

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

IN THE MATTER OF APPLICATION 5050 OF THE GRAND LODGE,
KNIGHTS OF PYTHIAS OF THE STATE OF CALIFORNIA TO APPROPRIATE WATER FROM HOOD CREEK IN SONOMA COUNTY FOR IRRIGATION AND DOMESTIC PURPOSES.

Decision No. 5050 D 161

Decided June 27, 1927

APPEARANCES AT HEARING HELD MAY 10, 1927, AT SANTA ROSA:

For Applicant:

Jesse W. Carter, Hedding, Calif.

Jos. W. Gross, Engr., Forum Bldg.
Sacramento, Calif.

For Protestants:

Mrs. J. M. and Lucille Dickson: W.F. Cowan, Atty.,
Daugherty-Shea Bldg., Santa Rosa,
Calif.

No Appearance:

L. P. Kearney, El Verano, Calif.

EXAMINER: EVERETT N. Bryan, Deputy Chief of the Division
of Water Rights.

O P I N I O N

This is an application to appropriate 0.03 second foot to be directly diverted throughout the year and 7 acre feet to be diverted to storage between Nov. 1st and May 1st from Hood Creek, a tributary of

Sonoma Creek. Protests against same were filed by Mrs. M. and Lucille Dickson and by L. P. Kearney.

It was filed June 10, 1926, 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 public hearing at 10:30 o'clock A.M. in the Council Chamber of the City Hall, Santa Rosa on May 10, 1927. Of this hearing, applicant and protestants were duly notified and appearances were made as noted above.

During the course of the hearing, it was stipulated as follows by the respective attorneys for applicant and the Dicksons:

- (1) Applicant would limit the season for collection of storage to the period November 1st to April 15th.
- (2) Applicant would limit its diversion capacity to 0.03 cubic foot per second during the period April 15th to November 1st.
- (3) Applicant would so construct its diversion works that when necessary for beneficial uses by the Dicksons 4500 gallons per day would pass to the Dicksons before any diversion could be made into the conduit leading to applicant's place of use.
- (4) In consideration of the foregoing, the protest of the Dicksons to Application 5050 was withdrawn.

L. P. Kearney owns 32 acres on Sonoma Creek some 10 miles below applicant and has a vested right to 0.36 second foot of water from Sonoma Creek for use on his land under Application 1780, Permit 1006, License 313. It is his contention that no water can be diverted from Hood Creek without injuring him in the exercise of this right during the low flow period.

Protestant Kearney was not represented at the hearing, but Mr. Jos. W. Gross, an engineer appearing on behalf of the applicant, gave sworn testimony that about $\frac{1}{2}$ mile below applicant's point of diversion, the low flow of Hood Creek disappears from the surface and finds its way westward through an alluvial cone as drainage water and leaves the watershed before reaching Sonoma Creek. In Engineer Gross's opinion, this condition would obtain at all times when the flow of Hood Creek is less than one second foot.

Mr. Gross further testified that in 1924, a year of subnormal run-off, the flow of Hood Creek at no time fell below an amount which is 7,000 gallons per day in excess of the capacity of diverters between the proposed point of diversion and the point at which water disappears from the surface.

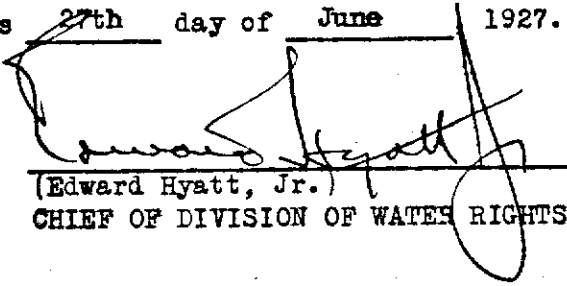
Mr. Gross submitted published records of the State of California indicating that his opinion that there is unappropriated water flowing in Hood Creek is well founded. Certainly protestant Kearney has submitted no information to the contrary since applicant stated in answer to the protest that no water from Hood Creek reaches Kearney's diversion on Sonoma Creek during the dry season of the year.

O R D E R

Application 5050 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 5050 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento this 27th day of June 1927.



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

JCF:CC

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