

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the Matter of Application No. 2554 by Marcus Fink for
Permit to Appropriate from South Fork of Feather River,
in Plumas County, for Mining Purposes.

DECISION NO. 2554. D 25
Decided September 26, 1924

APPEARANCES AT HEARING, AUGUST 21, 1924-

For Applicant:	None
For Protestants:	None
Examiner:	Edward Hyatt, Jr.

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O P I N I O N

On September 17, 1921, Marcus Fink filed his application No. 2554 for a permit to appropriate unappropriated water from South Fork of Feather River in Plumas County for use for mining. The project entails the discharge of the 150 cubic feet per second so used for mining into Gibson Creek in the Yuba River watershed. Thereafter separate protests were filed by ten claimants to rights to use water from sources affected by the flow of the source specified by applicant. In due course the matter of this application came on for hearing before the Division of Water Rights.

Neither the applicant nor any of the protestants appeared at the hearing nor has any party at interest since the hearing submitted any information in support of his contention. The available data is, however, sufficient as a basis of decision.

It should be understood that all water to be used by applicant would be diverted to a different watershed and forever lost to down-

stream users on the Feather River. All protestants claim diversions between applicant's point of diversion and the confluence of the Feather and Yuba Rivers.

Of these claimed downstream rights the best defined is that of the Oroville-Wyandotte Irrigation District, who has been permitted under prior application No. 1651, filed February 2, 1920, to appropriate for agricultural use 200 second feet and 109,012 acre feet from the same source, the amount sought for storage being determined by reservoir capacity. A study of the United States Geological Survey data on "Downieville" contour sheet shows the watershed area tributary to the district's reservoir to be 23.9 square miles. The United States Weather Bureau record for the years 1910 to 1923, inclusive, of precipitation at La Porte, which is for present purposes a satisfactory indication of rainfall for the area in question, shows a seasonal precipitation summarized as follows:

Maximum	(1916)	72.84 inches
Minimum	(1923)	32.31 "
Mean	(1910-1923)	54.17 "

Even assuming 100 per cent of the maximum precipitation spread over the entire area to be available for storage in the district's reservoir at Little Grass Valley, the yield would be 92,847 acre feet. Since the runoff will certainly be less than this amount and the Oroville-Wyandotte Irrigation District has a permit to appropriate more than the yield, it is plain that there remains in the source no water which is at present subject to appropriation by applicant. There are also rights claimed by others which are superior to the district's above mentioned rights ^{which if substantiated} and should be satisfied before the district can

legally constitute its diversion to storage alone without regard to direct diversion from the South Fork of the Feather River.

The point is also determined that certainly not more than three square miles of watershed is tributary to the source above applicant's point of diversion and the periods during which a flow of 150 second feet ^{might be expected} would be very infrequent even though unusual circumstances might be imagined which would make such a flow possible for extremely limited periods. It is therefore also concluded that there is an inadequate water supply available to justify the issuance of a permit to applicant.

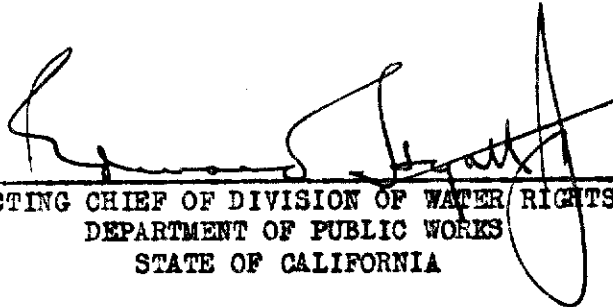
It is also evident that applicant is apathetic toward the application as he has made no progress and shown no evidence of interest therein for a period of over two years.

O R D E R

Application 2554 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises,

IT IS HEREBY ORDERED, that permit be and same hereby is refused on Application No. 2554, and that said application be and hereby ~~is~~ rejected.

Dated at Sacramento, California, this 26th day of September, 1924.


ACTING CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA