

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19359)
of William R. and Alma Bagley to)
Appropriate from Little Bear River)
in Placer County)

Decision D 1054

ADOPTED DEC 21 '61

DECISION APPROVING APPLICATION

William R. and Alma Bagley having filed Application 19359 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 19359 is for a permit to appropriate 3,000 gallons per day by direct diversion year-round for domestic purposes from Little Bear River in Placer County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 35, T16N, R10E, MDB&M.

2. Applicants intend to divert from Little Bear River at a point approximately one mile above the confluence of Little Bear River with Bear River for the purpose of furnishing water to four homes.

3. The flow of Little Bear River at the applicants' point of diversion on March 15, 1961, was 10 cubic feet per second (cfs). On May 8, 1961, it was 0.1 cfs or 6,500 gallons per day, which was reportedly equivalent to the low flow for the year 1960.

4. Protestants, Pacific Gas and Electric Company and Nevada Irrigation District, divert by the Bear River Canal at a point approximately 8 miles below the Bear River-Little Bear River Junction. Protestant Nevada Irrigation District also diverts from Bear River at its Gold Hill Canal intake, located approximately 9 miles farther downstream, immediately below Lake Combie.

5. Protestant Pacific Gas and Electric Company holds Licenses 907 and 1375 confirming the right to divert 220 cfs from Bear River for power purposes. It also claims the right to divert an unspecified quantity of foreign water and 350 cfs of the natural flow under pre-1914 appropriative rights.

Protestant Nevada Irrigation District holds Permit 5804 confirming a right to divert 120 cfs from the Bear River through the Bear River Canal. The District claims pre-1914 appropriative rights for direct diversion at its Gold Hill Canal intake. It also holds Permits 5803 and 11626 confirming the right to store 12,000 acre-feet per annum in Lake Combie and 77,500 acre-feet per annum in proposed Parker Canyon Reservoir to be located approximately four miles farther upstream.

6. Records of the USGS Gaging Station "near Colfax," located approximately 0.5 mile downstream from the protestants' Bear River Canal diversion dam, for the period 1949-1953, show

the minimum mean monthly flow of Bear River to be of 7.72 cfs (November 1949). As there is little loss or gain in the river's flow between the diversion dam and this gaging station, and as the protestants' method of operation is much the same as it was during the period of record, the figure of 7.72 cfs is representative of the present minimum flows of Bear Creek at this point, which are in excess of the protestants' needs.

7. Records of the USGS Gaging Station "near Auburn," located approximately 2.5 miles downstream from the protestant District's Gold Hill Canal intake, which likewise is representative of the flows of Bear River at the intake, shows that water has passed this point in excess of the District's needs in every month from the year 1940 through the year 1959.

8. There is unappropriated water available to supply the applicants, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

9. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19359 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19359 and all relevant information on file therewith, particularly the report of the field investigation made March 15, 1961, United States Geological

Survey (USGS) Water Supply Papers, Part 11, "Pacific Slope Basins in California," USGS quadrangle sheets, 15-minute series, "Auburn 1949," "Colfax, 1950," and "Grass Valley, 1949"; and "Nevada Irrigation District, Study of Water System and Future Requirements," by Ebasco Services, Incorporated, dated October, 1958.

IT IS HEREBY ORDERED that Application 19359 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations 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 3,000 gallons per day by direct diversion to be diverted year-round.

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

3. Actual construction work shall begin on or before June 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1964.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

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

7. 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.

8. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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

Ralph J. McGill, Member

W. A. Alexander, Member