

BEFORE THE DIVISION OF WATER RIGHTS  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

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In the Matter of Application No. 3792 of John B. Graham to Appropriate from Mule Creek, in Trinity County, for Mining Purposes.

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DECISION NO. A-3792. D 27  
Decided October 16, 1924  
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APPEARANCES AT HEARING, AUGUST 12, 1924-

For Applicant:	No appearance.
For Protestants:	H. R. Given for Charles Boyce, John H. Boyce, and John Skewis.
Examiner:	Edward Hyatt, Jr., Acting Chief of Division of Water Rights.

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O P I N I O N

On January 1, 1924, John Bernard Graham filed his application No. 3792 for a permit to appropriate unappropriated water from Mule Creek, in Trinity County, for use for mining purposes. Thereafter protests were separately filed by John H. Boyce and John Skewis and a joint protest was filed by Charles Boyce and John Skewis. In due course the matter of this application came on for hearing before the Division of Water Rights.

The applicant did not appear at the hearing but submitted a letter, expressing his plans, which was read into the transcript. Although the application as filed specifies a season of diversion from January first to December thirty-first, the applicant stated in this letter that at any time the water supply was insufficient to meet the irrigation requirements of protestants, the applicant did not propose to claim and divert any water under this application.

At the hearing the expression of the attitude of the protestants was to the effect that all protests would be withdrawn provided the season of use of applicant under this application be limited to a period each year commencing about September fifteenth and ceasing at a date in the Spring to be determined by the Division of Water Rights, after which latter date the entire flow of Mule Creek would be required by protestants.

The period of hydraulic mining in this vicinity is normally during the Winter and Spring during the freshet or flood season. It is admitted by the applicant that there is insufficient water for hydraulic mining during the dry-weather season.

The records of flow of Trinity River at Lewiston kept by the United States Geological Survey for the twelve years 1912 to 1923, inclusive, indicate that the average period when the flow of the river is in excess of 2000 cubic feet per second extends from about January twenty-third to about June thirteenth. The watershed of Mule Creek is lower than a portion of the watershed of the river and is also considerably smaller, which will cause the freshet period to cease at an earlier date on Mule Creek.

The freshet period ceased in 1912 on Trinity River at Lewiston on about June twenty-third, on Coffee Creek on about June ninth, and on the East Fork of Trinity River on about June third. There are no other records in this vicinity which offer a basis for comparison, but the above indicate that on a smaller watershed the freshet period may cease two to three weeks earlier than on a larger watershed in the same vicinity. Since the watershed of Mule Creek is smaller than that of the East Fork of Trinity River it is thought

reasonable to expect the freshet period to cease approximately one month earlier than that of the Trinity River at Lewiston.

It is therefore concluded that the period of unappropriated water in Mule Creek normally extends from about September fifteenth to about May fifteenth during years of average conditions of runoff.

O R D E R

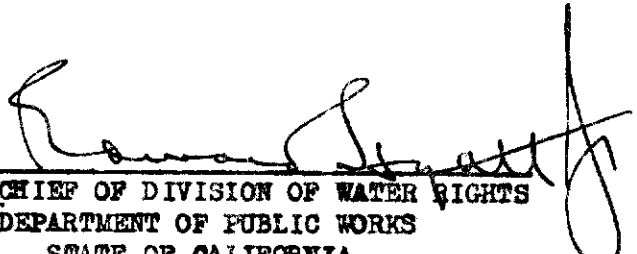
Application No. 3792 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held and the Division of Water Rights now being fully informed in the premises,

IT IS HEREBY ORDERED, that Application No. 3792 be approved and that a permit be granted the applicant subject to such of the usual terms and conditions as may be appropriate and the following special terms and conditions, to wit:

The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed one (1.00) cubic foot per second when there is unappropriated water in the stream which will be during years of normal flow from about September 15th to about May 15th.

Dated at Sacramento, this 16th day of October.

A. D. 1924.

  
~~ACTING~~ CHIEF OF DIVISION OF WATER RIGHTS  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

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