

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

Decision 1925

IN THE MATTER OF APPLICATIONS 3213-3453 and 3687
BY JOHN CLEMENTS ET AL, AND EDGAR H. THOMPSON TO
APPROPRIATE FROM MOKELUMNE RIVER FOR AGRICULTURAL
PURPOSES AND BY FRANK BECKER TO APPROPRIATE FROM
SAME SOURCE FOR POWER PURPOSES

DECISION NO. 3213-3453-3687 - D 39

Decided February 6, 1925

APPEARANCES AT HEARING HELD December 23, 1924

For applicants John Clements et al--Nutter, Hancock & Rutherford
Attorneys by John Hancock
For applicant Frank Becker J. R. Cunningham, Attorney

NO APPEARANCE

Applicant Edgar H. Thompson
Protestant Stockton & Mokelumne Canal Company

EXAMINER:- Everett M. Bryan, Office Engineer, Division of Water Rights,
for Edward Hyatt, Jr., Chief of Division of Water Rights.

O P I N I O N

On January 5, 1923, John Clements et al filed their application
Number 3213 to appropriate unappropriated water from Mokelumne River for
agricultural purposes and on May 29, 1923, Edgar H. Thompson filed his ap-
plication Number 3453 for the same purpose. On October 24, 1923, Frank
Becker filed his application covering use of water from the same source
for power purposes.

Each of these applications was protested by Stockton and Mokelumne
Canal Company.

These several applications were 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 were set for a public hearing in Room 707 Forum Building, Sacramento, at 10:00 a.m. on December 23, 1924. Of this hearing applicants and protestant were duly notified.

Protestant made no appearance at this hearing but at former hearings on these same applications it appeared that protestant is using the entire flow of the source during the period of low flow under appropriation which applicants do not deny.

There appears to be no definite information as to the amount to which protestant is entitled but it is a matter of common knowledge that at periods of flood flow there is water in the source running to waste and therefore subject to appropriation.

The protest against power application Number 3687 alleges that due to losses in transit less water will be returned to the stream at the power house than is diverted at the intake, both points being well upstream from protestants point of diversion. At the hearing it was shown that there is no loss between the intakes of the ditch and penstock respectively and also that conditions are such that any possible appreciable amount lost by seepage would return to the source.

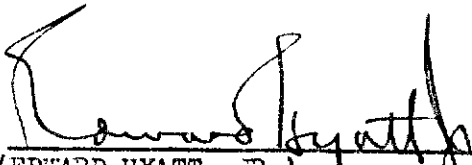
All three are applications to appropriate unappropriated water subject to vested rights and it is found that no injury can result to protestant from consummation of agricultural applications Numbers 3213 and 3453 as filed. With regard to power application Number 3687 it is found that practically all water diverted for power purposes will thereafter be available for agricultural purposes at any point downstream from the power house.

O R D E R

Applications Numbers 3213, 3453 and 3687 for permits to appropriate unappropriated 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 applications Number 3213, Number 3453 and Number 3687 be approved and that permits be granted to the applicants, subject to such of the usual terms and conditions as may be appropriate.

DATED at Sacramento this sixth day of February
1925.


(EDWARD HYATT, JR.)
CHIEF OF DIVISION OF WATER RIGHTS
STATE DEPARTMENT OF PUBLIC WORKS