

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
BEFORE THE STATE ENGINEER AND  
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12795 by Georg V. and Ruth M. Neilsen to Appropriate Water from an Unnamed Stream tributary to Deer Creek and from Deer Creek Tributary to the Cosumnes River in El Dorado County for Irrigation and Stockwatering Purposes.

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Decision A. 12795 D. 615

Decided August 29, 1949

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In attendance at investigation conducted by the Division of Water Resources at the site of the proposed appropriation on May 2, 1949:

Georg V. Neilsen	Representing applicants
E. F. Glenn	Protestant
Douglas C. Mitchell	Representing protestant H. J. Reamer
Roy C. Shaumake	An interested lower user.
G. W. Davenport	A realtor

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OPINION

General Description of the Project

The project contemplates diversion from two sources. At a point on an Unnamed Stream tributary to Deer Creek an earth fill dam 18 feet high and 300 feet long is to be constructed for the storage of 41 acre-feet per annum. At a point on Deer Creek tributary to the Cosumnes River a second dam 18 feet high and 550 feet long will be constructed of earth fill with which to impound 49 acre-feet per annum and divert directly .05 cubic foot per second. The water sought to be appropriated is to be used for the irrigation of 12 acres of general crops, 8 acres of alfalfa and stockwatering for 100 head of cattle.

### Protests

Edward F. Glenn and H. J. Reamer protested against approval of Application 12795 for the same reasons and under the same claim of right, i.e. approval of the application would deprive them of water they are entitled to divert from Deer Creek by prior appropriation and use and by riparian ownership. Both protestants contended that they had been using water from Deer Creek for irrigation and stockwatering purposes for more than 20 years. Neither protestant had any objection to the storage of flood water by the applicant.

### Field Investigation

The applicants and the protestants having stipulated to an informal hearing as provided for in Section 733 (b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on May 2, 1949 by an engineer of the Division. The applicants and the protestants were present, or represented, during the investigation.

### Records Relied Upon

Application 12795 and all data and information on file therewith.

### Discussion

At the time of the investigation the flow in Deer Creek immediately below the applicants' lower point of diversion was estimated at 0.10 cubic foot per second whereas the flow in Deer Creek at Protestant Reamer's and Protestant Glenn's points of diversion was 0.25 and 0.75 cubic foot per second respectively.

All present agreed that normally there was no surface flow in Deer Creek through applicants' property, except for the upper 1,200 feet thereof, from June 1 until fall rains commenced. Also a large spring at the lower end of applicants' property, plus other accretions below, provided the surface flow available for use by protestants and other downstream users after June 1 of each year. According to the report of the inspection, the applicants have

already constructed the reservoir dams proposed and the lower users who were present admitted that the said structures had not appreciably affected the supply of water available in Deer Creek for their use during the low flow period.

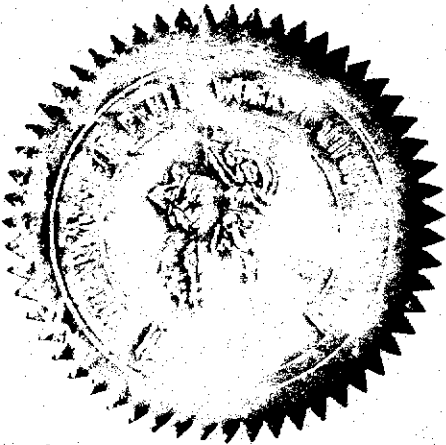
The field investigation confirmed the fact that the proposed appropriation would have no material affect on the downstream water supply and as a result, both protests were voluntarily withdrawn. In view of these withdrawals, no further objection is seen to approving Application 12795 subject to the usual terms and conditions.

Order

Application 12795 for a permit to appropriate water having been filed, a field investigation in connection with a stipulated hearing having been held in accordance with Article 13, Section 733 (b) of the Administrative Code and the protests having been withdrawn:

IT IS HEREBY ORDERED that Application 12795 be approved 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 29th day of August, 1949.



  
Edward Hyatt, State Engineer