

contend that there is not sufficient water flowing in the unnamed stream to satisfy the applicants and their prior rights under License 5683 during the period from July to the first rainfall.

3. The flow of the unnamed stream at the protestants' point of diversion was 2.5 gallons per minute (3,600 gallons per day) on July 18, 1960, a dry year. On the 22nd day of the following September, the month during which the flow of the unnamed stream is lowest, the flow was 0.5 gallon per minute (720 gallons per day), at which time applicants were diverting the entire flow of 0.75 gallon per minute at their point of diversion. In each instance the increase in flow between the intakes of the parties was more than sufficient to supply protestants' entitlement.

4. Applicants have commenced construction of their diversion works.

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

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18674 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18674 and all relevant information on file therewith, particularly the report of the field investigation made May 12, 1960; files of License 5683 (Application 15100), Permit 11926 (Application 18279); United States Geological Survey, Sierra City quadrangle, 15-minute

series, dated 1955; and Bulletin No. 58 of the State Department of Water Resources, "Northeastern Counties Investigation", dated June 1960.

IT IS HEREBY ORDERED that Application 18674 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations 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 300 gallons per day by direct diversion year-round.
2. The maximum amount herein stated may be reduced in the license if investigation warrants.
3. Construction work 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 permittee on forms which will be provided annually by the State Water Rights Board until license is issued.
6. 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 Sacramento, California, on the
day of _____, 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18674)
of Lawrence and Lucien Buck Robbins)
to appropriate from Unnamed Stream)
Tributary to North Yuba River in)
Sierra County)

Decision D 1006

ADOPTED MAY 4 '61

DECISION APPROVING APPLICATION

Lawrence and Lucien Buck Robbins having filed Application 18674 for a permit to appropriate unappropriated water; protest 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 18674 is for a permit to appropriate 300 gallons per day by direct diversion year-round for domestic purposes from an unnamed stream tributary to North Yuba River in Sierra County. The point of diversion is to be located within the NE $\frac{1}{4}$ of SW $\frac{1}{2}$ of Section 4, T20N, R13E, MDE&M.

2. Protestants Nathan L. and Maxine A. White hold License 5683 authorizing the diversion of 700 gallons per day from said unnamed stream for domestic purposes at a point located approximately 300 feet downstream from the applicants' point of diversion and approximately 1,000 feet above the junction of the unnamed stream and North Yuba River. The protestants