

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of)	
Application 29137 of)	ORDER: WR 88-9
BARBARA DEAN JONES;)	
Application 29138 of)	SOURCE: Tule Lake Reservoir
LOWELL L. NOVY)	and Upper Cedar Creek
Application 29139 of)	COUNTY: Lassen
TOM and MARCIARATLIFF and)	
DON WOOL;)	
Application 29151 of)	
REX B. and VERONICA OLSEN;)	
Applications 29373 of)	
JOHN HANCOCK MUTUAL LIFE)	
INSURANCE COMPANY;)	

ORDER DENYING TEMPORARY APPLICATIONS 29137, 29138,
29139, 29151, AND 29173

BY THE BOARD:

1.0 INTRODUCTION

Applications for temporary permits having been filed by Barbara Dean Jones, Lowell L. Novy; Tom and Maria Ratliff and Don Wool; Rex B. and Veronica Olsen; and John Hancock Mutual Life Insurance Company; the State Water Resources Control Board (Board) having considered all available records, files, and decisions which relate to the availability of water from the source at the proposed point of

diversion to serve the proposed temporary diversion and use, and which relate to the rights of other users; the Board finds and concludes, as follows:

2.0 SUBSTANCE OF APPLICATIONS

All five of the applications are for temporary permits to divert water from upper Cedar Creek at Tule Lake Reservoir and to store water in Tule Lake Reservoir. The common point of diversion is within the NW1/4 of SE1/4 of Section 33, T38N, R14E, MDB&M. Applications 29137, 29138; 29139, and 29151 list the purposes of use as irrigation and stockwatering. Application 29173 lists the purpose of use as irrigation. The named seasons of diversion are April 1, 1988 to November 1, 1988 for direct diversion and from the date of issuance of a temporary permit until April 15, 1988 for storage, except for Application 29173 which identifies April 15 to October 15, 1988 as the direct diversion season and January 13 to June 1, 1988 as the storage season.

The amounts applied for and the places of use are as follows:

Application 29137 (Jones): 4 cfs by direct diversion and 315 af by storage; the maximum amount to be taken is 315 af. The place of use includes 160 acres within the NE1/4 of Section 22, T37N, R13E, MDB&M; 40 acres within the NE1/4 of NW1/4 of Section 22, T37N, R13E, MDB&M; 40 acres within the NE1/4 of SE1/4 of Section 22, T37N, R13E, MDB&M; and 40 acres within the NW1/4 of NW1/4 of Section 23, T37N, R13E, MDB&M.

Application '29138 (Novy): 14 cfs by direct diversion and 2790 af by storage; the maximum amount to be taken is 2790 af. The place of use includes 340 acres within Section 26, T37N, R12E, MDB&M; 437 acres within Section 35, T37N, R12E, MDB&M; 405 acres within Section 2, T36N, R12E, MDB&M; 450 acres within Section 11, T36N, R12E, MDB&M; 538 acres within Section 12, T36N, R12E, MDB&M; and 320 acres within Section 7, T36N, R13E, MDB&M.

Application 29139 (Ratliff and Wool): 5 cfs by direct diversion and 1238 af by storage; the maximum amount to be taken is 1238 af. The place of use includes 21 acres within the NW1/4 of the NE1/4 of Section 3, T37N, R13E, MDB&M; 51 acres within the SE1/4 of Section 3, T37N, R13E, MDB&M; 78 acres within the SW1/4 of Section 10, T37N, R13E, MDB&M; 615 acres within Section 16, T37N, R13E, MDB&M; and, all within Section 15, T37N, R13E, MDB&M: 62 acres within the W1/2 of the NE1/4; 80 acres within the N1/2 of the SW1/4; 40 acres within the NW1/4 of the SE1/4; and 160 acres within the NW1/4.

Application 29151 (Olsen): 2 cfs by direct diversion and 157 af by storage; the maximum amount to be taken is 157 af. The place of use includes 5 acres within the SW1/4 of the SW1/4 of Section 14, T37N, R13E, MDB&M; and, all within Section -15, T37N, R13E, MDB&M: 30 acres within the SW1/4 of the SW1/4; 30 acres within the SE1/4 of the SW1/4; 30 acres within the SW1/4 of the SE1/4; 35 acres within the SE1/4 of the SE1/4; and 13 acres within the NE1/4 of the SE1/4.

Application 29173 (Hancock): 16 cfs by direct diversion and 4500 af by storage; the maximum amount to be taken is 4500 af. The place of use includes 2412 acres (net) within 3594 acres (gross), within Sections 26 and 35, T42N, R12E, MDB&M and within Sections 2, 11, 12, 14, 15, 22, 23, 26, 27, 34, and 35, T41N, R12E, MDB&M.

3.0 Related Applications

On April 7, 1988 we approved regular Applications 28518, 28570, 28571, and 28610 for appropriation from the same source. Regular Applications 27749 and 27851 were denied. The regular applications were filed by the same applicants for temporary permits whose applications are considered herein, and for essentially the same amounts, places of use, and purposes of use as we recently acted upon in Decision 1618. Permits will be issued on the approved regular applications forthwith, so that the applicants with approved regular applications will have water available for the coming irrigation season.

4.0 Injury to Lawful Users of Water

All of the safe yield available for appropriation from the Tule Lake Reservoir and upper Cedar Creek was allocated in Decision 1618, adopted April 7, 1988. Diversion and use of any additional water would unreasonably impair the reliability of the water supply for the existing water right holders. Consequently, the additional water under these temporary applications may not be diverted and used without injury to lawful users of water.

5.0 Injury to Fish and Wildlife

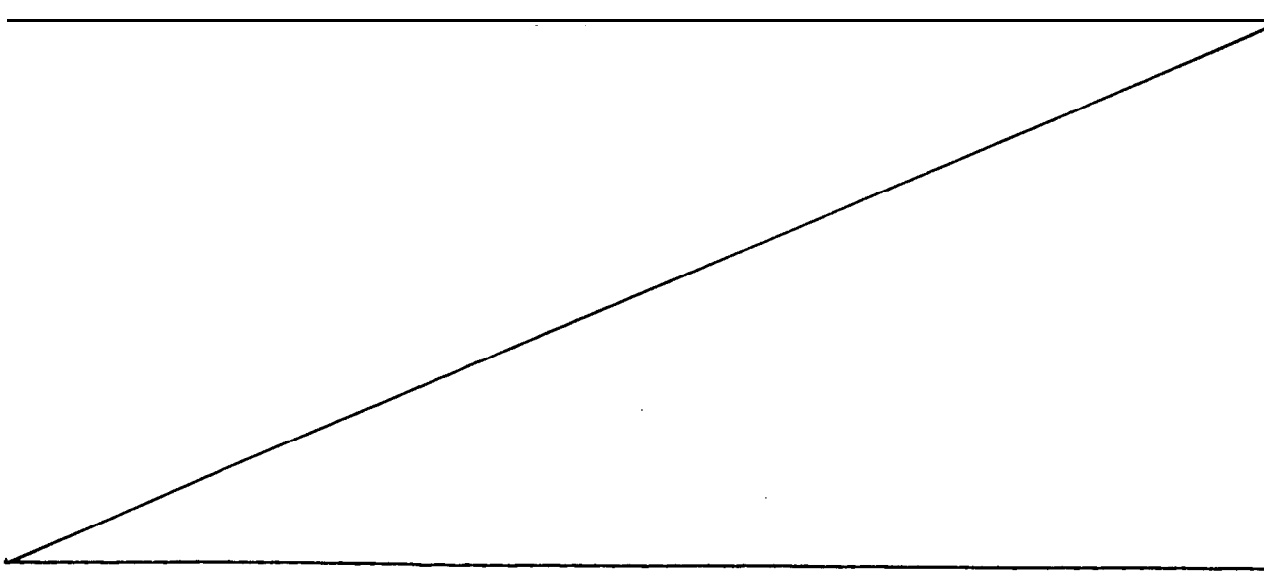
Additional water may not be diverted and used without an unreasonable effect upon fish and wildlife which use Tule Lake Reservoir.

6.0 Public Interest

Considering the recent approvals of regular Applications 28518, 28570, 28571, and 28610, it would not be in the public interest to approve the proposed temporary diversions and uses in addition to the regular applications and permits.

7.0 Environmental Documentation

Because temporary Applications 29137, 29138, 29139, 29151, and 29173 are denied, this order is not subject to the California Environmental Quality Act, and no environmental documentation is required.



ORDER

IT IS HEREBY ORDERED that Applications 29137, 29138, 29139, 29151, and 29173 are denied.

CERTIFICATION


The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 1988.

AYE: W. Don Maughan
Edwin H. Finster
Danny Walsh
Eliseo M. Samaniego

NO: Darlene E. Ruiz

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board