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

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 pro-
testants 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, hav-
ing 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 rele-
vant 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, includ-
ing 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