

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of)
DETERMINATION OF THE RIGHTS)
of the Various Claimants to the)
Water of Wagon Creek, Cold Creek,)
Spring Creek and Sacramento River)
and its Tributaries in Siskiyou)
County)

Order: 84-5

Sources: Wagon Creek, Cold
Creek, Spring Creek
and Sacramento
River and its
tributaries

County: Siskiyou

ORDER DENYING PETITION FOR DETERMINATION OF WATER RIGHTS

WHEREAS:

1. A petition signed by 40 persons has been filed with the State Water Resources Control Board pursuant to Water Code Section 2525 requesting determination of the rights of the various claimants to the waters of Wagon Creek, Cold Creek, Spring Creek and Sacramento River and its tributaries in Siskiyou County.

2. The Board has made an investigation to determine the public interest and necessity for a statutory adjudication of the affected watershed. The findings of this investigation are summarized in the document entitled "Report of Preliminary Investigation: Wagon Creek, Cold Creek, Spring Creek and Sacramento River and its Tributaries in Siskiyou County - Petition for Statutory Determination of Water Rights".

3. The Board has reviewed the subject report and finds the following:

a. Most of the petitioners are members of the Cantara Water Association who reside in an area about two miles south of the City of Mt. Shasta. The area at one time was served by water from Wagon Creek which passed through one or more ditches.

b. The area has not been served water from Wagon Creek, Cold Creek or Spring Creek via the ditch(es) for many years.

c. The ditch or ditches have deteriorated to a condition of disrepair and are unsuitable for conveying water.

d. The petitioners are denied access to the ditches for the purpose of maintenance by current property owners.

e. The Board's jurisdiction does not extend to the adjudication of rights of way.

f. The public interest and necessity will not be served by a determination of the water rights until rights of way are secured for diversion or delivery of water. Denial of this petition without prejudice will not prohibit the petitioners from filing a petition when conditions become such that the public interest and necessity would be served by approval of any such petition.

NOW, THEREFORE, IT IS ORDERED that said petition be denied.

Dated: MAY 17 1984



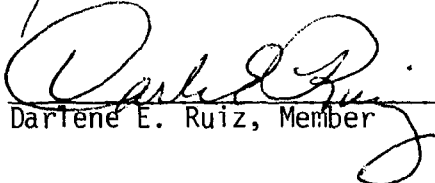
Carole A. Onorato, Chairwoman



Warren D. Noteware, Vice-Chairman



Kenneth W. Willis, Member



Darlene E. Ruiz, Member

d. The petitioners are denied access to the ditches for the purpose of maintenance by current property owners.

e. The Board's jurisdiction does not extend to the adjudication of rights of way.

f. The public interest and necessity will not be served by a determination of the water rights until rights of way are secured for diversion or delivery of water. Denial of this petition without prejudice will not prohibit the petitioners from filing a petition when conditions become such that the public interest and necessity would be served by approval of any such petition.

NOW, THEREFORE, IT IS ORDERED that said petition be denied.

Dated: **MAY 17 1984**



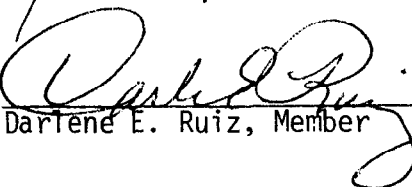
Carole A. Onorato, Chairwoman



Warren D. Noteware, Vice-Chairman



Kenneth W. Willis, Member



Darlene E. Ruiz, Member