

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 18470 of )  
Joseph G. Brown and Blanche F. Brown )  
to appropriate from East Fork Indian )  
Creek, South Fork Indian Creek, and )  
Grant Ravine, Tributaries to Indian )  
Creek in Sierra County )

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Decision D 994

ADOPTED MAR 6 '61

DECISION APPROVING APPLICATION IN PART

Joseph G. Brown and Blanche F. Brown having filed Application 18470 for a permit to appropriate unappropriated water; protests having been received; the applicants 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 18470 is for a permit to appropriate 3 cubic feet per second from East Fork Indian Creek (shown on USGS maps as Indian Creek); 7 cubic feet per second from South Fork Indian Creek (shown on USGS maps as Grant Ravine); and 5 cubic feet per second from Grant Ravine (shown on USGS maps as "unnamed stream") in Sierra County between January 1 and

December 31 of each year for mining purposes within Sections 24 and 25, T19N, R8E, and Sections 19 and 30, T19N, R9E, MDB&M.

2. Applicants now hold Permit 9566 (Application 14918) issued to them November 5, 1953, covering the same sources of water, place, and purpose of use as contained in Application 18470. Application 18470 was filed to obtain a year-round diversion season in place of the existing April 1 to July 31 diversion season under Permit 9566.

3. Protestant Scanlan Mines holds License 1665 (Application 7216) which authorizes a diversion of 2 cubic feet per second from South Fork Indian Creek and 0.025 cubic foot per second from East Fork Indian Creek, year-round.

4. A field investigation made on May 13, 1960, a year of water scarcity, showed water flowing past the applicants' proposed points of diversion in excess of the quantities to which the protestant is entitled under its license. At that time there was a flow of 5.0 cubic feet per second in East Fork Indian Creek and 2.11 cubic feet per second in South Fork Indian Creek. Protestant was then using only a small amount of water from East Fork for domestic purposes. Its diversion facilities on South Fork were washed out and no water was being used from that source.

5. The Department of Fish and Game withdrew its protest filed against Application 18470 following a stipulation entered into with the applicants that any permit issued pursuant to Application 18470 would contain a clause requiring the permittees to bypass the following quantities of water at their points

of diversion: East Fork Indian Creek, 2 cubic feet per second or the natural flow of the stream, if less; South Fork Indian Creek, 3 cubic feet per second or the natural flow of the stream, if less; Grant Ravine, 2 cubic feet per second or the natural flow, if less.

6. The information indicates, and the Board finds, that unappropriated water exists in substantial quantities in the source from which the applicants seek to appropriate from December 1 of each year to August 31 of the following year. There is no unappropriated water in the source during the season from September 1 to November 30 of each year.

7. Other issues raised by the protestant are not within the jurisdiction of the Board.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18470 should be approved and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: License 1665 (Application 7216), Permit 9566 (Application 14918), Application 18470, and all relevant information on file therewith, particularly the report of the field investigation made May 13, 1960, and United States Geological Survey (USGS) "Challenge", "Pike", "Goodyear Bar", "Camptonville", and "Strawberry Valley" quadrangles, 7½-minute series, dated 1950, 1951, 1951, 1948, and 1950, respectively.

IT IS HEREBY ORDERED that Application 18470 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second from East Fork Indian Creek; 7 cubic feet per second from South Fork Indian Creek, and 5 cubic feet per second from Grant Ravine to be diverted between about December 1 of each year and about August 31 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. Permittee shall continuously bypass not less than 2 cubic feet per second, or the natural flow of East Fork Indian Creek, if less; 3 cubic feet per second, or the natural flow of South Fork Indian Creek, if less; and 2 cubic feet per second, or

the natural flow of Grant Ravine, if less, between December 1 of each year to August 31 of the succeeding year for the maintenance of fish life.

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            , 1961.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member