

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

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IN THE MATTER OF APPLICATION NUMBER 4165 BY E.C. HART
AND KATE C. HART FOR A PERMIT TO APPROPRIATE UNAPPRO-
PRIATED WATER FROM LITTLE SHASTA RIVER, IN SISKIYOU
COUNTY, FOR AGRICULTURAL PURPOSES.

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DECISION NO. 4165 D 65

Decided July 22, 1925

APPEARANCES AT HEARING HELD JUNE 10, 1925:

For Applicants : Taylor & Tebbe, Attorneys, by
George A. Tebbe

For Protestants: James M. Allen, Attorney, for
Ira F. Haight, Clarence W. Soule,
William T. Martin and George M. Haight.
James D. Fairchild, Attorney for
Charles S. Soule, Ann Soule, et al,
~~Mary J. O'Connor~~, Mrs. A. L. Babcock,
James B. Rohrer, Edward F. Dreyer,
Mary J. O'Connor, Edward O'Connor,
James P. Long, Kate M. Fairchild,
James D. Fairchild, and Minnie A.
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EXAMINER: Edward Hyatt, Jr., Chief of Division of Water Rights.

IN ATTENDANCE: Gordon Zander, Hydraulic Engineer, Division of Water Rights.

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O P I N I O N

On August 19, 1924, E. C. Hart and Kate C. Hart filed Application
4165 for a permit to appropriate 600 acre feet per annum of the unappro-
priated waters of Little Shasta River, in Siskiyou County, said waters to
be collected during the period between November 1st and April 1st of each
season, and stored in a reservoir, for use to supplement the water supply
obtained during the summer months from the natural flow, for the irriga-
tion of 1725 acres of land owned by the applicants.

The application was duly advertised, and protests against the same were filed by Ira F. Vaight, Clarence W. Soule, William T. Martin, George M. Vaight, Charles S. Soule, Ann Soule, et al, ~~Mary J. O'Connor~~, Mrs. A. L. Babcock, James B. Rohrer, Edward F. Dreyer, Mary J. O'Connor, Edward O'Connor, James F. Long, Kate M. Fairchild, James D. Fairchild and Minnie A. Tansiea. All protestants are water users from Little Blasta River to divert below the proposed point of diversion of the application.

The application was set for public hearing in the City Hall at Yreka, California, at 10:00 A.M. on June 10, 1925, of which hearing the applicants and protestants were all duly notified.

The hearing was held at the time and place specified in the notices, Chief of Division Edward Wyatt, Jr., presiding. Hydraulic Engineer Gordon Zander attended as a representative of the Division of Water Rights. George A. Tebbe, of Taylor and Tebbe, attorneys at law, appeared for the applicants. James M. Allen, attorney at law, appeared for protestants Ira F. Vaight, Clarence W. Soule, William T. Martin, George M. Vaight, and James D. Fairchild, attorney at law, appeared for protestants Charles S. Soule, Ann Soule, et al, ~~Mary J. O'Connor~~, Mrs. A. L. Babcock, James B. Rohrer, Edward F. Dreyer, Mary J. O'Connor, Edward O'Connor, James F. Long, Kate M. Fairchild, James D. Fairchild and Minnie A. Tansiea.

At the hearing, after a description of the project by the Examiner and a general statement by the attorney for the applicants to the effect that unappropriated water existed, the attorneys representing the protestants were called upon for a statement of their attitude. Both stated that their clients feared interference with their vested rights if water was permitted to be diverted as early as November 1st or as

late as April 1st, but each agreed to withdraw the protests on behalf of all of their clients if the application was so amended as to limit diversion to storage to the period from December 1st to February 15th of each season.


After a short recess called for the purpose of allowing the applicants and protestants an opportunity to reach an agreement the applicants formally requested that the application be amended as above stated, which amendment was allowed by the Examiner. Thereupon Attorney Allen formally withdrew the protests of Ira F. Haight, Clarence W. Soule, William E. Martin and George E. Haight, and Attorney Fairchild formally withdrew the protests of Charles S. Soule, Ann Soule, et al, ~~Mary J. O'Connor~~, Mrs. A. L. Babcock, James B. Rohrer, Edward F. Dreyer, Mary J. O'Connor, Edward O'Connor, James F. Long, Kate M. Fairchild, James D. Fairchild and Minnie A. Tamisiea. All record protests against the application having been withdrawn, the hearing was then closed.

ORDER

Application Number 4165 for a permit to appropriate unappropriated water having been filed with the Division of Water Rights, protests against the same having been filed, a public hearing having been held at which the application was so amended as to eliminate all objections, and all record protests having been withdrawn:

IT IS HEREBY ORDERED that said amended Application Number 4165 be approved, and that a permit be granted to the applicants, said permit to be subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 22nd day of July
1925.



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