

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 20786  
of C. W. and Belle Krause to  
Appropriate from an Unnamed Stream  
Tributary to Haskins Creek and an  
Unnamed Spring in Plumas County

Decision D 1162

ADOPTED JAN 22 1964

DECISION APPROVING APPLICATION IN PART

C. W. and Belle Krause having filed Application 20786 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 20786 is for a permit to appropriate 300 gallons per day by direct diversion from April 1 to December 1 of each year for domestic and fire protection purposes from an unnamed stream and an unnamed spring in Plumas County. The points of diversion are to be located within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 11, T23N, R7E, MDB&M.

2. Applicants have constructed a small concrete dam and settling basin on the unnamed stream approximately one-half mile above its confluence with Haskins Creek. Water from this basin is

conveyed by pipeline to serve a cabin. The unnamed spring has been developed by the applicants on their unpatented mining claim and apparently does not flow off their claim. The spring has no diversion works, and none is contemplated. Its water is to be used for fire protection.

3. Protestants Lewis C. and Elizabeth Stevenson divert from Haskins Creek and tributaries under claim of riparian and pre-1914 appropriative rights for domestic, stockwatering, and irrigation purposes. These protestants are so located that the applicants' project has no effect upon their supply.

4. John and Hazel Stevenson appeared at the field investigation in protest to Application 20786 and claimed riparian and pre-1914 appropriative rights to use of water from the unnamed stream. The unnamed stream naturally flood-irrigates and subirrigates approximately two acres of their meadowland located adjacent to the applicants' mining claim.

5. On June 11, 1963, there was a flow of 26 gallons per minute in the unnamed stream at the applicants' point of diversion. Other spot measurements taken during July and August in previous years at points approximately 1/4 mile further downstream found the flows of the unnamed stream not to exceed 20 gallons per minute.

6. The applicants' proposed diversion from the unnamed stream would result in interference with the supply necessary to satisfy the uses of John and Hazel Stevenson during the months of July, August, and September. During the remainder of the proposed diversion season no harm would result to the Stevensons from the proposed diversion by the applicants.

7. The unnamed spring makes no contribution to the supply of the protestants, and the approval of the application will not result in harm to them or any other known user of water.

8. There is unappropriated water available from the unnamed stream to supply the applicants during the months of April, May, June, October, and November and from the unnamed spring from about April 1 to about December 1, 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 Application 20786 should be approved in part 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 20786 and all relevant information on file therewith, particularly the report of the field investigation made June 11, 1963; Decision D 1130; and USGS Bucks Lake Quadrangle, 15-minute series, dated 1950.

#### ORDER

IT IS HEREBY ORDERED that Application 20786 be, and the same is, approved in part, 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 appropriated from the unnamed stream and the unnamed spring shall be limited to the amount which can be

beneficially used and shall not exceed a total of 300 gallons per day by direct diversion to be diverted from the unnamed stream for domestic use and fire protection purposes from about April 1 to about July 1 and from about October 1 to about December 1 of each year and from the unnamed spring for fire protection purposes from about April 1 to about December 1 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, 1967.

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.

7. The right to use water for fire-fighting purposes authorized by this permit is limited to that amount of water normally necessary for actual fire fighting and to maintain an adequate reserve for fire protection.

8. The issuance of this permit shall not be construed as placing a limitation on any riparian right to the waters of the unnamed stream or the unnamed spring held by the permittee.

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 \_\_\_\_\_, 19\_\_.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member