



Whiskeytown National Recreation Area

Docket Number: 8

BOULDER CREEK

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 10/28/2024
Initial Docket Information Form ☒ Amendment # (1,2,3 ...)
Includes Confidential Content ☐

Park Unit: WHIS Docket #: 008 Docket Title Boulder Creek

Docket Type:

Select all applicable: ☐ PC/V (pre-code/vested) ☐ APP (appropriative) ☒ RIP (riparian)
☐ FRR (federal reserved right) ☐ PWR (public water reserve) ☒ ACQ (acquired)
☐ GW (groundwater) ☐ Own (ownership) ☐ Other

Region:

☐ NER & NCR ☐ IMR
☐ SER ☐ MWR
☐ IMR ☒ PWR
☐ AKR

Source:

☐ Groundwater ☐ Spring (When recognized by the State as separate from groundwater and surface water)
☒ Surface Water
☐ Direct Diversion ☐ Diversion to Storage ☐ Instream Flow
Name: Boulder Creek

State: CA
County: Shasta

Owner: US National Park Service (As listed by the State)

Application #: Date:

Permit #: Date Issued:

License / Certificate #: Priority Date:

Ruling/Order/Decree #: Date Issued:

Quantity: Rate: 0.75 Duty:
Units: ☒ cfs ☐ gpm ☐ afy ☐ other Units: ☐ cfs ☐ gpm ☐ afy ☐ other

Use(s): ☒ Domestic ☐ Livestock ☒ Irrigation ☐ Municipal ☐ Industrial/Commercial ☐ Wildlife ☐ Instream ☐ other

POD Name / Location: ☐ Multiple PODs (see water right)

Qtr: Qtr: Sec: T: R: PM:

Latitude: Longitude:

UTM , Datum:

POU Name / Location: ☐ Multiple POU's (see water right)

Qtr: Qtr: Sec: T: R: PM:

Latitude: Longitude:

UTM , Datum:

Narrative / Remarks:

Enter short narrative in the space below, attach additional page(s) as needed.

Prior owner was denied an appropriative right due to no water available, but claimed a riparian right prior to NPS purchase of land.

DATE: May 22, 1979

DOCKET(FILE) TITLE _____
REGION Western AREA Whiskeytown National Recreation Area
SITE Boulder Creek
STATE California COUNTY Shasta DOCKET NO. WR#8
LOCATION NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T 32N R 7W, MDB&M
REGIONAL BASIN Sacramento LOCAL BASIN _____
ACQUIRED BY Purchase
APPLICATION 20142 PERMIT _____ CERTIFICATE _____
ACTION DUE _____ PRIORITY _____ RESERVATION _____
QUANTITY 0.75 cfs yearly USE domestic and recreational
STATUS Inactive SOURCE surface water
REMARKS Boulder Creek is within Hydrologic Basin Unit No. 18020006.

NARRATIVE:

On May 22, 1961, Jack Greening and Patrick Lucas applied to the State of California to appropriate 0.75 cfs from Boulder Creek yearround for domestic and recreational use in a subdivision. The Park Service when it became aware of the situation in 1963, filed a protest which read as follows:

Boulder Creek now has an native population of Rainbow trout, and the low water temperature of approximately sixty degrees, even during the summer months, makes it an importnat nursery and spawning stream---even more so when Whiskeytown Lake has been filled and stocked with additional fish. During the summer of 1959, the measured flow of Boulder Creek would be destroyed as a fishing and spawning stream. Should pending legislation (be inacted) to establish Whiskeytown National Recreation Area, it would be in the public interest to retain the natural flow of water in Boulder Creek, especially during the summer months, for the protection of the fishery resources.

The State Water Rights Board held a hearing on May 22, 1963, regarding this application. The Park Service and the California Department of Fish and Game protested this application. The representative of the California Water Rights Board stated that there is no unappropriated water available in the area but that riparian rights were available even though unused in the past, thus the state denied a permit. Greening and Lucas claimed to have riparian rights to the Creek,

The problem was solved on June 11, 1968, when Greening and Lucas sold their land to the Park Service.

Compiled by M. Ackerman-revised E. Molina(78) Page 1 of 1

Approved by _____

WATER DOCKET INFORMATION

A R E A WHISKEYTOWN NRA

DOCKET NO. 8

APPLICATION NO. 20142

PERMIT NO. _____

CERTIFICATE NO. _____

TITLE OF DOCKET BOULDER CREEK

PRIORITY MAY 22, 1961

REMARKS: _____

02 STATE

Whiskeytown National Recreation Area

BOULDER CREEK

State Water Rights Documentation



IN REPLY REFER TO:

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
NOV 23 7 48 AM '73

Chief: Please handle

L54 (WR) PSW
WHIS/AWR #6

November 23, 1973

Memorandum

To: Superintendent, Whiskeytown-Shasta-Trinity NRA
From: Chief, Division of Water Resources, Western Region
Subject: Progress Report for Alien Water Right Docket No. 6,
Application 21676, Permit 14911

Enclosed for filing in your water rights docket AWR #6 is a copy
of the Progress Report for the year 1973 of Application 21676,
Permit 14911, for Boulder Creek in Whiskeytown National Recreation
Area.

(SGD) GERARD S. WITUCKI
Gerard S. Witucki

Enclosure

cc:
WASO (PNH) w/encl

STATE OF CALIFORNIA—RESOURCES AGENCY

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

REC'D

MAY 13 1963



ROUTE		INFOR	ACTION	INIT
1	PROJ. MGR.			
2	CHIEF RANGER			
	ADMIN. ASSIST.			
	ENGINEER			
	LANDSC. ARCH.			
	FOREMAN			
	ALL EMPL.			
3	FILE			

May 9, 1963

To: Applicant, Protestants and
 other Interested Parties:

Subject: Application 20142
 Applicant Jack Greening and Patrick M. Lucas
 Source Boulder Creek Tributary to Clear Creek

This is to inform you that a field investigation of the above-numbered water right application will be made by an engineer of the State Water Rights Board on the date indicated below.

The information obtained by the investigation will represent an important part of the record on which the Board's decision will be based. Therefore it is essential that each interested party be present or have a representative present who can speak for him. Any records or information which you wish considered by the Board relative to your water right, use of water, and water supply should be available at the time of the investigation.

Very truly yours,

L. K. Hill

L. K. Hill
 Executive Officer

Date: May 22, 1963

Time: 9:30 a.m.

Place: Shasta Post Office (6 miles west of Redding)

Investigating Engineer L. M. Carter

Certified

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCESSTATE ENGINEER
SACRAMENTO 5

PROTEST

Application 20142

I, UNITED STATES, Whiskeytown Recreation Area
 of 2460 Athens Avenue, Redding, California have read carefully a copy
 of, or a notice relative to Application 20142 of Jack Greening and Patrick H. Lucas
 to appropriate from Boulder Creek
 at a point 900' South of the north boundary of Section 14 to a point 1420' west of the
east boundary of Section 14

It is desired to protest against the approval thereof because to the best of our information and belief the
 proposed appropriation will result in injury to us as follows: the proposed appropriation would
eliminate a natural reproduction stream for small native Rainbow trout. This stream
will become even more important as a nursery when the reservoir is completed. The
people of the State and the Nation would lose valuable recreational assets if this
water is diverted.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
 right is based upon

Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
 follows:

State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

Where is your diversion point located?

 $\frac{1}{4}$ of $\frac{1}{4}$ of Section _____,
Describe location with sufficient accuracy that position thereof relative to thatT. _____, R. _____, B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if the following is added to the application
"Permittee shall bypass or release into the natural stream bed of Boulder Creek,
immediately below the diversion point, during the periods herein specified, the
following minimum flow, or the natural flow, whichever is less, for the protection
of fishery resources: June 1 through October 31 - one C.F.S., and November 1
through May 31 - two C.F.S.

A true copy of this protest has been served upon the applicant by mail

Personally or by mail

Date _____

Sgd. SAMUEL A. KING

Protestant sign here

Samuel A. King
Project Manager

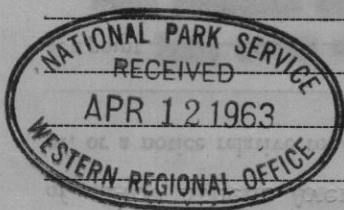
NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

NOTE

A concise and definite statement of the grounds of protest is desired. This statement should take the form indicated on the blanks on the reverse side of this sheet. Additional information may be added below if there is insufficient space in the blanks, or data not pertinent to those blanks, but insofar as practicable it is desired that protests follow the printed form.

Boulder Creek now has a native population of Rainbow trout, and the low water temperature of approximately sixty degrees, even during the summer months, makes it an important nursery and spawning stream - even more so when Whiskeytown Lake has been filled and stocked with additional fish. During the summer of 1959, the measured flow of Boulder Creek at its mouth was 1.11 c.f.s.. Obviously, if .75 c.f.s. of this flow were diverted, Boulder Creek would be destroyed as a fishing and spawning stream. Should pending legislation to establish Whiskeytown National Recreation Area, it would be in the public interest to retain the natural flow of water in Boulder Creek, especially during the summer months, for the protection of fishery resources.



DO NOT WRITE BELOW

EDMUND G. BROWN
GOVERNOR OF
CALIFORNIA



UGO FISHER
ADMINISTRATOR
RESOURCES AGENCY

THE RESOURCES AGENCY OF CALIFORNIA
State Water Rights Board

1401 21ST STREET
P. O. BOX 1892
SACRAMENTO 7, CALIFORNIA

LELAND K. HILL
EXECUTIVE OFFICER

NT SILVERTHORNE, CHAIRMAN
LPH J. MCGILL, MEMBER
A. ALEXANDER, MEMBER

L54
Whis

March 15, 1963

Regional Director, Western Region
National Park Service
180 New Montgomery Street
San Francisco 5, California

Attention: Leo J. Diederich
Assistant Regional Director

Subject: Application 20142, Boulder Creek

Dear Sir:

Receipt is acknowledged of your letter of February 26, 1963. Enclosed is a Xerox copy of the above-numbered application and supporting map of Jack Greening and Patrick H. Lucas, protest forms and a pertinent booklet, as requested. The protest period for the above-numbered application terminated November 13, 1961. However, a late protest may be accepted by the Board if good cause for the late filing can be shown. In any event, you will be notified of any investigation or hearing that may be held in regard to the application.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.

cc: Jack Greening and Patrick Lucas
P. O. Box 467
Cottonwood, California

*Ketchikan R
Protest sent to
Project Manager
→ Whiskeytown
for filing 4/9/63*

Western Region
180 New Montgomery
San Francisco 5, California

February 26, 1963

Ketchum

Silber

Biederich

12415
L54
was
Mr. L. K. Hill
Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento, California

Dear Mr. Hill

Re: Application #20142 to the State Water
Rights Board by P. H. Lucas and
Jack Greening

We have been advised by the Project Manager of Whiskeytown Recreation Area of an application pending with the State Water Rights Board by Messrs. P. H. Lucas and Jack Greening to use water in the amount of one cubic foot per second for domestic purposes, on a year round basis, said water to be diverted from Boulder Creek, tributary to Clear Creek. Messrs. Lucas and Greening own approximately eighty acres of land in the Southwest quarter of Section 7, Township 32 North, Range 6 West, adjoining the Whiskeytown Reservoir. It appears to be the intention of the applicants to use this water to supply residences of a proposed subdivision. It is understood that the applicants propose to divert water in the above stated amounts from Boulder Creek at a point approximately one-mile upstream from the shoreline of Whiskeytown Lake.

The National Park Service expects to protest this application for the following reasons: Boulder Creek now has a native population of Rainbow trout and the low water temperature of approximately sixty degrees even during the summer months makes it an important nursery and spawning stream - even more so when Whiskeytown Lake has been filled and stocked with additional fish. During the summer of 1959, the measured rate of flow at the mouth of Boulder Creek was 1.11 cubic feet per second. Obviously, if 1.0 cubic foot per second of this flow were diverted Boulder Creek would be destroyed as a fishing and spawning stream. Should pending legislation to establish Whiskeytown National Recreation Area be enacted, it would be in the public interest to retain the natural flow of water in Boulder Creek, especially during the summer months, for the protection of fishery resources.

FILE COPY

If this application has been processed please forward a copy of the application, rules and regulations pertaining to protests, and the proper forms for protest to the Regional Director, Western Region, National Park Service, 180 New Montgomery Street, San Francisco 5, California.

(Sgd.) Leo J. Diederich

Leo J. Diederich
Assistant Regional Director

cc:

Project Manager, Whiskeytown
Director

RWKetcham:lsr 2/26/63

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

NOTICE OF APPLICATION TO APPROPRIATE WATER

APPLICATION 20142

NOTICE IS HEREBY GIVEN THAT JACK GREENING & PATRICK H LUCAS
P O BOX 467, COTTONWOOD, CALIF

HAS UNDER THE DATE OF MAY 22, 1961, 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 BOULDER CREEK TRIBUTARY TO
CLEAR CREEK THENCE SACRAMENTO RIVER
POINT OF DIVERSION WITHIN NW1/4 OF NE1/4 SECTION 14 T32N R7W MDB&M
IN THE COUNTY OF SHASTA
AMOUNT APPLIED FOR: 1 CU FT/SEC

WATER TO BE USED FOR DOMESTIC PURPOSES

DIVERSION SEASON NAMED: JANUARY 1 TO DECEMBER 31 OF EACH YEAR

PLACE OF USE DESCRIBED: DOMESTIC USES WITHIN THE W1/2 OF SECTION 7, T32N, R7W, MDB&M,
AS SHOWN ON MAP FILED WITH STATE WATER RIGHTS BOARD.

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

OCT 3 1961

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

MAY 22 2 26 PM '61

STATE WATER RIGHTS BOARD
SACRAMENTOApplication No. 20142 Filed May 22, 1961 at 2:26 P. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED 8/30/61-

I, JACK GREENING - PATRICK H. LUCAS
Name of applicant or applicants
 of P.O. Box 467, Cottonwood 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 Boulder Creek
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 thence Sacto. R.
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 .75 cu. ft. per s. cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
 second, to be diverted from Jan. 1 to Dec. 31 of each year.
Beginning date Closing date
 (b) For diversion to be stored and later applied to beneficial use None acre-feet
1 acre-foot equals 325,851 gallons
 per annum, to be collected between and of each season.
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 and recreational
Domestic, irrigation, power, municipal, mining, industrial, recreational
SUBDIVIDED TO LEASEHOLD ESTATES purposes.
4. The point of diversion is to be located 900' south of the north boundary of Section 14 to a point 1420' west of the east boundary of Section 14 within at the point Boulder Creek changes course from Northeast to East
 being within the N.W. 1/4 of the N.E. 1/4
State 40-acre subdivision of public land survey or projection thereof
 of Section 14, T. 32 N., R. 7 W., M.D. B. & M., in the County of Shasta
S.W. 1/4
5. The main conduit terminates in S.W. 1/4 of Sec. 7, T. 32 N., R. 7 W., M.D. 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 an unobstructed channel
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 1000 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 None at outset
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.

3. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____
Cross out two not used
Earth, rock, timber, etc.

(b) Pipe line: Diameter 6 inches; length 6500 feet; grade 150 feet per 1,000 feet; total fall from intake to outlet 1000 feet; kind steel or concrete
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 2.5 ~~one~~ cubic foot per second
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is not yet determined
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 12 months from date of filing hereof

Construction work will be completed on or before not known letter attached

The water will be completely applied to the proposed use on or before not known

Description of Proposed Use

11. Place of Use. 80 acres more or less within the W 1/2 of Sec. 7,
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
T 32 N. R 6 W, M.D.B.&M

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. Riparian	unknown	domestic	12 mos.	none
2. Appropriative	unknown	domestic	12 mos.	none
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is none 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 none 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 X 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 be returned to _____ of
will not
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 not incorporated
Name city or cities, town or towns. Urban areas only
territory 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 _____ in _____ of
Name stream State 40-acre subdivision

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

17. Other Uses. The nature of the use proposed is recreational, domestic and fish culture
Industrial, recreational, domestic, stockwatering, fish culture, etc.

SUBDIVIDED TO LEASEHOLD ESTATES TO BE SERVED BY NATURAL WATER CO.

State basis of determination of amount needed. It is estimated 80 acres more or less will be
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

devoted to domestic development on the basis of 3 parcels per acre. On industrial use, and unit requirements the basis of three persons occupying each of said parcels on a year round basis, it is estimated that 720 people will utilize water on a 12-month basis. Additionally, it is contemplated that substantial lawn and garden development will accompany residential construction in view of the size of each parcel. ~~The fish culture and the related recreational use to be put to the fish culture will require the balance of the appropriated waters.~~ It is believed that the total of one cubic foot per second will be needed to satisfy the full saturated used of the land to be served.

720 persons @ 55 gpd/person = 39600 gpd

3 parcels/ac x 80 ac = 240 parcels x 10,000 sq.ft/parcel x .185 gpd/sq.ft = 444000 gpd

General 9pd x .00000155 cfs/gpd = .75 cfs

Total = 483600 gpd

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, Yes or No

state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and Yes or No

address of owner and state what steps have been taken to secure right of access thereto. The owners have
granted to applicants the water rights thereto. ESTATE OF CHESTER VERGNES,
WHISKEY TOWN.

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

Whiskey Town

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? U. S. Bureau of Reclamation

[SIGNATURE OF APPLICANT] Patrick J. Lucas

03 HISTORY

Whiskeytown National Recreation Area

BOULDER CREEK

Land History

HSB:FJC
335-2508-89

mk

August 5, 1968

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made of the title data relating to 78.30 acres of land, more or less, Parcel No. 303, Whiskeytown National Recreation Area Project in Shasta County, California.

This land was conveyed to the United States of America under the provisions of existing legislation by Patrick H. Lucas, et al., under deed dated June 11, 1968, filed for record on June 14, 1968, and recorded among the land records of the county in Volume 956 of Deeds at page 216. The file number of this Department is 33-5-2508-89.

The land is described in the aforesaid deed, which recites a consideration of \$130,000.00.

The title insurance policy, No. 18602, dated as of July 26, 1966, and continued by indorsements to June 14, 1968, was prepared by First American Title Insurance and Trust Company and is satisfactory.

The title insurance policy and indorsements, recorded deed and accompanying data disclose valid title to be vested in the United States of America, subject to existing easements for public roads and highways, rights of way for railroads, pipelines and public utilities, which your Department has advised will not interfere with the contemplated use of the land.

recd. 8/13/6.

- 2 -

The title evidence has been retained for the
files of this Department.

Sincerely yours,

Attorney General

Encl. 1

Area WHIS

CERTIFICATE OF INSPECTION AND POSSESSION

I, Robert S. Graham an employee
 of the Department of Interior, hereby certify that
 on the 13th day of June, 1968, I made
 a personal examination and inspection of that certain tract or par-
 cel of land situated in the County of Shasta, State of
 California, designated as Tract No. 303,
 and containing 78.3 acres, ~~(proposed to be)~~ ac-
 quired by the United States of America in connection with the
Whiskeytown NRA project, from Patrick H. Lucas & Jack W.
Greening ~~(in the condemnation proceedings~~
~~entitled~~ ~~Civil No.~~ .)

1. That I am fully informed as to the boundaries, lines and corners of said tract; that I found no evidence of any work or labor having been performed or any materials having been furnished in connection with the making of any repairs or improvements on said land.

2. That to the best of my knowledge and belief after actual and diligent inquiry and physical inspection of said premises, there is no evidence whatever of any vested or accrued water rights for mining, agricultural, manufacturing, or other purpose; nor any ditches or canals constructed by or being used thereon under authority of the United States, nor any exploration or operations whatever for the development of coal, oil, gas, or other minerals on said lands; and that there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.

3. That to the best of my knowledge and belief based upon actual and diligent inquiry, there is no outstanding right whatsoever in any person to the possession of said premises nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records.

4. That said premises are now wholly unoccupied and vacant.

Dated this 13th day of June, 1968.

Approved:

Paul G. Graham

\$110.00

\$33.00

835 RECEIVED

NORTH VALLEY TITLE & ESTATE CO.
AT 50 MIN. PAST 1:00 PM
OFFICIAL RECORDS SHASTA COUNTY, CALIF.

SHASTA COUNTY
DOCUMENTARY
STAMP TAX

SHASTA COUNTY
DOCUMENTARY
STAMP TAX

JUL 5 1968

JUN 14 1968

Volume 956 Page 216
Recorder Fee \$2.80
M. H. Montgomery

WHIS
No. 303
C. 3-21-68
J.L.C. 3-21-68

WHISKEYTOWN N. R. A.

UNINCORPORATED AREA
AFFIX PROPERTY TRANSFER TAX STAMPS \$143.00

GRANT DEED

We, PATRICK H. LUCAS and ERATHUSA LUCAS, his wife, and JACK W. GREENING and JUNE GREENING, his wife, Grantors, for and in consideration of the sum of ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$130,000.00), 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 part of the West half of Section 7, Township 32 North, Range 6 West, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwest corner of said Section 7, said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence running along the West line of said Section 7 North 1°55' East 2646.3 feet to the Northwest corner of the Southwest quarter (SW¼) of said Section 7, said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence continuing along said West line North 1°55' East 430.0 feet; thence leaving said West line North 60°55' East 272.2 feet; thence South 51°20' East 128.1 feet; thence South 36°52' West 150.0 feet; thence South 13°14' West 174.6 feet; thence South 17°53' East 325.7 feet; thence South 85°14' East 240.8 feet; thence South 5°12' East 441.8 feet; thence South 37°18' West 264.0 feet; thence South 22°45' East 672.4 feet; thence North 87°48' East 520.4 feet; thence South 58°38' East 480.2 feet; thence South 15°49' East 311.8 feet; thence South 74°31' East 337.2 feet; thence South 40°43' East 247.6 feet; thence East 200.0 feet to a point on the East line of said Southwest quarter (SW¼); thence along said East line South 2°23' West 400.0 feet to the Southeast corner of said Southwest quarter (SW¼), said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence along the South line of said Southwest quarter (SW¼) South 89°19' West 2475.6 feet to the point of beginning.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads and pipelines.

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 11th day of June, 1968.

IN WITNESS WHEREOF, I have hereunto executed this instrument at the County of Shasta, State of California, this 11th day of June, 1968.

Patrick H. Lucas
Patrick H. Lucas

Erathusa Lucas
Erathusa Lucas

Jack W. Greening
Jack W. Greening

June Greening
June Greening

COUNTY OF SHASTA
RECORDS SECTION
JUL 10 1968

RECEIVED

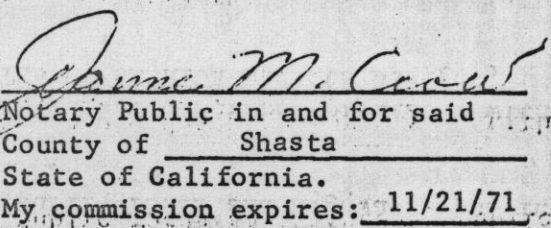
956 PAGE 216

7-1-68

you, closed

3368 M. C. 656718

DATE: _____, the day and year



83579 INVESTMENT BOOK 956 PAGE 217

When recorded please mail to;
National Park Service
United States Department of Interior
Post Office Box 188
Whiskeytown, California 96095

[illegible]

800 2 707

RECORDS UNIT
ADJUTANT GENERAL
OFFICE OF THE
DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20315

8095

LWR-SSC-1

(Aug 1966)

C.F. 5-13-68

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

303

Tract

LUCAS & GREENING

Vendor

WHIS

Area

14-10-7-973-139

Contract No.

RECORDED AT REQUEST OF

Nat'l Park Service

AT 1.5 MIN. PAST 3 P.M.
OFFICIAL RECORDS SHASTA COUNTY, CALIF.

JUN 10 1968

Volume 955 Page 574

RECORDED FEE \$ 6.00

er

OFFER TO SELL REAL PROPERTY

The undersigned, hereinafter called the Vendor, in consideration of the mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America and its assigns, the fee simple title to the following described land, with the buildings and improvements thereon, and all rights, hereditaments, easements, and appurtenances thereunto belonging, located in the

County of Shasta, State of California,

containing 78.3 acres, more or less, more particularly described as follows:

All that part of the West half ($W\frac{1}{2}$) of Section Seven (7), Township Thirty-two (32) North, Range Six (6) West, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwest corner of said Section 7, said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence running along the West line of said Section 7 North $1^{\circ}55'$ East 2646.3 feet to the Northwest corner of the Southwest quarter ($SW\frac{1}{4}$) of said Section 7, said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence continuing along said West line North $1^{\circ}55'$ East 430.0 feet; thence leaving said West line North $60^{\circ}55'$ East 272.2 feet; thence South $51^{\circ}20'$ East 128.1 feet; thence South $36^{\circ}52'$ West 150.0 feet; thence South $13^{\circ}14'$ West 174.6 feet; thence South $17^{\circ}53'$ East 325.7 feet; thence South $85^{\circ}14'$ East 240.8 feet; thence South $5^{\circ}12'$ East 441.8 feet; thence South $37^{\circ}18'$ West 264.0 feet; thence South $22^{\circ}45'$ East 672.4 feet; thence North $87^{\circ}48'$ East 520.4 feet; thence South $58^{\circ}38'$ East 480.2 feet; thence South $15^{\circ}49'$ East 311.8 feet; thence South $74^{\circ}31'$ East 337.2 feet; thence South $40^{\circ}43'$ East 247.6 feet; thence East 200.0 feet to a point on the East line of said Southwest quarter ($SW\frac{1}{4}$); thence along said East line South $2^{\circ}23'$ West 400.0 feet to the Southeast corner

RECEIVED

JUN 27 1968

BOOK 955 PAGE 574

of said Southwest quarter (SW $\frac{1}{4}$), said corner being marked by a brass cap set by the Bureau of Land Management in 1957; thence along the South line of said Southwest quarter (SW $\frac{1}{4}$) South 89°19' West 2475.6 feet to the point of beginning.

IN ADDITION, the vendors offer to quitclaim to The United States of America all their right, title and interest in and to Section 7, Township 32 North, Range 6 West, MDB&M.

LMH-500-1
(Aug 1966)

subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

Excepting and reserving only the following rights and interests in the above described property:

- a. The Vendor reserves the right to occupy the property until title passes. During the period of such occupancy the vendor shall continue to be responsible for the protection and maintenance of the land and the improvements and timber located thereon, even though title may have passed to the United States prior to the above date.

The terms and conditions of this offer are as follows:

(1) The Vendor agrees that this offer may be accepted by the United States through any duly authorized representative, by delivering, mailing, or telegraphing a notice of acceptance to the Vendor at the address stated below, at any time within one (1) month(s) from the date hereof, whereupon this offer and the acceptance thereof become a binding contract.

(2) The United States of America agrees to pay the Vendor for said land the sum of One Hundred Thirty Thousand dollars (\$130,000.00 payable on acceptance of this offer and approval of the Vendor's title; provided the Vendor can execute and deliver a good and sufficient deed conveying said land with the hereditaments and appurtenances thereunto belonging to the United States of America and its assigns, in fee simple, free and clear of all liens and encumbrances, except those specifically excepted or reserved above, together with all right, title, and interest of the Vendor in and to any streams, alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land.

(3) It is agreed that the United States will defray the expenses incident to the preparation and recordation of the deed to the United States and the procurement of the necessary title evidence.

(4) The Vendor agrees that all taxes, assessments, and encumbrances which are a lien against the land at the time of conveyance to the United States shall be satisfied of record by the Vendor at

LNR-SSC-1
(Dec. 1967)

or before the transfer of title and, if the Vendor fails to do so, the United States may pay any taxes, assessments and encumbrances which are a lien against the land; that the amount of any such payments by the United States shall be deducted from the purchase price of the land; that the Vendor will, at the request of the United States and without prior payment or tender of the purchase price, execute and deliver the deed of conveyance to the United States, pay the documentary revenue stamp taxes, recordation or transfer taxes where required, and obtain and record such other curative evidence of title as may be required by the United States.

(5) The Vendor agrees that loss or damage to the property by fire or acts of God shall be at the risk of the Vendor until the title to the land and deed to the United States have been accepted by the United States through its duly authorized representative; and, in the event that such loss or damage occurs, the United States may, without liability, refuse to accept the conveyance of the title or it may elect to accept conveyance of title to such property, in which case there shall be an equitable adjustment of the purchase price.

(6) The Vendor agrees that the United States may acquire title to said land by condemnation or other judicial proceedings, in which event the Vendor agrees to cooperate with the United States in the prosecution of such proceedings; agrees that the consideration hereinabove stated shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; agrees that any and all awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from said amount.

(7) The Vendor further agrees that from the date hereof, officers and accredited agents of the United States shall have, at all proper times, rights and privileges to survey and enter upon said property for all lawful purposes in connection with the acquisition thereof.

(8) It is agreed that the spouse, if any, of the Vendor, by signing below, agrees to join in any deed to the United States and to execute any instrument deemed necessary to convey to the United States any separate or community estate or interest in the subject property and to relinquish and release any dower, curtesy, homestead, or other rights or interests of such spouse therein.

(9) The Vendor represents and it is a condition of acceptance of this offer that no member of or delegate to Congress, or resident commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

LWR-SSC-1

(Aug 1966)

(10) The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors, and assigns of the Vendor.

(11) All terms and conditions with respect to this offer are expressly contained herein and the Vendor agrees that no representative or agent of the United States has made any representation or promise with respect to this offer not expressly contained herein.

Signed and Delivered this 14 day of May, 1968.

WITNESSES:

VENDORS:

Witness

Patrick H. Lucas
Patrick H. Vendor Lucas

Witness

Erathusa Lucas
Erathusa Vendor Lucas

Witness

Jack W. Greening
Jack W. Vendor Greening

Witness

June Greening
June Vendor Greening

Notice of acceptance of this offer is to be sent to:

Mr. Patrick H. Lucas	Rt. 3 Box 3507 ~~Box 3507~~	~~Box 3507~~	Red Bluff, Calif. 96080
Name	Address	City, State, ZIP	

ACCEPTANCE OF OFFER TO SELL REAL PROPERTY

The offer of the Vendor contained herein is hereby accepted for and on behalf of the UNITED STATES OF AMERICA.

MAY 24 1968

Date: _____

By: Thomas Kornelius

Title: _____

Form 3001—(Individual) First American Title Company

STATE OF CALIFORNIA

COUNTY OF TEHAMA } ss.

On MAY 14, 1968, before me, the undersigned, a Notary Public in and for
said State, personally appeared Pattick H Lucas and Erathosa Lucas

known to me to be the person s whose name s are

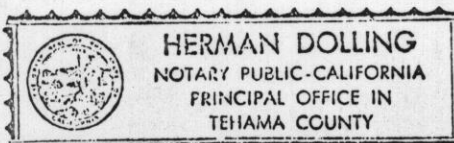
subscribed to the within instrument and acknowledged to me
that they executed the same.

WITNESS my hand and official seal

Signature Herman Dolling, Notary Public

HERMAN DOLLING

Name (Typed or Printed)



(This area for official notarial seal)

Form 3001—(Individual) First American Title Company

STATE OF CALIFORNIA

COUNTY OF Shasta } ss.

On 5-14-68, before me, the undersigned, a Notary Public in and for
said State, personally appeared Jack W. Greening and June
Greening

known to me to be the person s whose name are

subscribed to the within instrument and acknowledged to me
that they executed the same.

WITNESS my hand and official seal.

Signature J. G. Greening

P. G. Greening

Name (Typed or Printed)

8095 BOOK 955 PAGE 579

(This area for official notarial seal)

06 DATA

Whiskeytown National Recreation Area

BOULDER CREEK

Supporting Hydrologic Data

L54 (WR) RWR
WHIS/WR # 8

While at the area headquarters, land status maps were examined with several park personnel regarding this water right. It appears that no diversionary works were ever constructed. The exact site of diversion which was contemplated is unknown. The reach of Boulder Creek in question was not field inspected.

W. Werrell
Jan 13, 1976

07 OTHER

Whiskeytown National Recreation Area

BOULDER CREEK

Other Supporting Information



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

June 6, 1963

IN REPLY REFER TO:

L-54

Memorandum

To: Regional Director, Western Region

From: Project Manager, Whiskeytown

Subject: Water rights hearing, Lucas and Greening application

On the morning of May 22, 1963, Project Manager King and Chief Park Ranger Hunt attended the Water Rights Hearing held in Shasta, Calif., re: Application to appropriate .75 c.f.s. of water from Boulder Creek year around. The California Department of Fish and Game was protesting this application on the grounds that it would destroy a natural nursery for trout.

The hearing was conducted by Mr. Carter of the California Water Rights Board. A list of those in attendance is attached.

During the course of the discussion Mr. Carter advised that there is no unappropriated water available in the Sacramento River drainage during the months of June, July, August and September. Riparian rights are observed however, even though unused in the past. Mr. Lucas and Mr. Greening claimed to have riparian rights, which would seem to nullify the need for a permit from the California Water Rights Board.

A decision has been postponed pending further investigation by the Water Rights Board as to existing riparian rights; and actual stream flow data during the summer months to be obtained by the California Department of Fish and Game.

Your office will be advised of any further developments in this matter.

Samuel A. King

Enclosure

cc:
James V. Lloyd

RECEIVED	
NPS Western Regional Office	
JUN 7-63	
Surname	Date
REG. DIR.	
Asst. R. D. (CIU)	
Asst. R. D. (ADM)	
Asst. R. D. (RP)	
Asst. to R. D.	
Sp. Asst. to R. D.	
PROGRAMS	

Ketchum

Western Region
180 New Montgomery
San Francisco 5, California

154

April 9, 1963

RK
~~Ketcham~~
Siler

Memorandum

To: Project Manager, Whiskeytown
From: Regional Chief of Lands, Western Region
Subject: Protest of Water Right Application 20142

Enclosed for your use is the following data:

1. Draft of suggested "Protest" to Application 20142
2. Seven blank Protest Forms
3. Copy of letter of March 15 from State Water Rights Board to this office.
4. Copy of "Rules and Regulations pertaining to Protests and Hearings"
5. Copy of Notice of "Application to Appropriate Water" Application 20142
6. Copy of Application 20142

We prefer that this "Protest" be signed and sent to the State Water Rights Board by you as the principal protestant. The draft is being sent to assist you in preparation of a final formal protest. You may make any changes you feel are important to the descriptive material in the protest and attempt to present our case as strongly as possible. The original should be sent to the State Water Rights Board and a copy to Jack Greening and Patrick Lucas, P. O. Box 467, Cottonwood, California. Please also send three copies to this office so that we may prepare a new Alien Water Right folder.

(SGD) JAMES M. SILER

James M. Siler

Enclosures 6

RWKetcham:lsr 4/9/63

FILE COPY



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Whiskeytown Recreation Area
2460 Athens Avenue
Redding, California

IN REPLY REFER TO:

L 2415

*L 541
Whis*

February 19, 1963

To: Regional Director, Western Region

From: Project Manager, Whiskeytown

Subject: Application #20142 to the State Water Rights Board by
P. H. Lucas and Jack Greening

Attached is a draft of a proposed letter to the State Water Rights Board relative to the subject application. In view of the minimal flow water recorded at the mouth of Boulder Creek during the summer, we would recommend that no diversion for domestic purposes be considered by the Board.

Samuel A. King
Samuel A. King
Project Manager

cc:

James V. Lloyd, Special Ass't
to Regional Director

File

RECEIVED
NPS Western Regional Office

FEB 20 '63

	Surname	Date
REG. DIR.		
Asst. R. D. (CIU)		
Asst. R. D. (ADM)		
Asst. R. D. (RP)	<i>Has seen me</i>	
Asst. to R. D.		
Sp. Asst. to R. D.	<i>2-27</i>	<i>2/27</i>
PROGRAMS		

Katelson
KAL
sent letter
2/20/63

Millard

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
INTRAOFFICE CORRESPONDENCE

DATE: October 30, 1961

TO: Chief, Water Projects Branch

FROM: Regional Manager, Region 1

SUBJECT: Application No. 20142, Boulder Creek, Tributary to
Clear Creek, Shasta County

Application 20142 should be protested. The year-round diversion of one cubic foot per second might be more than the minimum flow of the stream. On July 8, 1959, the flow at the mouth of Boulder Creek was 1.11 cubic feet per second.

On October 27, 1961, the proposed application was discussed with Mr. Jack Greening, one of the applicants. Water is to be used for domestic use on a proposed residential development adjacent to Whiskeytown Reservoir, which is now being constructed. The applicant stated that plans for water development for the residential area are only in the preliminary stage. Another source of domestic water could be the reservoir.

Boulder Creek is a small tributary to Clear Creek and will eventually enter Whiskeytown Reservoir. Flowing easterly from the slopes of Shasta Bally, it is densely sheltered and water temperatures are cool. On July 8, 1959, the temperature was 60 degrees, Fahrenheit, at 11:00 A.M. The stream has a population of small native rainbow trout. Numerous trout fingerlings were noted near the mouth on October 26, 1961, indicating good natural reproduction. Boulder Creek will be more important as a spawning and nursery stream for salmonids following completion of Whiskeytown Reservoir.

We recommend the inclusion of the following clause in any permit or license issued pursuant to Application 20142:

"Permittee shall bypass or release into the natural stream-bed of Boulder Creek, immediately below the diversion point and during periods herein specified, the following minimum flows or the natural flow, whichever is less, for the protection of the fishery resources: June 1 through October 31 - one c.f.s., and November 1 through May 31 - two c.f.s.

JAMES D. STOKES
Regional Manager, Region 1

Docket Information

Number of Documents in Docket : 30

Documents Dated from : 05-22-1961 to 10-28-2024

Docket Compiled: 11/14/2024