

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

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IN THE MATTER OF APPLICATIONS NUMBER 992, NUMBER 993, NUMBER 994,
NUMBER 1251 AND NUMBER 1252 OF ROYAL A. PAYNE, GERTRUDE P. FRENCH
AND H. G. PAYNE TO APPROPRIATE FROM FITZHUGH CREEK, BIG JUNIPER
GULCH, LITTLE JUNIPER GULCH, AN UNNAMED GULCH AND FLOODWATERS
TRIBUTARY TO FITZHUGH CREEK, IN MODOC COUNTY FOR
AGRICULTURAL PURPOSES

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DECISION NO. 992-993-994-1251-1252. D 72

Decided October 1, 1925

APPEARANCES AT HEARING HELD July 10, 1925

For Applicants: Royal A. Payne, R. A. French and Frank McArthur

For Protestants: George M. Clark for George M. and J. E. Clark;
W. E. Armstrong in Propria Persona

Examiner: T. R. Simpson for Edward Hyatt, Jr.
Chief of Division of Water Rights

No Appearance: Pitt River Power Company

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O P I N I O N

These five applications are for appropriations of water from Fitzhugh Creek and tributaries in Modoc County to be stored and used jointly by Royal A. Payne, Gertrude P. French, and H. G. Payne for agricultural purposes.

The main features of the five applications are as follows:

Application Number 992 was filed on May 29, 1916 by Royal A. Payne and Gertrude P. French. It proposes an appropriation of 837 acre feet per annum for agricultural purposes by means of storage. It was protested by W. E. Armstrong, and G. M. and J. E. Clark. Application Number 993 was filed

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on May 29, 1918 by Royal A. Payne. It proposes an appropriation of 457 acre feet per annum for agricultural purposes by means of storage. It was protested by W. E. Armstrong, and G. M. and J. E. Clark. Application Number 994 was filed on May 29, 1918 by Gertrude P. French. It proposes an appropriation of 157 acre feet per annum for agricultural purposes by means of storage. It was protested by W. E. Armstrong, and G. M. and J. E. Clark. Application Number 1251 was filed on April 21, 1919 by H. G. Payne. It proposes appropriations of 300 acre feet per annum from Big Juniper Gulch, 200 acre feet per annum from Little Juniper Gulch, and 100 acre feet per annum from an Unnamed Gulch for agricultural purposes by means of storage. It was protested by Pitt River Power Company and G. M. and J. E. Clark. Application Number 1252 was filed on April 21, 1919 by H. G. Payne. It proposes an appropriation of 400 acre feet per annum of floodwaters tributary to Fitzhugh Creek for agricultural purposes by means of storage. It was protested by W. E. Armstrong, Pitt River Power Company, and G. M. and J. E. Clark.

These several applications were 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 were set for a public hearing in the Court House at Alturas, at 10:00 o'clock A.M. on July 10, 1925. Of this hearing applicants and protestants were duly notified. The Pitt River Power Company withdrew its protest prior to the hearing and consequently no appearance was made on behalf of this protestant. All other protestants and applicants appeared at the hearing as noted above. Frank McArthur also entered an appearance at the hearing as being associated with applicants.

At the hearing copies of two agreements were submitted to be made a part of the records of the case. These agreements provided for the withdrawal of application Number 1251 by H. G. Payne and further provided for the withdrawal of the protests by W. E. Armstrong, and G. M. and J. E. Clark against applications

Number 992, Number 993, Number 994 and Number 1252. Neither applicants nor protestants had any further evidence to present at the hearing.

Since all protests have been withdrawn against applications Numbers 992, Number 993, Number 994 and Number 1252, there appears to be nothing that now stands to prevent issuance of permits to applicants on said applications.

Mr. Payne expressed a desire, as indicated on page 6 of the transcript of hearing, to withdraw application Number 1251.


O R D E R

Applications Number 992, Number 993, Number 994, Number 1251 and Number 1252 for permits to appropriate water having been filed with the Division of Water Rights as above stated, 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 applications Number 992, Number 993, Number 994 and Number 1252 be approved and that permits be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that Application Number 1251 be rejected and cancelled.

Dated at Sacramento, this 1st day of October, 1925.


(EDWARD HYATT, JR.)
CHIEF OF DIVISION OF WATER RIGHTS

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