

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18387)
of S. C. Linebaugh, H. E. O'Bryan,)
and Frank H. Johnson to Appropriate)
from an Unnamed Spring in)
Calaveras County)

Decision No. D957

ADOPTED MAR 7 '60

Decision Approving Application

S. C. Linebaugh, H. E. O'Bryan, and Frank H. Johnson having filed Application 18387 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for under Section 737 of the California Administrative Code, Title 23, Waters; and an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board now being fully informed in the premises finds as follows:

1. Application 18387 is for a permit to appropriate 0.05 cubic foot per second from an unnamed spring in Calaveras County tributary to North Fork Stanislaus River, between May 1 and November 30 of each year for domestic use within Section 27, T7N, R17E, MDB&M.

2. During the early months of the year the flow in the North Fork Stanislaus River and in the Stanislaus River is usually in excess of the requirements of the protestant Pacific Gas and Electric Company. During the critical summer season, flow of the

spring is not of sufficient quantity to reach to North Fork Stanislaus River or have any material effect on the water supply of the protestant.

3. There is unappropriated water available to supply the applicant, and such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

4. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18387 should be approved and that a permit should be issued to the applicant subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18387 and all relevant information on file therewith, particularly the report of the field investigation made September 30, 1959; License 985 of Pacific Gas and Electric Company; United States Geological Survey quadrangle "Big Trees" of the 30-minute series; United States Geological Survey, Surface Water Supply, Part 11, "Pacific Slope Basins in California" with particular reference to "North Fork Stanislaus River near Avery".

IT IS HEREBY ORDERED that Application 18387 be, and the same is, hereby approved, and that a permit be issued to the applicant subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.05 cubic foot per second to be diverted between about May 1 and about November 30 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before September 1, 1960, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1962.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water
Rights Board at a meeting duly called and held at _____ ,
California, on the _____ day of _____ , 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member