

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 18968)
of Ernest L. and Amanda E. Abbett)
and 19090 of Ralph G. and Corean Essay,)
Fred and Esthma Stanfield, and Lillie)
De Long to Appropriate from an Unnamed)
Stream Tributary to Bucks Lake in)
Plumas County)

Decision D 1050

ADOPTED DEC 21 '61

DECISION APPROVING APPLICATIONS

Ernest L. and Amanda E. Abbett having filed Application 18968, and Ralph G. and Corean Essay, Fred and Esthma Stanfield, and Lillie De Long having filed Application 19090 for permits to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to the 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 18968 is for a permit to appropriate 200 gallons per day by direct diversion between May 1 and November 1 of each year for domestic purposes from an unnamed stream tributary to Bucks Lake in Plumas County. The point of diversion is to be located within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, T24N, R7E, MDB&M.

2. Application 19090 is for a permit to appropriate 400 gallons per day by direct diversion between April 1 and December 1 of each year for domestic purposes from an unnamed stream tributary to Bucks Lake in Plumas County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T23N, R7E, MDB&M.

3. There are two branches of the unnamed stream which join at a point approximately 100 feet above the point of diversion designated in Application 18968. From this junction said unnamed stream flows approximately one-quarter mile into Bucks Lake. The point of diversion designated in Application 19090 is located approximately 800 feet upstream from said junction on the most southerly branch of said unnamed stream.

4. The applicants' projects have been constructed and are already in use, consisting of small diversion dams and conduits used to furnish water to two summer homes which are a part of a subdivision within the Plumas National Forest. Water has been available at the applicants' points of diversion during the season applied for.

5. Henry Sebak and Sara Poss, protestants to both applications, each divert 400 gallons per day for domestic use by authority of Permit 11030 (Application 17171) and License 5918 (Application 17132) respectively. They are the lowermost diverters on the unnamed stream with rights of record.

6. Water has passed the lowermost point of diversion on the unnamed stream during the summer months on six out of the seven occasions on which the flows were checked by engineers of the Board's staff during the years 1959, 1960, and 1961. The only occasion when no flow was measured was on August 14, 1961, the third year in a series of years of below-normal rainfall.

7. The lowermost diverter on the unnamed stream has never experienced a shortage of water. On June 15, 1961, the time of the field investigation on these applications, the flow at his point of diversion was 1.05 cubic feet per second.

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

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 18968 and 19090 should be approved and that permits 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: Applications 18968 and 19090 and all relevant information on file therewith, particularly the report of the field investigation made June 15, 1961, License 5918 (Application 17132), License 5889 (Application 17160), Permit 11030,

(Application 17171), and License 5884 (Application 17195); United States Geological Survey, Bucks Lake Quadrangle, 15-minute series, dated 1950.

IT IS HEREBY ORDERED that Applications 18968 and 19090 be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated under Application 18968 shall be limited to the amount which can be beneficially used and shall not exceed 200 gallons per day by direct diversion to be diverted between about May 1 and about November 1 of each year.

2. The amount of water to be appropriated under Application 19090 shall be limited to the amount which can be beneficially used and shall not exceed 400 gallons per day by direct diversion to be diverted between about April 1 and December 1 of each year.

3. The maximum amounts herein stated may be reduced in the license if investigation warrants.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

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 quantities 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 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