

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

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In the matter of Revocation of Permit 1411 heretofore  
issued upon Application 1622 of Emeline Wilson Al-  
lowing the appropriation of 11.56 cubic feet per  
second from the Sacramento River in Colusa  
County for agricultural purposes.

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Decision No. A 1622 D 1422

Decided April 4, 1927

APPEARANCES AT HEARING HELD March 21, 1927

For Permittee:

Emeline Wilson

M. J. Boggs

EXAMINER: Everett H. Bryan, Deputy Chief acting for

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

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O P I N I O N

On May 17, 1923, a permit was issued on Application 1622 allowing the  
permittee to appropriate for agricultural purposes 11.56 cubic feet per second  
of direct diversion from the Sacramento River from about April 15th to about  
October 15th of each season. The applicant proposed the installation of a 20  
inch centrifugal pump by means of which the water would be pumped through an  
existing 24 inch pipe placed through the river levee and thence into ditches  
which would convey the water to the place of use which consisted of 925 acres  
of land located in Sections 26, 27 and 28, T 14 N, R 1 E, M.D.B. & M. The  
estimated cost of the project was stated as being \$20,200. By the terms of  
the permit construction work was to begin on or before August 1, 1923, there-  
after to be prosecuted with reasonable diligence and to be completed on or

before July 1, 1925 and complete beneficial use of the water was to be made on or before August 1, 1926.

The progress report for the year 1923 filed by the permittee in this office on January 9, 1924, stated that \$68,897.69 had been expended on the construction work which had consisted in the installation of three pumps and motors and the construction of 3.4 miles of irrigation canals aggregating 36,300 cubic yards and 5.2 miles of drainage canals aggregating 41,000 cubic yards. This progress report also stated that there had been no land irrigated during 1923 but that during 1920 and 1921, 700 acres had been irrigated each year.

The 1924 progress report filed in this office on December 23, 1924, showed that the construction work had been completed at a cost of \$80,000.00 and consisted of a river pumping plant, a booster plant, 4.5 miles of ditches and 400 feet of 44 inch sheet metal flumes. This report showed also that some 60 acres of alfalfa had been irrigated during that year.

On August 6, 1925, an inspection of the project was made by an engineer of this office who reported that the construction work had been completed and a pumping plant installed in 1924 but that in 1925 the pump and motor had been removed; that the only use of the water was in 1924 when 60 acres of general crops were irrigated and that the prospects of a complete utilization of the water within the near future did not appear good.

Another inspection was made on September 15, 1926. According to the report submitted on this inspection the pumping plants and diversion works had been in disuse for a considerable length of time, the pump and motor having been removed and the lands leased for sheep grazing purposes which required no water from this system.

It therefore appearing to the Division of Water Rights that the permittee had failed to comply with the terms of the permit, a hearing was set

upon the permit to be held in Room 707 Forum Building at 10:00 o'clock A.M. March 21, 1927, at which permittee was required to show cause why the permit should not be revoked for failure to comply with the terms of the permit.

Permittee was represented at the hearing by Mr. M. J. Boggs, her agent or supervisor of her lands. Mr. Boggs stated that at the time Application 1622 was filed the lands of Mrs. Wilson had been leased for a three year period for the cultivation of rice, with the proviso that Mrs. Wilson should install the necessary pumping equipment for putting the tract under irrigation. The services of an engineer were obtained and during the years 1920 and 1921 prior to the issuance of the permit 150 acres of rice were raised. At the end of the year 1921 it developed that rice cultivation was not an economic proposition and it was therefore abandoned in the spring of 1922. The land was then leased for a term of three years for the raising of grain with the proviso that thirty acres in 1922 were to be planted to alfalfa and thirty acres to be planted in addition each year thereafter until at the end of the three year lease ninety acres of alfalfa were to have been planted, with the understanding that this alfalfa should be properly irrigated at the expense of the lessee.

The lease was renewed in 1925 for another three years but upon investigation it was discovered that the ninety acres of alfalfa were being irrigated during the winter time by gravity instead of under the terms of the permit.

The fact that the price of rice dropped from 8.0 cents in 1919 to about 2.7 cents at the present time has made it necessary for the permittee to abandon the cultivation of rice after having invested about \$80,000. on the project and to arrange the entire system for other purposes, the larger pumping units being replaced by smaller ones which appear to have sufficient capacity to irrigate an ordinary crop at much less expense.

The fact that \$80,000.00 have been expended on this project would appear in itself to indicate that the project had been prosecuted with a due amount of diligence as the estimated cost of the entire project as originally planned amounted to \$20,200.00 only and we believe that the change in the plans of the permittee made necessary by the abandonment of a project for one that appears to be more feasible may be considered good cause for allowing an extension of time within which to complete the construction work and use of water under the permit. This extension of time we believe should be allowed until December 1, 1928.

O R D E R

A permit having heretofore been issued in approval of Application 1622 which allowed time within which to complete construction and use therein proposed, it appearing to the Division of Water Rights that due diligence was not being exercised by the permittee and that said permittee had failed to comply with the terms and conditions of the permit, a hearing having been held at which permittee was afforded an opportunity to show cause why permit should not be revoked for failure to comply with the terms and conditions of the permit and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that an extension of time be granted until December 1, 1928 within which to complete the construction work and apply the water to complete beneficial use under Application 1622, Permit 1411.

Dated at Sacramento, California, this 4th day of April , 1927.

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

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Decision No. A 1622 D 1423

Decided April 4, 1927

APPEARANCES AT HEARING HELD March 21, 1927

For Permittee:

Emeline Wilson

M. J. Boggs

EXAMINER: Everett M. Bryan, Deputy Chief acting for

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

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IT IS HEREBY ORDERED that an extension of time be granted until December 1, 1928 within which to complete the construction work and apply the water to complete beneficial use under Application 1622, Permit 1411.

Dated at Sacramento, California, this 7th day of April , 1927.

Edward Hyatt, Jr.  
CHIEF OF DIVISION OF WATER RIGHTS

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