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

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IN THE MATTER OF APPLICATION NUMBER 4018 OF ROSE V. JONES to  
APPROPRIATE WATER FROM LITTLE IOWA CREEK IN EL DORADO COUNTY  
FOR AGRICULTURAL AND DOMESTIC PURPOSES

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DECISION NO. 4018, D 71  
Decided September 19, 1925

APPEARANCES AT HEARING HELD AUGUST 26, 1925

For Applicant:	Dr. F. Burton Jones, Fisch-Higgins Building, Vallejo, Cal.
For Protestant:	Mr. George A. Hunt, Engineer, 245 Market St., San Francisco, Cal.
Examiner:	Edward Hyatt, Jr., Chief of Division of Water Rights.

O P I N I O N

On June 9, 1924, applicant filed her application Number 4018 for a permit to appropriate water from Little Iowa Creek in El Dorado County for agricultural and domestic purposes, the amount being 0.15 second feet to be diverted between January 1st and October 31st of each season by means of pumps.

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 in Room 707 Forum Building on August 26, 1925 at 1:30 o'clock P. M. Of this hearing applicant and protestant were duly notified and both were represented thereat.

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Evidence introduced at the hearing was to the effect that the source from which applicant seeks to appropriate (i. e. one of the branches of Little Iowa Creek) originates on the land of the applicant and discharges normally at the proposed point of diversion some four or five miners inches in the late spring and early summer; that this flow diminishes to some two miners inches during August, that during the latter part of the summer the entire surface flow disappears at or near the railroad crossing some half mile below the applicant's land, and that for some two miles below that point there is no surface flow. It further appears that applicant is purchasing water from the Eldorado Water Corporation for the irrigation of some 120 acres and is unable to secure all the water needed so is seeking this appropriation to augment the supply now purchased, and that all the water will be used upon lands within the watershed and all surplus or waste will find its way back into the stream channels tributary to protestants point of diversion.

It appears further that protestant has since 1895 been using water for the generation of power by diversion at Folsom dam some 45 miles downstream and that after about July 15th until the streams rise on account of the fall rains protestant has been accustomed to divert all the water reaching its point of diversion.

Protestant does not deny that normally there is a surplus of water flowing past its point of diversion except during the period from about July 15th to about November 1st. On the other hand applicant admits the validity of protestants claim of vested rights but insists that by reason of the fact that the surface flow of the stream from which it is sought to appropriate disappears only a short distance below the proposed point of diversion and is lost for at least two miles if not altogether, the proposed appropriation could have no appreciable effect upon the rights claimed by protestant.

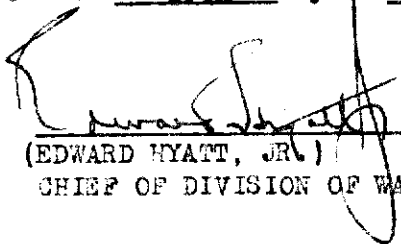
We are inclined to accept the view of applicant on this point as altogether probable. Undoubtedly a considerable portion of the small flow which now passes applicants point of diversion is lost by evaporation before the surface flow ceases and the sub-surface flow of the remainder would be so slow as to render it unavailable to protestant until after the flow at protestants point of diversion would under normal conditions be again greater than necessary to satisfy protestants claim of vested right.

O R D E R

Application Number 4018 for a 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 Number 4018 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

DATED at Sacramento this 19th day of September, 1925.

  
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(EDWARD HYATT, JR.)  
CHIEF OF DIVISION OF WATER RIGHTS

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