

BEFORE THE DIVISION OF WATER RIGHTS  
Department of Public Works  
State of California

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IN THE MATTER OF APPLICATIONS NUMBERS 3187, 3340, 3353,  
3398 and 3489 of HOMER C. JACK, et al., W.O. BLASINGAME,  
et al., HOT SPRINGS VALLEY IRRIGATION DISTRICT, JAMES  
McBRIEN and JAMES F. PORTER, respectively,  
FOR PERMITS TO APPROPRIATE WATER FROM JUN-  
IPER CREEK and TRIBUTARIES IN LASSEN COUN-  
TY, ANTELOPE PLAINS DRAINAGE AREA,  
BIG SAGE BASIN DRAINAGE AREA, RYE  
GRASS SWALE AND PARKER CREEK,  
IN MODOC COUNTY, respect-  
ively for AGRICULTURAL  
PURPOSES.

# 3398

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DECISION NOS. A-3187, 3340, 3353,  
3398 and 3489.

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Decided July 21, 1924.

APPEARANCES AT HEARING, MAY 8th, 1924.  
No appearances.

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Edward Hyatt, Jr., Acting Chief of Division of Water Rights.

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O P I N I O N

On December 19th, 1922, Homer C. Jack, et al., filed  
their application No. 3187 for a permit to appropriate 6.5 cubic  
feet per second of unappropriated water from Juniper Creek and  
Tributaries in Lassen County, for agricultural purposes.

On April 4, 1923, W.O. Blasingame, et al., filed their  
application No. 3340 for a permit to appropriate 1832 acre feet  
per annum of unappropriated water from Antelope Plains Drain-

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age Area, in Modoc County, for agricultural purposes.

On April 12, 1923, Hot Springs Valley Irrigation District, filed its application No. 3353 for a permit to appropriate 50,000 acre feet per annum of unappropriated water from Big Sage Basin Drainage Area, in Modoc County, for agricultural purposes.

On May 4, 1923, James McBrien filed his application No. 3398 for a permit to appropriate 1626 acre feet per annum of unappropriated water from Rye Grass Swale, in Modoc County, for agricultural purposes. ✓ 67-21-21

On June 26, 1923, James F. Porter, filed his application No. 3489 for a permit to appropriate 500 acre feet per annum of unappropriated water from Parker Creek, in Modoc County, for agricultural purposes.

Protests were separately filed by the Pitt River Power Company versus each of the above mentioned applications. A protest was also filed by Anderson Cottonwood Irrigation District against application No. 3353 of Hot Springs Valley Irrigation District. In due course, the matters of these applications came on for hearing before the Division of Water Rights.

Prior to the date set for hearing upon these applications, the protestants notified the Division that they would not be represented at the hearings, but desired to rest their case on the information before the Division. The applicants were notified that protestants would not appear at the hearings. The applicants had no further data to present, and consequently, there were no appearances at the hearings.

*note*  
The Pitt River Power Company, in its protests sets up riparian claims to waters of Pitt River for power development in the vicinity of Squaw Creek, in Shasta County, located approximately, 100 miles down stream from the proposed projects of applicants. This protestant

alleges that the proposed appropriations by applicants will diminish the flow of Pit River to the detriment of the Pitt River Power Company. This protestant has made no use of the waters of Pit River.

All these applicants seek to divert floodwater from tributaries of Pit River during the winter and spring. The periods of proposed diversion are all included between November 1st and June 1st. The applicants allege that any water that is either stored in reservoirs, or used for irrigation during the above mentioned period will tend to augment the dry-weather flow of Pit River between June 1st and November 1st, when the downstream claimants have the greatest need for water.

The Anderson-Cottonwood Irrigation District claims in its protest a right by appropriation in 1914 of 400 cubic feet per second from Sacramento River below the mouth of Pit River for the irrigation of 32,000 acres. This protestant alleges that the appropriation for storage of 50,000 acre feet per annum, of water between December 1st and April 1st, by the Hot Spring Valley Irrigation District under application No. 3353, will diminish the flow of Sacramento River to its detriment. The same answer was given to this protest as is noted above.

Records of the discharge of Pit River at Henderson during the 13 years from 1910 to 1923, kept by the United States Geological Survey, indicate an average minimum dry-weather flow of 2360 cubic feet per second, an average mean flow in November of 2790 cubic feet per second, and an average mean flow of 2930 cubic feet per second in June. It is found that any diversion of water under the projects proposed by the applicants between November 1st and June 1st, would tend to augment the flow of Pit River during the dry-weather season between June 1st and November 1st.

The Pitt River Power Company does not contemplate any storage in its power development, and consequently, any plans will largely be determined by the dry-weather flow, and also, the critical flow for the

Anderson-Cottonwood Irrigation District occurs during the dry-weather season after June 1st. Consequently, there is no apparent conflict between the projects proposed by applicants and the interests of protestants, and it is so found. In any event, the interests of protestants are amply protected by the granting clause of each and every permit issued by this Division, which includes the limitation "subject to vested rights."

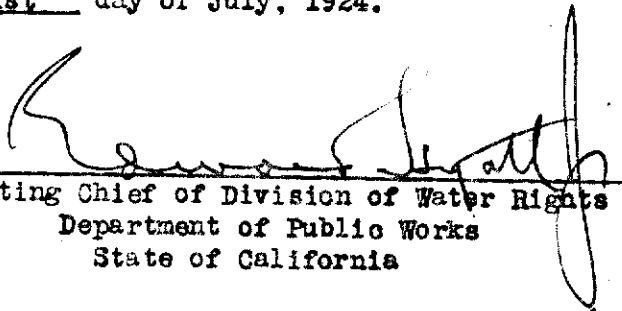
It is therefore, concluded that there is an adequate water supply available to justify the issuance of permits to all these applicants; that there is no conflict between the proposed projects of applicants and the interests of protestants; and that protestants rights are adequately protected by the granting clause of each and every permit issued "subject to vested rights."

O R D E R

Application numbers 3187, 3340, 3353, 3398 and 3489, having been filed with the Division of Water Rights, as above stated, protests having been filed, public hearings having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED, that application numbers 3187, 3340, 3353, 3398 and 3489 be approved, and that permits be granted the applicants subject to such of the usual terms and conditions, as may be appropriate.

Dated at Sacramento, this 21st day of July, 1924.

  
 Acting Chief of Division of Water Rights  
 Department of Public Works  
 State of California