WATER-RIGHT DOCKET

Whiskeytown National Recreation Area

Docket No: 7

KAPUSTA DIVERSION, UNNAMED SPRING

Preliminary Docket Information

08-19-1975: water right/source docket information for kapusta diversion

WATER RESOURCES/WATER RIG DATE: August 19, 1975

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Whiskeytown National Recreation Area

SITE Kapusta Diversion

STATE California COUNTY Shasta DOCKET NO WR #7

LOCATION SE¼ NE¼ SE¼ Sec. 34 T33N, R7W MDB & M

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Purchase

APPLICATION 21408 PERMIT 14544 CERTIFICATE 9261

ACTION DUE PRIORITY RESERVATION

QUANTITY 500 gallons per day USE Domestic

STATUS SOURCE Unnamed Spring

REMARKS

NARRATIVE:

On July 29, 1963, Mr. Ray Kapusta applied to the State of California (Application No. 21408) to appropriate water from an unnamed spring tributary to Clear Creek. Mr. Kapusta believed the spring to be located on public land and acting upon this belief, he obtained an easement from the Bureau of Land Management for a pipeline from the spring to his land. He subsequently received Permit No. 14544 from the state to appropriate 500 gallons per day for domestic use.

On October 3, 1967, the NPS acquired Mr. Kapusta's tract of land (and the appurtenant water right) which became a part of Whiskeytown NRA. The adjacent BLM land was also acquired by the Service. Kapusta's former residence was subsequently used as the residence of a park ranger and use of the spring water as a domestic supply was continued. On April 7, 1970, the state issued License No. 9261 to the NPS for this source.

As a result of a boundary survey made in 1973, it was discovered that the spring was not located on government land but was instead located some 200 yards outside the boundary of the park on private land. The park superintendent requested a legal opinion of the validity of the water right and what rights the NPS had to continue its use of the pipeline easement. The solicitor issued an opinion on June 6, 1973 stating that the state license was still valid but that the status of the easement was questionable in that the NPS (and its predecessor in title) had not gained a prescriptive right to maintain the easement and therefore had no apparent right to continue its use (unless possibly by inverse condemnation or eminent domain proceedings).

Compiled by M. Ackerman

Approved by W. Werrell

Page 1 of 1

WATER DOCKET INFORMATION

AREA WHISKEYTOWN NRA

DOCKET NO. 7

APPLICATION NO. 21408

PERMIT NO. 14544

LICENSE ~~CERTIFICATE~~ NO. 9261

TITLE OF DOCKET KAPUSTA DIVERSION

PRIORITY 07-29-1963

REMARKS:

Application : A021408
Permit : 014544 **Issued on** November 16, 1964
License : 009261 **Issued on** April 7, 1970

Primary Owner : U S NATIONAL PARK SERVICE
Mail To Owner : U S NATIONAL PARK SERVICE
WHISKEYTOWN NATL RECREATION AREA
Address : PO BOX 188, WHISKEYTOWN, CA 96095-0188

POD Information :
IN NW¼ of SW¼ of Section 35, T33N, R7W, MDB&M (Shasta County)
Water to be diverted from Unnamed Sprins
Tributary CLEAR CREEK thence SACRAMENTO RIVER

Amount :
Maximum Application DD : 500 gallon/day

Purpose of Use : Domestic
Diversion Season : January 1 to December 31

L54

April 22, 1988

Mr. Ralph Gunby, License Unit
California Division of Water Rights
P.O. Box 2000, Third Floor
Sacramento, CA 95810

Dear Mr. Gunby:

Enclosed is a portion of a U.S.G.S. topographic map. Please note the red "x" placed on the map. This marks the exact location where water is diverted for Water Right No. 9261. Also, note the blue "x" placed on the same map. This marks the exact location where water is used for Water Right No. 9261.

This water right is recorded for use by the National Park Service, Whiskeytown Unit, for domestic use by Park Service employees.

It is our understanding that this information was requested by your office in order to make certain these locations are correct in your files.

If we can be of further assistance to you, please contact Bud Ivey or me at (916) 241-6584.

Sincerely,

(Sgd) Ray C. Foust

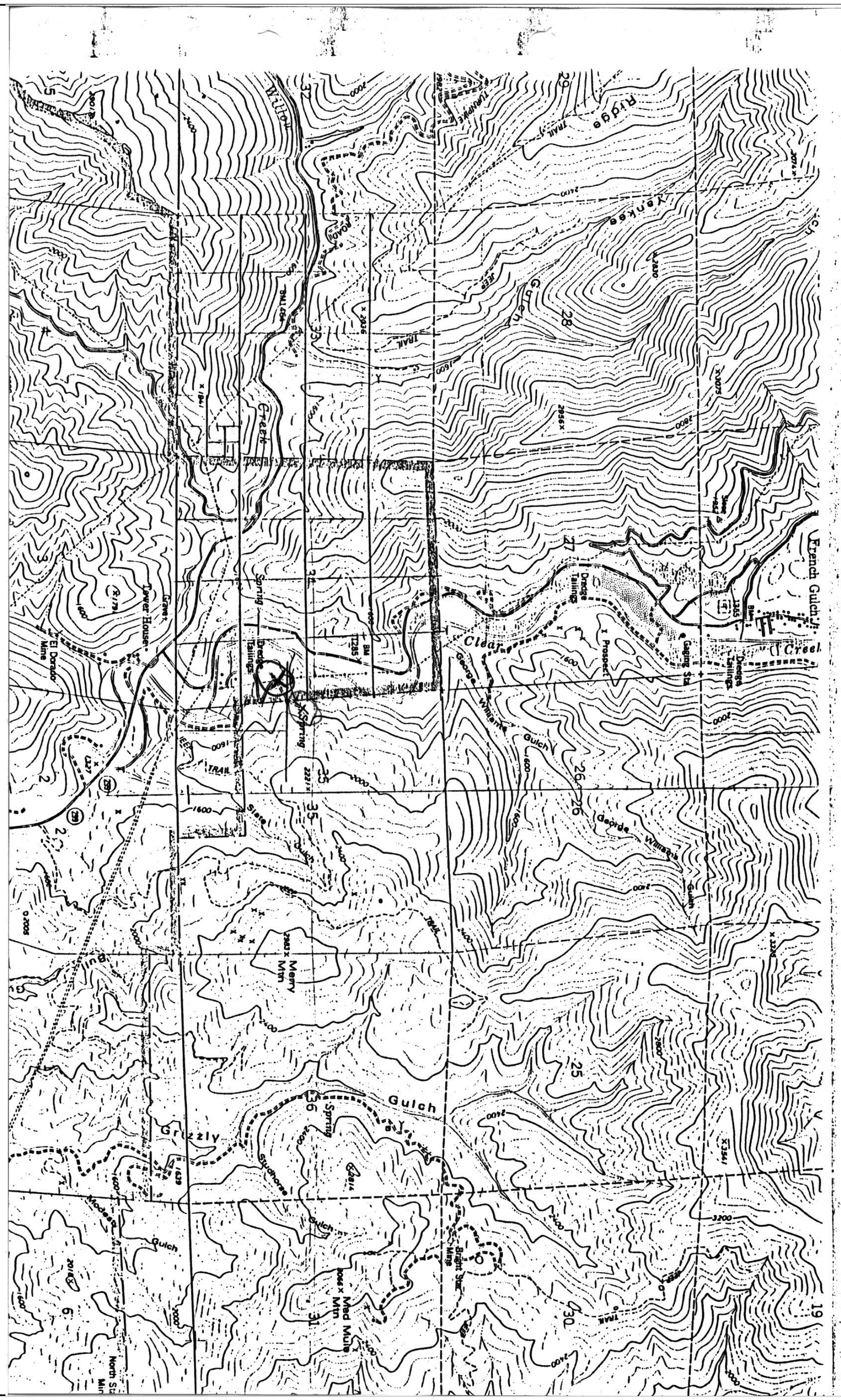
Ray C. Foust
Superintendent

Enclosure

GBIVEY:gah 4/21/88

cc:ARD for Resource Management, WRO
Chief, Lands Division, WRO
Kolipinski, WRO
Ken Czarnowski, Water Resources Division

04-22-1988: letter to license unit, california division of water rights from superintendent regarding usgs topographical map marking



04-22-1988: letter to license unit, california division of water rights from superintendent regarding usgs topographical map marking

State of California
State Water Resources Control Board
Division of Water Rights

901 P Street
Mail: P.O. Box 2000
Sacramento, CA 95810
(916) 324-5686

Ralph A. Gunby
Sanitary Engineering Associate

03-21-1988: letter regarding license 9261 (application 21408) unnamed spring in shasta county

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, *Governor*

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P Street, Sacramento, CA
(916) 324-5693

DIVISION OF WATER RIGHTS
P. O. BOX 2000, Sacramento, CA 95810

In Reply Refer
to:342:RG:21408

MAR 2 1 1988

Mr. Ken Czarnowski
U.S. National Park Service
Federal Building, Room 335
301 South Howes
Fort Collins, COL 8052

Dear Mr. Czarnowski:

LICENSE 9261 (APPLICATION 21408) UNNAMED SPRING IN SHASTA COUNTY

This is in response to our telephone conversation of March 15, 1988 relative to determining where the point of diversion and place of use is located under License 9261.

After reviewing the file for License 9261, it is suggested that you delineate the location for the point of diversion and place of use on the attached U.S.G.S. map and return it to us.

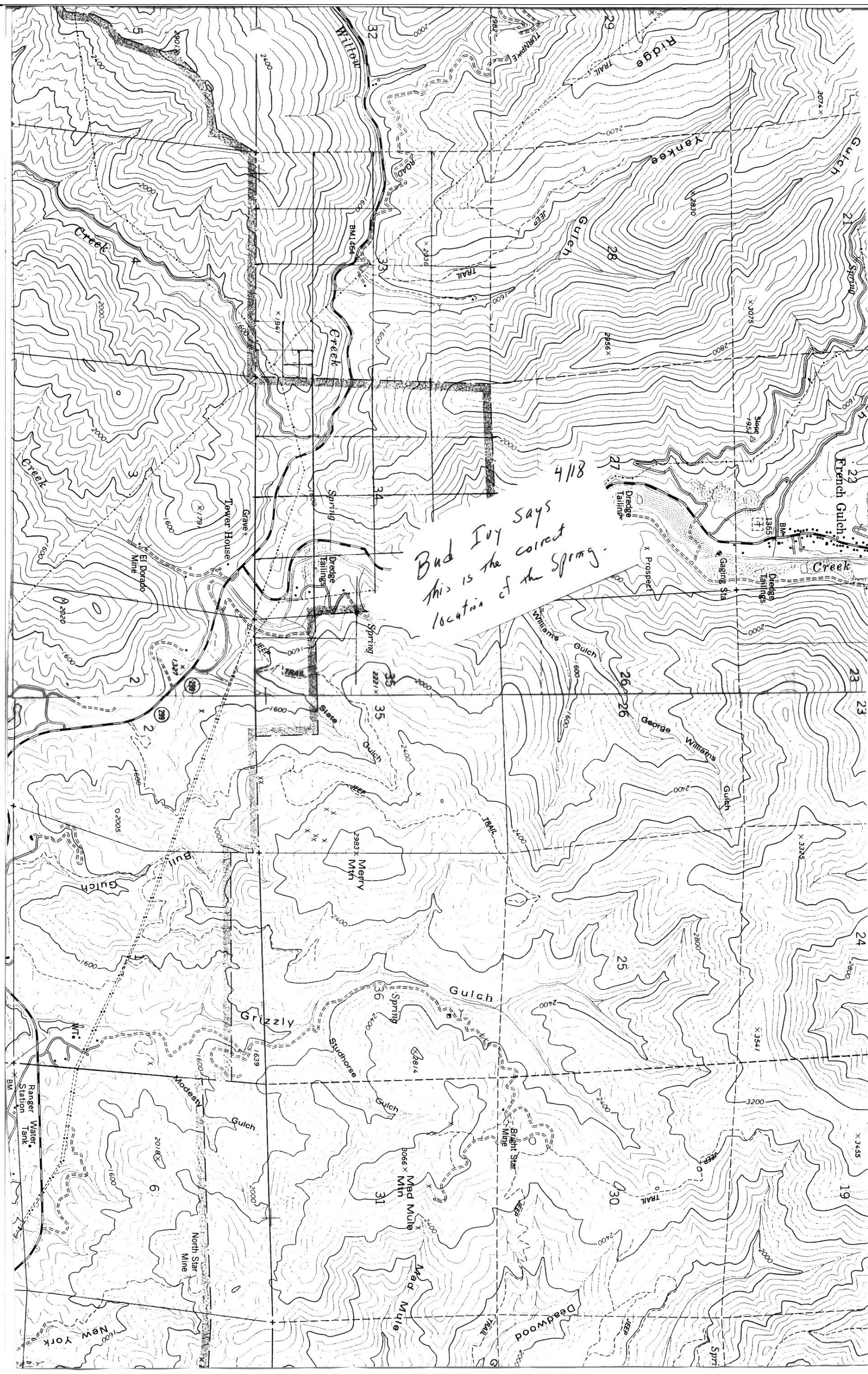
Upon receipt of the U.S.G.S. map, we will undertake the necessary action to correct the location of the point of diversion and, if necessary, the place of use.

Sincerely,

Ralph Gunby

Ralph Gunby
Sanitary Engineering Associate
Petition Unit

Enclosures


4/18
Bud Ivy says this is the correct location of the Spring.
Willow Creek
Yankee Gulch
Ridge
French Gulch
Creek
Spring
Dredge Tailings
Gaging Sta
Prospect
Tower House
Gravel
El Dorado Mine
Williams Gulch
George Williams Gulch
Merry Mtn
Grizzly Gulch
Spring
Studhorse Gulch
Modesty Gulch
Bright Star Mine
Mad Mule Mtn
Mad Mule
North Star Mine
Ranger Station
Water Tank
Deadwood
New York

02-22-1988: memorandum to associate regional director, resources management and planning, western region from acting chief,

Sent to Western Region 3/3/88 pmd

February 22, 1988

L54 (479)
WR Water Rights

Memorandum

To: Associate Regional Director
Resources Management and Planning
Western Region

From: Acting Chief
Water Resources Division

Subject: Transmittal of Reports of Licensee for California park units

Attached are completed Report of Licensee forms for 1985, 1986 and 1987 water usage for water rights at Death Valley NM, Lassen Volcanic NP, Point Reyes NS, Redwoods NP, Sequoia-Kings Canyon NP, Whiskeytown NRA, and Yosemite NP. The Water Rights Branch of the Water Resources Division prepared the forms based upon information received from the respective park units.

The forms need to be transmitted to the State Water Resources Control Board from your office as soon as possible. We have attached proposed letters of transmittal to accompany each park unit's set of forms.

If you have any questions regarding the forms or their transmittal, please contact Pat Larson of the Water Rights Branch at 303/221-5341.

Stanley L. Ponce

Stanley L. Ponce

Attachments

02-22-1988: letter to chief, investigation and compliance section, state water resources control board, division of water rights from

DRAFT

L54 (479)
WR/WHIS Water Rights
X WHIS Dockets #3 and #7

Glenn K. Mork, Chief
Investigation and Compliance Section
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95810

Dear Mr. Mork:

In response to your request, enclosed are completed Reports of Licensee for 1985, 1986 and 1987, for the following water rights located at Whiskeytown National Recreation Area:

- Application #20837, License #9292, Unnamed stream; and

- Application #21408, License #9261, Unnamed stream.

If you have any questions or comments regarding these forms, please contact Ms. Pat Larson of the Water Rights Branch, National Park Service Water Resources Division in Fort Collins, Colorado, at 303/221-5341.

Sincerely,

John D. Cherry
Associate Regional Director
Resources Management and Planning
Western Region

Enclosures

cc: Superintendent, WHIS
Larson, WRD-WRB

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1985, 1986, 1987

OWNER OF RECORD:

WHISKEYTOWN NATIONAL RECREATION AREA
U S NATL PARK SERVICE, DWR
450 GOLDEN GATE AVE, BOX 36063
SAN FRANCISCO, CA 94102

APPLICATION: A021408

LICENSE: 009261

TELEPHONE NUMBER:
( ) -

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED SPRING

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

COUNTY: SHASTA

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC

AMOUNT: 500.000 GPD 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X]. NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1985	X	X	X	X	X	X	X	X	X	X	X	X	
1986	X	X	X	X	X	X	X	X	X	X	X	X	
1987	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS	1985	1986	1987
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	3	3	3
garden area, etc.	½ acre	½ acre	½ acre
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other Wildlife propagation/fire suppression	X	X	X

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

WR-17 (7-87)
3191

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe in "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individual farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges for drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduced use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water use for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
19__ _____ 19__ _____ 19__ _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [ ]; (3) discharged into settling ponds [X]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [X] NO [ ].
(1) Domestic [X]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe: _____

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [ ] NO [X]. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [X].

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [X]. If yes, please describe. _____

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

29. No potential

30. No potential

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

31. No

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: 3/1/88 Sign Here: Stanley E. Paine
LICENSEE (OR AGENT OR DESIGNEE)

TAPIA
WITUCKI
Cherry
Jacot 1/31

L54 (WR-RNW)
WHIS/WR #3, #7

January 29, 1985

State of California - Resource Agency
State Water Resources Control Board
Division of Water Rights
901 P Street
Sacramento, CA 95810

Gentlemen:

In reply to your request for an update regarding the Report of Licensee for Whiskeytown National Recreation Area (1982, 1983, 1984), the enclosed is submitted.

If you have any questions or comments regarding this matter, please call Mr. Gerard Witucki at (415) 556-8660.

Sincerely,

(Sgd) Francis H. Jacot

For John D. Cherry
Associate Regional Director
Resources Management and Planning
Western Region

Enclosure

cc:
Superintendent, Whiskeytown, w/encl.

(WR-RNW):Tapia:Witucki:ml:01/29/85

bc:
Fort Collins

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1982, 1983, 1984

OWNER OF RECORD:

WHISKEYTOWN NATIONAL RECREATION AREA
U S NATIONAL PARK SERVICE, WESTERN REGIO
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A021408

LICENSE: 009261

TELEPHONE NUMBER:
(415)556-8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:	Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.	COUNTY:
UNNAMED SPRING		SHASTA
PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.C AC

AMOUNT: 500.000 GPD 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1982	x	x	x	x	x	x	x	x	x	x	x	x	
1983	x	x	x	x	x	x	x	x	x	x	x	x	
1984	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1982	1983	1984
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	3	3	3
garden area, etc.	½ acre	½ acre	½ acre
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other wildlife propagation/fire suppression	x	x	x

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

WR 17 (11-83)
3045

1984

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe in "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individual farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges for drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduced use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water use for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
1978 _____ 1979 _____ 1980 _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [ ]; (3) discharged into settling ponds [X]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [X] NO [ ].
(1) Domestic [X]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe: _____

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [ ] NO [X]. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [X].

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [X]. If yes, please describe. _____

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

29. No potential

30. No potential

31. No

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date JAN 30, 1985 Sign Here: Leland S. Nichols

LICENSEE (OR AGENT OR DESIGNEE)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
~~7~~ Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

REPORT OF LICENSEE FOR 1979, 1980, 1981

OWNER OF RECORD:

WHISKEYTOWN NATIONAL RECREATION AREA
U S NATIONAL PARK SERVICE, WESTERN REGIO
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A021408

LICENSE: 009261

TELEPHONE NUMBER:
(415) 556 - 8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED SPRING

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

COUNTY: SHASTA

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC

AMOUNT: 500.000 GPD 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address. Do you need a copy of your license: Yes [ ] No [X]. If yes, please include a stamped, addressed envelope with your request.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1979	x	x	x	x	x	x	x	x	x	x	x	x	
1980	x	x	x	x	x	x	x	x	x	x	x	x	
1981	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1979	1980	1981
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons	3	3	3
garden area, etc.	½ acre	½ acre	½ acre
10. Recreational — nature of use			
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other wildlife propagation / fire suppression	x	x	x

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

WR-17 (8-80)
2164

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe in "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individual farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges for drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduced use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water use for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
1978 _____ 1979 _____ 1980 _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters: _____

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [ ]; (3) discharged into settling ponds [X]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [X] NO [ ].
(1) Domestic [X]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe: _____

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [ ] NO [X]. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [X].

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [X]. If yes, please describe. _____

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

29. No potential.

30. No potential.

31. No.

~~Declaration:~~ The United States gives this notification to the State in the interest ~~of comity,~~ and does not concede that the State has power to regulate the rights ~~of the United States~~ to the use of water.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: MAR 2 1982 Sign Here: Gerald S. Gutierrez

LICENSEE (OR AGENT OR DESIGNEE)

02-15-1979: letter to chief, division of water rights from chief, division of water resources regarding reports of license for 1976, 77,

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

RECEIVED
NATIONAL PARK SERVICE
WASHINGTON OFFICE
FEB 21 8 32 AM '79

IN REPLY REFER TO:
L54
DEVA/LAVO/PORE
REDW/WHIS/YOSE
(WR)RW

February 15, 1979

Please put on file in this Water Right Docket #2 see me

State of California Resources Control Board
Chief, Division of Water Rights
77 Cadillac Drive
Sacramento, California 95825

Dear Sir:

Enclosed are the following Reports of Licensee for 1976, 77 and 78, as well as Progress Reports by Permittee for 1978:

Water Right Docket #	Application #	Licensee #	Source
DEVA WR #21	16096	10845	Tarantula Springs
DEVA WR #24	8423	10580	Unnamed Spring
LAVO WR #3	7156	2104	Unnamed Spring
PORE WR #12	22784	10112	Unnamed Spring
PORE WR #12	20917	8611	Unnamed Spring
REDW WR #1	12221	3866	Unnamed Spring
REDW WR #2	14833	5046	Unnamed Stream
REDW WR #3	14931	5125	Smith River
REDW WR #5	10666	5369	Unnamed Spring
REDW WR #9	22771	--	Unnamed Spring
WHIS WR #1	8229	2275	South Liberty Gulch
WHIS WR #3	20837	9292	Unnamed Spring
WHIS WR #5	19103	7453	Unnamed Spring
WHIS WR #6	19104	7454	Clear Creek
WHIS WR #7	21408	9261	Unnamed Spring
WHIS WR #12	21676	--	Boulder Creek
YOSE WR #1	6729	6112	Two Unnamed Springs
YOSE WR #6	10488	2973	Crane Creek
YOSE WR #6	19116	--	Moss Creek

Sincerely yours,

(Sgd) Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

Enclosures
a/s

cc:
Superintendent, Death Valley NM, w/encls
Superintendent, Lassen Volcanic NP, w/encls
Superintendent, Point Reyes NRA, w/encls
Superintendent, Redwood NP, w/encls
Superintendent, Whiskeytown NRA, W/encls
Superintendent, Yosemite NP, w/encls
WASO(497) w/encls

State Water Resources Control Board
DIVISION OF WATER RIGHTS
7 Cadillac Drive, Sacramento, CA 95
(916) 920-6151

WRIS WR#7

REPORT OF LICENSEE FOR 1976, 1977, 1978

OWNER OF RECORD:
WHISKEYTOWN NATIONAL RECREATION AREA
U S NATIONAL PARK SERVICE, WESTERN REGION,
DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

APPLICATION: 21408

(415) 556-8660
Area Code and Telephone Number

If the information shown above is wrong, please correct.

SOURCE: UNNAMED SPRING

COUNTY: SHASTA

AMOUNT: 500 GAL/DAY

PURPOSE: DOMESTIC

LICENSE: 9261

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [x] NO [ ] I am complying with the conditions of my license: YES [x] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [x]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [x] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1976	x	x	x	x	x	x	x	x	x	x	x	x	
1977	xx	x	x	x	x	x	x	x	x	x	x	x	
1978	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1976	1977	1978
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated	½	½	½
Crops grown:			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	3	3	3
garden area, etc.			
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: January 31, 1979 Sign Here: (Sgd) Gerard S. Witucki
Gerard S. Witucki LICENSEE
Chief, Div. of Water Resources, National Park Service

SWRCB-17 (10/78)

1978

(REPORT CONTINUES ON REVERSE SIDE)

State Water Resources Control Board
DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1973, 1974, 1975

OWNER OF RECORD: APPLICATION 21408

WHISKEYTOWN NATIONAL RECREATION AREA
U S NATIONAL PARK SERVICE, WESTERN REGION,
DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

(415) 556-8660
Telephone Number and Area Code

If the information shown above is wrong, please correct

SOURCE: UNNAMED SPRING

AMOUNT: 500 GAL/DAY
PURPOSE: DOMESTIC

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

LICENSE 9261

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES ☒ NO ☐. I am complying with the conditions of my license: YES ☒ NO ☐. Identify any non-compliance by license term number under "remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
2125 Nineteenth Street, Sacramento, California 95818

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE. ☐ YES ☒ NO

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☒ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1973	x	x	x	x	x	x	x	x	x	x	x	x	
1974	x	x	x	x	x	x	x	x	x	x	x	x	
1975	x	x	x	x	x	x	x	x	x	x	x	x	

STORAGE

	1973	1974	1975
3. Did your reservoir spill this year?			
4. How many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE

	1973	1974	1975
7. Acreage irrigated	.5	.5	.5
Crops grown:			
8. Stockwatering – head			
Kind			
9. Domestic – number of persons	3	3	3
Garden area, etc.			
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: 7 JAN 1976 Sign Here: (Sgd) Gerard S. Witucki
Gerard S. Witucki, Chief, Division of Water Reso...
National Park Service, Western Region
LICENSEE
(REPORT CONTINUES ON REVERSE SIDE)

SWRCB-17 (9-75)

Information provided by Mr. Lucier verbally to W. Werrell on 12/4/75 - 1975

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code.

CONSERVATION OF WATER

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in remarks) ☐.

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in remarks) ☐.

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in remarks) ☐.

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in remarks) ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

21. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

22. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐; (4) Other ☐. Describe:

23. Does or will water being discharged contain waste materials? ☐ Yes ☐ No.
(1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐. Describe:

24. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? ☐ Yes ☐ No. Describe:

25. Describe what steps you are, have been, or can take to reclaim or indirectly reuse the water sought being appropriated:

REMARKS

Please designate by number the question you are answering:

(If additional space is needed for remarks, attach numbered sheets.)

35015-983 7-75 SM ⓘ ◇ GSP

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1970, 1971, 1972

OWNER OF RECORD:

WHISKEYTOWN NATIONAL RECREATION AREA
U S NATIONAL PARK SERVICE,
WESTERN REGION, DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

APPLICATION 21408

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

TELEPHONE NUMBER

If the information shown above is wrong, please correct

SOURCE: UNNAMED SPRING
Kapusta Diversion WR # 7

AMOUNT: 500 GAL/DAY
PURPOSE: DOMESTIC

LICENSE 9261

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

Please fill out carefully and return promptly to the State Water Resources Control Board, Division of Water Rights, Room 1015, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

The project has been abandoned, and I request revocation of the license. ☐ Yes ☒ No

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☒ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet. (If not known check months water was used.)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1970	x	x	x	x	x	x	x	x	x	x	x	x	
1971	x	x	x	x	x	x	x	x	x	x	x	x	
1972	x	x	x	x	x	x	x	x	x	x	x	x	

STORAGE	1970	1971	1972
1. Did your reservoir spill this year?			
2. How many feet below spillway vertically was the water level at maximum storage?			
3. Have you emptied the reservoir?			
4. How many feet below spillway vertically was it drawn down at end of season?			
USE			
1. Acreage irrigated	.5	.5	.5
Crops grown: Trees			
2. Stockwatering—head			
Kind			
3. Domestic—number persons	3	3	3
Garden area, etc.			
4. Recreational—nature of use			
5. Industrial—nature of use			
6. Municipal—approximate population			
7. Power generation—H.P.			
8. Other			

If no water was used in one or more years, briefly state the reason:

If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change No change

REMARKS (If more space is needed, use reverse side)

Submitted

Date: MAY 4 1973

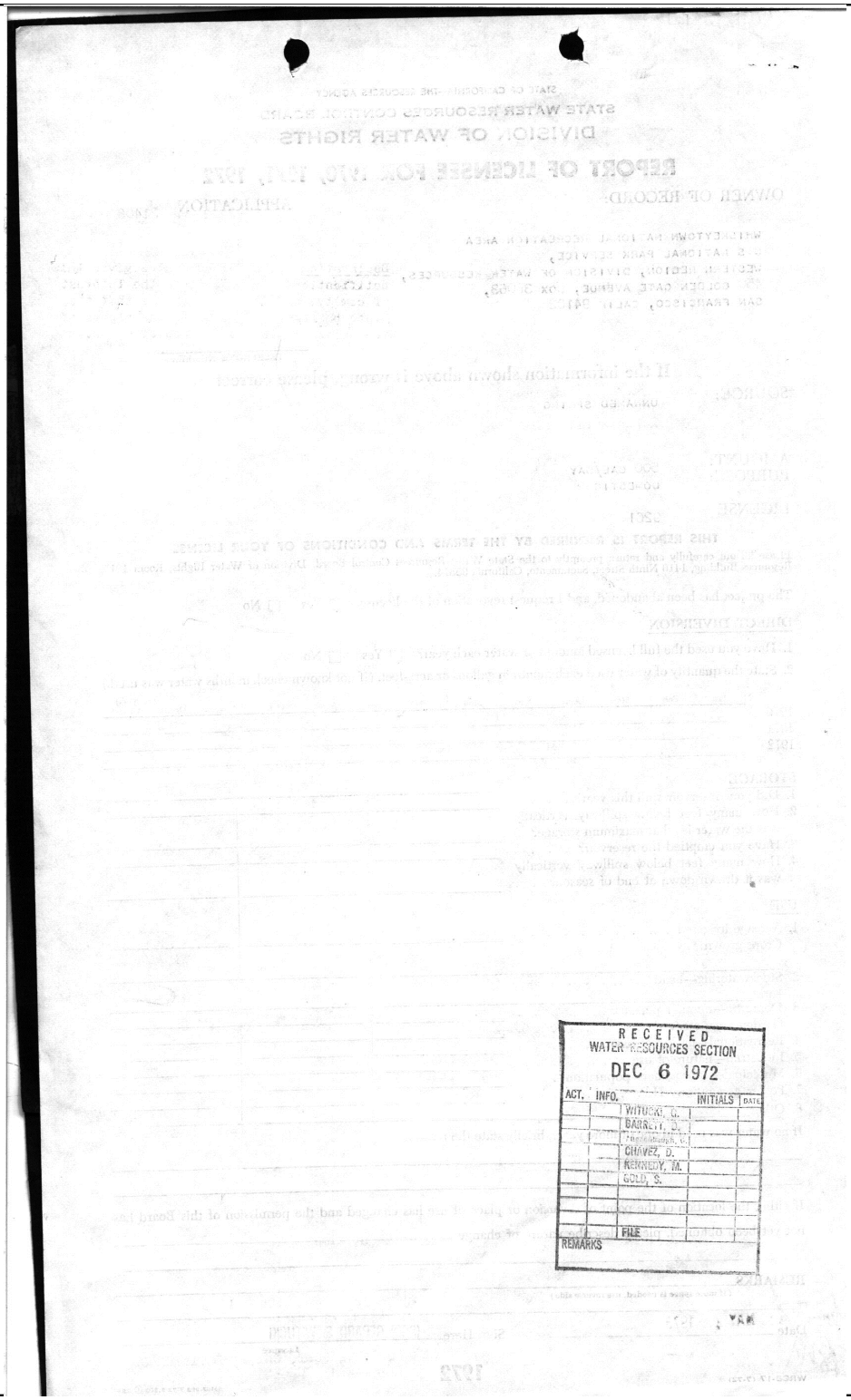
Sign Here (SGD) GERARD S. WITUCKI
License

GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES

1972

WRCB-17 (7-72)

65167-983 7-72 5,200 ⓘ OSP


RECEIVED
WATER RESOURCES SECTION
DEC 6 1972
ACT. INFO.
INITIALS
DATE
WITUSKI, G.
BARRETT, B.
CHAVEZ, D.
KENNEDY, M.
GOLD, S.
FILE
REMARKS

06-19-1969: license for diversion and use of water: application 21408, permit 14544, license 9261

RECEIVED
APR 9 1970
WHISKEYTOWN N. R

THIS IS YOUR COPY OF THE LICENSE.
A COPY IS BEING RECORDED WITH THE COUNTY RECORDER.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 21408 PERMIT 14544 LICENSE 9261

THIS IS TO CERTIFY, *That* UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE WHISKEYTOWN NATIONAL RECREATION AREA, DIVISION OF WATER RESOURCES, SSC, 450 GOLDEN GATE AVENUE, BOX 36025, SAN FRANCISCO, CALIFORNIA 94102 HAS *made proof as of* JUNE 19, 1969 *(the date of inspection)* *to the satisfaction of the State Water Resources Control Board of a right to the use of the water of* AN UNNAMED SPRING IN SHASTA COUNTY

tributary to CLEAR CREEK THENCE SACRAMENTO RIVER

for the purpose of DOMESTIC USE *under Permit* 14544 *of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from* JULY 29, 1963 *and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed* FIVE HUNDRED (500) GALLONS PER DAY, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

DUE NORTH 2,300 FEET FROM SE CORNER OF SECTION 34, T33N, R7W, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 34.

A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN NE1/4 OF SE1/4 OF SECTION 34, T33N, R7W, MDB&M.

COPY TO Director WSC DATE 6/4/70

FOR YOUR ☒ INFORMATION ☐ ACTION

WESTERN REGION PS INITIALS @

WRCB 16-3 (12-67)

31087-D-983 4-69 3M ⓓ OSP

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the 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.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 7 1970

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward

Chief, Division of Water Rights

09-30-1969: letter to state water resources control board from supervisory hydrologist regarding forms affecting four water permits

CHAVEZ
WITUCKI

L54
MWSSC - WHIS
WR Docket

September 30, 1969

State Water Resources Control Board
Division of Water Rights
1416 Ninth Street, Room 1140
Sacramento, California 95814

Gentlemen:

Enclosed are forms affecting four water permits at Whiskeytown National Recreation Area which the Superintendent has executed and has submitted through this office. This is in accordance with the results of a recent inspection made by C.H. Dabney of your office.

Action on permits are as follows:

Permit No. 13876:	A request for license, and petition for correction in purpose of use.
Permit No. 13375:	A petition for extension of time.
Permit No. 13348:	A request for revocation.
Permit No. 14544:	A request for license and correction of point of diversion and point of use. Petition for extension of time.

Please bill this office for the necessary fee of $5.00.

Sincerely yours,

(SGD) GERARD S. WITUCKI

Gerard S. Witucki
Supervisory Hydrologist

Enclosures
cc:
Ch., Div. of Wtr. Res., WASO
Regional Director, Western
Supt., Whiskeytown
DCHAVEZ/mdr/9/30/69

STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1968

OWNER OF RECORD: APPLICATION 21408

U S DEPT OF THE INTERIOR, NATIONAL PARK SERVICE
WHISKEYTOWN NATIONAL RECREATION AREA,
P O BOX 188,
WHISKEYTOWN, CALIF 96095

If the owner or address shown above is wrong, please correct

SOURCE: UNNAMED SPRING

AMOUNT: 4000 GAL/DAY
PURPOSE: DOMESTIC

PERMIT 14544

This report is important to you in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced?
2. Has all construction work been completed? Yes If not, give estimated date of completion
3. State approximate cost of construction work on this project during the past 12 months Unknown
   Describe briefly the portions of the project upon which the above amount was spent
4. What construction work remains to be done to complete the project?
5. Has use of water commenced? What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1968 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	X

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit?
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stockwatering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☐ Domestic — Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☐ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☐ No

REMARKS This permit acquired through purchase of property by U.S. Government; Continued domestic use is anticipated.
(If more space is needed, use reverse side)

Date 2/12/69 Sign Here (S69) GERARD S. WITUCKI
Supervisory Hydrologist

1968

WRCB 15 (8-68) 24115-983 8-68 5M ⓘ OSP

02-12-1969: progress report by permittee for 1968: application 21408; permit 14544, page 2cont

08-28-1968: letter to state water rights board from chief; office of land and water rights regarding progress reports by permittee for

OCWD Room 104

L54 LWSSC

AUG 2 8 1968

State of California Resources Agency
State Water Rights Board
Resources Building, Room 1140
1416 Ninth Street
Sacramento, California 95814

Gentlemen:

Enclosed are the Progress Reports by Permittee for 1967, under Application Nos. 20061, 21408 and 20771, Permit Nos. 13348, 14544 and 13839. The sources are Brandy Creek, Unnamed Spring and Alemea Creek, the first two within Whiskeytown National Recreation Area, California, and the last within Point Reyes National Seashore, California.

Sincerely yours,

(Sgd) THOMAS KORNELIS
Thomas Kornelis
Chief, Office of Land
and Water Rights

Enclosure

cc:
Chief, Branch of Water Resources, WASO w/encl.
Superintendent, Whiskeytown w/encl.
Superintendent, Point Reyes w/encl.

Temporary Application

State of California - The Resources Agency
State Water Resources Control Board
DIVISION OF WATER RIGHTS
Room 1140, 1416 Ninth Street
Sacramento, California 95814

REQUEST FOR LICENSE

APPLICATION 21408 PERMIT 14544

SUBJECT TO APPROVAL BY THE STATE WATER RESOURCES CONTROL BOARD
UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE
WHISKEYTOWN NATIONAL RECREATION AREA
P. O. BOX 188, WHISKEYTOWN, CALIFORNIA 96095

WHISKEYTOWN
NATIONAL RECREATION AREA
P. O. BOX 188
WHISKEYTOWN, CALIFORNIA 96095

HAVING MADE PROOF AS OF JUNE 19, 1969 (THE DATE OF INSPECTION)
HEREBY REQUEST LICENSE ACTION AS LISTED BELOW.

ACCORDING TO THE BEST KNOWLEDGE AND BELIEF OF THE UNDERSIGNED, A RIGHT HAS BEEN ESTABLISHED TO USE OF THE WATERS OF:
AN UNNAMED SPRING IN SHASTA COUNTY
TRIBUTARY TO CLEAR CREEK THENCE SACRAMENTO RIVER
FOR THE PURPOSE OF: DOMESTIC USE

UNDER PERMIT 14544 THE PRIORITY OF WHICH DATED FROM JULY 29, 1963

BY BENEFICIAL USE IN THE AMOUNT OF: FIVE HUNDRED (500) GALLONS PER DAY TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

DUE NORTH ~~1,200~~ 2,360 FEET FROM SE CORNER OF SECTION 34, T33N, R7W, MDB&M,
BEING WITHIN ~~SE1/4~~ NE1/4 OF ~~SE1/4~~ SE1/4 OF SAID SECTION 34.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN ~~SE1/4~~ NE1/4 OF ~~SE1/4~~ SE1/4 OF SECTION 34, T33N, R7W, MDB&M.

CLAUSES REQUIRED

THIS CONSTITUTES A PETITION FOR CORRECTION IN DESCRIPTION OF POINT OF DIVERSION AND PLACE OF USE.

IF ANY REDUCTION IN AMOUNT, SEASON OR LAND DESCRIPTION BECOMES NECESSARY WHEN THESE ROUGH CALCULATIONS ARE CHECKED, ~~THE OWNER~~ WILL BE NOTIFIED AND ALLOWED 30 DAYS WITHIN WHICH TO PROTEST SUCH CHANGE.

SIGNATURE L. J. Mitchell Superintendent DATE: July 3, 1969
PERMITTEE OR HIS REPRESENTATIVE

WHISKEYTOWN
NATIONAL RECREATION AREA
P. O. BOX 188
WHISKEYTOWN, CALIFORNIA 96095

INSPECTED BY: C. N. Dalby

CHECKED BY:
SENIOR ENGINEER

WRCB
16A (5-68)

04-29-1968: progress report by permittee for 1967: application 21408; permit 14544

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PROGRESS REPORT BY PERMITTEE FOR 1967

OWNER OF RECORD: APPLICATION 21408

U S NATIONAL PARK SERVICE
WHISKEYTOWN NATIONAL RECREATION AREA,
P O BOX 188,
WHISKEYTOWN, CALIF 96095

If the owner or address shown above is wrong, please correct

SOURCE: (1) UNNAMED SPRING (2)
(3) (4)
(5) (6)
(7) PERMIT 14544

AMOUNT: 4000 GAL/DAY PURPOSE: DOMESTIC

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced?
2. Has all construction work been completed? Yes If not, give estimated date of completion
3. State approximate cost of construction work on this project during the past 12 months Unknown
   Describe briefly the portions of the project upon which the above amount was spent
4. What construction work remains to be done to complete the project?
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1967 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
x	x	x	x	x	x	x	x	x	x	x	x	

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? Less
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months? ---
10. Did your reservoir spill this year? ? If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stockwatering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☒ Domestic — Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☐ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☐ No

REMARKS This permit acquired through purchase of property by U.S. Government.
(If more space is needed, use reverse side)

Continued domestic use is anticipated.

Date April 29, 1968 Sign Here Thomas Donelis
Permittee
CHIEF, OFFICE OF PROJECT PLANNING, BUREAU OF WATER RIGHTS, DIVISION OF WATER

This report is of importance to you in establishing your water right, as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly to the State Water Rights Board, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

SWRB 15 (8-67) 1967 12780-357 8-67 5M ⓒ CSP

KAPUSTA

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PROGRESS REPORT BY PERMITTEE FOR 1967

OWNER OF RECORD: APPLICATION 21408

U S NATIONAL PARK SERVICE
WHISKEYTOWN NATIONAL RECREATION AREA,
P O BOX 188,
WHISKEYTOWN, CALIF 96095

If the owner or address shown above is wrong, please correct

SOURCE: (1) UNNAMED SPRING (2)
(3) (4)
(5) (6)
(7) PERMIT 14544

AMOUNT: 4000 GAL/DAY PURPOSE: DOMESTIC

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced?
2. Has all construction work been completed? YES If not, give estimated date of completion —
3. State approximate cost of construction work on this project during the past 12 months UNKNOWN
   Describe briefly the portions of the project upon which the above amount was spent
4. What construction work remains to be done to complete the project?
5. Has use of water commenced? YES What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1967 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
x	x	x	x	x	x	x	x	x	x	x	x	

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? LESS
8. Has location of the intake or place of use been changed? NO
9. Did the source go dry? NO If so, during what months? —
10. Did your reservoir spill this year? ? If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stockwatering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☒ Domestic — Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☐ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☐ No

REMARKS (If more space is needed, use reverse side) THIS PERMIT ACQUIRED THROUGH PURCHASE OF PROPERTY by U.S. Gov't. CONTINUED DOMESTIC USE IS ANTICIPATED.

Date Sign Here
Permittee

This report is of importance to you in establishing your water right as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly to the State Water Rights Board, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

12-18-1967: letter to nps from supervising engineer regarding listing of water right filings

ATE OF CALIFORNIA—THE RESOURCES AGENC
ATE WATER RESOURCES CONTROL BOARD
IVISION OF WATER RIGHTS
OM 1140, RESOURCES BUILDING
16 NINTH STREET • SACRAMENTO 95814

overnor

December 18, 1967

U. S. National Park Service
San Francisco Planning and Service Center
450 Golden Gate Avenue, Box 36025
San Francisco, California 94102

Attention: Mr. William E. Fields
Supervisory Hydraulic Engineer

Subject: Tabulation of Applications in
Whiskeytown National Recreation Area

Gentlemen:

A listing of water right filings requested in your letter of November 29 is enclosed.

We have sent the documents to a blueprint company for reproduction. The blueprint company will send the copies and a bill for the reproduction work to you.

Please make your remittance direct to the blueprint company as we have no provisions for the handling of such funds.

Sincerely,

D. W. Sabiston
Supervising Engineer

Enclosure

000611
27 DEC REC'D

NOTE: APPROPRIATIVE RIGHTS INITIATED PRIOR TO DECEMBER 19, 1914, AND RIPARIAN RIGHTS ARE NOT INCLUDED IN THIS LIST AND INFORMATION CONCERNING THEM IS LACKING. SEE REGULATIONS AND INFORMATION PERTAINING TO THE APPROPRIATION OF WATER. PP 49-55.

STATE OF CALIFORNIA
RESOURCES AGENCY

STATE WATER RIGHTS BOARD

MEMORANDUM CONCERNING APPLICATIONS TO APPROPRIATE

APPLICATIONS WITHIN WHISKEYTOWN NATIONAL RECREATION AREA — DATE PREPARED DECEMBER 6, 1967

APP No.	DATE FILED	APPLICANT	SOURCE	POINT OF DIVERSION			AMOUNT		USE	STATUS
				SECTION	TWP & RANGE	B&M	CFS OR GPD	ACRE-FEET		
21676	030664	LEE & JESSIE C FUNDERBURG	BOULDER CREEK	SESE12	32N7W	M	0.5c		D	P
17264	090556	CALIF DIVISION OF FORESTRY	CRYSTAL CREEK	NWSE17	32N7W	M	0.062c		ID	L
7011	071831	CALIF DIVISION OF HIGHWAYS	UNNAMED SPRING	SESW23	32N6W	M	5100G		RD	L
8229	020435	WHISKYTOWN, NATIONAL RECREATION AREA	SOUTH LIBERTY GULCH	SESE04	32N6W	M	0.17c		ID	L
15424	072353	U S BUREAU OF RECLAMATION	CLEAR CREEK	NWSW27	32N6W	M	1700c		P	P
17375	112856	U S BUREAU OF RECLAMATION	CLEAR CREEK	NWSW27	32N6W	M	1900c	250000	P	P
17376	112856	U S BUREAU OF RECLAMATION	CLEAR CREEK	NWSW27	32N6W	M	3600c	250000	KR	P
19075	111059	DO-BE MELCON PELTIER	UNNAMED SPRING	NWNW33	32N6W	M	0.04c		D	P
20001	022161	U S NATIONAL PARK SERVICE	BRANDY CREEK	NWSE30	32N6W	M	0.5c	15	DR	P
20262	061361	JOHN E PORTER JR	UNNAMED FAULT	SESW23	32N6W	M	2400G		KS	P
20837	070262	U S NATIONAL PARK SERVICE	UNNAMED STREAM	NWSE30	32N6W	M		15	D	P
784	091417	HAPPY VALLEY WATER COMPANY	MISSELBECK BRANCH	NENE31	31N7W	M		4800	ID	L

by Phone call of 9/3/68

19103	U.S.N. Park Service		34	33N7W.	M				
19104	" " "		34	" "	M				
21408	" " "		34	" "	M				

SWRB-30 ((1-65)

SEE REVERSE SIDE OF FORM FOR EXPLANATION OF ENTRIES

89846-957 2-67 2k

12-06-1967: table concerning applications to appropriate

12-06-1967: table concerning applications to appropriate, page 2 - explanation of entriescont

EXPLANATION OF ENTRIES

DATE FILED: First two digits are month; next two digits are day of month; last two digits are year.

POINT OF DIVERSION:

SECTION: Forty acre subdivision of the section in which the point of diversion is located:

NWNW	NENW	NWNE	NENE
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SWSW	SESW	SWSE	SESE

TWP & RANGE: Numbers preceding N or S are township number north or south of base line. Numbers preceding E or W are range numbers east or west of meridian.

B & M: H is Humboldt Base and Meridian
M is Mt. Diablo Base and Meridian
S is San Bernardino Base and Meridian

AMOUNT: A symbol (*, #, %, ¢, =, ", etc. preceding an amount entry indicates that there are alternate points of diversion under this application and the amount listed may be diverted from this or other point or points of diversion identified by the same symbol under this application number.

USE:
A Agricultural
B Mining
C Milling
D Domestic
E Fire protection
F Flood control
G Dust control
H Fish culture
I Irrigation
J Industrial
K Irrigation, domestic
L Salinity control
M Municipal
N Navigation
O Stockwatering, fish culture
P Power
Q Recreational, fire protection
R Recreational
S Stockwatering
T Recreational, fire protection, fish culture
U Stockwatering, fire protection
V Recreational, fish culture
W Wildlife propagation
X Recreational, stockwatering
Y Recreational, stockwatering, fish culture
Z Uses too numerous to list or not included in code

STATUS: No entry—Application
P —Permit
L —License

11-21-1967: letter to nps from chief engineer regarding permit 14544: application 21408; unnamed spring in shasta county

STATE OF CALIFORNIA—RESOURCES AGENCY

RONALD REAGAN, Governor

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
NINTH AND O STREETS • SACRAMENTO 95814

GEORGE B. MAUL, Chairman
RALPH J. McGILL, Member
W. A. ALEXANDER, Member

RECEIVED
NOV 24 1967
WHISKEYTOWN N. R

NOV 24 1967

Route		Initial
1	Graham	
	~~Erleson~~	
2	Landes	
	Nielsen	
	Johnson	
	Raney	
	Gardner	
	Blakely	
	Taylor	

November 21, 1967

U. S. Department of the Interior
National Park Service
Whiskeytown National Recreation Area
P. O. Box 188
Whiskeytown, California 96095

Subject: Permit 14544 (Application 21408)
Unnamed Spring in Shasta County

Gentlemen:

Raymond A. Kapusta has informed us that he has assigned Permit 14544 to you. We have changed our records accordingly.

We assume you have been given a copy of the permit, but if not, we will send you one upon request.

Sincerely,

L. C. Spencer

L. C. Spencer
Chief Engineer

cc: Mr. and Mrs. Raymond Kapusta
French Gulch
California 96033

THE RESOURCES AGENCY OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. Box 1592
SACRAMENTO, CALIFORNIA

NPS acquired

NOTICE OF APPLICATION TO APPROPRIATE WATER

APPLICATION 21408

NOTICE IS HEREBY GIVEN THAT RAYMOND & MARY ALICE KAPUSTA
ROUTE 2, BOX 5593, ANDERSON, CALIF

HAVE UNDER THE DATE OF JULY 29, 1963, APPLIED TO THE STATE WATER RIGHTS BOARD FOR A PERMIT TO APPROPRIATE UNAPPROPRIATED WATER, SUBJECT TO VESTED RIGHTS.

DESCRIPTION OF PROJECT

WATER TO BE APPROPRIATED FROM UNNAMED SPRING TRIBUTARY TO
CLEAR CREEK THENCE SACRAMENTO RIVER
POINT OF DIVERSION AND PLACE OF USE WITHIN
SE1/4 OF SE1/4 SECTION 34 T33N R7W MDB&M, AS SHOWN ON MAP FILED WITH
STATE WATER RIGHTS BOARD
IN THE COUNTY OF SHASTA
AMOUNT APPLIED FOR: 4000 GALLONS PER DAY BY DIRECT DIVERSION
DIVERSION SEASON NAMED: JANUARY 1 TO DECEMBER 31 OF EACH YEAR

WATER TO BE USED FOR DOMESTIC PURPOSES

RELATIVE TO PROTESTS

BLANKS UPON WHICH TO SUBMIT PROTESTS WILL BE SUPPLIED FREE UPON REQUEST

ANY PERSON DESIRING TO PROTEST THE GRANTING OF SUCH PERMIT SHALL WITHIN 40 DAYS FROM DATE HEREOF FILE A WRITTEN PROTEST WITH THE STATE WATER RIGHTS BOARD. SUCH PROTEST SHALL CLEARLY SET FORTH THE PROTESTANT'S OBJECTIONS TO THE APPROVAL OF THE APPLICATION AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) STATEMENT OF THE INJURY WHICH WOULD RESULT TO PROTESTANT FROM SUCH APPROPRIATION AND USE.

(2) THE BASIS OF PROTESTANT'S WATER RIGHT.

(3) PROTESTANT'S PAST AND PRESENT USE OF WATER BOTH AS TO AMOUNT USED AND LAND IRRIGATED OR USE MADE OF WATER IF OTHER THAN IRRIGATION.

(4) THE APPROXIMATE LOCATION OF PROTESTANT'S LAND OR PLACE OF USE AND POINT OF DIVERSION OF THE WATER.

A COPY OF THE PROTEST SHOULD BE SENT TO THE APPLICANT AND THIS OFFICE SHOULD BE NOTIFIED THAT THE SAME HAS BEEN DONE.

L. K. HILL
EXECUTIVE OFFICER

DATED: SACRAMENTO, CALIFORNIA

MAR 31 1984

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

JUL 29 2 34 PM '63

STATE WATER RIGHTS BOARD
SACRAMENTO

Application No. 21408 Filed July 29, 1963 at 2:34 P M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, Raymond and Mary Alice Kapasta
Name of applicant or applicants

of Rt 2 Box 5593, Anderson County of Shasta
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is an Unnamed Spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Shasta County, tributary to Clear Creek

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 4000 gal/day cubic feet per second, to be diverted from Jan 1 to Dec. 31 of each year.
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet per annum, to be collected between _____ and _____ of each season.
1 acre-foot equals 325,851 gallons
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Domestic
Domestic, irrigation, power, municipal, mining, industrial, recreational

purposes.

4. The point of diversion is to be located Section 34 of T 33N R 7W MDB&M (1200' No. of the SE quarter) Corner.
State bearing and distance or coordinate distances from section or quarter section corner

being within the SE¼ of SE¼
State 40-acre subdivision of public land survey or projection thereof

of Section 34, T. 33N, R. 7W, MD B. & M., in the County of Shasta

5. The main conduit terminates in SE¼ of SE¼ Sec. 34, T. 33N, R. 7W, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from gravity - sump
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being _____ feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of _____
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir _____
Name

The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

FORM 1

If reservoir has a capacity of 25 acre-feet or more fill in the following: Diameter of outlet pipe _____ inches; length _____ feet; difference in elevation from spillway level to highest point of outlet pipe _____ feet; fall in pipe _____ feet.

VOL I p 93

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____
Cross out two not used

feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____
Earth, rock, timber, etc.

(b) Pipe line: Diameter 1" & 2" inches; length 200-1" 400-2" feet; grade 12% feet per 1,000 feet; total fall lift from intake to outlet 75 feet; kind East Iron. Galvanized Steel.
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 10 gal/min
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $625.00
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction work** will begin on or before October 1963

Construction work will be completed on or before January 1964

The water will be completely applied to the proposed use on or before Jan. 1965

Description of Proposed Use

11. **Place of Use.** NE¼ SE¼ Section 34 T33N R7W MDB&M
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? yes Jointly? yes
Yes or No Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Other Rights.** Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. none				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. **Irrigation Use.** The area to be irrigated is _____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date Closing date

14. **Power Use.** The total fall to be utilized is _____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will / will not be returned to _____ in _____ of
Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, _____ B. & M.

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____ (Name of claim) and the nature of the mines is _____ (Gold placer, quartz, etc.)

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Other Uses.** The nature of the use proposed is _____ (Industrial, recreational, domestic, stockwatering, fish culture, etc.)

2 Cabins, 4 people, 1/2 acre of garden and some fruit trees.

State basis of determination of amount needed. _____ (Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type of irrigation, industrial use, and unit requirements)

General

18. Are the maps as required by the Rules and Regulations filed with Application? yes (Yes or No). If not, state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? No (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto. _____

Us Forest Service - Redding - Permission has been Requested from the Forest Service.

20. What is the name of the post office most used by those living near the proposed point of diversion?

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? not Known

[SIGNATURE OF APPLICANT] Raymond Kapusta Mary Alice Kapusta

07-29-1963: letter to private land owners from executive officer regarding examination and requirements of application to appropri

STATE OF CALIFORNIA—RESOURCES AGENC

EDMUND G. BROWN, Governor

STATE WATER RIGHTS BOARD

P. O. BOX 1592 • 1401 21st ST. • SACRAMENTO

KENT SILVERTHORNE, *Chairman*
RALPH J. McGILL, *Member*
W. A. ALEXANDER, *Member*

July 29, 1963

Raymond Kapusta and Mary Alice Kapusta
Rt. 2, Box 5593
Anderson, Calif.

Subject: Application 21408

Your application to appropriate from Unn. Spring Trib
Clear Creek
was received July 29, 1963 and given the number 21408

It will be examined soon and you will then be informed of further requirements.

Very truly yours

L. K. Hill

L. K. Hill
Executive Officer

Form 19
6/26/63

07-29-1963: receipt for check

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

Receipt No. 17579

Date July 29, 1963 ($ 10.00)

Received ($)

☐ Cash ☐ Money Order ☒ Check *(Receipt contingent upon collection)*

Raymond Kapusta and Mary Alice Kapusta
Rt. 2, Box 5593
Anderson, California

Re FILING FEE

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No. 21408	$ 10.00
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By Jeanne Bowman
Title

FORM 300
47169 11-56 20M QUIN ® SPO

Land History

00-00-0000: check list for water rights by appraiser or negotiator: application no. 21408; permit 14544

Whiskeytown ational Recreation Area
SUBJECT: Check List for Water Rights
by Appraiser or Negotiator

Parcel No. 29-C

Owner's Name: Kapusta, Raymond, et ux.

Description SE¼NE¼SE¼, Sec. 34, T 33 N, R 7 W, MDM (nearest ¼ Section)

Water Right Originated By:
Use X
Riparian
Filing with the State X

Source:
Stream
Spring X
Well

State Filing Information:
Application No. 21408
Permit No. 14544
License No.
Priority date
None of the above

Estimated:
Amount of flow 5,000 gal/month
Quality domestic

Type of use:
Domestic X
Irrigation X
Other

Water System
Pipeline X
Storage Tank 1,000 gal
Pump
None

Water Rights Office in SSC notified .

Items forwarded to SSC: 1. Original letter dated November 24, 1967 from Calif. State Water Rights Board.
2. Facsimile of letter dated 6/29/63 from SWRB to Kapusta.
3. Copy of SWRB receipt No. 17579 dated 6/29/63.

Remarks:
No further correspondence with the SWRB from this office.

Facsimile of Grant Deed to U. S. also enclosed.

Signed: Charles W. Landes Title: Realty Spec.

WHIS
No. 29-C

RECORDED AT REQUEST OF
NORTH COUNTY TITLE & ESCROW CO.
at 15 min. past 8 A.M.
OFFICIAL RECORDS SHASTA COUNTY, CALIF.
OCT 8 1967
Volume 931 Page 293
Michael Montgomery
Fee $ 2.80 Recorder

13572

GRANT DEED

We, RAYMOND A. KAPUSTA and MARY ALICE KAPUSTA, husband and wife, Grantors,

For and in consideration of the sum of THIRTY-THREE THOUSAND AND NO/100 DOLLARS ($33,000.00), lawful money of the United States to us in hand paid by THE UNITED STATES OF AMERICA, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto THE UNITED STATES OF AMERICA and its assigns, all that certain real property situate in the County of Shasta, State of California, described as follows:

All that portion of the West Two Hundred Sixteen and No One Hundredths (216.00) feet of the Southeast quarter of the Northeast quarter of the Southeast quarter (SE¼NE¼SE¼) of Section Thirty-four (34), Township Thirty-three (33) North, Range Seven (7) West, Mount Diablo Base and Meridian.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads and pipelines; AND those reservations contained in that patent from the United States of America to Fritz Oding, dated March 26, 1908 and recorded May 5, 1908 in Book 11 of Patents at Page 239, Shasta County Records; AND rights-of-way outstanding in third parties as described in the following documents; (1) An agreement of Sale between Roy H. Arnold, et al. and Raymond A. Kapusta, recorded August 6, 1963 in Book 753 of Official Records, at Page 424, Shasta County Records; (2) An agreement of Sale between Mary E. Ehrmann as seller and Roy H. Arnold and Freda Arnold, his wife, as buyers, recorded November 17, 1958, in Book 582 of Official Records at Page 298, Shasta County Records.

The deed may be mailed.

The Grantors also quitclaim to the United States of America all of their right title and interest in and to the Southeast quarter (SE¼) of Section Thirty-four (34) and the West half of the Southwest quarter (W½SW¼) of Section Thirty-five (35), all in Township Thirty-two (32) North, Range Seven (7) West, Mount Diablo Base and Meridian. TOGETHER WITH all water and water rights appurtenant to the property described above, including, but not limited to State of California - State Water Rights Board Application No. 21408, License No. none.

TO HAVE AND TO HOLD, the above granted and described premises, with all appurtenances, unto the UNITED STATES OF AMERICA and its assigns, forever.

IN WITNESS WHEREOF, We have hereunto executed this instrument this Third day of October, 1967.

Raymond A. Kapusta
Raymond A. Kapusta

Mary Alice Kapusta
Mary Alice Kapusta

STATE OF CALIFORNIA)
) ss.
COUNTY OF SHASTA)

On this 3rd day of October, in the year 1967, before me the undersigned a NOTARY PUBLIC in and for the County of Shasta, State of California, residing therein, duly commissioned and sworn, personally appeared Raymond A. Kapusta and Mary Alice Kapusta, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they

executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County of Shasta, the day and year this certificate first above written.

Jeanne M. Crow
Notary Public in and for
said County of Shasta
State of California.
My commission expires:
December 9, 1967

13572

M Jeanne M. Crow

BOOK 931 PAGE 294

MICROFILMED COMPARED INDEXED

Other Supporting Information

RECORD ID: 116 PAGE 2

WATER RIGHTS BRANCH INFORMATION TRACKING SYSTEM

ISSUES AND CONCERNS

03/17/88

REGION: WR UNIT:WHIS DATE RECEIVED:03/15/88 MODE: ~~Phone~~ Memo

CONTACTS

NAME: Ray Foust TITLE: Superintendent, WHIS PHONE: (916)241-6584

NAME: Bud Ivy TITLE: Res. Mng. Specialist PHONE: (916)241-6584

NAME: Ralph Gunby TITLE: Wtr. Rts. Specialist PHONE: (916)324-5693

LAST UPDATE: 03/17/88

ISSUE/CONCERN:

Another contact person is Paul Art, a water rights specialist with the California Water Rights Division (as is Ralph Gunby). His phone number is (916)324-5707.

The National Park Service has a water right (No. 9621) with a point of diversion on private land. The water right was filed by Mr. Kapusta with an incorrect location for the point of diversion and now the owner of the private land wants to sell the property. The Superintendent at Whiskeytown National Recreation Area requested assistance in providing proof of the existence of this water right that appears to have the point of diversion on private property outside the park.

ACTION PLAN:

1. Research dockets and assemble all information showing the existence of the National Park Service water right.

2. Prepare a memo for signature by the Chief, Water Rights Branck, to transmit the water rights information to Superintendent, WHIS.

3. Contact State Water Rights Division and correct the error associated with the point of diversion.

ACTION SCHEDULE:

Action	Due Date	COMPLETION Date	Responsible Person(s)
1	03/15/88	03/15/88	Ken Czarnowski
2	03/18/88	3/16/88	Ken Czarnowski
3	04/01/88	4/11/88	Ken Czarnowski

COMMENTS:

Ralph Gunby called from the State Water Rights Division and discussed the eroneous location for the point of diversion. He will send me a recent USGS topo map and asked us to locate the house (point of use) and the spring (point of diversion) on the map. Also, he wanted an estimate of the distance between the two points. Ralph said the entire area has been resurveyed. When I receive the maps, I will forward them to WHIS to obtain the required information.

SUMMARY:

On 4/18 Bud Joy of Whiskeytown called and indicated the location on the map as being the Spring in Sec. 35. He will send the info to the State. I told him since the Spring was on private property, he should contact the Lands Division re an easement.

On 4/28 we received a copy of the location of the P.O.D + the P.O.U. for Water Right No. 9261 from Supt, WHIS that has been sent to the State Division of Water Rights.

April 11, 1988

L64 (470)
WR/WRIS Water Rights

Memorandum

To: Superintendent
Whiskeytown National Recreation Area

Through: Chief, Water Resources Division

From: Acting Chief, Water Rights Branch
Water Resources Division

Subject: Request for Information on Water Right No. ~~9021~~ 9261 from the California Division of Water Rights

When responding to your memorandum of March 10 regarding Water Right No. 9021, the Kapusta diversion, we contacted the State Division of Water Rights regarding the location of the point of diversion for Water Right No. ~~9021~~ 9261. In discussions with staff of that agency, they expressed uncertainty as to the exact location of the point of diversion for the water right.

As a result of these discussions, the California Division of Water Rights sent us an updated U.S.G.S. map and asked that we plot the location of the point of diversion and the place of use for Water Right No. 9021 on their map. We are requesting that your staff provide this information on the attached map and return it to the California State Division of Water Rights. Once they receive this information, they will take the action necessary to correct the location of the point of diversion and, if necessary, the place of use.

If we can be of further assistance to you or the Lands Division on this issue, please contact Ken Czarnowski or me at (303) 221-6341.

Owen Williams

Owen R. Williams

Attachments

cc: ARD for Resource Management, WRO
Chief, Lands Division, WRO
Kotlpinski, WRO

March 16, 1988

L54(479)
WR/WHIS Water Rights

Memorandum

To: Superintendent
Whiskeytown National Recreation Area

Through: Acting Chief
Water Resources Division Dan B. Kimball

From: Chief, Water Rights Branch
Water Resources Division

Subject: Water Right No. 9621, Kapusta Diversion

This is in response to your memorandum of March 10 requesting information regarding the National Park Service's Water Right No. 9621.

According to our files, Mr. Ray Kapusta applied to the State of California (Application No. 21408) on July 29, 1963, to appropriate water from an unnamed spring tributary to Clear Creek. Apparently, Mr. Kapusta believed the spring was located on public land and obtained an easement from the Bureau of Land Management (BLM) for a pipeline from the spring to his land. He subsequently received Permit No. 14544 from the State to appropriate 500 gallons per day for domestic use.

On October 3, 1967, the NPS acquired the Kapusta tract and the appurtenant water right, which became part of Whiskeytown National Recreation Area (WHIS). Mr. Kapusta's former home was then used as a park ranger residence and the use of the spring water for domestic purposes continued without interruption. The NPS, having acquired Application No. 21408 and Permit No. 14544, filed with the State for a license for diversion and use of water. On April 7, 1970, the State issued License No. 9261 to the NPS for this source.

As a result of a boundary survey made in 1973, it was discovered that the spring was not located on government land but appeared to be located some 200 yards outside the boundary of the Park on private land. Based on this information, the Regional Director requested an opinion from the Regional Solicitor on the validity of the water right and the right of the NPS to continue to use the pipeline and the easement. The Solicitor's opinion (copy attached) stated that the water right is valid but the status of the easement is questionable.

From our research, we have determined that the NPS has clear entitlement to the water right (License No. 9621) for domestic use with a priority date of July 29, 1963. We are attaching copies of all pertinent documents supporting the NPS water right. However, following discussions with the California Water Resources Control Board, there appears to be some uncertainty concerning the exact location of the spring. If the spring is found to be outside of the park, we must then obtain an easement for our water pipe.

We will be happy to provide you and the Lands Division with whatever additional assistance is necessary to resolve this issue. If you have any questions, please contact Ken Czarnowski or me at (303)221-5341.

Stanley L. Ponce

Stanley L. Ponce

cc: ARD for Resource Management, WRO
Chief, Lands Division, WRO
Kolipinski, WRO

FNP:KCzarnowski:bv:3/16/88:(303)221-5341

03-10-1988: memorandum to stan ponce, water resources division, waso from superintendent, whiskeytown regarding water right

United States Department of the Interior

NATIONAL PARK SERVICE
WHISKEYTOWN UNIT
WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA
P.O. BOX 188
WHISKEYTOWN, CA 96095-0188

IN REPLY REFER TO:

L54

March 10, 1988

Memorandum

To: Stan Ponce, Water Resources Division, WASO

From: Superintendent, Whiskeytown

Subject: Water Right

We are enclosing a letter written to the National Park Service at Whiskeytown by an adjacent landowner. The landowner maintains, and rightfully so, that we are utilizing water from a spring on his land to supply domestic water supply for government residence #81. We believe there is a right to use this water but are unable to find the necessary documentation to provide to the landowner.

Would you please research the files and provide us with the information we need. We are enclosing the letter and related documents we have found in our files.

Ray C. Foust

Ray C. Foust

Enclosures

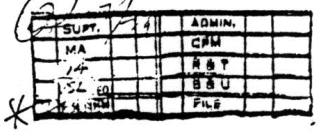
02-24-1987: letter to superintendent from jane harden clement regarding question regarding water use and rights to water for the s

ORIGINAL

WHISKEYTOWN

Rec'd

FEB 29 1988



PO Box 1065

Zyphyr Cove, Nevada 80448

24 February, 1987

Superintendent
National Park Service Whiskeytown Recreational Area
Kennedy Memorial Drive
Whiskeytown , California 96095

RE:Clement Family Trust Property bordering the Whiskeytown National Recreation Area Shasta County Assessor's Parcel 046-190-30 NW 1/4 SW 1/4 Sct 35 T 33N R 7W MDB&M

Enclosure: Letter from Clement Family Trust R E Broker. Charlie Murrell dated 19 Feb,1988

Sir,

I am the Trustee for the referenced property which was originally acquired in 1971, sold in 1984,reposessedin 1986. Our broker is attempting to market the property now. There is a question of water use and rights to water for the spring on theClement property. The enclosed letter discusses the question.

I would be grateful if you would verify the location of your equptment , Water tank, meters , spring tap etc. and cite the authority to take water from the spring on the Clement property.

Thank you,

Jane Ann Harden Clement

Jane Harden Clement,

02-19-1988: letter to jane harden clement, trustee from charlie murrell, broker regarding encroachment by nps by removal of water

ORIGINAL

Quiet Realty, Inc.

P.O. Box 2382
Redding, California 96099

Charlie Murrell
Broker

Message Phone
(916) 241-6099
246 3811

19 February, 1988

Clement Family Trust
c/o Jane Harden Clement, trustee
PO Box 1965
Zephyr Cove, Nevada 89448

Re: SHASTA COUNTY ASSESSOR'S PARCEL 046-109-30. The NW1/4 of the SW1/4 of Section 35, Township 33 N, Range 7 W, MDB&M The CLEMENT FAMILY TRUST PROPERTY 40 ACRES M/L

Enclosure 1: Copy of Current deed to referenced property
2: Partial Record of Survey for National Park Service "75
3: Partial NPS Planemetric map August 12, 1967
4: Partial French Gulch California 7.5 Miute series topographic map
5: Photos taken 2/18/'88

Dear Mrs. Clement,

As your real estate broker, I have researched Shasta County records and looked closely at the referenced Clement Family property in an effort to sell it.

I believe that theNational Park Service is encroaching on the referenced property and removing water from the spring on the Clement property and piping it to the Fire Fighting storage tank and to a house to the west for domestic use.(Encl 3&4) I believe the tank, wter meters and spring tap is physicelly located on the Clement Property. See Photos (Encl 5)

I have diligently searched the Shasta County records and find no License or Water Right to take water from the Clement Spring.

I believe that the property to the West was acquired by the NPS before the property boundaries were determined by survey and that the spring tap was in place before the house was acquired. I do not believe the NPS would intentionally encroach .

I have discussed this with a local Park Service Official. He did not have a record of water rights.(they are kept elsewhere. I believe the logical action is : You write a letter to the Superintendent of the Whiskeytown area, include this letter, and request that he advise you of the status of the spring and usage of the water from that spring on the Clement Family Trust Property.

Very truly yours,

Charlie Murrell

02-19-1988: letter to jane harden clement, trustee from charlie murrell, broker regarding encroachment by nps by removal of water

RECORDING REQUESTED

REDDING TITLE COMPANY #51786

AND WHEN RECORDED MAIL TO

Name: Clement Family Trust
Street Address: c/o Jane Harden Clement, Trustee
City & State: P.O Box 1065
Zephyr Cove, Nevada 89448

MAIL TAX STATEMENTS TO

Name:
Street Address: same as above
City & State:

12285

RECORDED AT REQUEST OF
REDDING TITLE CO.
AT ____ MIN PAST ____ O'CLOCK P.M.
OFFICIAL RECORDS SHASTA COUNTY, CALIF.

MAY 6 1986

Marjorie A. Kirby
RECORDER FEE $ 7.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Trustee's Deed Upon Sale

T. S. No. 51786

AP# 046-190-30

The undersigned grantor declares:

(1) The grantee herein was — ~~was not~~ the foreclosing beneficiary. 35,227.08
(2) The amount of the unpaid debt together with costs was. 35,227.08
(3) The amount paid by the grantee at the trustee sale was none
(4) The documentary transfer tax is ____
(5) Said property is in (XX) unincorporated area: ( ) City of. ____, and

REDDING TITLE COMPANY, A CALIFORNIA corporation, (herein called Trustee), as the duly appointed Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without warranty, express or implied to JANE ANN HARDEN CLEMENT, Trustee of the Clement Family Trust dated February 3, 1968

(herein called Grantee), all of its right, title and interest in and to that certain property situated in the ~~City of~~ unincorporated area, County of Shasta, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

AP# 046-190-30

TRUSTEE STATES THAT:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated June 14, 1984 and executed by ANTHONY JOSEPH O'DONNELL, a single man as trustor, and recorded July 10, 1984 in book, reel 2076, page, image, 489, of Official Records of Shasta County, California, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the office of the Recorder of said County.

All requirements of law regarding the mailing of copies of notices of default and related notices, to all parties entitled thereto, have been complied with and the posting and publication of copies of the Notice of Sale have also been complied with.

Said property was sold by said Trustee at public auction on April 29, 1986 at the place named in the Notice of Sale, in the County of Shasta, California, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefor to said Trustee the amount bid, being $ 35,227.08 ~~in lawful money of the United States~~ by the satisfaction, ~~pro tanto~~ of the obligations then secured by said Deed of Trust.

IN WITNESS WHEREOF, REDDING TITLE COMPANY as Trustee, has caused its corporate name and seal to be hereto affixed by its authorized signature, thereunto duly authorized.

REDDING TITLE COMPANY

State of California
County of Shasta

By _____
Terry D. Moore Authorized Signature
Vice President

On April 29, 1986 before me, the undersigned, a Notary Public in and for said State, personally appeared Terry D. Moore known to me to be an authorized signatory for REDDING TITLE COMPANY the corporation that executed the foregoing instrument as such Trustee, and known to me to be the person who executed said instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same as such Trustee.

WITNESS my hand and official seal.

Signature _____
K.A. Miller
Name (Typed or Printed)

OFFICIAL SEAL
K.A. MILLER
NOTARY PUBLIC CALIFORNIA
Principal Office in SHASTA County
My Commission Expires Sept. 13, 1989

BOOK 2225 PAGE 382

SHASTA COUNTY

ENCLOSURE (1)

EXHIBIT "A"

Order No. 31736

DESCRIPTION

Being the Northwest one-quarter of the Southwest one-quarter of Section 35, Township 33 North, Range 7 West, M.D.B. & M., Shasta County, State of California.

TOGETHER WITH a permanent easement and right of way 60 feet in width as granted to Glynn J. Douthit, et al, by Grant of Easement recorded September 16, 1968 in Book 966 of Official Records at Page 578, Shasta County Records.

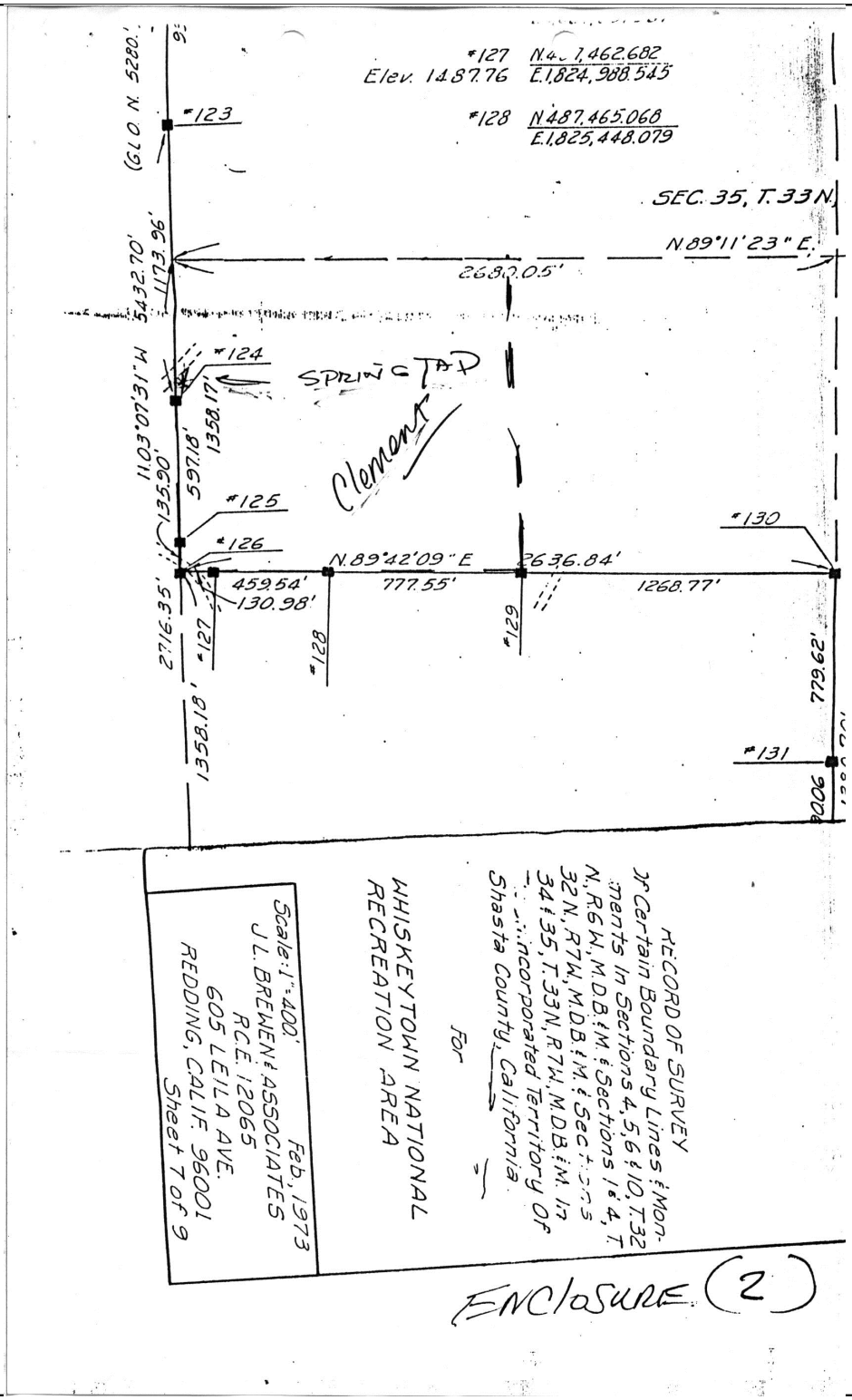
ALSO TOGETHER WITH a right of way for road and utility purposes over an existing road as reserved by Glynn J. Douthit, et ux, in Deed recorded January 14, 1969 in Book 978 of Official Records at Page 161, Shasta County Records.

ALSO TOGETHER WITH a right of way across a dirt road in the Southeast corner of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 35, Township 33 North, Range 7 West, M.D.M.

12265 BOOK 2225 PAGE 383

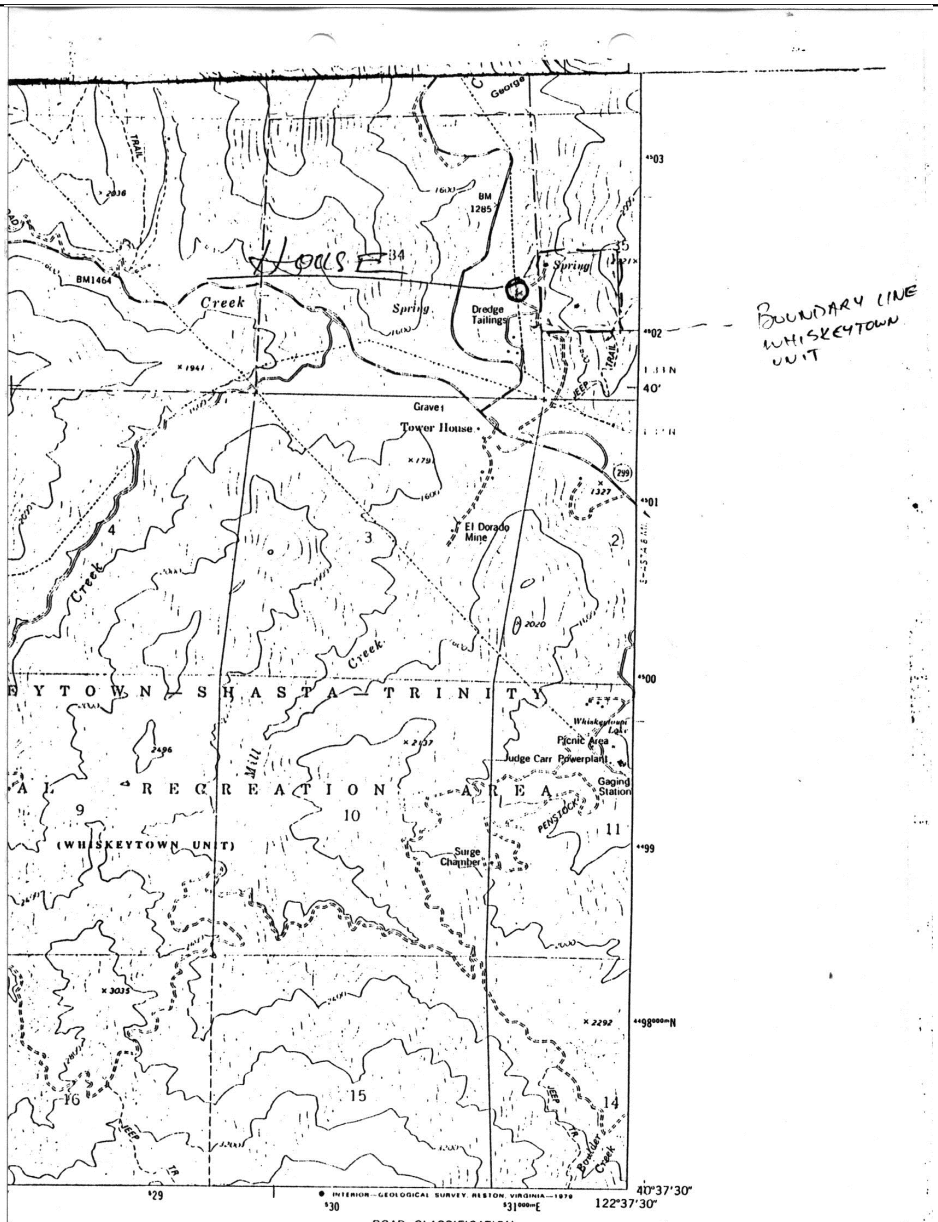
SHASTA COUNTY

02-19-1988: letter to jane harden clement, trustee from charlie murrell, broker regarding encroachment by nps by removal of water

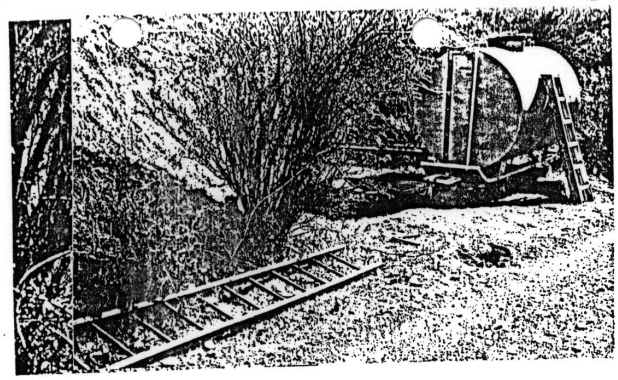


02-19-1988: plan metric map of whiskeytown national recreation area

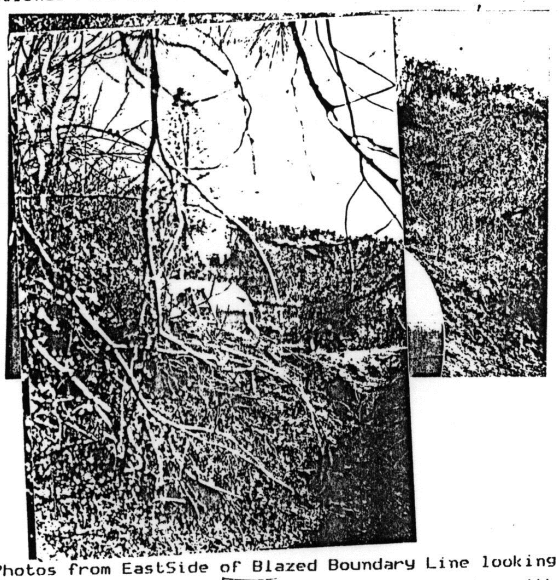



HOUSE
BOUNDARY LINE WHISKEYTOWN UNIT
Creek
Spring
Dredge Tailings
Grave1
Tower House
El Dorado Mine
Mill Creek
Whiskeytown Lake
Picnic Area
Judge Carr Powerplant
Gaging Station
Penstock
Surge Chamber
Boulder Creek
(WHISKEYTOWN UNIT)
A. REGREATION AREA
ROAD CLASSIFICATION
Primary highway, hard surface
Light duty road, hard or improved surface
Secondary highway, hard surface
Unimproved road
Interstate Route
U. S. Route
State Route
CALIF
QUADRANGLE LOCATION
FRENCH GULCH, CALIF.
NW/4 FRENCH GULCH 15' QUADRANGLE
N4037.5—W12237.5/7.5
1979
DMA 1465 II NW—SERIES V895
122°37'30"
40°37'30"

ENC (4)



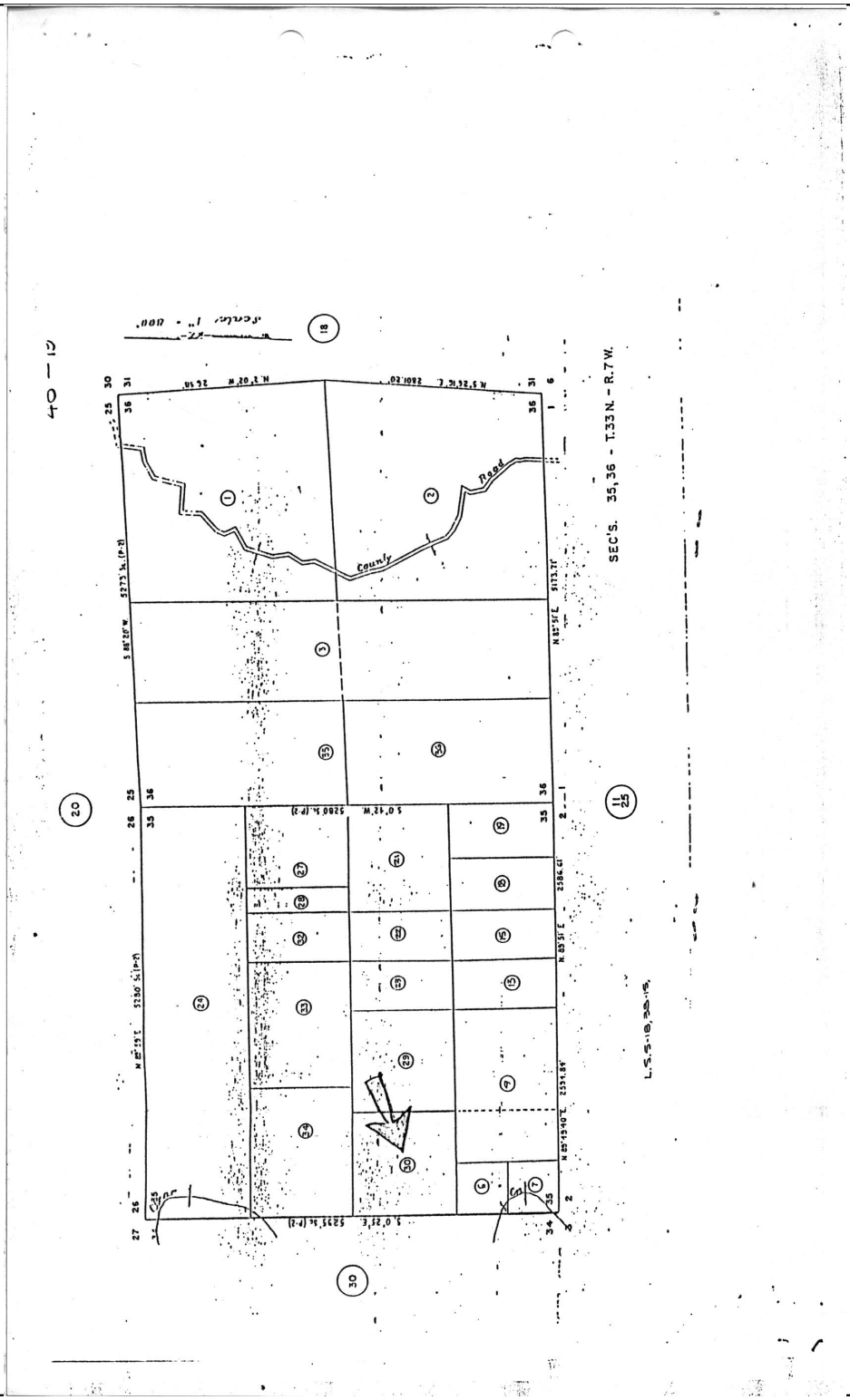
Water Tank, two water Meters, and spring tap belonging to National Park Service Photo date 2-18-88



Photos from EastSide of Blazed Boundary Line looking South Monument #124 (Enclosure 2) RCE 10265 2" pipe with bronze cap 1973 is in center of Blazed trail about 5' right (West) of pine tree at top of photo..Note yellow surveyor flags to left of blazed boundary .. Photo date 2-18-88

CLEMENT PROPERTY TO LEFT (EAST) PARK SERVICE TO RIGHT (WEST)

ENclosure (5)


SEC'S. 35,36 - T.33N. - R.7W.
County Road
L.S.S-1,2,3-15

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

L54 *Memorandum*

TO : Files, Whiskeytown

DATE: February 23, 1979

FROM : Chief, Branch Resource Management & Land Use

SUBJECT: Water Rights Dockets

The subject dockets' locations are described as follows:

WHIS WR#1: South Liberty Gulch; T32N, R6W, Sec. 4, SE¼SW¼. Irrigation and fire protection, Quarters #86 and #78.

WHIS WR#3: Unnamed spring, "A" frame site; T32N, R6W, NW¼SE¼. Spring for possible development for backcountry use and wildlife. Originally filed for possible use at the "A" frame for the horse concession operation.

WHIS WR#5: Unnamed spring, high road area leading from the Merry Mountain Road to Quarters #81; North 1200' and East 400' from the SW corner, Sec. 35, T33N, R7W.

WHIS WR#6: Clear Creek, called the "Arnold diversion" behind Quarters #84; North 1100' and West 600' from the SE corner Sec. 34, T33N, R7W. To obtain water from Clear Creek for irrigation and fire protection.

WHIS WR#7: Unnamed spring, park boundary above Quarters #81, called the "Kapusta diversion"; T33N, R7W, Sec. 34, SE¼NE¼SE¼. Domestic water supply, Quarters #81.

WHIS WR#12: ~~Boulder Creek, "Lee and Jessie Funderberg diversion";~~ T32N, R7W, Sec. 12, SE¼SE¼. Planning only, no development. Hold for possible planning/development.

The subject documents are maintained for federal property and should not be classed as abandoned. The license shall be maintained to preserve the filed water right for use and/or planning.

John N. Reeves

JNReeves: gah 2/23/79

5010-106

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

WHIS WR #3

REPORT OF TELEPHONE CONVERSATION

DATE 1/7/88 TIME _____ AM/PM

PROJECT Report of Licensee

NPS PERSON ON CALL: Pat Larson ☐ I CALLED ☐ S/HE CALLED

PERSON Bud Ivey

ORGANIZATION Whiskeytown NRA

ADDRESS _____

TELEPHONE NO. (916) 241-6584 EXT. _____

SUBJECTS DISCUSSED We discussed water usage for two water rights at Whiskeytown NRA:

- WR #3, Westlake Diversion, Appl # 20837, License # 9292
- WR #7, Kapusta Diversion, Appl # 21408, License # 9261

For both water rights Mr. Ivey stated that no changes in water usage have occurred.

ACTION TO BE TAKEN Prepare Report of Licensee for Stan Ponce's signature and mail to Dave Cherry, Western Region for transmittal to the State Water Resources Control Board.

COPIES TO: WHIS WR #7

5/9/1973

Subject: WR #7
Whiskeytown NRA

NATIONAL PARK SERVICE
Western Regional Office
MESSAGE RECORD

Routed for: [x] Information
[ ] Action

[x] Incoming Call
[ ] Outgoing Call

To: File (WR #7) (WHIS)

Date May 9, 1973

Name and Title Hank LaSala, Chief of Resources Management & Land Use

Representing National Park Service Telephone No.

Address Whiskeytown NRA

NPS Personnel in on Call William Werrell, Hydrologist, Water Resources

Conversation: Mr. Hank LaSala phoned Water Resources Division to request advise on the proper course of action regarding a spring in view of a recent land survey of the park boundary. (Water Right #7, App. 21408, Per, 14544, Lic 9261). Prior to the survey, the spring was believed to be on property previously owned by the Bureau of Land Management. Several years ago, a nearby rancher obtained legal right to the use of 500 gal/day of the spring water through the California State Water Resources Board. The rancher also obtained an easment from BLM for a pipeline from the spring to his property where he used the water for domestic purposes.

When Whiskeytown NRA was established both the rancher's property and the BLM land was acquired by NPS. The ranch was acquired on October 3, 1967 and included transfer of the subject water right. A park ranger now resides in the former rancher's home and thus the spring water is still in domestic use. Water Resources Division has maintained the State Water Right, the last report beirg sent in on May 4, 1973

Mr. LaSala stated that the just completed land survey shows the spring to be situated some 200 yards off of park property, on private land. Mr. LaSala requested advise as to the proper course of action for the park to take in view of the above situation.

(continued next page)

Follow-up Action to be Taken:

Follow-up Action Taken:

The above facts were presented to Mr.G.S. Witucki, Chief, Water Resources Division and together we visited the Solicitor, Mr. Ralph Mihan, and discussed the situation. Mr. Mihan stated that the validity of the water right was essentially unaffected by the survey, that the only potential problem lies in the easement for the pipeline across the private property. Mr. Mihan explained that if the pipeline had been in existence for 5 or more years NPS had a prescriptive easement for the pipeline. He suggested that the park pursue either of the following: (1) Ignore the situation as such. Assuming that the pipeline has been in place for more than 5 years (a fact since confirmed), NPS has acquired easement right for the pipeline by prescription and thus there is or may not be need to acquire any permit or right or title, further, any adverse action by the owner could be legally negated. (2) Ask the owner for a quit claim deed to the easement property in order to clearly establish title and possibly avoid conflict in the future. If the Solicitor rules that we have prescriptive rights to the easement property, U.S. Government would be unable to pay for the quit claim deed.

On May 15, 1973, Mr. Witucki phoned Mr. LaSala and informed him of the above discussion with the Solicitor. Mr. Witucki suggested that the Park may choose to present the regional office with a written request for the proper course of action in regards to the situation.

William L. Werrell

William L. Werrell
Hydrologist
Water Resources Division(WR)

08-27-1969: memorandum to chief; office of land and water rights from assistant to the regional director; program coordination reg

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:
L54
(WR) PC

August 27, 1969

Memorandum

To: Chief, Office of Land and Water Rights, SSC

From: Assistant to the Regional Director, Program Coordination, Western Region

Subject: Water Rights Permits, Whiskeytown

Enclosed is a copy of Superintendent Mitchell's July 3 memorandum and the original attachments as discussed with Mr. Roberts.

John L. Sansing

Enclosure

cc:
Supt., Whiskeytown

07-03-1969: memorandum to regional director from superintendent regarding water right permits

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Whiskeytown, California 96095

IN REPLY REFER TO:
L54

July 3, 1969

Memorandum

To: Regional Director, Western Region

From: Superintendent, Whiskeytown

Subject: Water Rights Permits, Whiskeytown

Enclosed are instruments affecting four water permits which I have executed and are submitted for forwarding to the State Water Rights Board of California. These changes are being affected as a result of a recent inspection made by Mr. C. H. Dabney of the State Water Rights Board.

Action on permits are as follows:

Permit #13876: a request for license, and petition for correction in purpose of use

Permit #13375: a petition for extension of time

Permit #13348: a request for revocation

Permit #14544: a request for license and correction of point of diversion and point of use

L. J. Mitchell

Enclosures

Filed by GR
Date 7-10-69

GRAVELY
CAVER
ROBERTS
WITUCKI
GRAY
RITCHIE

7 MAR 1969

L54
LWSSC - WHIS
WR Docket

Memorandum

To: Chief, Division of Land and Water Rights, WASO
Attention: Chief, Branch of Water Resources

From: Chief, Office of Land and Water Rights, SSC

Subject: Reports of Licensee for 1966, 1967, and 1968, and Progress Reports for Permittee for 1968, Whiskeytown National Recreation Area

Enclosed are Reports of Licensee for 1966, 1967, and 1968, for the following:

Application Numbers	Source
19103	Unnamed Spring
19104	Clear Creek
8229	South Liberty Gulch

Also enclosed are Progress Reports by Permittee for 1968, for the following:

Application Numbers	Source
20001	Brandy Creek
21408	Unnamed Spring
20837	Unnamed Stream

At present, water right docket numbers have not been assigned concerning these areas; however, our office is presently working on the Whiskeytown water right dockets and as soon as we have co-ordinated water right docket numbers and application numbers concerning the different water rights in

that area, we shall advise your Office accordingly. By copy of this memorandum we are also sending copies of these reports to the Regional Director, Western Region, and Superintendent, Whiskeytown National Recreation Area.

(SGD) JOHN E. RINNE

Enclosures

cc:
Regional Director, Western w/enc
Supt., Whiskeytown w/enc

DCHAVEZ/mdr/3/6/69

09-03-1968: message memo from california state water rights office regarding what water rights were in section 34 and 35, t33n, r

FILE CODE:

_____

MESSAGE MEMO

_____154 LWSSC - WHIS

DATE 9/3/68 am

X	CHIEF		
X	ASST CHIEF REALTY		
_____	CHIEF APPRAISER	_____	
_____	HYDR. ENG.	_____	X INFORMATIONAL
X	ACTG SUP. HYDR. ENG.		_____ TAKE ACTION
_____	- - - - - - - - -	_____	_____ PREPARE REPLY
_____	- - - - - - - - -	_____	
X	FILE		

SUBJECT: PHONE (X) VISIT ( ) CORRESPONDENCE ( )

FROM: James Roberts, LWSSC

TO: Larry Spenser - California State Wtr Rights Office, Sacramento

TOPIC: Water Rights, Whiskeytown

I called due to Mr. Reed/s memo of August 13, 1968, to see what water rights were in Section 34 and 35 T33N, R7W. They only have Applications 19103, 19104 and 21408 recorded for this area and these are already in the name of the National Park Service.

cc:
Chief, Branch of Water Resources, WASO

RECOMMENDED ACTION:

9/6

BY: James W. Roberts

JAMES W. ROBERTS

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Chief, Office of Land and Water Rights, SSC
ATTN: Water Rights Branch

DATE: JAN 25 1968

RECEIVED
San Francisco Planning and Service Center
Office of Land and Water Rights
NATIONAL PARK SERVICE
JAN 26 1968
ACT. INFO. | INITIALS | DATE
CHIEF
ASS'T. CHIEF
STAFF ASST.
SUPV. APPR.
SUP. Hyd. Engr.
DOCKET
FILE

FROM : Realty Officer, Whiskeytown

SUBJECT: Water Rights, Parcels 29, 29-A, 29-B, 29-C, 114 and 118, et al WHIS

For your information and further handling are the following:

1. Parcel 29, Arnold: Assembly enclosed includes:

   a. Water right check out sheet.

   b. Facsimile of letter sent by Arnold to S.W.R.B., notification of ownership change (no date).

   c. Original letter from Calif. S.W.R.B. dated Nov. 24, 1967.

   d. Facsimile of Grant Deed to U.S.

2. Parcel 29-A, Haenny: Assembly enclosed includes:

   a. Water right check out sheet.

   b. Original S.W.R.B. Form 17 for application No. 19104 with approximate information penciled in for your completion and further handling.

   c. Original notification of ownership change letter signed by Vendor to be sent to S.W.R.B., for your further handling.

   d. Facsimile of proposed Grant Deed to the U. S. (this parcel is presently in escrow and expected to be closed in the very near future.)

3. Parcel 29-B, Negley: Assembly enclosed includes:

   a. Water right check out sheet.

   b. Original notification of ownership change letter to S.W.R.B. signed by Negley, for your further handling.

c. S.W.R.B. Form 17 for application No. 19103 with approximate information penciled in, for your completion and further handling.

d. Facsimile of Grant Deed to U.S.

4. Parcel 29-C, Kampusta: Assembly enclosed includes:

a. Water Right check out sheet.

b. Original letter from Calif. S.W.R.B., dated Nov. 21, 1967.

c. Facsimile of letter, dated June 29, 1963, from S.W.R.B. to Kapusta.

d. Copy of S.W.R.B. receipt No. 14579, dated July 29, 1963.

e. Facsimile of Grant Deed to U.S.

5. Parcels 114 & 118 (also effects Parcels 116, 116-A, 120, 121, 117, 118-A and 119), Westlake: Assembly enclosed includes:

a. Water Right checkout sheet

b. Two original copies of S.W.R.B. letter of August 30, 1967, one with signed original notice of Assignment, for further handling by your office.

c. Facsimile of letter, dated August 21, 1967, Westlake to S.W.R.B., notification of ownership change.

d. Original S.W.R.B. letter of November 6, 1967.

e. Original S.W.R.B. letter of November 30, 1967.

f. Facsimile of Grant Deed to U.S. (114 & 118 also 100-A-1)

6. Parcel 1, McNulty: Assembly enclosed includes:

a. Water rights check out sheet.

b. Copy of letter, dated October 15, 1958, from S.W.R.B. to Shasta County Title Company (conformation of water rights).

c. Copy of letter, dated October 31, 1958, from S.W.R.B. to McNulty (Notice of Assignment of water rights).

d. Copy of memorandum, dated August 15, 1966, from Realty Officer, Whiskeytown, to Chief, LWRSSC (transmittal of items 1 & 2 above).

e. Copy of memorandum, dated September 12, 1966, from Supervisory Hydraulic Engineer to Chief, Branch of Water Resources (transmittal of temp. water docket).

f. Copy of letter, dated November 10, 1966, from McNulty to S.W.R.B. (assignment of water rights to U.S.A.).

g. Copy of letter, dated November 25, 1966, from S.W.R.B. to Whiskeytown (Notice of Assignment of water rights).

h. Copy of Grant Deed from McNulty to U.S.A.

The data enclosed pertains only to those acquired parcels on which definite water rights were noted from information obtained from the landowners involved. We hope to provide check out sheets for all parcels on which water or water rights may be involved, either from riparian, well, source spring or impounding of run-off.

If you have any questions or suggestions concerning these or future transmittals, please contact this office.

Charles A. Graham

Paul G. Graham

for

Enclosures

Docket Information

Number of Documents in Docket 73

Documents Dated from 7/29/1963 to 4/22/1988

Docket Compiled: 6/9/2016