

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

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In the Matter of Application 11363 of A. I. Eagle
to Appropriate Water from Douglas Creek
Tributary to Klamath River in
Siskiyou County for Domestic
and Mining Purposes

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Decision A.

545

Decided

February 7, 1947.

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APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON SEPTEMBER 28 AND 29, 1946
UNDER THE PROVISIONS OF ARTICLE 13, SECTION 733B OF THE CALIFORNIA
ADMINISTRATIVE CODE.

For Applicant

A. I. Eagle

In propria persona

For Protestant

Ross Huff

In propria persona

Investigator

P. E. Stephenson, Associate Hydraulic Engineer,
for Edward Hyatt, State Engineer, Division of Water
Resources, Department of Public Works, State of
California

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OPINION

General Description of Proposed Development

Applicant originally proposed diversion at two points on Douglas
Creek of 0.10 cubic foot per second from April 1 to November 30 of each
season from either or both points combined for domestic and mining purposes

but, at the time of the investigation, agreed to an amendment of Application 11363 to provide for diversion of a like amount from May 1 to June 30 from the upper diversion and from July 1 to November 1 from the lower diversion.

PROTEST

Ross Huff claims a prior appropriative right to 0.25 cubic foot per second by virtue of Application 10794, Permit 6272 and contends that diversion by applicant during August and September would deprive him of water for domestic uses and fire protection.

The protestant stated at the investigation that if Application 11363 was amended as proposed and the lower dam was so located as not to interfere with his dam he would have no further objections to offer to approval of the application.

DISCUSSION

Application 11363 having been filed and a protest against approval thereof having been received, was regularly set for a field investigation of which applicant and protestant were duly notified and did agree, by signed stipulations, to abide by the subsequent findings of such investigation.

The report of the investigation indicates that during the winter and spring months there is normally sufficient flow in Douglas Creek for applicant to divert the 0.10 cubic foot per second he seeks without any interference with the rights of protestant and since applicant has agreed to divert only at his lower diversion point, which is below that of protestant, from July 1 to November 1, no interference with any rights of protestant is involved during that period.

It would accordingly appear that applicant could, under normal

conditions, divert the amount sought by him during the full season of use sought without any interference with any rights of protestant.

The uses to which applicant proposes to put the waters sought are beneficial ones and there appearing to be no bar to approval of Application 11363, it is the opinion of the Division of Water Resources that said application should be approved, as amended, subject to the usual terms and conditions.

Records Relied Upon

Application 11363 and all data and information filed in connection therewith.

ORDER

Application 11363 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733B of the Administrative Code and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 11363 be approved for 0.10 cubic feet per second from the upper diversion point, Diversion Number 1, from about April 1 to about June 30 of each season and for a like amount from the lower, Diversion Number 2, from about July 1 to about November 30 of each season and that a permit be granted 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 7th day of February, 1947.

EDWARD HYATT, STATE ENGINEER

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer.

