

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19643
of Mammoth Camp Tract Water District
to appropriate from an Unnamed Spring
Tributary to Mammoth Creek
in Mono County

Decision D 1187

ADOPTED JUN 30 1964

DECISION DENYING APPLICATION

Mammoth Camp Tract Water District having filed Application 19643 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 19643 is for a permit to appropriate 0.01 cubic foot per second (cfs) year-round for domestic purposes from an unnamed spring in Mono County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T4S, R27E, MDB&M.
2. The applicant proposes to divert from the spring by gravity into an existing regulatory tank and thereby provide a

supplemental supply of water for approximately 50 mountain cabins, most of which are occupied only during summer months.

3. The spring is located at the toe of Mammoth Mountain and flows south as an unnamed stream approximately 1/4 mile to Mammoth Creek. Mammoth Creek flows approximately five miles in an easterly direction to a crossing at U. S. Highway 395. Downstream from the highway the creek continues approximately nine miles in a northwesterly direction to its confluence with the Owens River.

4. Protestant Jess Chance and Sons diverts year-round from Mammoth Creek at four points located between the highway crossing and the creek's confluence with the Owens River under claim of riparian and pre-1914 appropriative rights for stockwatering, domestic purposes at three cabins, and for the irrigation of approximately 660 acres of pasture. Their irrigation season commences in April and continues through September.

5. The mean monthly flows of Mammoth Creek as determined from the records of a gaging station located just below the highway crossing, for the period 1946-62 show that the flow of Mammoth Creek is less than 11 cfs, the amount necessary to satisfy uses of the protestants under their claimed rights, during August and September of most years and also during July in years of below normal runoff.

6. Because of the nature of the use proposed by the applicant, a permit for the months during which there is water surplus to the protestant's needs would be of little or no value to the applicant. Therefore, the application should be denied in its entirety.

The records, documents, and other data relied upon in determining the matter are: Application 19643 and all relevant information on file therewith, particularly the report of the field investigations made August 25, 1962, and July 18, 1963; files of Applications 17770 and 17814 with particular reference to Decisions D 904 and D 917, respectively; files of Application 13847; stream-flow records of City of Los Angeles, Department of Water and Power for the station "Hot Creek-Highway" for the period 1946 through 1962; and USGS Devils Postpile and Mount Morrison 15-minute quadrangles, both dated 1953.

ORDER

IT IS HEREBY ORDERED that Application 19643 be, and the same is, denied.

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 , 1964.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member