

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26306

PERMIT: 19164

LICENSE:

Date of Inspection: August 23, 2002

Inspected by: Aaron Miller

Accompanied by: Pete Scala (ranch manager)

Telephone: (530) 604-0626

OWNERSHIP:

Emmerson Investment Inc.
c/o Jack Frost
P.O. Box 496014
Redding, CA 96049-6014

No Change

SOURCE(S):

Shasta River tributary to Klamath River in Siskiyou County.

No Change

AMOUNT:

I. Authorized Amount(s):

Rate - 5 cfs

Annual Amount - 400 AFA

No Use Under Permit

II. Calculated Maximum Amounts Beneficially Used

Rate - 0.0 cfs

Annual Amount - 0.0 AFA

Estimated rate and annual amount based on amount of water needed for irrigation of the place of use:

Rate - 1.25 cfs

Annual Amount - 448 AFA

According to the Shasta River Watermaster, Keith Dick, there has not been any water surplus to the Shasta River Adjudication rights available for diversion under this permit for the last four years. Therefore no credit can be given for use of water under this permit. Mr. Dick apparently keeps records of the recorder readings from the Parshall flume at the point of diversion to keep track of water used under adjudication requirements, however unless there is surplus water, he has not kept the records on file. The above amounts were calculated based on duty amounts for the place of use acreage. The diversion rate is a 30-day rate based on the assumption that water is diverted by gravity at a constant rate during a 30-day period.

OK NCS
8/15/03

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26306

PERMIT: 19164

LICENSE:

**SEASON(S) OF
DIVERSION:**

No Change

Authorized Season(s) of Diversion:
February 1 to November 1 of each year

There is no change in season since water has not been diverted under this permit in last few years.

USE(S) OF WATER:

No Change

- I. Current Authorized Uses: Stockwatering and Irrigation
- II. Existing Uses: Stockwatering and Irrigation

**POINT(S) OF
DIVERSION:**

No Change

Authorized Point(s) of Diversion:

- (1) Point of Diversion: South 66° 09' 48" East, 2872.14 feet from the NW corner of Section 22 being with the NE¼ of NW¼ of Section 22, T43N, R5W, MDB&M.

Existing Point(s) of Diversion:

- (1) Point of Diversion: By California Coordinate System of 1927, Zone 1, North 812,435 feet and East 1,888,219 feet, being within the NE¼ of NW¼ of Section 22, T43N, R5W, MDB&M.

County: Siskiyou
Parcel #: 020-040-430

PLACE OF USE:

No Change

Authorized Place of Use:

- 96 acres in the E½ of Section 16, T43N, R5W, MDB&M
- 2 acres in the NE¼ of NW¼ of Section 16, T43N, R5W, MDB&M
- 11 acres in the N½ of NE¼ of Section 21, T43N, R5W, MDB&M
- 3 acres in the W½ of NW¼ of Section 22, T43N, R5W, MDB&M

112 acres total

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LICENSE:

Current Place of Use:

96 acres in the E½ of Section 16, T43N, R5W, MDB&M
2 acres in the NE¼ of NW¼ of Section 16, T43N, R5W, MDB&M
11 acres in the N½ of NE¼ of Section 21, T43N, R5W, MDB&M
3 acres in the W½ of NW¼ of Section 22, T43N, R5W, MDB&M

112 acres total

From the site visit and a review of the aerial photographs (see field file for 1998 & 1994 terra server photos) of the area, it appears that the place of use has not changed since the e-map for this permit and Permit 19165 was submitted. Due to the drivability of the terrain, size of the place of use, and time constraints the place of use was not surveyed by GPS.

County: Siskiyou

Parcel Number: 020-030-040, 020-030-080, 020-030-430

**METHOD(S) OF
DIVERSION:**

No Change

Water is diverted by means of a diversion dam in the Shasta River. Two culverts allow water to continue to pass through the dam to downstream users. Flashboards are placed in the culverts during times of diversion to raise the level of the river so that water will flow into a diversion ditch by gravity. Flow into the ditch is controlled by a screw gate, which is locked down by the Watermaster, and measured by a 24 inch Parshall flume.

Other Rights: Agreement with MWCD

**COMPLIANCE TO
TERMS AND
CONDITIONS:**

No Violations

Permit Term 16 and 17: At the time of inspection the proper measuring device had not been installed. At the time there was no surplus water available for diversion so the device did not need to be installed since water was not being diverted under this permit. However the new design for the measuring device was faxed to ranch manager Pete Scala after a follow up phone conversation and photographs showing the installation of the proper measuring device have been submitted. No further

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26306

PERMIT: 19164

LICENSE:

action will be necessary.

**FINDING AND
RECOMMENDATION:**

Continue petition process for extension

No other action needed at this time

This inspection was conducted in concert with Applications 26307 and 8809. This inspection found no changes in the beneficial use of water under this right because no water has been diverted under this permit in the last four years. Water can only be diverted under this permit when there is water surplus to the Shasta River Adjudication rights. According to water-master Keith Dick, there has not been any surplus water available for diversion under this permit for the last four years. Mr. Dick is supposed to be keeping records of diversion for the permittee and does keep track of the parshall flume recorder readings each year for adjudication purposes. However if surplus water is not available for diversion, Mr. Dick does not keep these records on file. Mr. Dick did provide the monthly amounts, in acre-feet, delivered from storage at Lake Shastina as part of a 1928 agreement with the Montague Water Conservation District (MWCD). In this agreement the various owners affected by the construction of Lake Shastina agreed to relinquish their appropriative and riparian rights to MWCD in exchange for a regulated supply of water from storage (see File 261.21 - Item #21 in the Shasta River Adjudication file for report). The water being delivered as part of this 1928 agreement is applied to the place of use covered by this permit and Permit 19165 (Application 26307). However it appears from the report written about the 1928 agreement, that the place of use covered by these permits is larger than the intended place of use described in the report and the Shasta River Adjudication. It is assumed that the water-master is aware of this, as he has been allowing the diversion of water to these areas. It also appears that these areas are outside the district boundary for the MWCD.

There has been no use of water under this permit since it was last inspected for licensing. Also there are still no records of diversion available to determine an amount for licensing. However, it appears from duty estimates that there is probably

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26306

PERMIT: 19164

LICENSE:

enough water currently available to irrigate the place of use for both permits when the amounts available under the 1928 agreement are combined with the estimated diversion amounts under License 4151 (A008809), which covers a portion of the place of use under Permit 19165.

This permit is currently expired, and the permittee has submitted a petition for an extension of time, which is being processed by the petition unit at this time. Since there has not been any use of water under this permit and there still are no records of diversion available this permit cannot be licensed at this time. It is recommended that an extension be granted so that a record of diversion under this permit can be established when surplus water is available. The last extension order for this permit was granted so that records of diversion could be kept to document the use of water. It is recommended that a new extension order require all records of diversion be submitted on a yearly basis even if surplus water is not available to establish a record of water used under all rights associated with the place of use. If the petition is withdrawn or records of diversion cannot be produced in the future, revocation of this permit may be warranted.

Application 26306 & Application 26307 Calculations

Estimated Water Demand

<u>A026306</u>				<u>A026307</u>			
Crop Type	Pasture	Acreage	112	Crop Type	Pasture	Acreage	375
		Crop ET¹	Demand	30 Day Avg.			
		inches	Acres-feet	Demand - cfs			
Month					Month		
April		3.4	31.73	0.533	April	3.4	106.25
May		5.0	46.67	0.784	May	5.0	156.25
June		5.9	55.07	0.925	June	5.9	184.38
July		7.1	66.27	1.114	July	7.1	221.88
August		6.2	57.87	0.972	August	6.2	193.75
September		4.6	42.93	0.722	September	4.6	143.75
Total			300.53	AFA	Total		1006.25
							AFA

crop ET * (1/12) * acreage = demand in ac-ft
 30 day avg = demand in ac-ft / (1.9835 * 30 days)

Estimated Water Demand based on a Gross Delivery Rate²

A026306	4.0 acre-feet per acre * 112 acres =	448 AFA
A026307	4.0 acre-feet per acre * 375 acres =	1500 AFA ⁵
	Total Demand =	1948 AFA
A026306	448 AFA / (6 months * 30 days * 1.9835) =	1.25 cfs
A026307	1500 AFA / (6 months * 30 days * 1.9835) =	4.20 cfs

Water available under 1928 Agreement with the Montague Water Conservation District²

Hole in Ground Ranch³ = 596 AFA
 Seldom Seen Ranch⁴ = 692 AFA

Estimated use under
Licesne 4151(A008809)⁵ 750 AFA

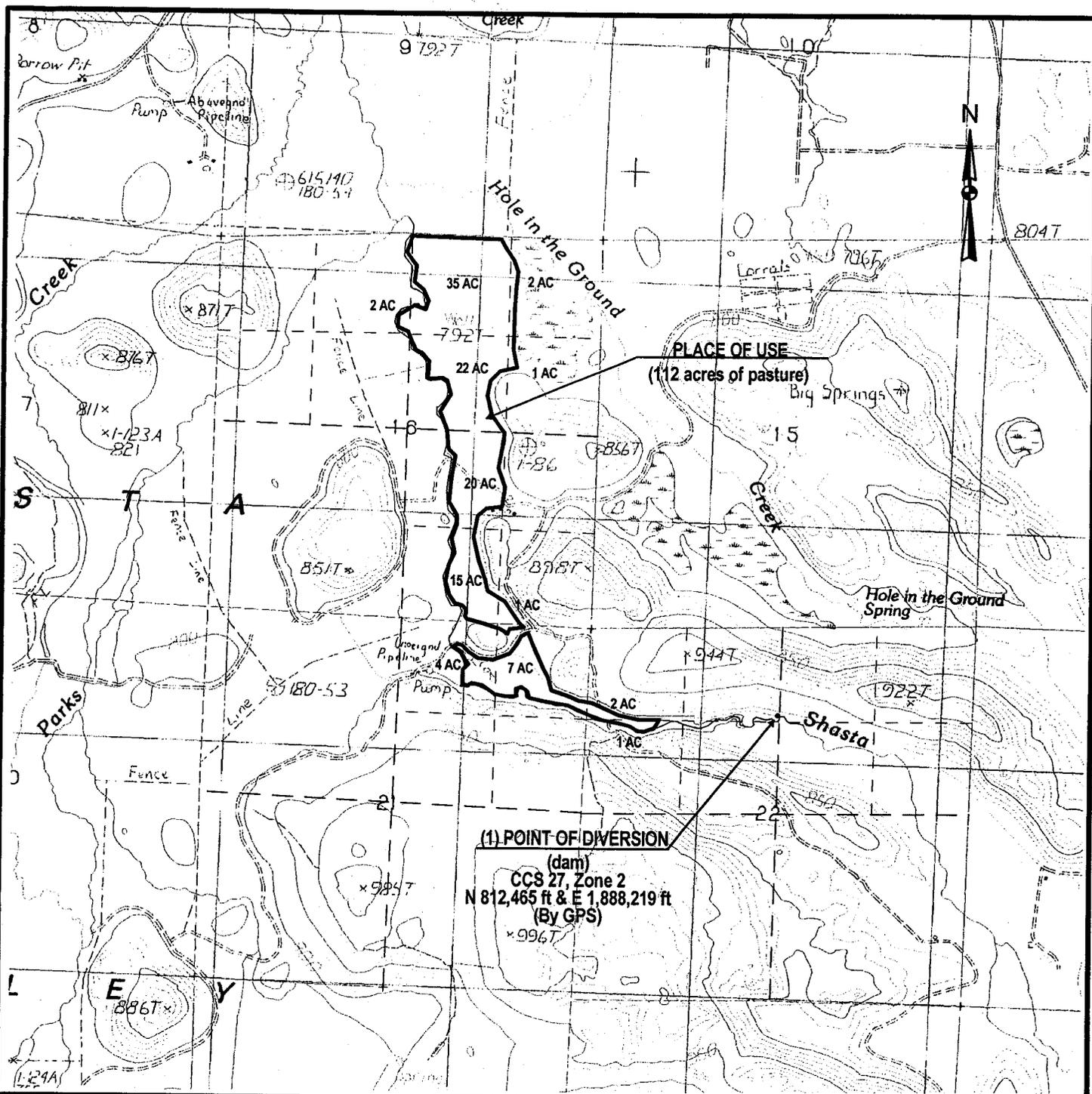
Total Available = 2038 AFA

Based on these estimates it appears there is probably enough water currently available to irrigate the POU for both A026306 & A026307 without the diversion water under either of the permits. If records of diversion cannot be produced to show use under these permits revocation may be warranted.

Notes:

- 1 - From Bulletin 133-3, Vegetative Water Use In California 1974, Table 12 - Estimated Growing Season Evapotranspiration for Principal Crops - North Coast, Interior Valleys Represents Crop ET demand and does not include losses which may exceed 25%
- 2 - Taken from report on the amounts to be delivered by MWCD under 1928 agreement, See File 261.21 - Item #21 in the Shasta River Adjudication File for report. The Gross Delivery Rate includes a 15% delivery loss
 The Hole in Ground Ranch was owned by E.D. Terwilliger and Seldom Seen Ranch was owned by John Soule at the time of the agreement.
- 3 - The POU for A026306 & A026307 together make up the Hole in Ground Ranch
- 4 - Seldom Seen Ranch is irrigated by a well and no longer receives water under the MWCD agreement
 Watermaster Keith Dick has allowed permittee to use water from Seldom Seen Ranch on the Hole in Ground Ranch
- 5 - The POU for L4151 covers 203 acres within the 375 acre POU covered by A026307
 Actual use under permit would be less than 1500 AFA since L4151 covers 203 acres within the permitted POU for A026307

MM 8/17/03



OWNER EMERSON INVESTMENT INC.

SOURCE SHASTA RIVER

POINT OF DIVERSION

WITHIN NE 1/4 OF NW 1/4 OF SECTION 22, T43N, R5W, MDB&M

COUNTY OF SISKIYOU

U.S.G.S. QUAD: LAKE SHASTINA

DATE: 1984 SCALE: 1:24,000

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 26306

PERMIT NO. 19164

COMPLIANCE

DATE:

7/29/03

DRAWN:

AM

CHECKED:

M 8/13/03

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

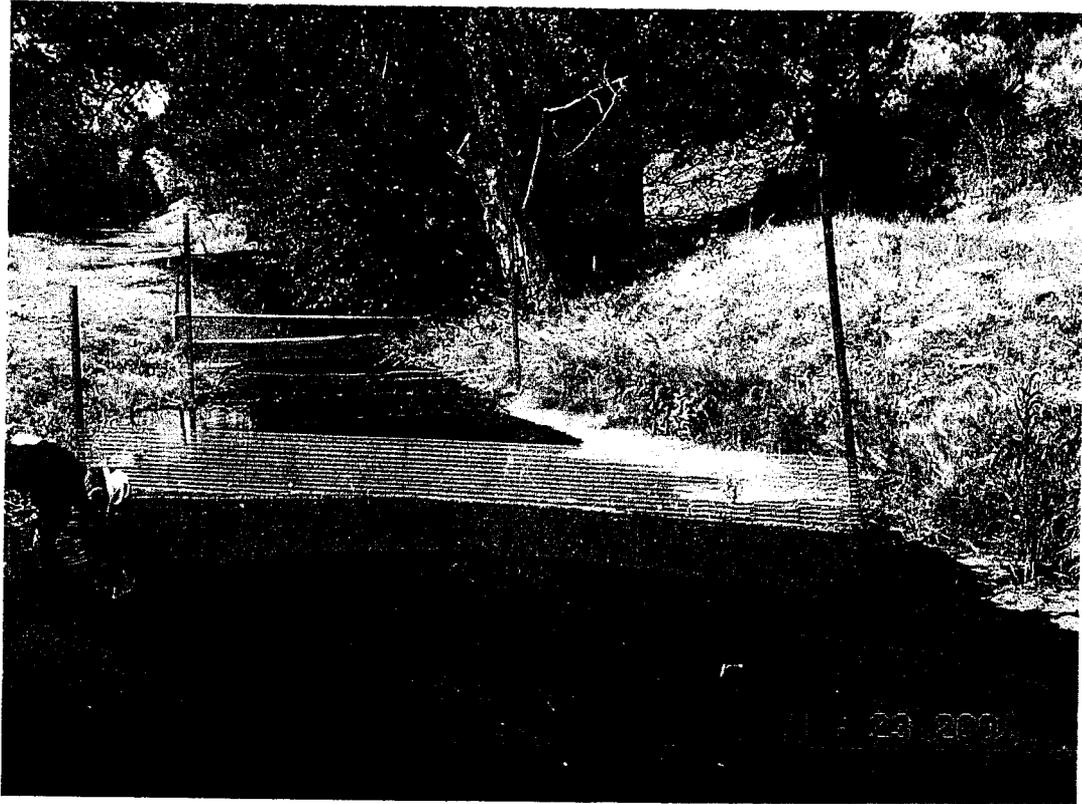
Inspection Pictures for Application 26306 – Emmerson Investments



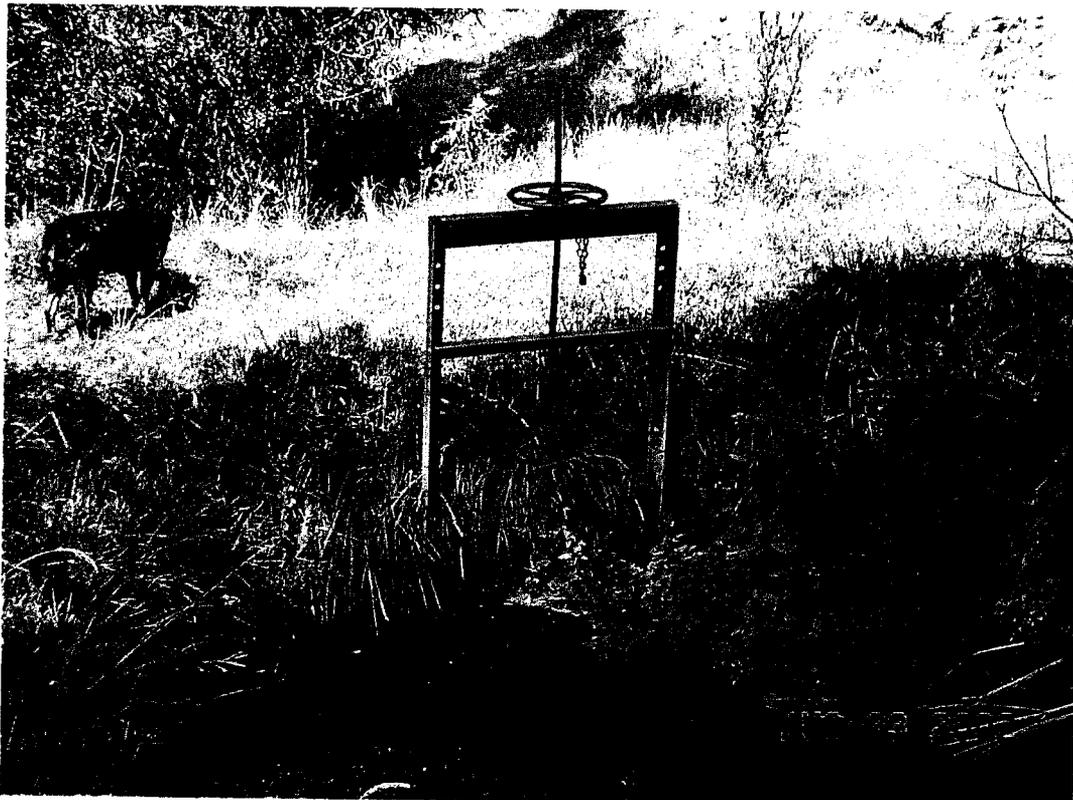
Upstream side of Point of Diversion



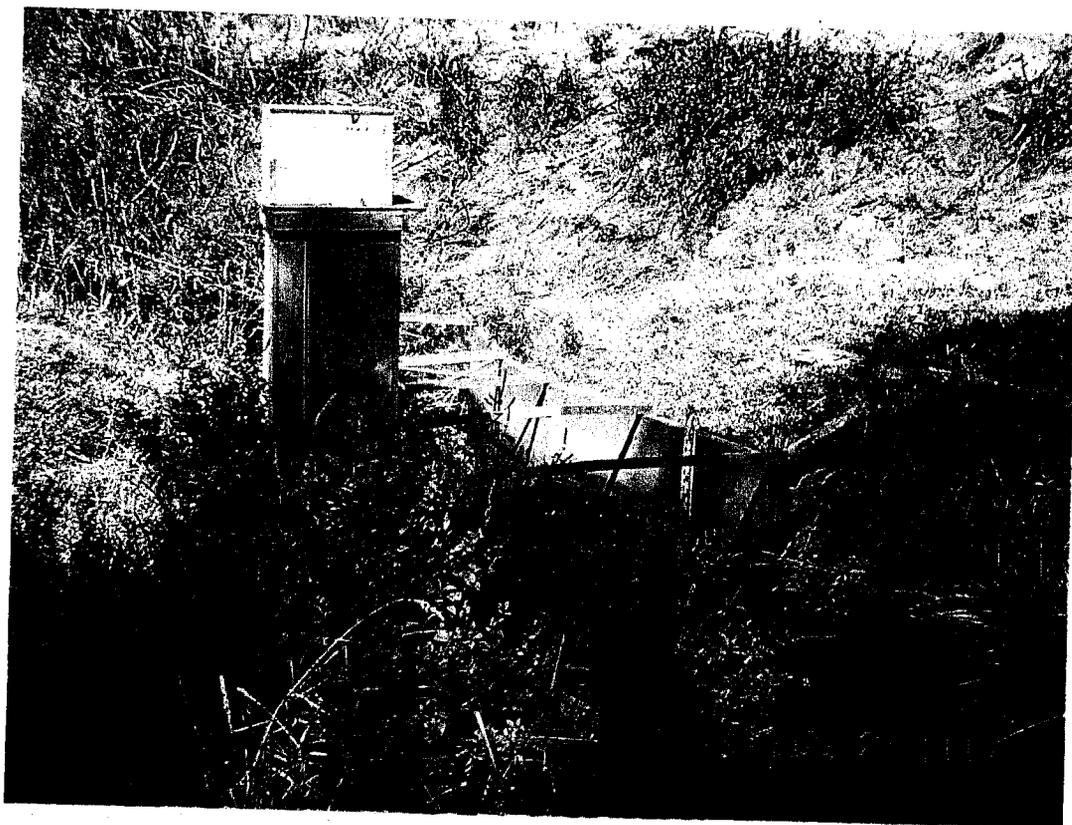
Downstream side of Point of Diversion



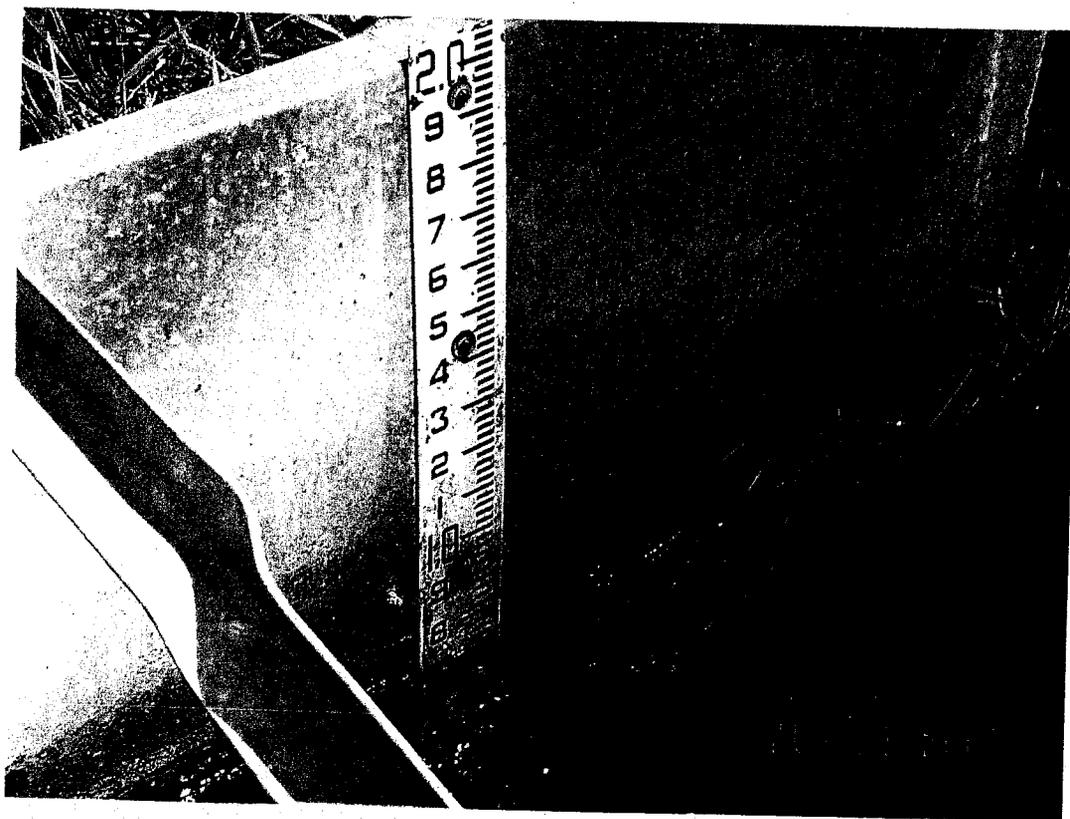
Fish screens at Point of Diversion
part of Place of Use seen in background



Control gate near point of diversion



24" parshall flume and recorder box



Flume reading at time of inspection

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26307

PERMIT: 19165

LICENSE:

Date of Inspection: August 23, 2002
Accompanied by: Pete Scala (ranch manager)

Inspected by: Aaron Miller
Telephone: (530) 604-0626

OWNERSHIP:

No Change

Emmerson Investment Inc.
c/o Jack Frost
P.O. Box 496014
Redding, CA 96049-6014

SOURCE(S):

No Change

Shasta River tributary to Klamath River in Siskiyou County.

AMOUNT:

No Use Under Permit

I. Authorized Amount(s):

Rate - 14 cfs
Annual Amount - 800 AFA

II. Calculated Maximum Amounts Beneficially Used

Rate - 0.0 cfs
Annual Amount - 0.0 AFA

Estimated rate and annual amount based on amount of water needed for irrigation of the place of use:

Rate - 4.20 cfs
Annual Amount - 1500 AFA

According to the Shasta River Watermaster, Keith Dick, there has not been any water surplus to the Shasta River Adjudication rights available for diversion under this permit for the last four years. Therefore no credit can be given for use of water under this permit. Mr. Dick apparently keeps records of the recorder readings from the Parshall flume at the point of diversion to keep track of water used under adjudication requirements, however unless there is surplus water, he has not kept the records on file. The above amounts were calculated based on duty amounts for the place of use acreage. Since 203-acres of the permitted place of use is also covered by License 4151 (Application 8809), and the estimated use under License 4151 is approximately 750 AFA, only 750 AFA would be applied to use under this permit. The diversion rate is a 30-

*AMS
9/2/03*

**DIVISION OF WATER RIGHTS
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APPLICATION: 26307

PERMIT: 19165

LICENSE:

day rate based on the assumption that water is diverted by gravity at a constant rate during a 30-day period. It should also be noted Division records show that License 4151 was issued because the applicant had developed a new water source that was not originally part of the supply to the Shasta River. Therefore License 4151 is not subject to the prior rights of the Shasta River adjudication.

**SEASON(S) OF
DIVERSION:**

No Change

Authorized Season(s) of Diversion:

February 1 to November 1 of each year

There is no change in season since water has not been diverted under this permit in last few years.

USE(S) OF WATER:

No Change

I. Current Authorized Uses: Stockwatering and Irrigation

II. Existing Uses: Stockwatering and Irrigation

**POINT(S) OF
DIVERSION:**

No Change

Authorized Point(s) of Diversion:

(1) Point of Diversion: South 65° 32' 49" West, 1992.78 feet from the NE corner of Section 21 being with the NW¼ of NE¼ of Section 21, T43N, R5W, MDB&M.

Existing Point(s) of Diversion:

(1) Point of Diversion: By California Coordinate System of 1927, Zone 1, North 812,837 feet and East 1,883,803 feet, being within the NW¼ of NE¼ of Section 21, T43N, R5W, MDB&M.

County: Siskiyou
Parcel #: 020-040-430

PLACE OF USE:

Authorized Place of Use:

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26307

PERMIT: 19165

LICENSE:

No Change

195 acres in Section 16, T43N, R5W, MDB&M
27 acres in the E½ of Section 17, T43N, R5W, MDB&M
40 acres in the NE¼ of Section 20, T43N, R5W, MDB&M
113 acres in the N½ of Section 21, T43N, R5W, MDB&M

375 acres total

Current Place of Use:

195 acres in Section 16, T43N, R5W, MDB&M
27 acres in the E½ of Section 17, T43N, R5W, MDB&M
40 acres in the NE¼ of Section 20, T43N, R5W, MDB&M
113 acres in the N½ of Section 21, T43N, R5W, MDB&M

375 acres total

From the site visit and a review of the aerial photographs (see field file for 1998 & 1994 terra server photos) of the area, it appears that the place of use has not changed since the e-map for this permit and Permit 19164 was submitted. Due to the drivability of the terrain, size of the place of use, and time constraints the place of use was not surveyed by GPS.

County: Siskiyou

Parcel Number: 020-030-040, 020-030-080, 020-030-430

**METHOD(S) OF
DIVERSION:**

No Change

Water is diverted by means of a flashboard dam in the Shasta River. Flashboards are used during times of diversion to raise the level of the river so that water will flow into a diversion ditch by gravity. Flow through the ditch is controlled by a screw gate, which is locked down by the Water-master, and measured by a 24-inch parshall flume. At the end of the diversion ditch, two electric pumps distribute water to the other irrigation ditches on the place of use.

Other Rights: Agreement with MWCD, A008809

**COMPLIANCE TO
TERMS AND
CONDITIONS:**

Permit Term 16 and 17: At the time of inspection the proper measuring device had not been installed. At the time there was

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26307

PERMIT: 19165

LICENSE:

No Violations

no surplus water available for diversion so the device did not need to be installed since water was not being diverted under this permit. However the new design for the measuring device was faxed to ranch manager Pete Scala after a follow up phone conversation and photographs showing the installation of the proper measuring device have been submitted. No further action will be necessary.

**FINDING AND
RECOMMENDATION:**

Continue petition process for extension

No other action needed at this time

This inspection was conducted in concert with Applications 26306 and 8809. This inspection found no changes in the beneficial use of water under this right because no water has been diverted under this permit in the last four years. Water can only be diverted under this permit when there is water surplus to the Shasta River Adjudication rights. According to water-master Keith Dick, there has not been any surplus water available for diversion under this permit for the last four years. Mr. Dick is supposed to be keeping records of diversion for the permittee and does keep track of the parshall flume recorder readings each year for adjudication purposes. However if surplus water is not available for diversion, Mr. Dick does not keep these records on file. Mr. Dick did provide the monthly amounts, in acre-feet, delivered from storage at Lake Shastina as part of a 1928 agreement with the Montague Water Conservation District (MWCD). In this agreement the various owners affected by the construction of Lake Shastina agreed to relinquish their appropriate and riparian rights to MWCD in exchange for a regulated supply of water from storage (see File 261.21 - Item #21 in the Shasta River Adjudication file for report). The water being delivered as part of this 1928 agreement is applied to the place of use covered by this permit and Permit 19164 (Application 26306). However it appears from the report written about the 1928 agreement, that the place of use covered by these permits is larger than the intended place of use described in the report and the Shasta River Adjudication. It is assumed that the water-master is aware of this, as he has been allowing the diversion of water to these areas. It also appears that these areas are outside the

**DIVISION OF WATER RIGHTS
REPORT OF COMPLIANCE INSPECTION**

APPLICATION: 26307

PERMIT: 19165

LICENSE:

district boundary for the MWCD.

There has been no use of water under this permit since it was last inspected for licensing. Also there are still no records of diversion available to determine an amount for licensing. However, it appears from duty estimates that there is probably enough water currently available to irrigate the place of use for both permits when the amounts available under the 1928 agreement are combined with the estimated diversion amounts under License 4151 (A008809), which covers a portion of the place of use under Permit 19165. Also License 4151 is not subject to the prior rights of the Shasta River adjudication. By letter dated February 1, 1978 the Division responded to a complaint against the holder of License 4151 and determined through correspondence with the Department of Water Resources that the use of water from the spring covered by License 4151 had been developed as new water and was not part originally part of the supply to the Shasta River available to prior right holders. Therefore water diverted under this license was not subject to the prior rights.

This permit is currently expired, and the permittee has submitted a petition for an extension of time, which is being processed by the petition unit at this time. Since there has not been any use of water under this permit and there still are no records of diversion available this permit cannot be licensed at this time. It is recommended that an extension be granted so that a record of diversion under this permit can be established when surplus water is available. The last extension order for this permit was granted so that records of diversion could be kept to document the use of water. It is recommended that a new extension order require all records of diversion be submitted on a yearly basis even if surplus water is not available to establish a record of water used under all rights associated with the place of use. If the petition is withdrawn or records of diversion cannot be produced in the future, revocation of this permit may be warranted.

Application 26306 & Application 26307 Calculations

Estimated Water Demand

A026306				A026307			
Crop Type	Pasture	Acreage	112	Crop Type	Pasture	Acreage	375
Month	Crop ET ¹ inches	Demand Acre-feet	30 Day Avg. Demand - cfs	Month	Crop ET ¹ inches	Demand Acre-feet	30 Day Avg. Demand - cfs
April	3.4	31.73	0.533	April	3.4	106.25	1.786
May	5.0	46.67	0.784	May	5.0	156.25	2.626
June	5.9	55.07	0.925	June	5.9	184.38	3.098
July	7.1	66.27	1.114	July	7.1	221.88	3.729
August	6.2	57.87	0.972	August	6.2	193.75	3.256
September	4.6	42.93	0.722	September	4.6	143.75	2.416
Total		300.53	AFA	Total		1006.25	AFA

crop ET * (1/12) * acreage = demand in ac-ft
 30 day avg = demand in ac-ft / (1.9835 * 30 days)

Estimated Water Demand based on a Gross Delivery Rate²

A026306	4.0 acre-feet per acre * 112 acres =	448 AFA
A026307	4.0 acre-feet per acre * 375 acres =	1500 AFA ⁵
	Total Demand =	1948 AFA
A026306	448 AFA / (6 months * 30 days * 1.9835) =	1.25 cfs
A026307	1500 AFA / (6 months * 30 days * 1.9835) =	4.20 cfs

Water available under 1928 Agreement with the Montague Water Conservation District²

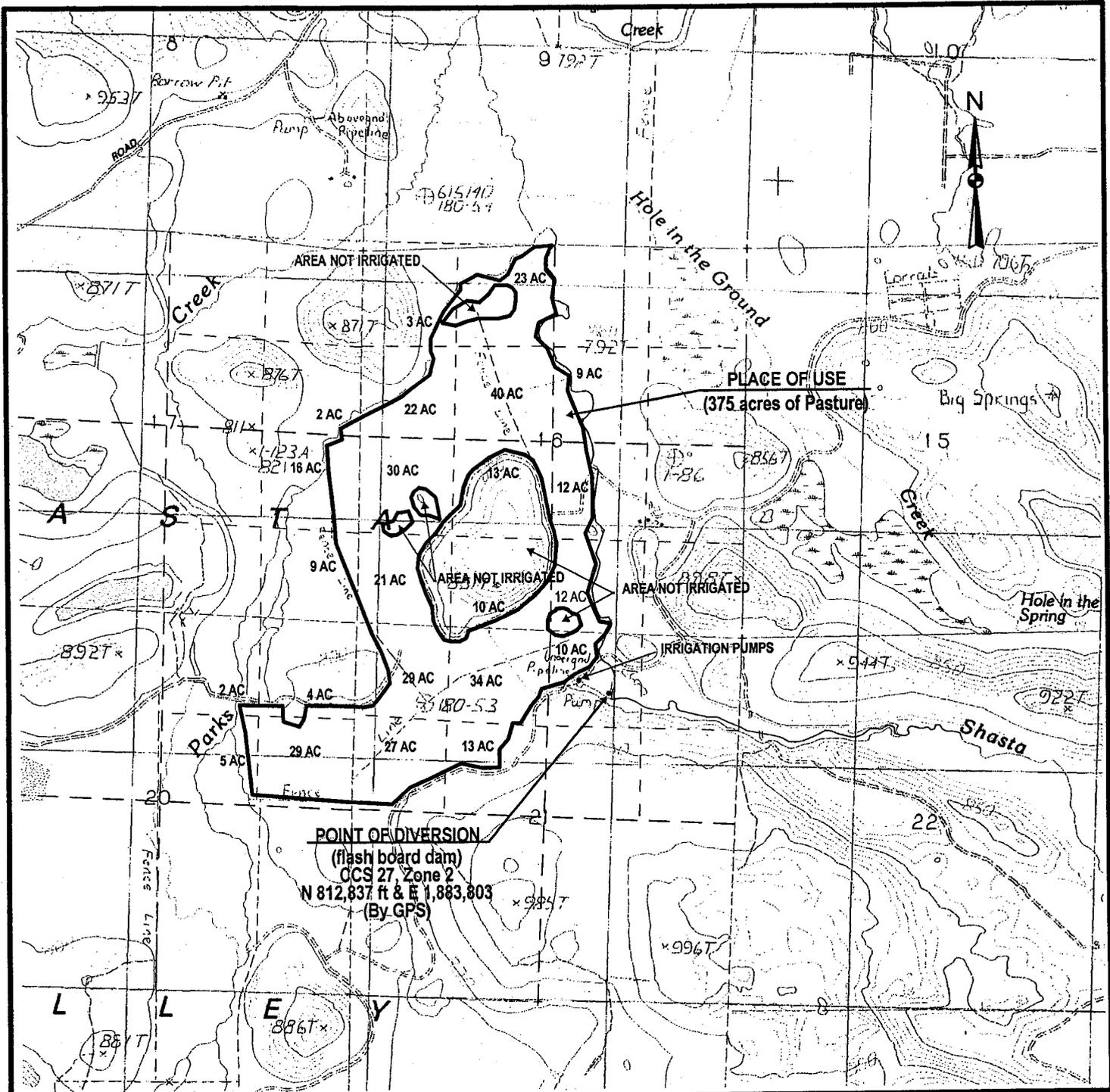
Hole in Ground Ranch ³ =	596 AFA
Seldom Seen Ranch ⁴ =	692 AFA
Estimated use under	
<u>Licesne 4151(A008809)⁵</u>	750 AFA
Total Available = 2038 AFA	

Based on these estimates it appears there is probably enough water currently available to irrigate the POU for both A026306 & A026307 without the diversion water under either of the permits. If records of diversion cannot be produced to show use under these permits revocation may be warranted.

Notes:

- 1 - From Bulletin 133-3, Vegetative Water Use In California 1974, Table 12 - Estimated Growing Season Evapotranspiration for Principal Crops - North Coast, Interior Valleys Represents Crop ET demand and does not include losses which may exceed 25%
- 2 - Taken from report on the amounts to be delivered by MWCD under 1928 agreement, See File 261.21 - Item #21 in the Shasta River Adjudication File for report. The Gross Delivery Rate includes a 15% delivery loss. The Hole in Ground Ranch was owned by E.D. Terwilliger and Seldom Seen Ranch was owned by John Soule at the time of the agreement.
- 3 - The POU for A026306 & A026307 together make up the Hole in Ground Ranch
- 4 - Seldom Seen Ranch is irrigated by a well and no longer receives water under the MWCD agreement. Watermaster Keith Dick has allowed permittee to use water from Seldom Seen Ranch on the Hole in Ground Ranch
- 5 - The POU for L4151 covers 203 acres within the 375 acre POU covered by A026307. Actual use under permit would be less than 1500 AFA since L4151 covers 203 acres within the permitted POU for A026307

WA 2/17/02



OWNER EMERSON INVESTMENTS INC.

SOURCE SHASTA RIVER

POINT OF DIVERSION

WITHIN NW 1/4 OF NE 1/4 OF
SECTION 21, T43N, R5W, MDB&M

COUNTY OF SISKIYOU

U.S.G.S. QUAD: LAKE SHASTINA

DATE: 1984 SCALE: 1:24,000

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 26307

PERMIT NO. 19165

COMPLIANCE

DATE: 7/29/03

DRAWN: AM

CHECKED: *MA* 8/13/03

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

Inspection Pictures for Application 26307 – Emmerson Investments



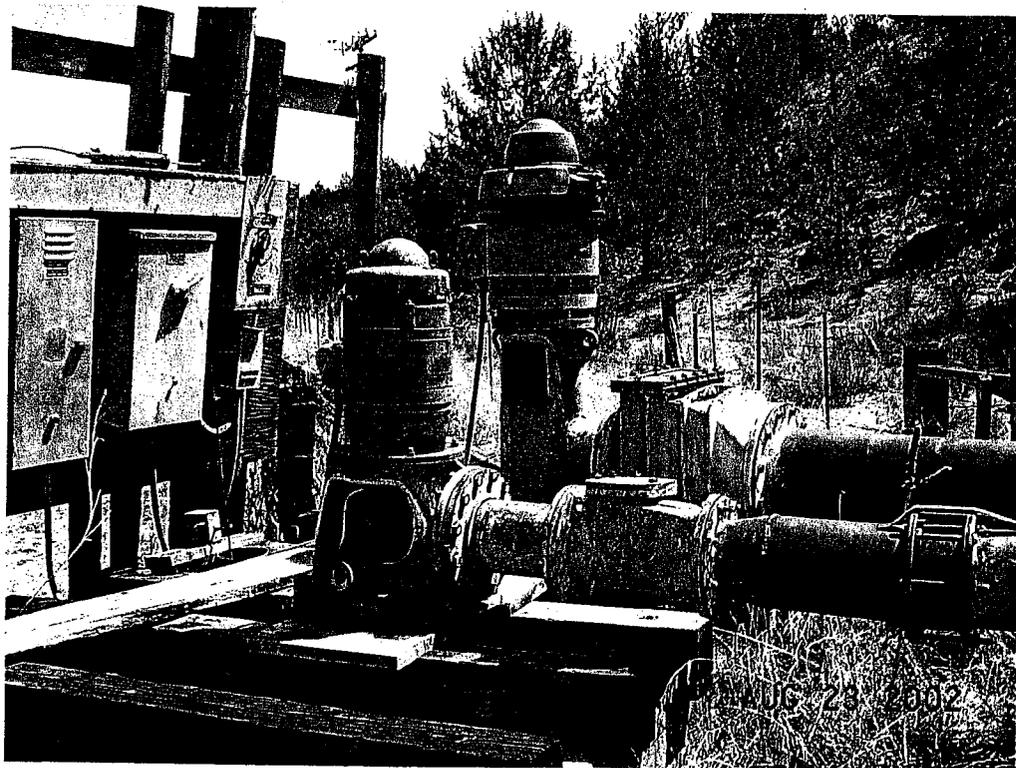
Point of Re-Diversion on Shasta River



Diversion ditch to Irrigation pumps



Diversion ditch – pumps and part of POU in background



Irrigation pumps for distributing water to place of use

Pump 1 – 15 HP US Electric; Serial #3147205

Pump 2 – 30 HP US Electric; Serial #9107313