

Decision
file

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

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IN THE MATTER OF APPLICATIONS 2195-3889-4441-4453-4491
4598-4599 by FEATHER RIVER POWER COMPANY TO APPROPRIATE
WATER FROM CERTAIN TRIBUTARIES OF THE YUBA RIVER IN PLUMAS
COUNTY FOR POWER PURPOSES

DECISION No. 2195-3889-4441-4453-4491-4598-4599. D 80

Decided October 23, 1925

APPEARANCES AT HEARING HELD September 4, 1925

For Applicant Arthur L. Erb, Atty. and C. W. Faries, Engr.

For Protestant-Sutter Butte Canal Co. - Henry Ingraham, Atty.
Gridley, California

For Protestants-Hearst Estate, et al - Arthur L. Erb, Atty.
representing Nathan
Moran, Atty.

For Protestant - C. C. Rogers - C. C. Rogers in propria persona

Examiner - Edward Hyatt, Jr., Chief of Division of Water Rights

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O P I N I O N

These seven applications propose the appropriation for power purposes of water from Milk Ranch Creek and certain tributaries, Buck's Creek and Grizzly Creek all tributaries of North Fork of Feather River in Plumas County, to be both directly diverted and stored. Water from Buck's Creek will be stored in Buck's Creek and Lower Buck's Creek Reservoirs. Storage on Milk Ranch Creek will be effected in Three Lakes Reservoirs near the headwaters thereof. All of this water after passing through power house #1 will be returned to the North Fork of the Feather River a short distance below the mouth of Buck's Creek.

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It is planned to eventually use all water from Bucks Creek and Milk Ranch Creek through power house #2 in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T 24 N, R 7 E, enroute from Bucks Creek Reservoir to power house #1. Application 2195 also contemplates the diversion of water from certain other sources for use at other power houses on the Middle Fork of the Feather River but since this part of the application has been transferred to other interests this opinion is concerned only with that part of application Number 2195 which applies to diversions to storage from Bucks Creek in Bucks Creek and Lower Bucks Creek Reservoirs for use through Bucks Creek power houses Nos. 1 and 2.

The dates of filing of these applications are as follows:

No. 2195 - February 10, 1921	No. 4453 - February 10, 1925
No. 3889 - March 6, 1924	No. 4491 - March 5, 1925
No. 4441 - February 2, 1925	No. 4598 - May 22, 1925
No. 4599 - May 22, 1925	

Each of the applications was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and in due course protests against all of the applications were separately filed by Wm. R. Hearst, Edward H. Clark and Wm. A. McGee executors of the last will and testament of Phoebe A. Hearst and by Wm. R. Hearst, individually and by Sutter Butte Canal Company. C. C. Rogers also filed a protest against application Number 4599. Being protested the applications were set for hearing at 11:00 o'clock a.m. on September 4, 1925, in Room 707 Forum Building, Sacramento, California. Of this hearing applicant and protestants were duly notified and appearances were made thereat on behalf of all record parties at interest.

Subsequent to the hearing and in consideration of recognition by applicant of water rights claimed by both protestants the protests by the Hearst interests and by the Sutter Butte Canal Company against all of the applications were withdrawn. The only remaining protest is that of O. C. Rogers against application No. 4599. Although Rogers did not protest ap-

plication No. 4453 to appropriate from the same source his interest therein is manifest and will therefore be considered herein.

Applications Numbers 4453 and 4599 propose the diversion to storage of 1,000 acre feet of the flow of Milk Ranch Creek, the period of diversion to storage being from September 1st to July 15th of each season and the direct diversion at points lower on the stream and on three tributaries thereto of a total of 75 second feet throughout the year.

It appears that O. C. Rogers represents the owners of a small parcel of land through which Milk Ranch Creek flows at a point near its confluence with North Fork of Feather River and several miles below the diversion points proposed by this applicant. This property was homesteaded in 1912. The area is approximately two and a half acres and upon it is situated a resort capable of accommodating some 600 guests per season. The value of the property it appears is largely in the beauty of the surroundings and the fishing afforded by Milk Ranch Creek and North Fork of Feather River. The guests are attracted not alone by the short stretch of stream upon the grounds occupied by the resort but also by the stream for a considerable distance above. Water from Milk Ranch Creek serves domestic purposes of this resort also.

Protestant contends that the value of the resort will be greatly depreciated, if not altogether destroyed, if the summer flow of Milk Ranch Creek is diverted as proposed. The applicant has not denied the justice of protestants' claim upon the waters of the stream, and has expressed a willingness to respect the same. It appears that the low flow summer stage of the stream is reached normally about June 15th and continues until about October 1st when the protestants' resort is closed for the season. Therefore diversion under Applications 4453 and 4599 should be denied during the period from about June 15th to about October 1st.

It appears further that in a normal year prior rights will demand the full flow of Feather River from about July 15th to about November 1st and therefore diversions to storage under Applications Numbers 3889 and 4441 should be denied during the period from about July 15th to about November 1st.

At the hearing the fact was developed that the total storage capacity of the reservoirs is 119,000 acre feet although the total amount applied for for storage is 157,000 acre feet. In order that the amounts specified may be consistent with the total reservoir capacity the amount specified under application No. 4441 has since been reduced to 40,000 acre feet at applicants' request. Applicant has further advised this office and submitted data in support of his allegation, that the amounts specified in the several applications are based on the yields from the various sources as determined by a detailed water supply study.

O R D E R

Applications Numbers 2195 (insofar as same relates to storage of water from Bucks Creek) 3389, 4441, 4453, 4491, 4598 and 4599 for permits 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 application Number 2195, insofar as same relates to storage of water from Bucks Creek be approved and a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate; and that action on application Number 2195, insofar as same relates to the appropriation of water from sources other than Bucks Creek be withheld until further order is entered.

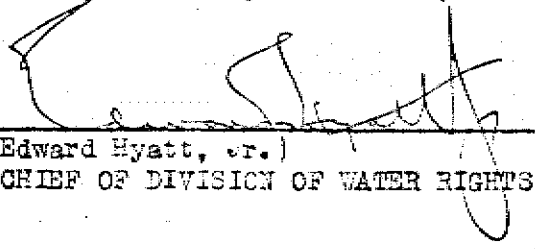
IT IS FURTHER ORDERED that applications Numbers 3889 and 4441 be approved and permits granted to the applicant subject to such of the usual terms and conditions as may be appropriate, with the period of diversion to storage limited from about November 1st to about July 15th of each season.

IT IS FURTHER ORDERED that applications Numbers 4453 and 4599 be approved and permits granted to the applicant subject to such of the usual terms and conditions as may be appropriate with the periods of diversion limited from about October 1st to about June 15th.

IT IS FURTHER ORDERED that applications Numbers 4491 and 4598 be approved and permits granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento this twenty-third day of October, 1925.

JCF:MP


(Edward Hyatt, Sr.)
CHIEF OF DIVISION OF WATER RIGHTS