

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18618)
of Chris A., Vernon R. and Chester C.)
Butler to Appropriate from South)
Wolf Creek in Nevada County)

Decision D 1059

ADOPTED FEB 15 '62

DECISION DENYING APPLICATION

Chris A., Vernon R., and Chester C. Butler having filed Application 18618 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 18618 is for a permit to appropriate 1.5 cubic feet per second (cfs) by direct diversion from April 15 to October 15 of each year for irrigation purposes from South Wolf Creek in Nevada County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T14N, R8E, MDB&M.

2. Applicants' point of diversion is located approximately 3 miles above the point where South Wolf Creek joins Wolf Creek. Wolf Creek continues from that junction approximately 3 miles to its confluence with Bear River.

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3. Protestant Camp Far West Irrigation District holds Licenses 385, 2266, 2267, and 2740 for an aggregate of 25 cfs by direct diversion between April 1 and October 1 of each year and 5,000 acre-feet per annum by storage between March 1 and June 1 of each year from Bear River at its Camp Far West Reservoir located approximately 16 miles below the applicants' point of diversion. Water is used by the district for the irrigation of 4,102.37 acres and domestic use. Its reservoir failed to fill during the 1959 season.

South Sutter Water District holds Permit 11297 for 360 cfs by direct diversion year-round and 95,000 acre-feet per annum by storage between October 1 and July 1 at Camp Far West Reservoir.

4. The records of gaging stations located on Wolf Creek 0.8 mile downstream from the Wolf Creek-South Wolf Creek confluence and on Bear River located 2.6 miles upstream from the Wolf Creek-Bear River confluence show that water exists in Bear River in excess of the above-mentioned rights during the applicants' diversion season only during the month of April. Little, if any, accretion occurs in the river from the intermittent contributory streams between these gaging stations and the protestants' point of diversion during the summer months. A permit to appropriate water by direct diversion for irrigation during a portion of the month of April would be of little or no value to the applicants.

5. Sufficient unappropriated water does not exist in the source named in Application 18616 to justify the approval of the application.

From the foregoing findings, the Board concludes that Application 18618 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 18618 and all relevant information on file therewith, particularly the report of the field investigation made February 3, 1960; the files of Application 18321, Licenses 385 (Application 959), 2266 (Application 2881), 2267 (Application 3843), and 2740 (Application 10190), and Permit 11297 (Application 14804) and all relevant information on file therewith; USGS Wolf and Lake Combie quadrangles, 7 $\frac{1}{2}$ -minute series, dated 1950, and Wheatland and Grass Valley quadrangles of the 15-minute series, dated 1950; USGS Water Supply Papers Part 11, "Pacific Coast Basins in California"; DWR preliminary records of flow at station "Wolf Creek near Wolf" for period June 1957 through September 1960.

IT IS HEREBY ORDERED that Application 18618 be, and the same is denied.

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 , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member