

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

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IN THE MATTER OF APPLICATION NUMBER 3171 OF D. J. AND S. E.
NAVE TO APPROPRIATE WATER FROM SECOND RAVINE, TRIBUTARY TO
SLATE CREEK IN THE YUBA RIVER WATERSHED FOR MINING AND
DOMESTIC PURPOSES

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DECISION NO. 3171. D 62
Decided June 27, 1925

APPEARANCES AT HEARING HELD APRIL 2, 1925.

For Applicant:
For Protestant:

D.J. Nave in propria persona
No appearance

EXAMINER:

Edward Hyatt, Jr.,
Chief of Division of Water Rights

O P I N I O N

On December 4, 1922, Delmer Jay and S. E. Nave filed their application No. 3171 for a permit to appropriate unappropriated waters from Second Ravine, a tributary of Slate Creek in Sierra County. In addition to domestic use the application proposes the use of water for placer mining about one half mile from the point of diversion and the return of the water, unpolluted, to First Ravine, another tributary of Slate Creek. In due course protests were filed by Pacific Gas and Electric Company and by Anna E. Flanagan.

This application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested was set for a public hearing in the Supervisor's Room of the Court House in Oroville, at 10:00 o'clock A. M., April 2, 1925. Of this hearing applicant and protestants were duly notified.

The protest of the Pacific Gas and Electric Company was withdrawn when protestant understood that all water used for mining purposes would be returned to a stream well above protestant's point of diversion.

Protestant Anna E. Flanagan sets up no claim of right to use water which would be infringed by the proposed appropriation, but protests on the ground that it is proposed to use the water upon mining claims the ownership of which is in dispute - the applicant having relocated certain mining claims which are claimed by protestant under earlier locations. However, both D. J. Nave and Frank Delehanty testified at the hearing that applicants are in control of these claims and there has been no denial of the existence of unappropriated waters. This places applicants in a position to proceed with the appropriation if the application is approved and as such approval can in no sense be construed as a determination of the opposing claims upon the mining properties themselves this protest appears without reasonable basis.

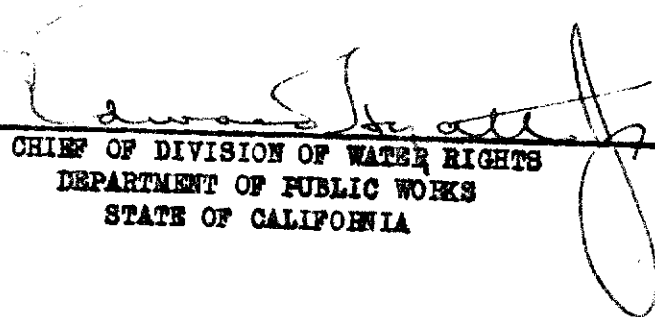
ORDER

Application No. 3171 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 being fully informed in the premises:

IT IS HEREBY ORDERED that said Application Number 3171 be
approved and that a permit be granted to the applicant subject to such
of the usual terms and conditions as may be appropriate.

DATED at Sacramento, California, this 27th day of June ,
1925.



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

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