

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
BEFORE THE STATE ENGINEER AND  
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12025 of Paul Viles and A. D. Johnson to  
Appropriate Water from an Unnamed Spring, Tributary to Gold Lake Drainage Area  
in Sierra County for Domestic and Recreational Purposes.

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Decision A. 12025 D. 594

Decided January 12, 1949

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT  
THE SITE OF THE PROPOSED APPROPRIATION ON JUNE 21, 1948:

Paul Viles,  
A. D. Johnson,  
Marva Machomish,  
A. S. Wheeler,

Applicant  
Applicant  
Representing Protestant L. P. Edwards  
Assistant Hydraulic Engineer,  
Division of Water Resources,  
Department of Public Works,  
For the State Engineer

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OPINION

General Description of the Project

The application was filed with the Division of Water Resources by Paul  
Viles and A. D. Johnson on August 5, 1947. It contemplated a diversion of 0.10  
cubic foot per second, by gravity, from May 1 to November 1 of each season, from  
an unnamed spring tributary to the Gold Lake Drainage Area in Sierra County, for  
recreational and domestic purposes. The point of diversion is described as lying  
within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19, T 21 N, R 12 E, MDB & M. The water is to be  
conveyed by means of a 2 inch pipe 300 feet long to the place of use, the NW $\frac{1}{4}$  SE $\frac{1}{4}$

of the same Section 19, where water is desired for the domestic requirements of 25 persons, for the watering of from 2 to 6 head of stock, and for the maintenance of water level in a small fish pond.

#### Protest

L. P. Edwards represents in the protest which he filed that the proposed appropriation will interfere with the supply he obtains under licensed Application 2696. This supply, he states, comes from a small stream which is fed by springs, and is not sufficient in dry years to meet domestic demands at Gold Lake Beach Camp, a resort accommodating about 50 people. He describes his point of diversion as being located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, T 21 N, R 12 E. He states that his protest may be disregarded and dismissed if the applicants obtain water from springs which do not feed his source of supply.

The applicants reply to Mr. Edwards' protest by asserting in effect that the water which they apply for originates in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19 and does not in fact feed the unnamed creek from which the protestant is supplied.

#### Field Investigation

The applicants and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on June 21, 1948 by an engineer of the Division. The applicants and the protestant's representative were present during the investigation. The protestant himself was interviewed at San Jose on August 16, 1948.

#### Records Relied Upon

Application 12025 and all data and information on file therewith.

### Discussion

From the investigation it appears probable although not conclusively established that the spring upon which the applicants filed is tributary to the stream from which the protestant obtains his supply, but that irrespective of whether this is so or not, the water supply is usually sufficient to meet the applicants' actual needs in addition to those of the protestant, provided that night flow is conserved.

From the investigation it also appears that the amount applied for is in excess of the needs which the applicants actually contemplate. The applicants acknowledged this to be the case and by letter dated June 23, 1948, amended their application by reducing the amount applied for from 0.1 cubic foot per second (equivalent to 65,000 gallons per day) to 6500 gallons per day and stated it to be their intention to install a tank to offset any unusual shortage of water which might occur in late summer.

Protestant L. P. Edwards, who did not attend the investigation although he was represented thereat was interviewed in San Jose on July 16, 1948. In view of the reduction of the amount of water applied for, and upon the understanding that the applicants would be required to provide means for the conservation of night flow, Protestant Edwards consented to the withdrawal of his protest and signed a letter to that effect.

### Summary and Conclusions

The protest having been withdrawn no bar remains to the approval of the application. The application should be approved subject to the usual terms and conditions and subject also to a special provision to the effect that the permittees shall provide means for the conservation of night flow.

ORDER

Application 12025 for a permit to appropriate unappropriated water having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having been held in accordance with the provisions of Section 733(b) of the California Administrative Code, and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12025 be approved and that a permit be issued to the applicants, subject to such of the usual terms and conditions as may be appropriate, and subject to the following special clause, to-wit:

"Permittees shall provide and maintain regulatory storage of sufficient capacity to conserve night flow to the extent of permittees' normal daily requirements."

WITNESS my hand and the seal of the Department of Public Works of the State of California this 12th day of January, 1949.

  
Edward Hyatt, State Engineer

