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

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IN THE MATTER OF <u>APPLICATION EURBER 2509</u> OF WALTE BROTHERS FOR A PERMIT TO APPROPRIATE WATER FROM DOG VALLEY WATERSHED, SIERRA COURTY, FOR AGRICULTURAL, FISH CULTURE AND PLRASURE RESORT PURPOSES

DEGISION A-2508. D-24 Decided September 20, 1924.

APPEARANCES AT MEARING.

For Walts Brothers, Applicant - G. W. Walts
H. A. Kluegel
For United States Reclamation Service, ProtestantFo appearance.

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

OPINION

On August 18, 1921, Walts Brothers, of Reno, Mevada, filed Application Number 2508 for a permit to appropriate eight thousand acre feet per annum of the waters of Dog Valley Watershel, in Sierra County, tributary to Truckee River, said waters to be impounded in a reservoir created by means of a dam to be constructed across the natural channel of Dog Valley Greek at a point in the SW SW Section 50, T 20 M, R 18 E, M. D. B. & M., and to be used for fish Gulture purposes, for creating a pleasure resort, and for the irrigation of 2000 acres of land situated partly within the State of Galifornia and partly within the State of Galifornia and

Thereafter the application was duly sivertised and protests against the same were filed by the Verdi Immber Company and by the United States Reclamation Service.

The protest of the verdi lumber Company was based upon the contention that it caned certain lands which would be flooded by the proposed reservoir, and this protest was later withdrawn after such lands were purchased by the applicant.

The protest of the United States Reclamation Service is based upon the contention that the diversion of any water from the Dog Valley Extershed would so diminish the flow of Truckee River as to cames "irreparable injury and damage" to the Newlands Project, and would constitute an infringement upon the rights of the United States in the waters of Truckee River for said Newlands Project, such rights being based upon three notices of appropriation signed by L. H. Taylor: one dated May 21, 1903, claiming 1500 cubic feet per second of the waters of Truckee River, another of the same date claiming 8000 cubic feet per second of the waters of Truckee River, and one dated May 25, 1903, claiming 1500 subic feet per second of the waters of Truckee River. Protestant claims that it has proceeded diligently with the construction of the Newlands Project, that about seven million dellars had been expended thereon prior to the date of the protest, that the necessary irrigation works have been constructed for the delivery of water to approximately 75,000 scree of land, and that the completed preject will provide for the irrigation of appreximately 253,000 acres of land and will require all of the available water supply in the Truckee River and its tributaries.

After due notice to the applicant and protestant, a public hearing on the application was held before Hydraulic Engineer Series Zander, at Room 707 Forum Building, Sacramento, California at 11:00 c'clock A. H., on Wednesday, February 20, 1924. Mr. G. W. Walts and

Major H. A. Elusgel appeared at the hearing on behalf of the united States
He appearance was made at the hearing on behalf of the United States
Reclamation Service, protestant. He evidence or testimony was introduced at the hearing.

The protestent has not established to the satisfaction of the Division of Water Rights, by means of its protest, that there is no unappropriated water in the Dog Valley Greek Watershed. The protestant made no appearance at the public hearing to submit evidence to substantiate its protest or to assume the burden of preving the non-existence of unappropriated water, nor has the protestant since communicated with the office of the Division of Water Rights explaining the cause of its non-appearance at the public hearing. It is therefore assumed that the protest was filed as a matter of record only, and that the protestant does not care to press the same.

It is therefore determined that there is unappropriated water in the Dog Valley Watershed available for use under the application.

ORDER

Application Number 2508 for a permit to appropriate \$000 acre feet per annum of the unappropriated waters of Dog Valley Watershed, in Sierra County, having been regularly filed, protests against the same having been filed by the Verdi Lumber Company and the United States Reclamation Service, the protest of the Verdi Lumber Company having been withdrawn, a public hearing having been held, the United States Reclamation Service having failed to appear at the public hearing to submit evidence to substantiate its protest, and the Division of Water Rights being now fully informed in the premises;

IT IS HEREBY ORDERED that said application be approved subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 20th day of September,

ACTING CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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