

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

IN THE MATTER OF APPLICATION NUMBER 1241, PERMIT NUMBER 1099  
OF G. ALBERT SMITH TO APPROPRIATE WATER FROM KINGS RIVER  
FOR PURPOSES OF IRRIGATION

DECISION NUMBER 1241 - D 91

Decided February 18, 1926

APPEARANCES AT HEARING HELD January 19, 1926.

For Applicant: G. Albert Smith in propria persona

For Kings County Development Company - L. B. Dapron

Examiner - Edward Hyatt, Jr., Chief of Division of Water Rights  
Mr. C. L. Kaupke in attendance

O P I N I O N

On April 12, 1919, G. Albert Smith filed his application Number 1241 to appropriate water from Kings River for the agricultural benefit of 7911 acres in the Tulare Lake Basin. On July 15, 1922, after due consideration, the Division of Water Rights issued permit Number 1099 on the application allowing the direct diversion of 98.99 cubic feet per second from January 1st to June 1st and 18,729 acre feet to be collected during the same period. This permit also allowed until October 1, 1922, July 1st, 1924 and June 1st, 1925 for commencement and completion of construction and application of the water to beneficial use, respectively, and was issued to applicant as trustee for a legal entity which should proceed thereunder. No organization has ever been formed for the purpose and it appears that only the applicant himself retains any interest in consummation of the application and permit.

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Subsequent to issuance of permit applicant proceeded with construction but due to unusually dry conditions has had only enough water for 260 acres although about 40,000 has evidently been expended. The system as constructed admits of the irrigation of certain lands besides those owned by applicant, said lands being largely on the opposite sides of canals on the borders of applicant's land and specified for benefit in the application and permit. The reservoir has been constructed to a capacity of about 3,000 acre feet the plan of operation being to cultivate the reservoir area of 740 acres after storage has been exhausted. The total area of Smith's land is 1622 acres and the area of adjoining lands susceptible of irrigation from canals now constructed 895 acres.

Owners of this last mentioned 895 acres have apparently lost all interest in the project and none of them appeared at a hearing held January 19, 1926, for the purpose of allowing applicant to show cause why the permit should not be revoked for failure to comply with the terms thereof. The applicant had theretofore requested that this land should be allowed to benefit under the permit and in response was advised that if the holders thereof evidenced any interest his request would be considered. In view of their lack of such interest the Division of Water Rights is not justified in continuing consideration of that part of the project.

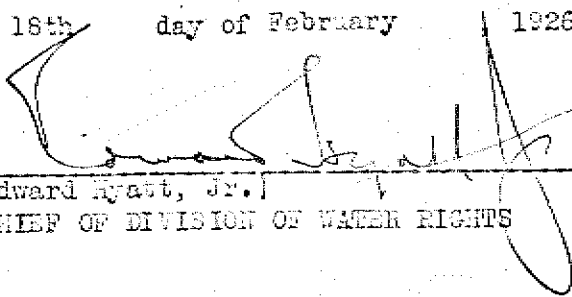
Conditions of precipitation since issuance of permit have been such that only a small amount of water has been available to satisfy the appropriation. It is a matter of common knowledge, however, that in wet years/<sup>of abnormal runoff</sup> there is water in the source which is subject to appropriation. The amounts specified in the permit will, however, be reduced to consistency with the capacity of the works now constructed and to an amount consistent with the area to be irrigated. Since the area of applicant's land is 1622 acres the amount to be directly diverted under this permit will be reduced to 20.27 cubic feet per second. The amount to be stored will be reduced to 3,000 acre feet which is the capacity of the reservoir as constructed.

ORDER

Permit Number 1099 having heretofore been issued upon Application Number 1241 as above stated allowing until October 1, 1924, within which to complete construction and until June 1st, 1925, within which to complete application of the water to the proposed use, it appearing that permittee had failed to complete construction and use as required by the permit, a public hearing having been held at which permittee was afforded an opportunity to show cause why permit should not be revoked on the grounds of failure to comply with permit terms, the permittee having requested additional time within which to complete use and the Division of Water Rights now being fully informed in the premises

IT IS HEREBY ORDERED that the time within which permittee is allowed to complete beneficial use of twenty and twenty seven hundredths (20.27) cubic feet per second and three thousand (3000) acre feet per annum be extended until August 1, 1929, and that insofar as the remainder of the appropriation allowed under said application and permit is concerned the approval thereof be revoked and cancelled upon the records of this office and all priority of right thereunder cease and determine.

Dated at Sacramento this 18th day of February 1926.

  
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(Edward Ryatt, Jr.)  
CHIEF OF DIVISION OF WATER RIGHTS

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