

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

File

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In the matter of Applications Nos. 4741 and 4742 of Calaveras
Cement Company to appropriate water from San Antone and
Calaveritas Creeks in Calaveras County for
Industrial purposes.

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DECISION NO. A 4741-4742 D 140

Decided February 21, 1927.

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APPEARANCES AT HEARING HELD October 11, 1926.

For Applicants:

Snyder & Snyder, Attys. San Andreas, California
A. L. Cowell, Atty. United Bank & Trust Co. Bldg
Stockton, California.

For Protestant:

Virgil M. Airola, Atty. San Andreas, California

EXAMINER: Edward Hyatt, Jr., Chief of the Division of Water Rights

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O P I N I O N

On August 19, 1925 Calaveras Cement Company filed its applications
Nos. 4741 and 4742 to appropriate water from San Antone and Calaveritas Creeks
respectively for industrial use at its cement plant in the immediate vicinity.
A protest was filed by Kate Belloni and certain others against both applications
but was withdrawn insofar as it applied to Application No. 4741 when protestant
understood that her claimed rights to use water from Calaveritas Creek could not
be affected by a diversion from San Antone Creek. The protest was not with-
drawn in its application to the proposed appropriation from Calaveritas Creek
under Application No. 4742.

These applications were completed in accordance with the Water
Commission Act and the Rules and Regulations of the Division of Water Rights
and being protested were set for a public hearing in the Calaveras County
Court House at San Andreas at 10:00 o'clock A.M. on Monday, October 11, 1926.
of this hearing applicant and protestant were duly notified, both being repre-
sented thereat by counsel.

At the hearing it developed that the point at which Kate Belloni and
others associated with her diverted water from Calaveritas Creek is about one
half mile upstream from the point of diversion specified by applicant and that
protestants make no claim to rights to use water from this source after same
has passed their intake. Although it was shown that in years of sub-normal
run off there would be no water flowing past applicants point of diversion
during the extreme low flow period it was also shown that at various times
including low flow periods during years of super-normal run off, there is water
flowing past applicants point of diversion which is not now being put to
beneficial use.

It is therefore found that there is unappropriated water flowing in
Calaveritas Creek which may be appropriated by the applicant with out in any
wise interfering with the rights claimed by protestant.

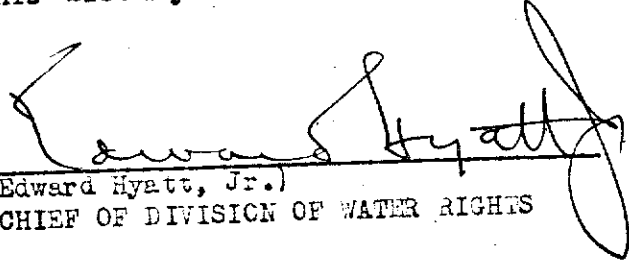
It appears from applicants statements at the hearing that 1.25 cubic
feet per second will be ample to supply all needs either present or future.
Approval will therefore be given the applications as being to appropriate up
to that amount from either or both sources as may be found expedient at any
time there is unappropriated water flowing therein.

ORDER

Applications Nos. 4741 and 4742 for permits 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 Applications Nos. 4741 and 4742 be approved as being to appropriate a total of 1.25 cubic feet per second from either or both sources 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 21st day of February 1927.



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

J.C.F.

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