

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19077 )  
of Dale B. and Dorothy H. Evans )  
to Appropriate from Little Bear River )  
in Placer County )

---

Decision D 997

**ADOPTED MAR 6 '61**

DECISION APPROVING APPLICATION

Dale B. and Dorothy H. Evans having filed Application 19077 for a permit 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 stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19077 is for a permit to appropriate 600 gallons per day from Little Bear River in Placer County, year-round, for domestic and recreational purposes within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35, T16N, R10E, MDB&M.
2. Protestants William C. and Louise D. Melton divert year-round under claimed pre-1914 appropriative rights at a point approximately 200 feet below the applicants' proposed point of diversion on Little Bear River.
3. The total flows of Little Bear River are being diverted by these protestants during the summer months. However, only about ten per cent of the water being diverted is put to beneficial use due to excessive conveyance losses between these protestants' point of diversion and their place of use.

4. These protestants are not employing a reasonable method of use and diversion as required by Water Code Section 100.

5. There is sufficient water at most times to supply both these protestants and applicants if said protestants clear and improve their diversion ditch sufficiently to avoid unreasonable conveyance losses.

6. Protestant Nevada Irrigation District diverts water from Bear River, to which Little Bear River is a tributary, under permits and claimed pre-1914 appropriative rights at points over 20 miles away from the applicants' proposed point of diversion. The applicants' proposed project would have only a negligible effect, if any, on this protestant due to their respective locations and the small quantities of water involved. The records of the flow of the Bear River as measured at the gaging station designated "near Auburn," show that water surplus to the protestant district's needs has flowed past its lower point of diversion every month of each year for the years of record (1948-1958).

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 Application 19077 should be approved and that a permit 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: Application 19077 and all relevant information on file therewith, particularly the report of the field investigation made August 8, 1960, Permits 5803 and 11626 (Application 2652), Permit 5804 (Application 6229),

USGS Colfax and Grass Valley quadrangles, 15-minute series, dated 1950 and 1949, respectively; USGS Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California"; State Water Resources Bulletin No. 10, "Placer County Investigation," dated June 1955, with particular reference to Chapter II, Water Supply.

IT IS HEREBY ORDERED that Application 19077 be, and the same is, approved, and that a permit be issued to the applicants 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 600 gallons per day to be diverted year-round.
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, 1961, 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, 1963.
5. Complete application of the water to the proposed use shall be made on or before December 1, 1964.
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

