

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

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IN THE MATTER OF APPLICATION NUMBER 2016 BY JOSEPH  
G. HOOPER JR. AND 3037 BY WM. R. NEVINS AS TRUSTEE  
FOR A PROPOSED IRRIGATION DISTRICT TO APPROPRIATE  
WATER FROM LONG VALLEY CREEK IN LASSEN COUNTY FOR  
AGRICULTURAL PURPOSES.

DECISION NO. 2016-3037. D 101

Decided April 29, 1926.

APPEARANCES AT HEARING HELD January 25, 1926.

For applicant Joseph G. Hooper Jr. - R.C. Territon and E.A. Julian

For E. M. Garnier & Fred Osburn - James A. Nutting, Atty.

For Antonio Saralegue - Harwood & Tippet, Attys.

NO APPEARANCE

Applicant Wm. R. Nevins

Southern Lassen Irrigation District

C. W. McQueen et al.

Examiner - Edward Hyatt, Jr., Chief of the Division of  
Water Rights.

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O P I N I O N

Application No. 2016 was filed September 22, 1920, by Joseph G.  
Hooper Jr. who proposed the formation of a mutual water company and the ap-  
propriation under the application of 20,000 acre feet per annum (later reduced  
to 17,000 acre feet) from Long Valley Creek for the irrigation of 3,275 acres.

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He did not own the land but proposed arranging some agreement with the owners.

Application No. 3037 was filed September 15, 1922, by Wm. R. Nevins as trustee for an irrigation district to be formed. He proposed an appropriation of 60,000 acre feet per annum (later reduced to 45,000 acre feet) from Long Valley Creek for the irrigation of some 12,000 acres including the same area as that included under the above described application of Joseph G. Hooper Jr.

Both applications were completed sufficiently for advertisement, were advertised, and protests received. Action however was continued from time to time, and as long as the Division could consistently do so, to allow the applicants an opportunity to perfect their plans and place themselves in a position to proceed. Eventually when it appeared the Division could not properly allow further extensions for this purpose the matter was set for hearing to be held in the Supervisors' Room of the Court House, at Susanville on January 25, 1926. Of this hearing applicants and protestants received due notice.

Application No. 2016 was protested by Southern Lassen Irrigation District, E. M. Garnear, Fred Osburn, C. W. McQueen, Evis K. McQueen, O. K. Lanham, and Antonio Saralegue.

Application No. 3037 was protested by Southern Lassen Irrigation District and Antonio Saralegue.

Appearances were as noticed above.

It appears however that the action upon these applications is

dictated rather by the practical consideration of the apparent inability of either applicant to proceed rather than by the protests offered and we shall therefore pass the protests without further comment.

Applicant 2016 admitted that he was not in a position to proceed and that before he could do so it was desirable that further stream flow data be obtained and engineering studies made. When advised that further continuance in the matter could not be allowed beyond the field season the interests which he represented chose to file a new application and withdraw Application No. 2016. Accordingly Application No. 4962 was filed on March 15, 1926, by E. A. Julian on behalf of the parties theretofore interested in Application No. 2016 and on April 12, 1926, Mr. Joseph G. Hooper requested cancellation of Application No. 2016.

Mr. Wm. R. Nevins, applicant and trustee in the matter of Application No. 3037, is now dead. The interests which he represented were unsuccessful in organizing the district which was proposed by him and there was no appearance on their behalf at the time of the hearing, nor has there at any time either immediately prior to the hearing or since that time been any manifestation of present interest or endeavor on their part to promote the district and consummate the appropriation proposed in this application. It appears therefore the approval of this application would be an idle procedure which could accomplish no good purpose and that cancellation is in order for failure to complete - the applicant having failed to establish the boundaries of the district to be served, establish legal relationship to the area to be served or furnish any showing in the matter of ability to proceed.

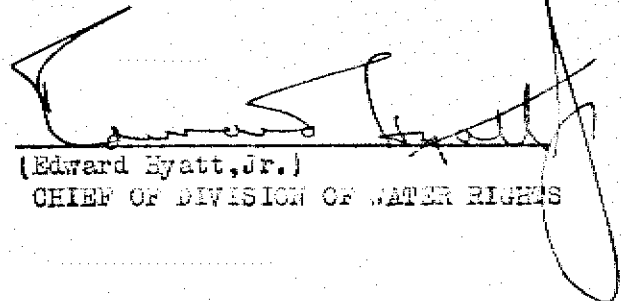
O R D E R

Applications Numbers 2016 and 3037 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 said Applications Numbers 2016 and 3037 be cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 29th day of April, 1926.

JCF:GG



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