

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24354)

SISKIYOU COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Applicant

LYLE AND CATHERINE TURPIN

Protestants

Decision: 1577

Source: Little Castle Creek

County: Siskiyou

DECISION APPROVING APPLICATION 24354

BY THE BOARD:

Siskiyou County Flood Control and Water Conservation District (District) having filed Application 24354 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 by Section 737 of Title 23, California Administrative Code; investigations having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of Application:

1. Application 24354 is for 0.15 cubic foot per second (cfs) by direct diversion from May 1 to October 31 and 7.45 acre-feet per annum (afa) by storage from May 1 to May 15. The water is to be used for recreation. The total appropriation shall not exceed 25 afa. The point of diversion is on Little Castle Creek about one-half mile above its confluence with the Sacramento River. It is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T38N, R4W, MDB&M.

Applicant's Project:

2. The District's original project was delayed because of the time required by the District to prepare the environmental document. During this period the project was changed from one onstream reservoir to two smaller offstream reservoirs. Use of water for domestic purposes was deleted. Reservoir #1 is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, and Reservoir #2 is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T38N, R4W, MDB&M.

3. The applicant is requesting a permit to divert water from Little Castle Creek to two offstream reservoirs for aesthetics and fishing uses at Railroad Park. The County owns the property and private concessionaires operate campgrounds, a restaurant and bar, cabins, and a trailer park.

4. The applicant is presently diverting water to Reservoir #1 which is a 4.0 acre-foot (af) pit type reservoir constructed in 1974. This reservoir is used as a fishing pond for those who use the Railroad Park recreational area. This direct diversion from Little Castle Creek is to supply freshwater, with a high enough oxygen content to maintain oxygen in Reservoir #1 at a sufficient level to support the fish population. Water from springs feeding the reservoir have an inadequate oxygen content. Overflow from this reservoir presently returns to Little Castle Creek.

5. The second reservoir, with a capacity of 3.45 af has been constructed but never filled. It is proposed that a portion of the overflow from Reservoir #1 be diverted through an eight-inch pipeline to Reservoir #2. This overflow will be used to maintain Reservoir #2 for esthetic purposes. Except for evaporation, all water diverted returns to the creek.

Protests:

6. The application was protested by Lyle and Catherine Turpin, William C. and Frances M. Chapman, Jesse J. James, and U. S. Water and Power Resources Service.

7. The protest of the U. S. Water and Power Resources Service was dismissed when the applicant agreed to the following permit term:

"A quantity of water equal to the quantity diverted under this permit between June 15 and September 30 of each year shall be released from the permittee's Box Canyon Reservoir into the Sacramento River at the end of the season to satisfy prior rights on the Sacramento River downstream of the confluence with Little Castle Creek."

However, the project is now limited to non-consumptive purposes and reservoir evaporation is the only loss to the stream. This term should be modified to read as follows:

"A quantity of water equal to the depletion of stream flow, if any, caused by this permit between June 15 and September 30 of each year shall be released from the permittee's Box Canyon Reservoir into the Sacramento River at the end of the season to satisfy prior rights on the Sacramento River downstream of the confluence with Little Castle Creek."

8. Two of the remaining protests were withdrawn at the August 20, 1980, investigation. Only the Turpin protest remains and it is based on a claim of riparian rights.

9. The points of concern expressed in the Turpin protest are primarily against the original project with the onstream reservoir. Those points are: (1) infringement of water rights during periods of low flow; (2) sudden releases of water from the reservoir damage and wash out diversion systems; (3) swimmers may contaminate the creek with hepatitis. Turpin also expressed a concern that warmer water was causing algae to form in the creek. As modified, the project will not infringe on downstream rights since all or nearly all of the water diverted will return to the creek. Swimming will not be allowed by applicant in the reservoirs. The old onstream swimming pond has been abandoned. The reservoirs will have a constant flow through and will not be operated to cause sudden releases of water. The flow

of the creek compared to the small volume of the reservoirs indicates that the project should not cause a significant rise in water temperature and should not cause an increase in algae growth. Field measurements support this conclusion.

Availability of Unappropriated Water:

10. There are no flow records for Little Castle Creek. A stream flow monitoring program was partially carried out during the summer of 1975 and should be indicative of the flow characteristics of the Creek. Flow measurements taken in 1975 indicate low flows upstream and downstream of the project area were 2.8 cfs and 10 cfs respectively. This would indicate a substantial subsurface flow that surfaces below the applicant's project. The flow appears to be sufficient to satisfy the proposed appropriation and prior vested rights.

Environmental Considerations:

11. Siskiyou County, as lead agency, prepared and circulated through the State Clearinghouse an Environmental Impact Report (EIR) for the proposed recreation development. The County completed the final EIR and filed a Notice of Determination with the Secretary for Resources on December 13, 1979. The Board has reviewed and considered the information contained in the final EIR.

Record in this Matter:

12. The records, documents, and other data relied upon in determining this matter are: Application 24354 and the field investigations during November of 1974 and August or 1980, and all relevant information on file therewith; the final Environmental Impact Report; and topographic maps of the area under consideration.

Conclusions:

13. From the foregoing findings, the Board concludes that Application 24354 should be approved and a permit issued to the applicant subject to the conditions in the order following.

ORDER

IT IS HEREBY ORDERED that Application 24354 be approved and that a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12, and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.15 cubic foot per second by direct diversion to be diverted from May 1 to October 31 of each year and 7.45 acre-feet per annum by storage to be collected from May 1 to May 15 of each year.

2. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence and if not so commenced and prosecuted, this permit may be revoked.

3. Said construction work shall be completed by December 1, 1984.

4. Complete application of the water to the authorized use shall be made by December 1, 1985.

5. Permittee shall install and maintain devices satisfactory to the Board to measure (a) water diverted from Little Castle Creek, and (b) water returning to Little Castle Creek from the reservoirs.

6. A quantity of water equal to the depletion of stream flow, if any, caused by this permit between June 15 and September 30 of each year shall be released from the permittee's Box Canyon Reservoir into the Sacramento River at the end of the season to satisfy prior rights on the Sacramento River downstream of the confluence with Little Castle Creek.

7. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the Sacramento River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

*The Board maintains a list of standard permit terms. Copies may be obtained upon request.

8. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing.

9. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water. The Board shall advise permittee of the probability of imminent curtailment of diversions as far in advance as practicable based on anticipated requirements for supplement Project water provided by the Central Valley Project or the State Water Project operators. The Board shall notify the permittee of curtailment of diversions when it finds that no water is available for diversion under this permit. For the purpose of initially determining supplemental Project water required for inbasin entitlements, the following definitions shall apply:


- a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of water required for Project export and Project inbasin deliveries.


Notice of curtailment of diversion under this term shall not be issued by the Board until:

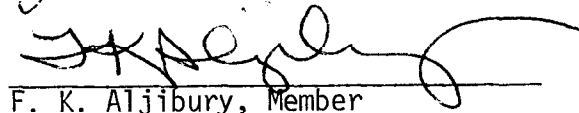
1. Project operators jointly develop and demonstrate to the Board a reasonably accurate method of calculating supplemental Project water.
2. The Board has approved the method of calculating supplemental Project water and has confirmed the definitions of inbasin entitlements and supplemental Project water after public hearing.
3. The Project operators have notified the Board that the release of supplemental Project water is imminent or has occurred. Such notice should include the times and amounts of releases or potential releases.
4. The Board finds that supplemental Project water has been released or will be released.

Dated: August 20, 1981


Carla M. Bard, Chairwoman


L. L. Mitchell, Vice-Chairman


J. B. Dunlap, Member


F. K. Aljibury, Member

12/12/12

