

Mr. Stoddard

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

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In the Matter of Application 9284 of R. L. Hollingsworth,
Louis Cichorzewski and Darold D. DeCoe to appropriate
from Fraser Creek, Dan's Ravine and Nelson Creek in
Plumas County for Mining and Domestic Purposes.

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Decision A. 9284 D 464

Decided *October 10, 1940*

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APPEARANCES AT FIELD INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES
AT SITE OF THE PROPOSED APPROPRIATION ON AUGUST 1, 1940.

For Applicants

R. L. Hollingsworth)
Louis Cichorzewski)
Darold D. DeCoe)

Louis Cichorzewski

For Protestant

E. P. Pavlovich

In propria persona

For Division of Water Resources

A. S. Wheeler, Assistant Hydraulic Engineer

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OPINION

General Description of Project

Under Application 9284 it is proposed to appropriate 15 cubic feet
per second throughout the year from Fraser Creek when available there, the defi-
ciency to be made up first from Dan's Ravine and if not available there, from
Nelson Creek. It is proposed to use the water for mining and domestic purposes
at the "Friendly Group Mines" within Lots 2, 5, 8 and 9 of Section 19, T 22 N.

R 11 E, M.D.B.&M. After use for mining purposes it is proposed to return the water to Nelson Creek within Lot 2 of Section 19, T 22 N, R 11 E, M.D.B.&M.

Protest

In his protest filed against the approval of Application 9284 E. P. Pavlovich claimed the right to use the waters of Nelson and Fraser Creeks by virtue of use commenced prior to December 19, 1914, the effective date of the Water Commission Act. He alleged in effect that there was no unappropriated water in these streams except during flood seasons and that the approval of Application 9284 would result in depriving him of water to which he is entitled for mining purposes at the Oriental and Eli Placer Mines. Protestant's points of diversion are located on Nelson and Fraser Creeks below applicants' proposed points of diversion and above the point at which applicants propose to return the water to Nelson Creek.

Field Investigation

On August 1, 1940, an investigation of Application 9284 was conducted in the field by an engineer of this office. Of this investigation applicants and protestant were duly notified and urged to be present or to be represented.

Stipulated Hearing

Stipulations under Regulation 12B of the Rules and Regulations of the Division signed by applicants and protestant were received in this office on August 19th and 28th, respectively, and have been approved and accepted by the Division of Water Resources.

The records relied upon in the determination of this matter are as follows:

Amended Application 9284	Filed September 14, 1939
Map supporting Application 9284	Filed August 19, 1939
Protest of F. P. Pavlovich	Filed October 23, 1939
Map supporting protest	Filed November 16, 1939
Answer to protest	Filed December 13, 1939
Report of Field Investigation	Dated August 16, 1940
Stipulation signed by applicants	Filed August 19, 1940
Stipulation signed by protestant	Filed August 28, 1940

The results of the field investigation are set forth in Mr. Wheeler's memorandum dated August 16, 1940, to which reference is made.

It is apparently agreeable to all interested parties that Application 9284 be approved for the amount of water applied for and a season of diversion extending from about September 1st to about July 31st of each season subject to the usual terms and conditions.

ORDER

Application 9284 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation by the Division of Water Resources having been made and a stipulated hearing having been held in accordance with Regulation 12B of the Rules and Regulations of the Division of Water Resources pertaining to Appropriation of Water in California:

IT IS HEREBY ORDERED that Application 9284 be approved for an amount of water not to exceed 15 cubic feet per second from about September 1st to about July 31st of each year and that a permit be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this *10th* day of *October*, 1940.

EDWARD HYATT, STATE ENGINEER

(Seal)
WES:MP

BY HAROLD CONKLING

Deputy