

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

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IN THE MATTER OF APPLICATIONS NOS. 2836 AND 2837
BY CALIFORNIA CENTRAL IRRIGATION SYNDICATE TO
APPROPRIATE WATER FROM PUTAH CREEK IN LAKE AND
NAPA COUNTIES FOR AGRICULTURAL PURPOSES

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DECISION NO. 2836 - 2837. D. 102
Decided, April 29, 1926.

APPEARANCES AT HEARING HELD APRIL 19th, 1926.

As Interested Parties: B. C. Rogers, 1924 Broadway,
Oakland, California.
Claude Bohner, Dixon, Calif.

NO APPEARANCES: Applicant
Protestants Goldaracena and Allin.

Examiner: E. W. Bryan, Deputy Chief of the
Division of Water Rights.

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O P I N I O N

On May 28nd, 1922 J. B. Morrison filed Applications Nos. 2836
and 2837 and thereafter these applications became the property of the
California Central Irrigation Syndicate. The applications contemplate
the use of 400 second feet of natural flow with 300,000 acre-feet from
Putah Creek to be stored for the agricultural benefit of 50,000 acres
of land in the general vicinity of Dixon and Vacaville. Protests were
filed by Roy L. Allin on the basis of interference with a project cover-
ed by subsequent applications which have since been cancelled and by O.M.
Goldaracena who claims a right to use water on riparian land well upstream
from applicants project.

These applications were completed sufficiently for advertisement 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 Room #707 Forum Building, Sacramento at 10:00 o'clock A.M. on Monday, April 13th, 1926. Of this hearing applicant, protestants and certain other parties known to be at interest therein were duly notified. Neither applicant nor protestants of record appeared at this hearing. For reasons hereinafter shown action on these applications is not predicated on the existence or otherwise of unappropriated water, which is the point on which the protests are based and we therefore proceed to consideration of the factors governing the decision.

The applications in their present form and as advertised show an area of more than 115,200 acres and state that 50,000 acres thereof are to be irrigated. The applicant stated that a more definite description of the land would be submitted when legal relationship had been established and in paragraph 21 of the application stated "Options will be secured. Organization having right of eminent domain will be formed". In paragraph 22 he stated that negotiations with the holders of the land were in progress and that they would probably purchase the land to be irrigated. Although repeated endeavors have since been made to secure information from applicant on these points and ample time has been allowed for the purpose, the Division of Water Rights cannot see that any progress has been made in these matters. At the hearing it was stated by Claude Rehner, a land-owner in the area to be served under the project, and by B. C. Rogers, a subsequent applicant to use water from the same source, that so far as they knew the applicant syndicate has established no legal relationship with any lands to be served nor have they secured any of the easements or rights of way requisite to consummation of their project. It is therefore manifest that applicant

has failed not only to establish a legal relationship with the land to be irrigated but also to definitely state what land he proposes to irrigate. For the above reasons the applications are subject to cancellation both under Sections 14 and 17 of the Water Commission Act.

Furthermore, it appears that only preliminary negotiations have been carried on for the financing of this project and these have been unsuccessful. Applicants have at no time owned any of the lands to be served and the applications have from the first had the appearance of being purely speculative. While this point is not within the direct jurisdiction of the Division of Water Rights, it must, from a practical point of view, be considered as a factor in the opinion that the California Central Irrigation Syndicate has failed to exercise due diligence in prosecuting the applications to completion and that public interest demands rejection thereof in order that the way may be cleared for development under subsequent applications now pending.

On July 31st, 1925, E. C. Rogers filed his application Number 4716 and since that date has been active not only in fulfilling the technical requirements of this office with regard thereto but also in carrying on negotiations with various owners of land to be benefited thereby. At the hearing Claude Rehner, one of these owners, stated in substance that the community generally recognizes the need of a reliable water supply and contemplates cooperating with Rogers toward consummation of his project, the organization of an irrigation district being in prospect. The Division of Water Rights will not countenance any interference with an active project by continuing consideration of applications covering a project which has become to all intents and purposes a dead issue.

ORDER

Applications Nos. 2836 and 2837 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 Nos. 2835 and 2837 be rejected and cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 29th day of April, 1936.

EDWARD HYATT, JR.
(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA.

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