

Applicants' Project

2. The applicants propose to divert from an intermittent unnamed stream tributary to the Kern River approximately four miles below Isabella Reservoir on U. S. Bureau of Land Management property. The water will be diverted from a box in the stream channel through approximately 850 feet of pipe to serve two residences.

Protestants

3. The Department of Fish and Game filed a protest to Application 23456 to protect the stream as a supply of drinking water for wildlife. Its protest was dismissed following an agreement with the applicants providing that any permit issued pursuant to Application 23456 contain a term requiring the bypass of 50 gpd for the preservation of wildlife.

Protestants Steve and Helen Vlachos divert from the unnamed stream immediately below the applicants' proposed point of diversion for use at a residence under apparent riparian right.

Water Supply

4. There are no records of the flows of the unnamed stream. Except for unusual occasions, the stream has no surface flow. On July 21, 1971, the time of the field investigation, there was no surface flow in the stream and protestants were diverting 0.09 gallons per minute (130 gpd) from the underflow.

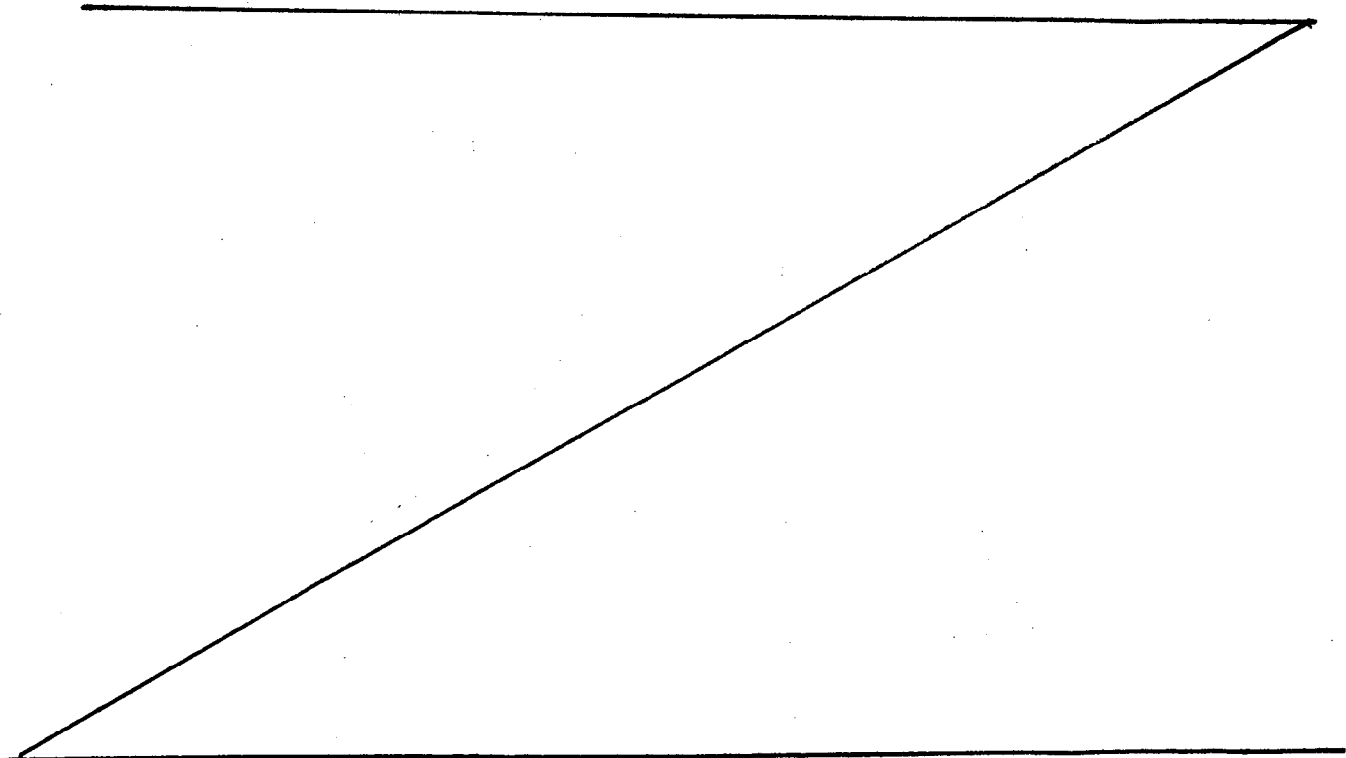
They were using the entire underflow and could have placed more water to reasonable and beneficial use.

Only during infrequent winter storms would there be water in excess of the needs of protestants Vlachos. These occasions would not occur with sufficient frequency to justify the approval of Application 23456.

Availability of Unappropriated Water

5. There is no unappropriated water available to supply the applicants.

The records, documents, and other data relied upon in determining the matter are: Application 23456 and all relevant information on file therewith, particularly the re-report of field investigation made July 21, 1971.



ORDER

IT IS HEREBY ORDERED that Application 23456 be, and it is,
denied.

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

Dated: February 17, 1972

ABSENT

E. F. Dibble, Acting Chairman

NORMAN B. HUME

Norman B. Hume, Member

RONALD B. ROBIE

Ronald B. Robie, Member

W. W. ADAMS

W. W. Adams, Member