

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

oOo

In the Matter of Application 11316 of Walter H. and Hyrtle L. Holman to Appropriate Water from Berry Creek, Tributary to the East Branch of the North Fork of the Feather River in Plumas County, for Irrigation and Domestic Purposes.

oOo

Decision A. 11316 D - 580

Decided April 1, 1948

oOo

APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON AUGUST 27, 1947, UNDER THE PROVISIONS OF ARTICLE 13, SECTION 733(b) OF THE CALIFORNIA ADMINISTRATIVE CODE.

For Applicants

Walter H. and Myrtle L. Holman

(Walter H. Holman and
father)

For Protestant

Pacific Gas and Electric Company

(John F. Bonner)

For the State Engineer

A. S. Wheeler, Assistant Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

oOo

OPINION

GENERAL DESCRIPTION OF THE PROJECT

Application 11316 was filed by Walter H. and Hyrtle L. Holman on March 14, 1946, for a permit to appropriate 0.25 cubic foot per second from Berry Creek, tributary to the East Branch of the North Fork of the Feather River in Plumas County to be diverted at a point located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, T 25 N, R 8 E, M.D.E.&M. The use proposed is irrigation

of about 6 acres and domestic for 2 houses, stock, and garden, all within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21, T 25 N, R 8 E, M.D.B.&M.

PROTEST

Pacific Gas and Electric Company claims a right since 1908 to divert water of the North Fork of the Feather River through Las Plumas (Big Bend) power plant in the SW $\frac{1}{4}$ of Section 31, T 22 N, R 5 E, M.D.B.&M. The company states it has continuously used all the low flow of said river during 5 to 7 months of each year. Protestant further claims a right initiated in 1908 to divert at the head dam of Western Canal in the NE $\frac{1}{4}$ of Section 25, T 19 N, R 3 E, M.D.B.&M., and states that since 1915 it has diverted at said place for uses under said canal all the natural flow of the Feather River available under said right.

Protestant contends proposed diversion would detract from flows to which it is so entitled during 5 to 7 months of each year.

FIELD INVESTIGATION

Stipulations to an informal hearing under the provisions of Article 13, Section 733(b) of the California Administrative Code having been entered into by both the applicants and the protestant and the stipulations having been approved by the State Engineer, an investigation was conducted at the site of the proposed appropriation by an engineer of the Division on August 27, 1947. Accompanying the engineer was one of the applicants, his father, and Mr. Bonner of the Pacific Gas and Electric Company.

GENERAL DISCUSSION

It was agreed among those present at the investigation that the property of the applicant appeared to have a valid riparian right. It was

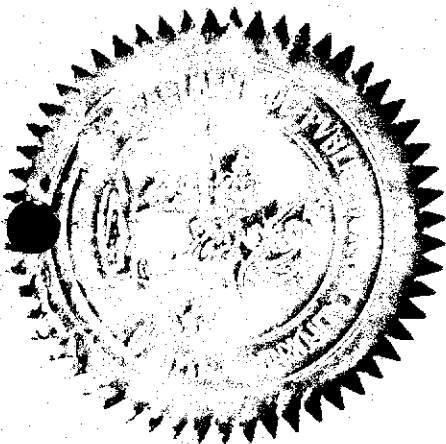
pointed out that the filing of an application to appropriate water now being used under claim of riparian ownership would not result in an increased diversion. With this understanding and provided the applicant would reduce the amount applied for to a more reasonable figure, the representative for the protestant stated he would recommend withdrawal of the protest. On August 27 the applicant did reduce the amount of water sought from 0.25 cubic foot per second to 0.15 cubic foot per second, and on October 13, 1947, Pacific Gas and Electric Company did withdraw said protest.

ORDER

Application 11316 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having been held in accordance with the provisions of Section 733(b) of the California Administrative Code and the protest having been withdrawn:

IT IS HEREBY ORDERED that Application 11316 be approved and that a permit be issued to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 1st day of April, 1948.




Edward Hyatt, State Engineer