

The protest of the Verdi Lumber Company was based upon the contention that it owned certain lands which would be flooded by the proposed reservoir, and this protest was later withdrawn after such lands were purchased by the applicant.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 Watershed would so diminish the flow of Truckee River as to cause "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 3000 cubic feet per second of the waters of Truckee River, and one dated May 25, 1903, claiming 1500 cubic 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 dollars 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 acres of land, and that the completed project will provide for the irrigation of approximately 233,000 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 Gordon Zander, at Room 707 Forum Building, Sacramento, California at 11:00 o'clock A. M., on Wednesday, February 20, 1924. Mr. G. W. Walts and

Major H. A. Kluegel appeared at the hearing on behalf of the applicant. No appearance was made at the hearing on behalf of the United States Reclamation Service, protestant. No evidence or testimony was introduced at the hearing.

The protestant 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 Creek Watershed. The protestant made no appearance at the public hearing to submit evidence to substantiate its protest or to assume the burden of proving 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.

O R D E R

Application Number 2508 for a permit to appropriate 8000 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, 1924.

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

GZ/MY