

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22601)
of Gold Crown Mine, a Partnership,)
Frederick H. and Daniel A. Giles,)
Co-partners, to appropriate from)
Buckeye Ravine and Four Unnamed)
Springs Tributary to Buckeye Ravine)
in Sierra County)

Decision 1323

DECISION DENYING APPLICATION

Gold Crown Mine, a partnership, having filed Application 22601 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on September 4, 1968; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1. Application 22601 is for a permit to appropriate a total of 1.5 cubic feet per second (cfs) by direct diversion, year-round, for mining, domestic and fire protection purposes from Buckeye Ravine and four unnamed springs tributary to Buckeye Ravine in Sierra County. The points of

diversion are to be located within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 34, T19N, R10E; and within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 3, T18N, R10E, MDB&M.

2. Applicant intends to use the water covered by Application 22601 upon resumption of mining operations at the Gold Crown Mine near the town of Alleghany.

3. Protests to Application 22601 were filed by the Original Sixteen to One Mine, Inc., the County of Sierra on behalf of the Alleghany Water District, and users of water from the Sacramento-San Joaquin Delta.

4. There are no records of the historical flows of water in Buckeye Ravine.

5. The applicant intends to appropriate the water that in the past has been used by the protestant Original Sixteen to One Mine, Inc., on the basis that the water is no longer being used at the mine (RT 6 and 9). Protestant Original Sixteen to One Mine, Inc., holds License 368 (Application 481) and License 121 (Application 1193) for a total of 1.5 cfs from Buckeye Ravine and other sources tributary to Kanaka Creek for mining and milling purposes. The water covered by these licenses is the water that the applicant seeks to appropriate.

6. The applicant submitted no evidence to show that unappropriated water exists in the sources in addition

to the water covered by Licenses 368 and 121. The applicant is, in effect, requesting the Board to revoke these licenses and declare the water covered by them available to satisfy Application 22601.

In the present proceedings the Board has jurisdiction only to grant or deny Application 22601; it does not have jurisdiction to try the validity of the rights of the protestant under its Licenses 368 and 121. The only proceeding in which the Board has jurisdiction to determine whether these licenses should be revoked is under proceedings set forth in Section 1675 of the Water Code (see Eaton v. State Water Rights Board, 171 Cal. App. 2d 409).

7. There is no unappropriated water available to supply the applicant.

8. Protestant Original Sixteen to One Mine, Inc., claims to own the property on which the applicant's points of diversion are located, and will not grant access to the applicant. However, in view of the foregoing finding as to the nonexistence of unappropriated water, comment on this issue and other issues raised by the protests is unnecessary.

ORDER

IT IS HEREBY ORDERED that Application 22601 be,
and it is, denied.

Adopted as the decision and order of the State
Water Resources Control Board at a meeting duly called and
held at Sacramento, California.

Dated: **JAN 9 1969**

GEORGE B. MAUL
George B. Maul, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

RALPH J. MCGILL
Ralph J. McGill, Member

NORMAN B. HUME
Norman B. Hume, Member

E. G. DIBBLE
E. F. Dibble, Member