

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

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IN THE MATTER OF APPLICATION NUMBER 2212 BY THE UNITED STATES BUREAU OF RECLAMATION TO APPROPRIATE WATER FROM STONY CREEK IN GLENN, COLUSA AND TRINIDAD COUNTIES FOR AGRICULTURAL USE WITHIN THE BOUNDARIES OF THE ORLAND PROJECT

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DECISION NO. 2212. D. 83
Decided: November 17, 1925.

APPEARANCES AT HEARING HELD OCTOBER 21, 1925:

For Applicant - Richard J. Coffey, Atty., and
R. C. E. Weber, Supt.

For Protestant, Glenn
Colusa Irrigation Dis-
trict - Mr. H. J. Hankins of Hankins
& Hankins, Attorneys.

For Protestant, L. E. I. L.
and R. H. Brownell - Mr. Geo. H. Freeman, Attorney.

For Protestant Esperanza
Land Corporation and
James Mills Orchard Co.- James Mills.

Examiner: E. N. Bryan, Deputy Chief of the
Division of Water Rights.

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D E C I S I O N

This is an application for a permit to store 50,200 acre feet of the waters of Stony Creek, a tributary of the Sacramento River between November 1st and May 1st of each season for beneficial use for irrigation between March 1st and November 1st. As will hereinafter appear the flow of

the source is regulated by East Park Reservoir and the applicant claims an established right to use the first 265 second feet of the normal flow of the source by virtue of purchase. Protests were filed against the application by L. E., I. L. and R. H. Brownell, the Glenn Colusa Irrigation District, the Esperanza Land Corporation and by the James Mills Orchards Co.

The application was filed February 17, 1921, 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 public hearing in the Supervisors Room of the Court House at Willow at 11:00 o'clock A. M. on Wednesday, October 21, 1925. Of this hearing applicant and protestants were duly notified, each being represented therat.

The protest of Glenn Colusa Irrigation District shows that by contractual relation between applicant and protestant's predecessor in interest applicant has purchased protestant's claimed right to the first 265 second feet flowing in the source together with a certain canal system, said 265 second feet to be directly diverted or stored as may best suit applicant's needs. The same contract refers to a right claimed by the district, also through purchase, to appropriate any water over and above the first 265 second feet, such water being diverted by a canal of 1400 second feet capacity which canal also carries a large amount of water from the Sacramento River. Protestant admits that, under ordinary conditions, only a very small proportion of its water comes from Stony Creek and also that their diversions from this source constitute a very small proportion of the

annual yield thereof. This indicates that a considerable flow is subject to appropriation and at the hearing applicant agreed to recognize and observe the rights claimed by protestant under the above mentioned contract.

Brownell Brothers protest is based on riparian claim to the right to use water below the point of diversion. At the hearing it was stated by applicant's superintendent, without denial from protestant, that no water had been used for irrigation on these lands for at least 15 years. Protestant's attorney at the hearing evidenced their desire as being not to interfere with the proposed appropriation subject to vested rights but to place on record their claims to right to use water from the source as riparians.

The protests of the Esperanza Land Corporation and of the James Mills Orchards Co. set forth their claims to rights to use water from underground sources supplied by Stony Creek and state that any infringement of such rights shall be deemed a warrant for injunctive relief. That these protestants have no objection to issuance of a permit on the application subject to vested rights was made clear at the hearing by Mr. Mills, an official of both protestant companies.

It was brought out at the hearing that in normal years the entire available flow at Galun Colusa Irrigation District's point of diversion on Stony Creek is taken into their canal after about the 1st of April but in years of high yield it is probable that even after that date there will be water flowing in the stream which is not appropriated by the Irrigation District. The District's rights, in this event, appear to be adequately protected under the above mentioned contract and the appropriation will be al-

lowed for the full period of diversion specified.

It was brought out at the hearing that in addition to the above mentioned 265 second feet applicant is now storing 51,000 acre feet at East Park Reservoir. The regimen of the stream is such, however, that in an extended period of light runoff applicants existing facilities are insufficient to answer their requirements. Stony Gorge Reservoir is contemplated for correction of this condition. Studies made by applicant show the project to be advisable from their point of view and Congress has made a preliminary appropriation of \$50,000 for execution of the project.

ORDER

Application No. 2212 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 No. 2212 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 17th day of November, 1925.

EDWARD H. HAZZ, JR.
CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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