

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

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IN THE MATTER OF APPLICATION 10550 of HARRY C. NELSON  
AND LELA W. NELSON TO APPROPRIATE FROM GRASS VALLEY  
CREEK AND AN UNNAMED SPRING TRIBUTARY TO THE  
WEST FORK OF MOJAVE RIVER IN SAN BERNARDINO  
COUNTY, FOR IRRIGATION PURPOSES

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DECISION A. 10550 D. 505

DECIDED October 26, 1943

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APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON AUGUST 30, 1943, UNDER THE  
PROVISIONS OF REGULATION 12B OF THE RULES AND REGULATIONS OF THE DIVISION  
OF WATER RESOURCES.

For Applicants

Harry C. and Lela W. Nelson

Harry C. Nelson

For Protestant

Carver Investment Company

Chesney W. Carver

INVESTIGATOR: Biscoe Kibbey, Associate Hydraulic Engineer for Harold Conkling,  
Deputy State Engineer, Division of Water Resources, Department  
of Public Works, State of California.

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O P I N I O N

Application 10550 having been filed and a protest against approval  
thereof having been received, was regularly set for a field investigation of  
which applicants and protestant were duly notified and did agree, by signed  
stipulations, to abide by the report and subsequent findings of such investi-  
gation.

The representatives of both the protestant and applicants informed the investigator that there was no flow in Grass Valley Creek except from about November 1 to about June 15 at applicants' proposed diversion point and the protestants representative stated that the maximum use by the protestant is about 4.0 cubic feet per second but at times use to that extent is not made although sufficient water might be available and that during a portion of the time the flow is in excess of that amount. It would accordingly appear that at least during a portion of the season of flow water would be available for direct diversion by the applicants.

The protestant's representative also admitted that during flood flow periods there was normally sufficient runoff in excess of the protestant's requirements to permit the applicants to divert to storage the 45 acre feet per annum sought.

The investigation report also indicates that applicants' proposed point of diversion from Grass Valley Creek is not on the property of protestant and that it is approximately one-half mile below protestant's point of diversion.

In view of the above there would appear to be no question as to there being unappropriated water available for use by the applicants, that no interference with any rights of protestant was involved and accordingly it would appear that protestant had shown no grounds for denial of Application 10550 with respect to Grass Valley Creek.

In connection with the unnamed spring from which applicants seek to appropriate, the protestant claims only stock watering rights and since the report of the investigation indicates that the maximum use for stock watering purposes by the protestant is about 1500 gallons per day and since the summer surface flow of the spring, as measured during the course of the investigation,

was found to be at the rate of 48,500 gallons per day it is evident that unappropriated water from the spring is available to applicants.

The use to which applicants propose to put the waters sought is a beneficial one and there appearing to be no bar to approval of Application 10550 it is the opinion of this office that said application should be approved subject to the usual terms and conditions and the condition that the season of diversion from Grass Valley Creek be limited to the period from about November 1 to about June 15.

RECORDS RELIED UPON

Amended Application 10550 .....	Filed December 16, 1942
Map supporting said application .....	Filed October 19, 1942
Protest by Carver Investment Company .....	Filed March 1, 1943
Answer to protest of Carver Investment Company .....	Filed April 14, 1943
Map supporting said application .....	Filed April 19, 1943
Map supporting said application .....	Filed May 3, 1943
Stipulation by applicants .....	Filed June 12, 1943
Stipulation by protestant .....	Filed June 23, 1943
Report of field investigation .....	Filed September 8, 1943

O R D E R

Application 10550 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Regulation 12B of the Division of Water Resources and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 10550 be approved for the amount of water applied for and a season of diversion from about November 1 to about June 15 from Grass Valley Creek and for the amount of water and season of diversion applied for from the unnamed spring and that a permit be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works  
of the State of California, this 26th day of October, 1943.

EDWARD HYATT, STATE ENGINEER

BY Harold Conkling  
Deputy State Engineer

ASW:MP

