

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

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IN THE MATTER OF APPLICATIONS NUMBERS 4869-4870 and 4871 OF  
FEATHER RIVER POWER CO. TO APPROPRIATE WATER FROM PEBBLE  
CREEK AND THREE UNNAMED BRANCHES OF MILK RANCH CREEK, ELEVEN  
SMALL STREAMS TRIBUTARY TO BUCKS CREEK AND FROM GRIZZLY CREEK  
RESPECTIVELY FOR GENERATION OF POWER IN THE BUCKS CREEK POWER  
HOUSE

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DECISION 4869-4870-4871: D 111  
Decided June 11, 1926

APPEARANCES AT HEARING HELD MAY 27, 1926:

For Applicant: Mr. Edgar A. Brown, Engr. ✓  
For Protestants: No appearances  
Examiner: Edward Hyatt, Jr., Chief of the  
Division of Water Rights

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O P I N I O N

On December 21, 1925, Feather River Power Co. filed its applications  
Nos. 4869-4870 and 4871 to appropriate water as follows:

Application No. 4869 proposes the appropriation of a total of 5  
second feet in the Milk Ranch Creek watershed. Applicant has heretofore  
been permitted to appropriate from this watershed and under the pending  
application seeks the use of certain waters which, through oversight on  
applicant's part, were not included in applications heretofore permitted.

Application No. 4870 is to appropriate water in the watershed of  
Bucks Creek, and the reasons governing the filing of No. 4869 also obtain  
in the case of No. 4870. The total amount sought under this application  
is 17 second feet.

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Under application No. 4598 applicant has been permitted to appropriate water from Grizzly Creek and the Division of Water Rights has issued an order allowing the changing of the point of diversion to a point some two miles downstream from that originally specified. Application No. 4871 was filed to appropriate such water as accrues to the stream between the two points.

These three applications were completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights. Protests against all three applications were filed by Sutter Butte Canal Co., which protests were later withdrawn. Application No. 4869 was protested by O. C. Rodgers and Mrs. Bruce Gauze. Being protested, application No. 4869 was set for hearing in room No. 707 Forum Building at 10:00 o'clock A. M. on Thursday, May 27, 1926. Applications Nos. 4870 and 4871, although unprotested, are parts of the same development and were accordingly set for hearing at the same time. Of this hearing, applicant and protestants were duly notified.

Applications Nos. 4870 and 4871 are unprotested within the meaning of Section 1a of the Water Commission Act and the Division of Water Rights sees no reason to doubt applicant's belief that there is unappropriated water flowing in the sources specified.

The protest of O. C. Rodgers and Mrs. Bruce Gauze against application No. 4869 recites their claim to right to use water from Milk Ranch Creek in connection with their resort at the confluence thereof with the North Fork of Feather River well downstream from applicant's points of diversion. Although ~~applicant~~ <sup>protestant</sup> did not appear at the hearing held May 27, 1926, full information in the connection was developed at a hearing on applications heretofore permitted which were protested by Rodgers on the same grounds and this information is applicable in the instant case, applicant having indicated

that governing conditions have in nowise changed in the interim.

Applicant has not denied the justice of protestants' claims and has expressed a willingness to respect same. It appears, however, that the low flow summer stage of Milk Ranch Creek is reached normally about June 15th and continues until About October 1st, when protestants' resort is closed for the season. Therefore, diversion under application No. 4869 should be denied during the period from about June 15th to about October 1st, but there appears to be no doubt of the existence of unappropriated water during the remainder of a normal year.

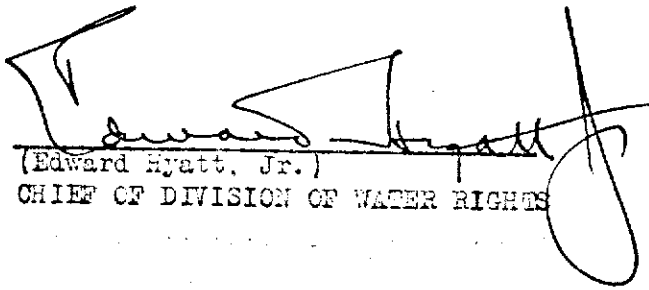
O R D E R

Applications 4869-4870 and 4871 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 application No. 4869 be approved and a permit granted to the applicant subject to such of the usual terms and conditions as may be appropriate with the period of diversion limited from about October 1st to about June 15th.

IT IS FURTHER ORDERED, that applications Nos. 4870 and 4871 be approved and permits granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 11th day of June, 1926.

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

J.C.F.