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

In the Matter of Application 9234 of R. L. Hellingsworth, Louis Cichorszewski and Darold D. DeCoe to Appropriate from Fraser Creek, Dan's Ravine and Nelson Creek in Plumas County for Mining and Domestic Purposes.

Decision A. 9234 D 464
Decided October 10, 1940

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. Hellingsworth )
Louis Cichorszewski )
Darold D. DeCoe )

Louis Cichorszewski

For Protestant
E. P. Pavlovich

In propria persona

For Division of Water Resources
A. S. Wheeler, Assistant Hydraulic Engineer

OPINION

General Description of Project

Under Application 9234 it is proposed to appropriate 15 cubic feet per second throughout the year from Fraser Creek when available there, the deficiency 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 II 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 II 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 con-
ducted in the field by an engineer of this office. Of this investigation ap-
plicants 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 26th, 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 128 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 HAYATT, STATE ENGINEER

(Seal)

By HAROLD CONKLING, Deputy