

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

In the matter of application of Nugget Bar Placers, Inc., to appropriate water from Swift Creek tributary to the Trinity River in Trinity County for mining purposes

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DECISION A 3452 D 172

Decided October 10, 1927

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APPEARANCES AT HEARING HELD May 27, 1927

For Applicant:
Nugget Bar Placers, Inc.

H. R. Given and
L. A. Grange

For Protestants:
Estabrook Cold Dredging Company
N. S. Dybert
Edwin W. Spott

Francis Carr
J. A. Paulsen
in propria persona

EXAMINER: Everett H. Bryan, Deputy Chief for General Work, Jr.,
Chief of Division of Water Rights, Department of Public Works,
State of California.

OPINION

Application 3452 was filed May 27, 1927. It provides an appropriation of 25.00 cubic feet per second of surface water from the Swift Creek, a tributary of the Trinity River in Trinity County for hydraulic mining purposes in mines which are located in Sections 21, 27 and 28, T. 23 N., R. 6 E., S. 11 E., and also to be used as a water source for domestic purposes in the town of Swift Creek, Trinity County, California. The application further provides that the water shall be used for mining purposes in the mines located in Sections 21, 27 and 28, T. 23 N., R. 6 E., S. 11 E., and also for domestic purposes in the town of Swift Creek, Trinity County, California. The application further provides that the water shall be used for mining purposes in the mines located in Sections 21, 27 and 28, T. 23 N., R. 6 E., S. 11 E., and also for domestic purposes in the town of Swift Creek, Trinity County, California. The application further provides that the water shall be used for mining purposes in the mines located in Sections 21, 27 and 28, T. 23 N., R. 6 E., S. 11 E., and also for domestic purposes in the town of Swift Creek, Trinity County, California.

time, but to make possible the use of water for mining through a longer period than the appropriation of water from sources hitherto permitted made practical. The application was protested by N. S. Dysert, the Estabrook Gold Dredging Company and Edwin W. Scott.

The application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested was set for a public hearing in the Court Room of the Court House at Heaverville, at 10:00 o'clock A.M. on May 27, 1927. Of this hearing applicant and protestants, N. S. Dysert and Estabrook Gold Dredging Company were duly notified. Mr. Edwin W. Scott appeared as a protestant at the hearing.

As a result of the hearing, the applicant and protestants agreed to enter into stipulations which would result ultimately in the withdrawal of all of the protests.

Subsequent to the hearing agreements were entered into between the several interested parties which resulted in the withdrawal of all of the protests.

The following paragraph appears in application 1482:

"The appropriation hereunder sought is supplementary to that covered by applications 1297 and 1300 and 1327 and 1300 and is for the purpose, not of increasing the amount to be used at any one time, but to make possible the use of water for mining through a longer period than the appropriation of water from sources hitherto permitted makes practical".

In view of this statement and the fact that on October 12, 1916 licenses were issued on applications 1297 and 1300 for a total amount of water equal to the amount applied for under applications 1297 and 1300 at the rate of one cubic foot per second, it would appear that a special clause should be inserted in a permit issued in the approval of said applications such as

the effect that the total amount of water diverted thereunder together with the amount of water diverted under licenses 266 and 287 shall not exceed 62.5 cubic feet per second.

The use to which the applicant proposes to put the water is a beneficial one and with the special clause inserted as suggested above there appears to be no reason why the application should not be approved.

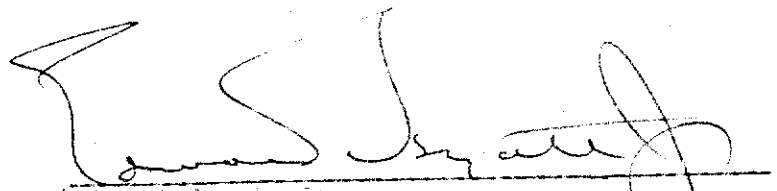
C O R D E R

Application 2482 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, after which the protests were withdrawn, and the Division of Water Rights not being fully informed in the premises:

IT IS HEREBY ORDERED that said application be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate and subject to the following special term and condition, to wit--

"The amount of water appropriated under this permit together with that under license 266 and license 287 shall not exceed 62.5 cubic feet per second."

Dated at Sacramento, California, this tenth day of October 1927.



(Edward H. Hunt, Jr.,
Assistant Chief of Division of Water Rights)

WCH:LF