

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19584
of John J. Menges to Appropriate
from an Unnamed Spring Tributary to
West Fork Carson River in Alpine
County

ADOPTED APR 4 1963

Decision D 1115

DECISION APPROVING APPLICATION

John J. Menges having filed Application 19584 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 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. Application 19584 is for a permit to appropriate 200 gallons per day by direct diversion from May 1 to September 15 of each year for domestic use from an unnamed spring tributary to West Fork Carson River in Alpine County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, T11N, R19E, MDB&M.

2. The source of water described as an unnamed spring is located at the base of a talus slope of a mountain about 200 feet north of West Fork Carson River. Water is diverted from a pool created by an earth dam semi-circular in shape. The pool has a capacity of 2,700 gallons and is the source of authorized appropriations totaling 2,060 gallons per day pursuant to nearly a dozen licenses or permits for domestic use for a summer home tract. The applicant has been using water from the pool since about 1957 in a five-room fully plumbed cabin.

3. The flow of West Fork Carson River has been measured for the past 23 years at the USGS gaging station at Woodfords, California, which is approximately 4 miles downstream from the applicant's point of diversion. The flow at this station has averaged 117 cubic feet per second (cfs) varying between a minimum of 6.3 cfs and a maximum of 4,810 cfs. Protestant Theodore Elges claims a right to divert 0.89 cfs from West Fork Carson River at three points located about four miles downstream from Woodfords.

4. The flow of the unnamed spring varies between about 7 and 12 gallons per minute. The area immediately below the pool is swampy and has a heavy growth of water grass and other water-loving vegetation. During the summer months very little, if any, of the water from the pool reaches the West Fork Carson River.

5. There is unappropriated water available to supply the applicant, 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.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19584 should be approved and that a permit should be issued to the applicant 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 19584 and all relevant information on file therewith, particularly the report of the field investigation made on May 21, 1962; United States Geological Survey Water Supply Papers, "Surface Water Supply of the United States, Part 10, The Great Basin"; United States Geological Survey 15-minute series quadrangle, "Freel Peak"; and Decisions D 542, 579, 647, 867, and 981, and the files to which they relate, all covering the spring herein under consideration.

ORDER

IT IS HEREBY ORDERED that Application 19584 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 200 gallons per day to be diverted from about May 1 to about September 15 of each year.

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

3. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

4. 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.

5. 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.

6. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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 _____, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

William A. Alexander, Member