

STATE WATER RESOURCES CONTROL BOARD

BOX 100 • SACRAMENTO 95801



IN THE MATTER OF DETERMINATION OF
 THE RIGHTS OF THE VARIOUS CLAIMANTS
 TO THE WATERS OF CEDAR CREEK AND ITS
 TRIBUTARIES IN LASSEN COUNTY,
 CALIFORNIA: AND THE RIGHTS OF THE
 VARIOUS CLAIMANTS TO THE WATERS OF
 THE UNNAMED STREAM SYSTEM TRIBUTARY
 TO BAYLEY (MADELINE) RESERVOIR IN
 LASSEN COUNTY, CALIFORNIA

ORDER GRANTING
 PETITION FOR
 DETERMINATION OF
 WATER RIGHTS

ORDER WR 78-6

WHEREAS:

1. Lowell D. Novy, Tom Ratliff, Rex B. Olsen, Carl J. Olsen, and Pete Mendiboure have filed a petition with the State Water Resources Control Board pursuant to Water Code Section 2525 requesting determination of the rights of the various claimants to the waters of Cedar Creek stream system tributary to the South Fork Pit River in Lassen County, California, and Lowell D. Novy has filed a supplement to the petition requesting determination of the rights of the various claimants to the waters of an unnamed stream system tributary to Madeline Reservoir in Lassen County.

2. The Board has made an investigation to determine the public interest and necessity for a statutory adjudication on Cedar Creek in Lassen County and the results of this investigation are contained in the document entitled, "Report of Preliminary Investigation to Determine Public Interest and Necessity for a Statutory Adjudication on Cedar Creek in Lassen County" (December 1977).

3. The Board has reviewed the subject report and finds the following:

a. Cedar Creek drains a watershed of approximately 80 square miles above Tule Lake Reservoir. It flows into the South Fork Pit River about 20 miles south of the City of Alturas;

b. Madeline Reservoir is an integral part of the diversion system and should be included in any determination of water rights;

c. A controversy exists among the water users in Madeline Plains as to the relative rights to use water annually collected to storage in Tule Lake Reservoir and Madeline Reservoir;

d. A controversy exists as to the right of Mr. Robert Akers to divert water away from the historical place of use in Madeline Plains for use on land adjacent to the South Fork Pit River near Alturas;

e. There is reason to believe that physical violence might ensue if the above-mentioned controversies are not resolved;

f. A substantial amount of reservoir yield may be unallocated;

g. Gage height-capacity relationships for Tule Lake Reservoir and for Madeline Reservoir are not available nor has safe annual yield for both reservoirs been determined.

Both deficiencies prevent the owners of the reservoirs from operating the project in a systematic and equitable manner. A principal objective of an adjudication would be to measure and determine the reservoir capacities at spillway level and other levels and to determine through hydrologic studies the safe annual yields of the reservoirs;

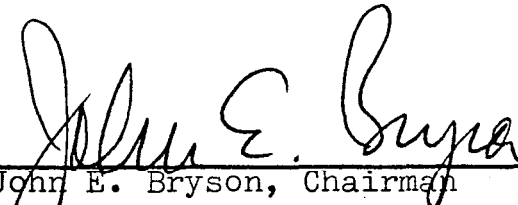
h. There is no controversy among the other water users, on Cedar Creek, either upstream or downstream of Tule Lake Reservoir; and

i. The facts and conditions are such that the public interest and necessity will be served by a determination of the rights of the various claimants to the waters annually collected to storage in Tule Lake Reservoir and Madeline Reservoir and the areas where such water may be used.


NOW, THEREFORE, IT IS ORDERED that the portions of said petition and supplement involving the rights of all persons having an interest in water stored in Tule Lake Reservoir and Madeline Reservoir for later use be, and it is hereby granted and it is further ordered that the investigation of said reservoirs shall begin on March 16, 1978 and all claimants shall notify the Board in writing by May 15, 1978 of their intention to file proof of claim. All claimants shall include with their proofs of claim

all deeds and other documents which transfer rights to use water stored in Tule Lake and Madeline Reservoirs.

Dated: MAR 16 1978



John E. Bryson, Chairman



W. Don Maughan, Vice Chairman



W. W. Adams, Member