

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23873 )  
of John V. Scammon, Liane Scammon, )  
J. Victor Scammon and Harriet O. ) Decision 1428  
Scammon to appropriate from an )  
Unnamed Stream in Shasta County. )

DECISION APPROVING APPLICATION

John V. Scammon, Liane Scammon, J. Victor Scammon and Harriet O. Scammon having filed Application 23873 for a permit to appropriate unappropriated water; protests having been received; the applicants 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:

Substance of Application

1. Application 23873 is for a permit to appropriate 0.045 cubic foot per second (cfs) by direct diversion from January 1 to December 31 of each year for irrigation, domestic and stock-watering purposes from an unnamed stream in Shasta County. The points of diversion are to be located (1) S 60' and W 600' from S $\frac{1}{4}$  corner of Section 23, T31N, R1W, MDB&M, (2) N 450' and W 860' from S $\frac{1}{4}$  corner of T31N, R1W, MDB&M.



1428



RECYCLED PAPER

## Applicants' Project

2. The source of the water applied for is a spring located on adjacent property owned by a Mr. and Mrs. Johnson about 160 feet south of the southern boundary line of applicants' property. A pipeline extends from the spring approximately 200 yards to applicants' house where domestic use of the water is made. Water from the spring which does not enter the pipeline flows down a natural channel through applicants' property to property adjacent on the west, which is leased by applicants, where it is used for watering livestock and irrigating with any surplus disappearing into the ground.

Applicants' diversion point No. 1 is described in the application as the point where the stream channel crosses applicants' southern boundary line. It was so designated in anticipation of changing the diversion from the spring to that point at some future time in the event the Johnsons, or a future owner, refuse to permit the continued maintenance of applicants' pipeline on their property. Because the actual point of diversion is now the spring, it will be designated in the permit and the point described in the application will be designated as an alternate.

A map showing the points of diversion and places of use is attached.

## Protests

3. Dorothy V. Pfiitzner and Richard F. Boehme protested the application on the ground that the flow in Bear Creek during the summer months is not adequate to satisfy their prior rights so any diversion from a tributary to Bear Creek would injure them.

Both protestants divert from Bear Creek some 15 to 20 miles from the applicants' points of diversion. The relatively small flow from the spring terminates within the property leased by applicants and does not contribute to the water supply to which protestants claim rights; therefore the proposed diversion will not interfere with the protestants' water supply or otherwise injure them.

Availability of Unappropriated Water

4. On August 17, 1972, the flow from the spring was measured at 18 gallons per minute (gpm); 6 gpm was flowing through the pipeline and 12 gpm down the channel past point of diversion No. 2. This is one of the drier years so the flow will be somewhat larger in other years and other seasons which will supply the 0.045 cfs applied for.

5. Unappropriated water is available to supply the applicants, 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 23873 should be approved and that a permit should be issued to the applicants 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 23873 and all relevant information on file therewith, particularly the report of field investigation made August 17, 1972.



ORDER

IT IS HEREBY ORDERED that Application 23873 be approved and that a permit be issued to the applicants 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 0.045 cubic foot per second by direct diversion from January 1 to December 31 of each year.

Point of diversion No. 1 shall be about S 160' and W 600' from S $\frac{1}{4}$  corner of Section 23, T31N, R1W, MDB&M with a point about S 60' and W 600' from S $\frac{1}{4}$  corner of said section as an alternate. The equivalent of the continuous flow allowance by direct diversion for any 30-day period may be diverted in a shorter time if there be no interference with vested rights. The maximum amount diverted under this permit shall not exceed 22 acre-feet per year.

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

3. Construction work shall be completed on or before December 1, 1973.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1975.

5. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

6. 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.

Permittee shall take all reasonable steps necessary to minimize waste of water, and may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. At any time after notice to affected parties and opportunity for hearing, the Board may impose specific requirements over and above those contained in this permit, with a view to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

7. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph.

unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

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. Permittee shall not exercise any other existing right to the use of water named herein so long as his permit or any license issued pursuant thereto remains in effect.

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

Dated: September 6, 1973

**W. W. ADAMS**

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W. W. Adams, Chairman

**RONALD R. ROBIE**

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Ronald B. Robie, Vice Chairman

**ROY E. DODSON**

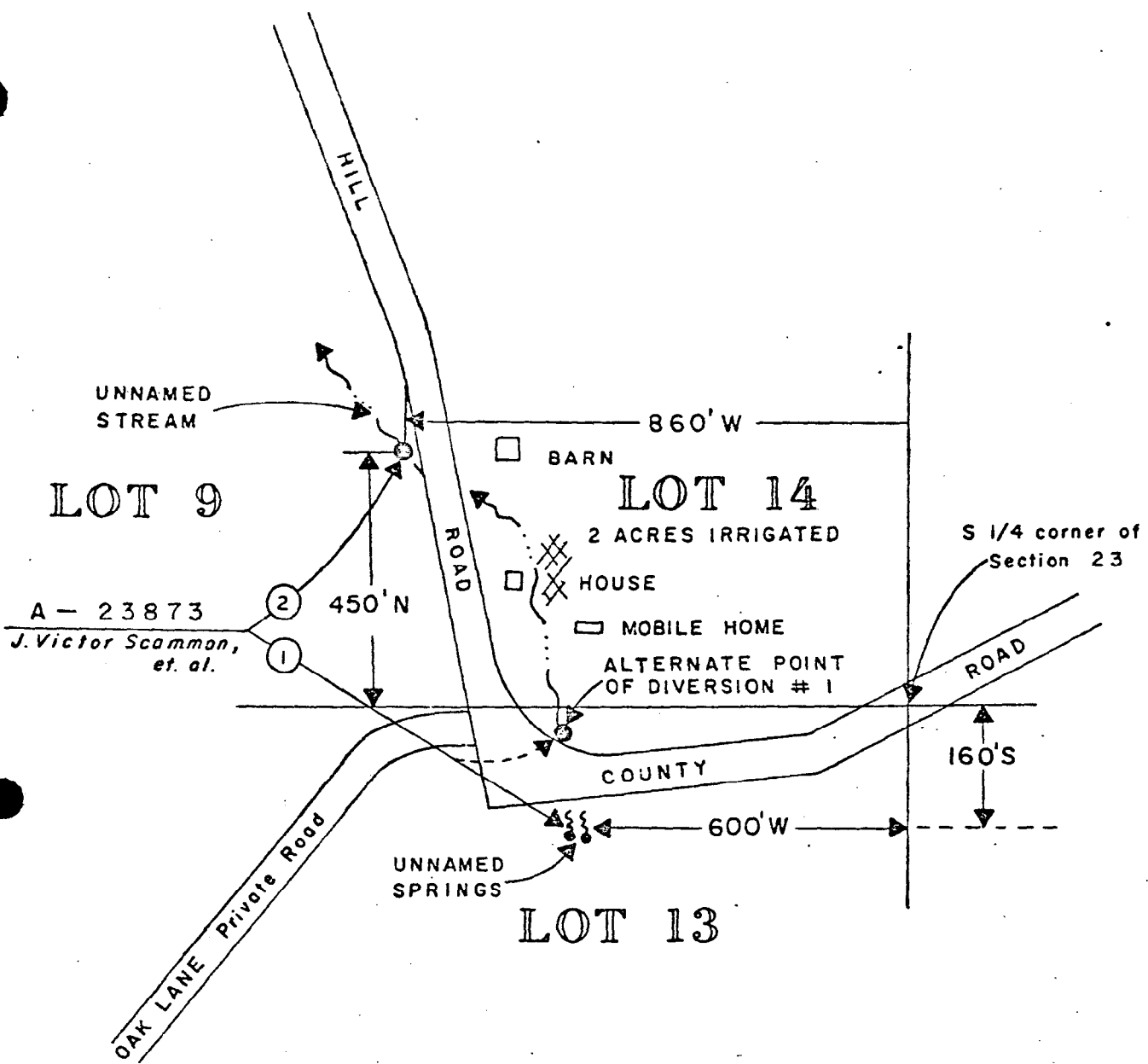
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Roy E. Dodson, Member

**MRS. CARL H. AUER**

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Mrs. Carl H. (Jean) Auer, Member

**W. DON MAUGHAN**

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W. Don Maughan, Member



SHASTA CO.  
 M. D. B & M.  
 T3IN-RIW

STATE OF CALIFORNIA  
 STATE WATER RESOURCES CONTROL BOARD  
 APPLICATION  
 23873

SCALE  
 300 0 300 FEET

DATE: 11-20-72	DRAWN: J.T.L.	CHECKED: D.E.C.	DWG. 2965
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