

Decision

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

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IN THE MATTER OF APPLICATIONS MEMBERS 1918-2024
4703-4704 OF SAN JOAQUIN LIGHT AND POWER CORPOR-
ATION TO APPROPRIATE WATER IN THE WATERSHED OF
THE NORTH FORK OF THE KINGS RIVER FOR POWER
PURPOSES

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DECISION NO. 1918-2024-4703-4704 D 95
Decided March 27, 1926

APPEARANCES AT HEARING HELD JANUARY 19, 1926:

For Applicants: Murray Bourne, General Counsel, and
Harold K. Fox, Construction Superintendent,
Fresno, California.

For Protestants:

Fresno Irrigation District : M. B. Harris, Atty., T.W. Patterson Bldg.,
Fresno, Cal.
Alta Irrigation District : M. E. Power, Atty., Visalia, Cal.
Riverdale Irrigation Dist. : Sidney J. W. Sharp, Atty., Hanford, Cal.
Peoples Ditch Company : W. R. Bailey, Atty., Visalia, Cal.
Last chance Water Ditch Co.: H. Scott Jacobs, Atty., Hanford, Cal.
Consolidated Irrigation
District : M. B. Harris, Atty., Fresno, Cal.

NO APPEARANCES:

South Kings River Association
L. A. Nares, et al.
Tulare Lake Canal Co.
James J. Stevinson, a Corporation
East Side Canal and Irrigation Co.
El Rico Land Company, et al.
Proposed Tulare Lake Irrigation District.
Laguna Irrigation District
Examiner: Edward Hyatt, Jr., Chief of the Division of Water Rights

EXAMINED
L.A.S. MAR 25 1926

O P I N I O N

These applications propose the appropriation of water from the North Fork of Kings River and certain tributaries thereto for power use through nine power houses of which four are on the North Fork, three on its tributary West Fork or Dinkey Creek, one at the junction of these streams and one on Kings River about four miles below the junction. It is not thought necessary to go into the details of the project in this opinion as all of the water for which appropriation is sought is to pass through the lowest two power houses and be returned to Kings River many miles above any diversion of any protestant.

The Division of Water Rights has heretofore permitted direct diversions for the purpose of generating power under applications specifying the same places of use contemplated in the applications under consideration. The effect of the applications herein considered would increase the amounts to be used through the penstocks to 720 cubic feet per second at Wishon, Haas and Balch and 920 cubic feet per second and 970 cubic feet per second at Junction and Kings River Power houses respectively, which amounts the applicant believes, after further hydrographic study, are available.

Under Applications Numbers 1918 and 2024, total storages of 25,000 Acre Feet and 41,000 Acre Feet respectively are contemplated. Consideration of the storage phases of the project, as heretofore, will be deferred until action can be taken thereon with due regard to rights of irrigationists especially as covered by pending application No. 360, which covers the "Pine Flat" project. Applicant and protestants

were specifically advised to this effect and the hearing as held covered direct diversion only as covered by the applications.

These several applications were completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Rights, and being protested were set for a public hearing in the Council Chamber of the City Hall at Fresno at 10:00 o'clock A. M., on Tuesday, January 19, 1926. Of this hearing applicant and protestants were duly notified. Certain of the protestants were not represented at the hearing, but since all of the protestants are well down stream from the point at which applicant proposes to return the water to Kings River, and would therefore be similarly affected, consideration may be given all protests jointly.

No showing has been made by protestants nor do they claim that any adverse effect can result to them from consummation of the appropriations for direct diversion as contemplated, the protests being directed against storage on which no action is contemplated at this time. Applicant has never denied the claims to right advanced by protestants and has evidenced every intention to observe all vested rights which might be affected by the proposed use.

The Division of Water Rights in permitting certain applications covering parts of the same project has heretofore imposed certain limitations and conditions designed to insure that the regimen of the stream be not changed and it would appear in order that the same insurance be provided for downstream users in the present instance.

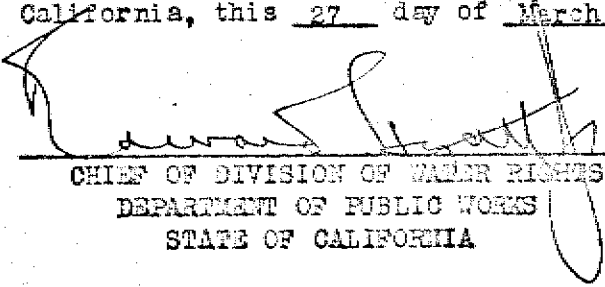
ORDER

Applications Numbers 1918-2024-4703-4704 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 on the direct diversion phases of the applications, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that applications Numbers 1918 and 2024, insofar as same contemplate the direct diversion of water without storage, and Applications Numbers 4703 and 4704 in full be approved and permits issued thereon, subject to such of the usual terms and conditions as may be appropriate and further limited by such terms and conditions as will fully insure there being no appreciable interference with the regimen of the stream below the project.

IT IS FURTHER ORDERED that action on storage as contemplated under Applications Numbers 1918 and 2024 be deferred until further order is entered.

Dated at Sacramento, California, this 27 day of March,
1926.


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

JCF:HA