diversion of water to direct use or storage under this permit to times when water is flowing past Moore Dam on Cache Creek.

13. Permittee shall release any water which is necessary to satisfy the storage right of Surety Leasing Corporation under the permit issued on Application 22407.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Santa Rosa, California.

Dated: March 20, 1969

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

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