

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

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In the Matter of Application No. 3664 of
T. D. Harter and F. A. Perrigo to appropriate
from Merced River, in Merced County, for
Agricultural Purposes.

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DECISION NO. 3664 D 43

DECIDED March 16, 1925
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APPEARANCES AT HEARING HELD FEBRUARY 5, 1925.

For Applicants: B. F. Van Dyke, Attorney at Law
For Protestants: None
Examiner: Edward Hyatt, Jr., Chief of
Division of Water Rights

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O P I N I O N

On October 5, 1923, T. D. Harter and F. A. Perrigo filed their application No. 3664 to appropriate 1.25 cubic feet per second from Merced River, in Merced County, for the irrigation of 100 acres with a season of diversion of from about April 1st to about October 1st. This application was protested by James J. Stevinson - a corporation, Floyd R. Stevinson, James F. Peck and the West Stanislaus Irrigation District.

This application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested was set for a public hearing at 707 Forum Building, Sacramento, at 1:30 o'clock p.m. on February 5, 1925. Of this hearing applicants and protestants were duly notified. No appearances were made on behalf of any of protestants but applicants appeared and introduced testimony and data tending to show the need of applicants for the appropriation sought, and the availability of unappropriated water which could be appropriated without injury to protestants.

The West Stanislaus Irrigation District has protested this application setting up claims to 110,000 acre feet of water per annum to be diverted at a point below the confluence of the San Joaquin and Tuolumne Rivers for the irrigation of 33000 acres. No permit has been issued and no construction work has been commenced on the project proposed by this protestant. The plans of the District are still uncertain, since a portion of the lands have been included under the San Joaquin Water Storage District with a proposed water supply to be secured from the San Joaquin River above its confluence with the Merced River. This leaves at present approximately 20,000 acres in the District which is seeking to appropriate from the San Joaquin River below its junction with the Tuolumne. There is a possibility that the acreage included in said Storage District may return to the West Stanislaus Irrigation District. In any case, the records of stream flow on file with the Division indicate that, during the most critical part of the dry-weather season of a nearly normal year such as 1922, there is an abundant water supply for the ultimate maximum development proposed by this protestant. On September 29, 1922, the flow of the

San Joaquin River below its confluence with the Tuolumne was 535 cubic feet per second. In extremely dry years such as 1920 and 1924 no water from the Merced River is available for this protestant during the critical dry-weather flow because the San Joaquin River is practically dry below the Patterson Colony pumping station. There was practically no flow at this point during the months of September 1920, and August and September, 1924.

The other protestants, James J. Stevinson Corporation, Floyd R. Stevinson and James F. Peck have been diverting water from Merced River about 3 miles above its mouth. There are numerous claimants to water who did not protest between the points of diversion of these protestants and that proposed by the applicant. The most critical dry-weather flow ever observed in Merced River occurred during the summer of 1924. During 1924 water was available continuously for all pumping plants on Merced River except for that of protestant Peck whose plant is located downstream from the other protestants. On August 1, 1924, there was about 24 cubic feet per second at the Peck pumping station and on September 10, 1924, there was approximately 15 cubic feet per second. The capacity of the Peck pumping plant, which is used to irrigate about 320 acres, is about 21 cubic feet per second. It is obvious that, to adequately irrigate this small acreage, it is necessary to operate this pumping plant only occasionally, and that there was no actual deficiency in water supply on account of rotation in the use of the water.

The total flow of the Merced River during the latter part of the summer is derived from seepage and return from lands irrigated in the

vicinity of the river. The amount of return water will doubtless be affected in the future by proposed storage on the headwaters of Merced River and by the storage that has been recently developed on the Tuolumne River. A large acreage of the Turlock Irrigation District irrigated from the Tuolumne River drains into the Merced River. The minimum flow available in 1924 in the vicinity of the proposed project of the applicants was in excess of 10 cubic feet per second.

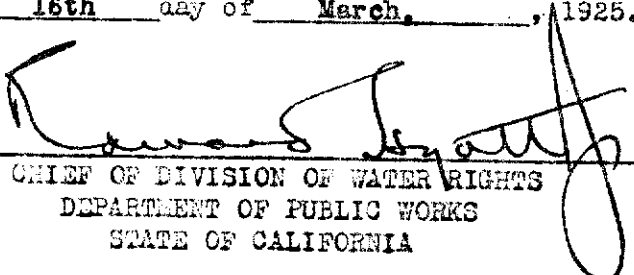
It is therefore concluded that there is unappropriated water in sufficient quantity to justify issuance of permit to applicants.

ORDER

Application No. 3664 for permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application No. 3664 be approved and that permit be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, this 16th day of March, 1925.



CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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