

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the matter of Application 17119)
of JOSEPH H. and AGNES E. RUDD, and)
Application 17766 of WARREN R. BEESON)
to appropriate from an unnamed spring,)
tributary to West Fork Carson River)
in Alpine County)

Decision No. D 981

ADOPTED NOV 22 '60

DECISION APPROVING APPLICATIONS

Joseph H. and Agnes E. Rudd having filed Application 17119, and Warren R. Beeson having filed Application 17766 for permits to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulations; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Applications 17119 and 17766 are each for a permit to appropriate 200 gallons per day from an unnamed spring tributary to West Fork Carson River in Alpine County between May 1 and November 1 of each year for domestic and fire protection purposes within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, T11N, R18E, MDB&M.

2. The available information as to the flows of the unnamed spring is as follows:*

*Measurements made by engineers on the staff of the Board and its predecessor

<u>Date</u>	<u>Amount</u>
9- 8-45	7.5 gpm
8-16-47	7 gpm
6-30-49	12 gpm
6-23-54	3 gpm
9-19-58	9 gpm
6-13-60	10.5 gpm
9- 2-60	9.0 gpm

The flow of the West Fork Carson River as measured at USGS gaging station located at Woodsford, California, approximately four miles downstream from the applicants' point of diversion has varied between a minimum of 8.2 cubic feet per second and a maximum of 4810 cubic feet per second, and over the 22 years of published record has average 115 cubic feet per second.

3. The protestant, H. W. Dangberg Land and Livestock Company, owns extensive pasture and hay-growing acreage in California and Nevada which is irrigated from West Fork Carson River. Its California land is located upstream from the source and could not be affected adversely by the granting of these applications. Its Nevada land is located approximately 20 miles downstream from the unnamed spring.

4. The applicants and other residents of a subdivision share a common point of diversion at the unnamed spring. The total amount of water to be appropriated under these applications and other pending applications and licenses from this source amounts to only 0.0029 cubic foot per second, or a quantity sufficient to irrigate approximately 0.23 of an acre.

5. At the time of the field investigation by an engineer from the Board's staff, September 2, 1959, the flow of the unnamed spring was 9 gallons per minute, none of which was reaching the West Fork Carson River as surface flow.

6. Applicants Rudd have completed construction work. Applicant Beeson has commenced construction work.

7. There is unappropriated water available to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 17119 and 17766 should be approved and that permits should be issued to the applicants 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: Applications 17119 and 17766 and all relevant information on file therewith, particularly the report of the field investigation made September 2, 1959; Applications 10480, 11568, 11711, 11911, 12749, 15350, 15681, 15956, 18682 and all relevant information on file therewith; U. S. Geological Survey, Freel Peak quadrangle, 7½ minute series, dated 1956; U. S. Department of the Interior, Geological Survey, Water Supply Papers, "Surface Water Supply of the United States, Part 10, The Great Basin."

IT IS HEREBY ORDERED that Applications 17119 and 17766 be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated under each application shall be limited to the amount which can be beneficially

used and shall not exceed 200 gallons per day to be diverted between about May 1 and about November 1 of each year.

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

3. Construction work under Application 17766 shall be completed on or before December 1, 1962.

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

5. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until licenses are issued.

6. All rights and privileges under these permits, 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 Sacramento, California, on the _____ day of _____, 1960.

Kent Silverthorne, Chairman

(Seal)

W. P. Rowe, Member

Ralph J. McGill, Member