

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

Decision file

IN THE MATTER OF APPLICATION NUMBER 3916 OF H. L. KAMP TO
APPROPRIATE WATER FROM TASSAJARA CREEK IN ALAMEDA COUNTY
FOR DOMESTIC AND AGRICULTURAL PURPOSES

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DECISION NO. 3916 D 67
Decided August 4, 1925

APPEARANCES AT HEARING HELD MARCH 27, 1925:

For Applicant:	H. L. Kamp in propria persona
For Protestants, Irene Lawrence and Pauline Nusbaumer:	Mr. O. D. Hamlin, Jr., of Donakue Hynes and Hamlin, Attorneys
For Mrs. Caroline Casterson:	Mr. Casterson attended but did not enter a formal appearance
Examiner:	Mr. Edward Hyatt, Jr., Chief of Division of Water Rights

O P I N I O N

On March 24, 1924, H. L. Kamp filed his application to appropriate 0.36 second feet of water from Tassajara Creek for domestic and agricultural purposes between April 1st and October 1st of each season. Thereafter protests against the proposed appropriation were filed by Irene Lawrence and Pauline Nusbaumer and by Mrs. Caroline Casterson.

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

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public hearing in room #118, State Building, San Francisco, at 11:00 o'clock A. M., March 27, 1925. Of this hearing applicant and protestants were duly notified.

The protest of Mrs. Caroline Casterson is based on grounds parallel to the protest basis of Irene Lawrence and Pauline Nusbaumer, and, since Mrs. Casterson submitted no evidence at the hearing, is considered conjointly therewith.

No dispute was made by applicant as to the validity of an appropriation claimed by Irene Lawrence and Pauline Nusbaumer and it appeared at the hearing that after the flow of the source had decreased to a certain stage that all available water has been utilized by these protestants. This stage is ordinarily reached during the month of May, although the time varies directly with the runoff in different years. Records of flow of Tassajero Creek at a point about one-quarter mile below the diversion dam of protestant have been kept by Spring Valley Water Company since 1919 and these were introduced in evidence by protestant. These records indicate that during the six year period 1919 to 1924 inclusive, there was one year with no flow in April and that only in two years was there any discharge below protestant's dam during the month of May. This was of course a cycle of dry years but with all due allowance for this fact the evidence introduced leads us to believe it doubtful that any unappropriated water will be available to the applicant in a normal year after about the middle of May.

The applicant admitted freely the prior right of protestants and agreed that he would restrict his appropriations in such manner as not to interfere with protestants' use.

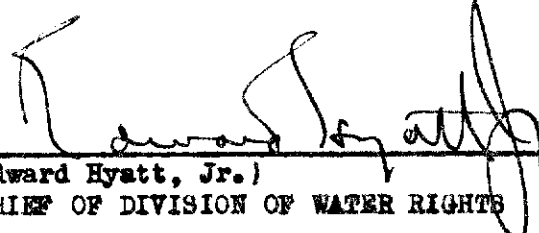
ORDER

Application Number 3916 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 be approved and a permit issued thereon subject to such of the usual terms and conditions as may be appropriate, but with diversion season limited to from about April 1st to about May 15th of each season.

DATED at Sacramento this 4th day of

August, 1925.



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

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