

2. Protestants Sartori irrigate 31 acres under License 4212 (Application 13701), which confirms the right to direct diversion of 0.4 cfs between April 15 and September 15 of each year. Water is diverted from Cottonwood Creek about 28 airline miles downstream from the applicants' point of diversion. Protestants dig a sump in the bed of Cottonwood Creek each year and divert by means of a pump. According to protestants, during 1964, an extremely dry year, Cottonwood Creek went dry about the end of June and they were unable to irrigate (RT 8). For the five preceding years there was sufficient water through the first of August (RT 9). There has been only one year in the last seven that there has been sufficient water to irrigate the entire season (RT 12).

3. The geology and hydrology of Cottonwood Creek are obscure, and there is an insufficiency of streamflow studies and records. However, the channel in the lower reaches of Cottonwood Creek, above the protestants' farm, tends to be quite gravelly and contains a certain amount of underflow. This fact, together with the protestants' ability most years to pump from Cottonwood Creek until about August 1, indicates to the Board, and the Board finds, that in most years hydraulic continuity between the applicants' point of diversion on Beegum Creek and protestants' point of diversion continues until about August 1. Hydraulic continuity is not re-established until the fall rains start after October 1.

4. The protestants are located several miles upstream from the USGS gaging station at Cottonwood, where Cottonwood Creek contains substantial return flows from the Anderson and Cottonwood Canals and is in continuous hydraulic continuity with the Sacramento River.

5. The Board takes official notice of its Decision D 1045 in which it found that there is no unappropriated water from June 15 to September 1 in the reach of the Sacramento River immediately below Cottonwood Creek (RT 34). Consistent with Decision D 1045, the Board finds that there is no unappropriated water available to the applicants beginning with June 15 of each year. It is found necessary for the Board to retain jurisdiction for the purpose of reviewing and possibly revising this date in the light of current studies. Neither protestants Sartori nor downstream users from the Sacramento River and in the Delta will be injured if the applicants appropriate after August 1, since downstream hydraulic continuity is lost nearly every year at that time.

6. There is unappropriated water available to supply the applicants, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 21815 should be approved in part and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Application 21815 be, and it is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.8 cubic foot per second by direct diversion to be diverted from about May 1 to June 15 of each year and from August 1 to about October 1 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The State Water Rights Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento and San Joaquin River Basins and the Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

3. The maximum quantity herein stated may be reduced in the license if investigation warrants.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1969.

5. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

6. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

7. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

8. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of 1966.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

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In the Matter of Application 21815
of Ralph S. Roy, Jr., and Thelma M. Roy
to Appropriate from Beegum Creek
in Tehama County

Decision D 1243

ADOPTED MAR 2 1966

DECISION APPROVING APPLICATION IN PART

Ralph S. Roy, Jr., and Thelma M. Roy having filed Application 21815 for a permit to appropriate unappropriated water; a protest having been received; a public hearing having been held before the State Water Rights Board on May 18, 1965, conducted by Chairman Kent Silverthorne; applicants and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

1. Application 21815 is for a permit to appropriate 0.8 cubic foot per second (cfs) by direct diversion from May 1 to October 1 of each year from Beegum Creek, tributary to Middle Fork Cottonwood Creek, in Tehama County. The point of diversion is to be located within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23, T29N, R9W, MDB&M. The water is to be used to irrigate 40 acres of permanent pasture located a mile from Beegum Creek. The project has been built and water is being used under a claimed riparian right which has not been adjudicated.