

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 24754 and
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MELVIN GERALD ALWOOD

Applicant

CALIFORNIA DEPARTMENT OF FISH AND GAME, ET AL.

Protestants

Order : WR 79-18

Source: East Weaver Creek

County: Trinity

ORDER CANCELING
APPLICATIONS 24754 AND 24755 OF MELVIN GERALD ALWOOD

BY THE BOARD:

Melvin Gerald Alwood having filed Applications 24754 and 24755 to appropriate water from East Weaver Creek in Trinity County for domestic, agricultural and mining purposes; these applications being protested by numerous individuals and the California Department of Fish and Game; a hearing having been held on November 9, 1976; and the Board having considered all the evidence relevant to this action, finds as follows:

1. On February 11, 1975, Applications 24754 and 24755 were filed by Melvin Gerald Alwood to appropriate water from East Weaver Creek in Trinity County. As amended, Application 24754 requests 0.5 cubic feet per second (cfs) by direct diversion from January 1 to December 31 for mining purposes. Application 24755 requests 0.5 cfs from April 1 to December 15 by direct diversion from the same point of diversion as Application 24754 for irrigation and 900 gallons per day (gpd) from January 1 to December 31 for domestic use.

2. The applications were protested by seven individuals and the California Department of Fish and Game. A hearing was held in Weaverville, Trinity County on November 9, 1976. The Engineering Staff Analysis recommended that the diversion season under Application 24754 be reduced to the period of December 15 to May 1 when unappropriated water is available and the annual amount be limited to 150 acre-feet. The analysis also recommended that Application 24755 be approved only for 300 gpd for domestic use for a period of December 15 to May 1 when unappropriated water is available. Irrigation was eliminated as a use because water was not available for appropriation during the irrigation season.

3. A staff Initial Environmental Study was prepared which identified significant adverse impacts such as reduction in wildlife habitat, increase in ambient noise levels, potential degradation of surface water quality, inability to meet waste discharge requirements, soil erosion and removal of vegetation. Staff, with concurrence of the hearing officer, recommended a Negative Declaration be prepared if the applicant could mitigate the significant adverse impacts. By letter of June 1, 1977, staff requested the applicant to provide a Surface Mining Revegetation Plan and other information for mitigation of significant adverse impacts. A plan was submitted on March 8, 1978. Staff determined that the Revegetation Plan was inadequate and that an EIR would be required.

4. The applicant was advised on November 1, 1978, that an EIR would be required and that he would have to pay its cost. The applicant objected to the EIR requirement.

5. At Workshops on January 11 and March 1, 1979, staff advised the Board of their recommendation that an EIR be prepared with the cost to be borne by the applicant. The Board did not object to this recommendation.

6. The applicant was notified by letter of April 2, 1979, that an EIR was required and was requested to advise the Board within 30 days of his intent to proceed. He was asked to remit 25 percent (\$6,200.00) of the estimated contract cost to prepare an EIR. Another letter was sent on May 22, 1979, advising the applicant that if he did not respond his applications would be subject to cancellation by the Board. To date, no response has been received from the applicant

It is concluded from the foregoing findings that the applicant has not been diligent in pursuing the subject applications. Therefore it is ordered that if the specified sum of \$6,200 is not deposited with the Board within 15 days from the date of mailing of this order subject applications will be cancelled without further Board action.

IT IS SO ORDERED.

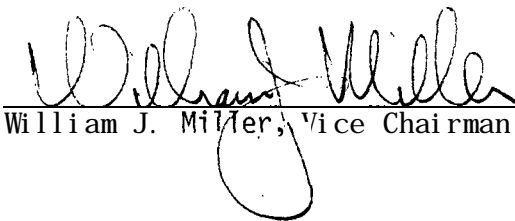
Dated: JUL 19 1973

ABSENT

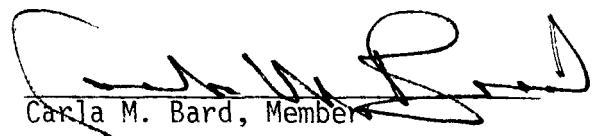
W. Don Maughan, Chairman



L. L. Mitchell, Member



William J. Miller, Vice Chairman



Carla M. Bard, Member

