

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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IN THE MATTER OF APPLICATION NUMBER 2778 OF OROVILLE-
WYANDOTTE IRRIGATION DISTRICT TO APPROPRIATE WATER
FROM LOST CREEK IN BUTTE COUNTY FOR AGRICULTURAL
PURPOSES

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DECISION NO. 2778, D 57

Decided June 1, 1925

APPEARANCES AT HEARING HELD APRIL 1, 1925

For Applicant: Raymond A. Leonard, Attorney, Oroville, Cal.

For Protestant, Estate of Phoebe A. Hearst,
Nathan Moran, Attorney, Chancery Bldg.,
San Francisco, California.
Geo. F. Jones, Atty., Oroville, Cal.

NO APPEARANCE FOR:

Richard Schumann,
Charles M. Dufficy.

Examiner: EDWARD HYATT, JR., Chief of Division of
Water Rights.

O P I N I O N

On March 6, 1922, Oroville-Wyandotte Irrigation District,
filed its Application Number 2778 to appropriate 50 cubic feet per
second and 25,000 acre feet per annum of the water of Lost Creek,
a tributary of South Fork of Feather River at its confluence with

Sly Creek for the irrigation of land within the district. This application is a unit of a comprehensive project covered by this and other applications to the Division of Water Rights. In due course protests against the application were filed by the executors of the estate of Phoebe A. Hearst, Richard Schumann and Charles W. Dufficy as a representative of the heirs of M. C. Dufficy, G. W. Barney and the Tomb interests.

The application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and, being protested, was set for a public hearing in the Supervisors Room of the Court House in Oroville, at 10:30 o'clock, A. M. on April 1, 1925. Of this hearing applicant and protestants were duly notified.

The protest of Richard Schumann was filed January 1, 1924, and is against partial submergence of his mining claim on Eagle Gulch, a stream entering Lost Creek some distance below the dam proposed in the application. Certain maps now on file in connection with a former application No. 2142 by the same applicant show the possibility of such partial submergence resulting from an impounding dam now being built below the confluence of Eagle Gulch and Lost Creek, but it is manifest that the proposed dam well above the mouth of Eagle Gulch cannot cause submergence of any land on Eagle Gulch.

The protest filed by Charles M. Dufficy is against interference with the claims of certain interests to use water in Little Grass Valley, on the South Fork of Feather River many miles above the mouth of Lost Creek. It is manifest that there is no possibility of such interference through consummation of Application Number 2778; protestant has been so advised and has shown no further cause of action in the matter.

The protest of the Hearst Estate is against depletion of their supply for use on certain land riparian to the Main Feather River, their claim to right being based on riparian status, supported by an appropriation initiated in 1912. It appeared at the hearing that except during periods of low flow diversions from the South Fork of the River and its tributaries would not have any effect on protestant's claim to right to use 500 inches from the river. It further appears that during the period of low flow, applicant's predecessors in interest have used the entire flow of the South Fork through their Forbestown and Palermo ditches and are now seeking to supplement such low flow with water stored during the period of excess flow.

It was further brought out at the hearing that the greater part of the flow of the river at protestant's diversion comes from the North and Middle Forks and that only during 1924, which was a year of extreme low flow, was there insufficient water to supply protestant's needs. It is therefore found that, so far as protestant's claims are concerned, there is at times water flowing in the source which is

subject to appropriation.

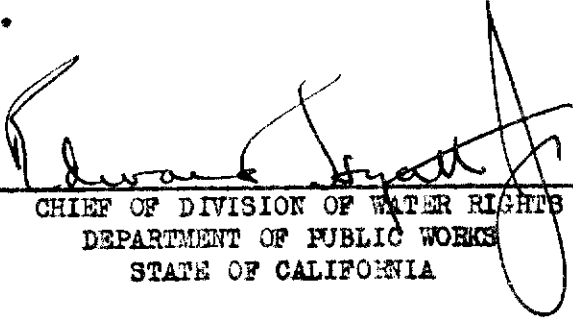
O R D E R

Application Number 2778 for a permit to appropriate water having been filed with the Division of Water Rights, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application Number 2778 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this first day of

June, 1925.



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

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