

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

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IN THE MATTER OF APPLICATION NUMBER 4831 OF ROLAND
EKSTROM FOR A PERMIT TO APPROPRIATE UNAPPROPRIATED WATER
FROM SHASTA RIVER, IN SISKIYOU COUNTY, FOR
DOMESTIC AND IRRIGATION PURPOSES.

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DECISION NO. 4831, D 115
Decided July 12, 1926

APPEARANCES AT HEARING HELD JUNE 18, 1926:

For Applicant : None

For Protestant : None

EXAMINER : Everett N. Bryan, Deputy Chief of
Division of Water Rights

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O P I N I O N

This application was filed on November 9, 1925. It proposes an appropriation of 0.25 cubic foot per second from Shasta River for domestic and irrigation purposes on 20 acres.

The application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested was set for a public hearing at 707 Forum Building, Sacramento, at 1:30 o'clock P. M. on June 18, 1926. Of this hearing applicant and protestants were duly notified. No appearances were made on behalf of the applicant or the protestants, they having

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previously notified the Division of Water Rights that they would stand on the information submitted in the protests and answers thereto and on testimony introduced at the public hearing held on June 9, 1925, at Yreka on application No. 1566.

The protest of the California-Oregon Power Company was filed on December 17, 1925. Since this protest was withdrawn, prior to the hearing, as the result of the applicant amending his proposed period of diversion, no further consideration need be given to the protest.

The protest of Antonio Ditch Owners, et al. was filed on February 27, 1926. It is based on a claimed absence of unappropriated water and on a claim of right to appropriate 640 miners' inches from Shasta River, initiated over fifty years ago, for domestic and stockwatering use and the irrigation of 165 acres.

The protestants claim their use and requirements for over fifty years have been 320 miners' inches from October 1st to March 1st and 640 miners' inches from March 1st to October 1st and it is claimed that no unappropriated water exists except during unusual flood times.

The applicant replied that he recognized prior rights on the river and would be governed by the decision of the Division of Water Rights and would operate his pump in a manner not to interfere with lower users. In later letters, he requested that his application be considered for flood waters and that the season of use be shortened three months to read from March 1st to July 1st.

The Division has a record of conditions on Shasta River covering each season, commencing with 1920. During the seasons of 1922 and 1923, very

complete records of the flow of Shasta River at various points, and of the amounts of water diverted by the various users, were kept as a part of the field investigation in connection with the Shasta River Adjudication Proceedings. It was agreed prior to the hearing on this application by the attorneys for the protestants and by the applicant, as previously stated, that information already submitted and the information and testimony introduced at the hearing on application No. 1566, of which the determinations of the Shasta River Adjudication Proceedings were a part, would be relied upon for a decision in the present case.

In view of the above, the following extracts from Decision No. 1566, D-68, rendered in the case of application No. 1566, are applicable in the present case.

"It would appear safe to assume, however, that there was unappropriated water in Shasta River each season until such time as the entire flow of Shasta River was diverted at the lowest diversion dam. Such assumption is on the side of safety as it is based upon the theory that all claimants above are entitled to the full amount of water that they are using."

"Disregarding the diversion dam of the California-Oregon Power Company, which is not used during the summer months, and that of Manual Shelley, which is amply supplied by return water from the Antone and Flock ranches, the lowest diversion dam on Shasta River may be considered as that at the head of the Antone and Flock Ditches. Assuming that during the years 1920 and 1921, there was an actual shortage at this dam ten days before complaint was made to the Division, in accordance with the testimony of Mr. Flock, it may be concluded that there was ample water for all users until July 7th in 1920, and until July 15th in 1921. According to the observations of field repre-

representatives of the Division, there was ample water for all users until June 24th, in 1922, until May 28th in 1923, and until about May 15th in 1924. In 1925, it was reported to the Division that a shortage of water first occurred at the Antone and Flock dam on June 26th."

"The above facts indicate June 19th as the average date upon which a shortage of water in Shasta River has occurred during the past six years. This cycle includes two very dry years, 1923 and 1924, the latter being the driest years of record in the northern part of the State. On the other hand, no very wet year is included in the cycle; 1920 and 1921 being slightly below normal, 1922 about normal and 1925 a little above normal. If we therefore assume the average date upon which a shortage of water has occurred during the past six years as the date upon which such shortage will occur in a normal year, our assumption will again be on the side of safety."

Assuming that the use of water under any permit which may be issued on Application No. 1566 will cause an absence of unappropriated water in Shasta River about four days prior to the date on which the same condition would have existed previous to such use, the resultant conclusion is that in a normal year there will be unappropriated water in Shasta River until about June 15th.

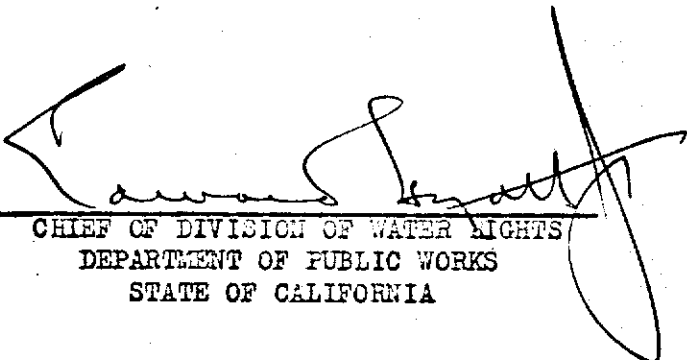
In addition to the above, the applicant has recognized the prior rights and evidenced his willingness to co-operate in such a manner as not to interfere with the prior rights.

ORDER

Application No. 4831 for a permit 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 application No. 4831 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate except that the period of diversion be reduced so as to end on about June 15th of each season instead of on about July 1st.

Dated at Sacramento, California, this 12th day of July,
1926.



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

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