

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

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In the matter of the Revocation of Permits 783 and 782 heretofore issued in approval of Applications 203 and 1209 of Tule and Baxter Creek Irrigation Districts to appropriate from Eagle Lake in Lassen County for irrigation purposes.

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Decision 782, 783 D 448

Decided *November 13, 1939*

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APPEARANCES AT HEARING HELD AT SACRAMENTO March 28, 1939.

For Permittees

Tule and Baxter Creek Irrigation Districts                      No appearance

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

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O P I N I O N

Applications 203 and 1209 were each approved on November 3, 1920, by issuance of Permits 783 and 782 respectively, for an amount of water not to exceed 30,000 acre feet per annum to be collected from the Eagle Lake drainage area to storage in Eagle Lake in Lassen County. The 60,000 acre feet under both permits were to be used for irrigation and domestic purposes on approximately 15,300 acres of land within the Tule Irrigation District and approximately 9,300 acres within the Baxter Creek Irrigation District.

Construction work was commenced soon after the approval of the applications and from 1923 to 1935 inclusive, water was used for irrigation purposes. Since 1935 when 1000 acres were irrigated in the Tule Irrigation

District only, no use of the water has been made due to the collapse of the siphons and a slide into the intake of the outlet tunnel of Eagle Lake during the winter of 1935-36 and the financial inability of the District to rehabilitate the project.

The last extension of time within which to complete the project expired December 1, 1936. No use of the water has been made for a period in excess of three years and as it appeared that whatever rights the Districts had acquired under these permits had been forfeited the matter was set for hearing in accordance with Section 20 of the Water Commission Act on Tuesday, March 28, 1939, at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing the permittees were duly notified.

Although no appearance was made at the hearing, Messrs. Orrick, Dahlquist, Neff and Herrington, attorneys for the Tule and Baxter Creek Irrigation District Bondholders Protective Committee, requested that any action involving a possible revocation of the permits be withheld for a period of at least six months inasmuch as the districts were endeavoring to work out some plan with the bondholders whereby the bonds might be redeemed for a very small portion of their face value and that should an extension be granted and the bonds discharged, the land owners would then be able to effect "not the development contemplated when the permits were originally issued, but a development which would enable the districts to utilize part of the water covered by the permits."

Under date of March 28, 1939, the date of the hearing, the attorneys were advised that pending the receipt of some further showing in the matter, action would be suspended on the permits for a period not to exceed six months but unless within that time there was a showing that reasonable progress was

being made with the development of some plan which would involve the use of water under these appropriations, the permits would be considered for revocation.

The six months period of suspension expired September 28, 1939, no further showing has been made, and it is therefore the opinion of this office that Permits 783 and 782 heretofore issued in approval of Applications 203 and 1209 be revoked and cancelled upon the records of the Division.

O R D E R

Permits 783 and 782 having been heretofore issued in approval of Applications 203 and 1209 and it appearing to the Division that permittees had failed to comply with the terms and conditions thereof, and permittees after due notice and a hearing thereon having failed to show cause why said permits should not be revoked;

IT IS HEREBY ORDERED that Permits 783 and 782 heretofore issued in approval of Applications 203 and 1209 be revoked and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 13 day of November, 1939.

EDWARD HYATT, State Engineer

BY HAROLD CONKLING

Deputy

(Seal)

WES:MP