

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

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In the Matter of Application 7302 by Relief Hill Mining  
Company to appropriate water from North Fork of  
Poorman Creek in Nevada County.

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DECISION A 7302 D - 348

Decided *August 25, 1933*

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APPEARANCES AT HEARING HELD AUGUST 21, 1933, AT SACRAMENTO, CALIFORNIA

For Applicant

David McKell, Attorney  
Wm. Taylor, President  
Relief Hill Mining Company

For Protestants

None

EXAMINER: Everett N. Bryan, Supervising Hydraulic Engineer, Division of  
Water Resources, Department of Public Works, State of California.

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O P I N I O N

Application 7302 of the Relief Hill Mining Company is an application to appropriate 50 cubic feet per second from North Fork of Poorman Creek, a tributary of South Fork of Yuba River in Nevada County for mining purposes. The application was duly completed and advertised and protests thereto were filed by North San Juan Mutual Water Association, Spanish Mining Company, San Francisco Commercial Company and Frank Dillon. The protests of North San Juan Mutual Water Association, Spanish Mining Company and San Francisco Commercial Company were subsequently withdrawn by arrangement between the parties. The protest of Frank Dillon was maintained and a hearing upon this protest

was set for August 21, 1933. Of this hearing the parties in interest were duly advised but protestant failed to make an appearance and has made no showing of cause.

Protestant Frank Dillon as a basis for his protest alleged that he had both appropriative and riparian rights from North Fork of Poorman Creek, the former being based upon a notice of March 14, 1908, recorded March 16, 1908, claiming 500 miners inches to be diverted in Section 29, T 18 N, R 11 E, M.D.B.&M. Protestant further alleged that water was first used in 1909 for power purposes and gravel mining and the diversion had been practically continuous from that time to the extent of 300 miners inches.

Witnesses for the applicant testified at the hearing on August 21, 1933, that there was no ditch diverting out of North Fork of Poorman Creek in Section 29 and so far as known no diversion had ever been made in this section by the protestant or his predecessors in interest. These witnesses further testified that the only use of water made by the protestant so far as they knew was by a small ditch diverting within 100 feet of the junction of North and South Forks of Poorman Creek some 4 or 5 miles below the point of diversion named in Application 7302.

At this point it was testified that parties working for protestant had occasionally in the past diverted a small quantity of water for washing gravel on mining claims of protestant. This use it was testified was desultory and practically at all times there is more than sufficient water to serve the purposes of protestant in this connection accruing between applicant's point of diversion and the point where protestant uses the water. Under normal conditions of winter and spring flow it would ap-

pear there is water available in North Fork of Poorman Creek at the point of diversion proposed by applicant more than sufficient to supply any adverse claims which have been asserted.

O R D E R

Application 7302 to appropriate from North Fork of Poorman Creek having been filed with this office, completed and advertised and a protest thereto having been filed, a hearing upon this protest having been held, and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 7302 be approved subject to the usual terms and conditions.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this *25th* day of *August*, 1933.

EDWARD HYATT, State Engineer

BY *Harold Conkling*  
Deputy

KNB:MP

