

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

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In the Matter of Application 3767 by C. R. Caudle
to appropriate water from Willow Creek in Lassen
County for Agricultural Purposes.

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Dicision No.A3767 D 155

Decided May 31, 1927.

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APPEARANCES AT HEARING HELD May 23, 1927 AT SUSANVILLE.

For Applicant:

No appearance

For Protestants:

Robt. D. Murphy et al

J. A. Pardee, Atty.
Susanville, Calif.

J. J. Fleming, B. F. Gibson,
Geo. B. Bailey, Jas. W. Mapes
and F. M. Capezzal

In propria persona

EXAMINER: E. N. Bryan, Deputy Chief for Edward Hyatt, Jr., Chief of
the Division of Water Rights.

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O P I N I O N

This application proposes the storage of water from Willow
Creek a tributary of Susan River, the amount specified being 32,350 Acre
Fest, for general agricultural use on 10,000 acres in the vicinity of
Honey Lake Basin.

The application was filed December 21, 1923, in the name of
C. R. Caudle, completed sufficiently for advertisement in accordance with

the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights. Protests were filed by J. J. Fleming et al and by R. D. Murphy et al and being protested, ^{the application} was set for a public hearing in the Court Room of the Court House at Susanville at 1:30 o'clock P.M. on Monday, May 23, 1927. ^{Of} this hearing applicant and protestants were duly notified. No appearance was made by or on behalf of the applicant nor has any definite information been received from him to requests for information required from him in reaching decision on the application. Neither has any reason been submitted for applicant's non-appearance at the hearing.

It appears that this application was filed by the applicant of record as agent for himself and others. There was an arrangement between him and certain of the other land owners within the areas specified as that to be irrigated whereby it was agreed he was to receive ten cents (10¢) per acre for promoting the project and making an engineering investigation of feasibility and cost.

J. J. Fleming, who was one of the original prime movers with him in the project, protested the application as indicated above, and appeared at the hearing in opposition to approval thereof. He testified that upon investigation of the project it was found by Mr. Caudle that the cost of construction of the storage dam would approximate \$400,000.00 instead of \$200,000.00 as had been originally expected, to which cost must be added some \$75,000.00 for rights of way within the reservoir site; that it appeared infeasible to include additional lands to assume a portion of the cost, and that the 10,000 acres specified for service under the project could not bear the burden which would be involved if he and his neighbors were to proceed with the project. They had accordingly withdrawn their support. The

testimony by Mr. Fleming was corroborated by several of his neighbors living on the delta of Susan River where it debouches into Honey Lake. There was no showing by the landowners living in the vicinity of Stacy.

So far as known the applicant has made no written engineering report upon the project. Neither was there any presentation of any engineering report upon water supply by the protestants. The facts appear to be that Willow Creek flows into Susan River a short distance above the westerly boundary of the area which is described by the applicant as that to be served. The combined flow of the two streams flows easterly through various sloughs or delta channels, and if not diverted, out into the Honey Lake Basin. The protestants who appeared at the hearing own land along these various delta channels and divert therefrom during the irrigation season. Since 1914 the waters of Honey Lake have gradually receded until a year or two ago the Lake was completely dried up. The heavier storms of the past winter have again created a small body of water in the Lake. The consensus of opinion among the landowners on the Susan River - Honey Lake Delta who appeared as protestants at the hearing, however, was that any surplus over and above what was necessary to supply their needs under well established riparian and appropriate rights would come so infrequently and in such small quantities as to make the project altogether infeasible. There having been no showing to the contrary it appears that doubts should be absolved in favor of the protestants. There is of course the further fact that the applicant owns only a relatively small portion of the area to have been irrigated and the owners of the remaining lands are opposed to the project.

O R D E R

Application 3767 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 3767 be denied and cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 31st day of May, 1927.



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

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