

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary)
Permit (Application 28830))

Order: WR 86-8
Source: Tule Lake Reservoir
County: Lassen

Tom Ratliff, Marcia Ratliff)
and Don Wool)
Applicant)

ORDER VALIDATING THE ISSUANCE
OF TEMPORARY PERMIT

BY THE BOARD:

Tom Ratliff, Marcia Ratliff and Don Wool (hereinafter referred to collectively as Ratliff) having filed Application 28830 for a Temporary Urgency Permit to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the California Water Code; the Board having reviewed available records, files and decisions which relate to the availability of unappropriated water and having consulted with the Department of Fish and Game; the Board having concluded from available information that Ratliff qualifies for a Temporary Permit to divert and use water, as provided by Water Code Section 1425, the Board finds as follows:

Substance of the Application

1. On April 21, 1986, Application 28830 was filed for a Temporary Permit to appropriate (a) by direct diversion: 5 cubic feet per second from June 1, 1986 to November 1, 1986 for irrigation purposes, and 5,000 gallons per day from June 1, 1986 to November 30, 1986 for stockwatering purposes, (b) by storage: 1,463 acre-feet to be collected from June 1, 1986 to October 31, 1986, and rediversion of up to 1,463 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from June 1, 1986 to November 30, 1986. The total amount of water taken from the sources for all uses shall not exceed 1,463 acre-feet. Stockwatering of about 500 head of cattle and irrigation of 1,107 acres of alfalfa and grain within Sections 3, 10, 15 & 16, T37N, R13E, MDB&M.

The Project

2. All flow in Cedar Creek is diverted into Tule Lake Reservoir which has a storage capacity of 35,000 af. The reservoir has no natural outlet back to Cedar Creek. Ratliff diverts water from a tunnel at the southwest end of Tule Lake Reservoir and conveys water within a drainage channel leading to the Madeline Plains. Water is rediverted from the drainage channel, Eastside Canal and Westside Canal for delivery to the place of use.

Availability of Unappropriative Water

3. On May 31, 1977, the Board received a petition for statutory adjudication of Cedar Creek water being retained within Tule Lake Reservoir. The Board granted the petition on March 16, 1978.

The Board found when it issued the Order of Determination (WR 85-5) that:

- a. Tule Lake Reservoir has an average net yield of 5,500 acre-feet.
- b. Claimants of the adjudication should be allotted 2,820 acre-feet.
- c. There is an average of 2,680 acre-feet per annum of additional deliverable yield of water within the system.

On February 20, 1986, the Lassen County Superior Court entered its Decree affirming the Final Order of Determination (Board Order WR 85-5).

On April 17, 1986, Board Order WR 86-7 approved John Hancock Mutual Life Insurance Company's Temporary Permit No. 19834 (Application 28686)

4. On April 2, 1986, Tule Lake Reservoir was at maximum capacity (35,000 af) and spilling water back into the natural channel of Cedar Creek. After deducting the minimum pool (6190 af), allocation under the decree (2,820 af), losses due to evaporation and seepage (4,500 af), and Temporary Permit No. 19834 (Application 28686) (2,270 af) 19,220 af will remain available in Tule Lake Reservoir. Ratliff's application for temporary permit seeks 1,463 af leaving approximately 17,757 af available in Tule Lake Reservoir.

Temporary Need

5. Under the February 20, 1986 Court Decree, Ratliff was allotted 600 acre-feet per annum for irrigation from Tule Lake Reservoir. Ratliff has filed regular Application 28570 (direct diversion and storage) for irrigation and stockwatering purposes. They also have a groundwater well but it is not operational due to a collapsed casing.

Application 28570 was publicly advertised and protested. Board action on Application 28570 will not occur in time for the 1986 irrigation season. This leaves Ratliff with only 600 acre-feet to irrigate 1,107 acres of alfalfa (a perennial crop) and grain plus stockwatering 500 head of cattle.

Ratliff estimates a minimum of 2,063 acre-feet is necessary to operate the ranch. Therefore the Temporary Urgency Permit is needed to operate the ranch through the 1986 season.

Objections and Dismissal Terms

6. John Hancock Mutual Life Insurance Company filed objection based on vested rights. The objection may be disregarded if Ratliff installs a measuring device acceptable to the Board to accurately measure the quantity of water diverted under the temporary permit (Application 28830)

7. Pacific Gas and Electric Company (PG&E) objects to the issuance of a temporary permit. The objection is based upon alleged injury to prior vested rights when Cedar Creek flow contributes to West Valley Creek thence South Fork Pit River. PG&E claims riparian rights and holds appropriate rights for use of water from the Pit River.

PG&E will withdraw its objection if diversion of water from Cedar Creek will not occur when flows measured at the Canby Gage Station are 300 cubic feet per second or less. PG&E also wants a term requiring the applicant to install proper measuring devices and provide flow records to PG&E.

CEQA

8. An Initial Study and Negative Declaration have been prepared in accordance with the California Environmental Quality Act (Public Resource Code Section 2100 et seq.) and its Guidelines and the Board has determined that there will be no significant effect on the environment as a result of the project.

Findings

9. The applicant can not contract to purchase water from any local irrigation district. Also their groundwater well is not operational due to a collapsed casing.

Ratliff is allotted 600 acre-feet from Lassen County Superior Court Decree to irrigate 1,107 acres. The estimated minimal demand by the applicant is 2,063 acre-feet which is less than 2.1 acre-feet per acre per annum.

As of April 2, 1986, Tule Lake Reservoir was at maximum capacity (35,000 af) and spilling water back into the natural channel of Cedar Creek. After deducting all prior water requirements and the 1,463 acre-feet sought under a temporary permit, an estimated 17,757 AF will remain available in the reservoir.

John Hancock Mutual Life Insurance Company's objection is dismissed since Permit Term 11 requires the permittee to report the total quantity of water withdrawn from Tule Lake Reservoir.

PG&E objections to the temporary permit are dismissed because absent temporary Permit 19834 and some flood waters, no water returns to Cedar Creek from Tule Lake Reservoir. Historically water has flowed from Tule Lake Reservoir toward Madeline Plains, outside of the Cedar Creek Watershed.

No Effect on Board's Future Decision

10. Issuance of a temporary permit on Application 28830 is independent of any action the Board may take on pending applications for rights to water from Tule Lake Reservoir or from Cedar Creek. No finding herein shall be construed as predeciding any issues, relevant to the Board's consideration of the pending applications, including but not limited to the issue of hydraulic continuity between Cedar Creek and Pit River.

Action by Board Member

Staff explained the foregoing situation to Board Member Danny Walsh and recommended approval of the Temporary Permit. Board Member Walsh considered the staff recommendation and authorized issuance of the Temporary Permit pursuant to Application 28830.

NOW THEREFORE, IT IS ORDERED THAT:

Issuance of Temporary Permit pursuant to Application 28830 is validated.

Dated:

CERTIFICATION


The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of the decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 19, 1986.

AYE: W. Don Maughan
Darlene E. Ruiz
E. H. Finster
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: None

ABSTAIN: None



Raymond Walsh
Interim Executive Director

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