

Before the Division of Water Resources  
Department of Public Works  
State of California

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In the Matter of Application 9737 of The Meridian Farms Water  
Company to appropriate from Long Lake and Various  
Drainage Canals of Reclamation District 70,  
Tributary to Sacramento River in Sutter  
County for Irrigation Purposes

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Decision A. 9737 D. - 487

Decided *February 11, 1942*

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APPEARANCES AT HEARING HELD AT SACRAMENTO, NOVEMBER 25, 1941

For Applicant

The Meridian Farms Water Company

Alvin Weis  
W. J. Hays  
Paul C. Newell

For Protestants

Lorenzo & Teresini Chesini

D. A. Densmore

)  
) U. W. Brown  
)

Examiner

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

O P I N I O N

General Description of the Proposed Development

Application 9737, filed on September 22, 1939 by The Meridian Farms Water Company, proposes an appropriation of 100 cubic feet per second to be diverted from Long Lake and various drainage canals of Reclamation District 70 from March 1 to November 1 for the irrigation of 6700 acres within Sections 16, 17, 18, 19, 20, 21, 27, 28, 29, 33, 34 and 35, T 15 N, R 1 E and Sections 2, 3, 4, 9, 10, 11, 14, 15 and 16, T 14 N, R 1 E, M.D.B.M.

Applicant states that the water which it is proposed to appropriate "is an accumulation from irrigation canal seepage from the canals of the Meridian Farms Water Company; spill water from the pumps and canals of the Meridian Farms Water Company; waste water from lands throughout Reclamation District No. 70; and water percolation from all of lands in District No. 70. The water in these drainage canals would be return water to the Sacramento River."

The sources of proposed appropriation and the location, number and capacities of the several pumps which applicant proposes to install or has installed are as follows:

<u>Pump</u>	<u>Capacity</u>	<u>Source</u>	<u>Location (M.D.E.M.)</u>
5	15,000 g.p.m.	Main Drain	NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 16, T 14 N, R 1 E
7	5,000 "	Main Drain (Outlet Long Lake)	NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3, T 14 N, R 1 E
8	4,000 "	Main Drain	NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 9, T 14 N, R 1 E
9	4,000 "	Long Lake	NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T 15 N, R 1 E
10	4,000 "	Drainage Lateral #4	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T 15 N, R 1 E
11	4,000 "	Main Drain	SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T 15 N, R 1 E
12	4,000 "	Main Drain	NW Cor. NE $\frac{1}{4}$ , Sec. 18, T 15 N, R 1 E
14	4,000 "	Lateral #2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 33, T 15 N, R 1 E
15	<u>1,000</u> "	Long Lake	SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 35, T 15 N, R 1 E
Total	45,000 g.p.m.		

#### Protests

Lorenzo Chesini and Teresini Chesini claim riparian rights to the use of water from Long Lake for the irrigation of Lots 239, 240 and 241 of "Meridian Farms Unit No. 4" said lots containing approximately 134.5 acres and requiring about 4500 g.p.m. which amount they claim has actually been used for irrigation purposes.

D. A. Densmore claims a riparian right to the use of water from Long Lake for the irrigation of Lots 403 and 404 of "Meridian Farms Unit No. 4" said lots containing approximately 77.4 acres and requiring 4500 g.p.m. which amount has actually been used for irrigation purposes.

Both protestants intend to plant their land to rice every 3 or 4 years but apparently neither has used the water for rice irrigation.

Protestants claim that should Application 9737 be approved there would be a possibility that there would be insufficient water remaining in the Lake with which to properly irrigate their lands and suggested that any permit which might be issued in approval of the application should limit the diversion so that sufficient water would remain in the Lake to satisfy their needs as well as the needs of other land owners who are riparian to the Lake.

#### Field Investigation

On August 25, 1941 a field investigation was made by Biscoe Kibbey, Associate Hydraulic Engineer, Division of Water Resources, accompanied by W.J. Hayes, resident engineer for applicant Meridian Farms Water Company and by protestants Lorenzo Chesini and D. A. Densmore.

#### Hearing Set in Accordance With Section 1a of the Water Commission Act

Application 9737 was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources and being protested was set for public hearing on Tuesday, November 25, 1941 at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing applicant and protestants were duly notified.

#### General Discussion

The record indicates that prior to about the year 1905, Long Lake was a natural lake or depression into which the water naturally drained or seeped from adjacent lands. Possibly there may have been some seepage into the lake from Butte Slough and the Sacramento River. Apparently the Lake has never been dry.

Subsequent to the formation of Reclamation District No. 70 and the extensive practice of irrigation from Butte Slough and the Sacramento River in that locality, the lake has been used as one of the units in the drainage system of Reclamation District No. 70, the District's main drain entering the lake on the north and leaving it on the south. The natural conditions which once surrounded the lake do not now exist and the character of the water has changed to a large extent.

Water is brought into the main drainage canal and lake by an agreement with Reclamation District No. 70 which has granted the applicant the privilege of using its drainage ditches as canals from which its stock holders are supplied with water. This water is diverted by the Meridian Farms Water Company under its Application 1074 which has been approved for an amount of water not to exceed 142 cubic feet per second from the Sacramento River for the irrigation of 8838.57 acres, all of which lie within the boundaries of Reclamation District No. 70.

Water is also brought into the drainage systems of Reclamation District No. 70 by the Butte Slough Irrigation Company, Ltd. under its Application 6743 which has been approved for an amount of water not to exceed 131 cubic feet per second from Butte Slough for the irrigation of 5,834.81 acres of which approximately 1760 acres lie within the boundaries of Reclamation District No. 70. The record indicates that during the irrigation season there is almost a constant spill from the canals of Butte Slough Irrigation Company Ltd. into the main drain of Reclamation District No. 70.

Seepage from the irrigation canals of the applicant is collected in ditches along the toes of the canal embankments and is dumped into the drainage canals.

Waste water from lands throughout the Reclamation District in excess of the actual needs of the Company's stockholders as well as water which percolates from the irrigated lands also contributes to the waters of the drainage canal and lake from which applicant proposes to appropriate.

None of the waters described above can be claimed by the protestants. They can only claim the right to such waters as naturally find their way into the lake by direct precipitation surface run-off or percolation uninfluenced by the operations and activities of the irrigation and drainage interests.

In this proceeding we cannot attempt to adjudicate the rights of the protestants. Until lately they have been purchasing water from the Company and as stockholders they may continue to purchase the water. They have recently been pumping water from the Lake and find that this can be done at less expense to them than obtaining their supply from the applicant.

We are of the opinion that if their riparian claims are valid there are waters which may be taken and used by the protestants but it is believed that the amount which can be so taken and used is relatively small compared to the water which is brought into the lake by artificial means.

Both applicant and protestants are agreeable to the approval of Application 9737 subject to vested rights and as the testimony presented at the hearing and the report of the engineer who investigated conditions in the field clearly indicate that there is water subject to appropriation by the applicant it is the opinion of the Division that Application 9737 be approved subject to the usual terms and conditions.

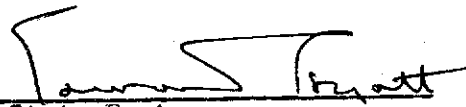
#### O R D E R

Application 9737 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been

filed, a field investigation having been made, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 9737 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 11th day of February, 1942.

  
State Engineer

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