

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

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IN THE MATTER OF APPLICATION NUMBER 3946 OF GEORGE
H. BONVILLE TO APPROPRIATE FROM POLLARD GULCH IN
SHASTA COUNTY FOR MINING PURPOSES

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DECISION NO. 3946 D 44
Decided March 16, 1925

APPEARANCES AT HEARING HELD February 20, 1925

For Applicant: George H. Bonville in propria persona

For Protestant: George H. Reed

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

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O P I N I O N

On April 9, 1924, George H. Bonville, filed his application Number 3946 for a permit to appropriate 0.24 cubic foot per second of water from Pollard Gulch in Shasta County for use for mining and domestic purposes. This application was protested by George H. Reed.

This application was 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 a public hearing at the Court House, Redding, at 1:30 o'clock P.M. on February 20, 1925. Of this hearing applicant and protestant were duly notified. Appearances were made by applicant and protestant as noted above.

Protestant claims in his protest that his ditch from Pollard Gulch has a capacity of 0.4 cubic foot per second and that the full capacity of the ditch has been diverted for the irrigation of about 10 acres and for mining and domestic purposes whenever available since 1906. Protestant claims to have recently cleared an additional 10 acres of brush which he proposes to irrigate for the first time in 1925. Protestant only claims a right by appropriation and use from Pollard Gulch.

Protestant claims additional rights of appropriation from Boulder Creek for irrigation, mining, and domestic purposes on the same lands for which water is claimed from Pollard Gulch.

The applicant maintained that if any right had been acquired on the Reed ranch from Pollard Gulch, it had been forfeited by many years of non-use. The applicant introduced evidence at the hearing showing that no water was used on the Reed ranch from about 1882 to about 1905. This testimony was not refuted.

Mr. Reed claimed to have used some water from Pollard Gulch from about 1906 to about 1911. Protestant was absent from his property from about 1912 to November 1922 and had no information to present concerning use of water from Pollard Gulch during this period. Protestant testified that he found his ditch in very poor condition in November 1922 but immediately proceeded to repair same and put the water to beneficial use. Protestant claimed to have used water from Pollard Gulch during the first half of the year 1923 and again during the winter of 1923-1924. The use during the winter of 1923-1924 was disputed by applicant who

testified that on account of earth slides into the ditch and the flat grade of the ditch it was impossible to convey water through to the place of use.

The testimony of Engineer Simpson of the Division, who investigated the use of water on the ranch of protestant during the three years 1920, 1921 and 1922, indicated that no water had been diverted through the Reed ditch from Pollard Gulch during this three year period. The attitude of Mr. F. P. Smith, the caretaker of protestant's ranch from about 1912 to 1922, indicated that the waters of Pollard Gulch were of little importance to said ranch of protestant because an abundant and more dependable supply was available from Boulder Creek. Mr. Smith evidently did not consider the Pollard Gulch waters of sufficient importance to keep the Reed ditch in condition for conveying water. Mr. Smith did some mining on the Reed property with the Boulder Creek water but evidently did not use the water from Pollard Gulch.


Water was used from Boulder Creek on the Reed property during 1920, 1921 and 1922 for the irrigation of about 15 acres which was the total area under cultivation on said property at that time. Since 1922 protestant testified that the irrigated area had been increased to about 30 acres of which some water had been used on 10 acres from Pollard Gulch. Protestant claims to have recently cleared more land and hopes to have about 50 acres under irrigation in 1925 of which he proposes to partially irrigate 20 acres from Pollard Gulch. This recent increase in use of water and future increase proposed indicate that protestant believes that there is surplus or unappropriated water available. Since protestant claims water from the two sources by virtue of appropriation and use,

O R D E R

Application Number 3946 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 Number 3946 be approved and that a permit be granted to applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, this 16th day of March, 1925.


CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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