

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

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In the latter of Application 3232 of Homer C. Jack and
Antone Avilla to appropriate from Packwood Flat,
Windmill Flat and Juniper Creek in Lassen County
for Agricultural Purposes.

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DECISION NO. A 3232 D 146

Decided March 28, 1927

APPEARANCES AT HEARING HELD February 7, 1927

For Applicant - No appearance

For Protestant- No appearance

EXAMINER - Edward Hyatt, Jr., Chief of Division of Water Rights

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O P I N I O N

Application 3232 was filed by Homer C. Jack on January 16, 1923. It
proposes an appropriation of 3050 acre feet per annum from Packwood Flat and
1200 acre feet per annum from Windmill Flat by means of storage during a sea-
son of diversion to storage from about January 1st to about July 1st. An ap-
propriation of 28.5 cubic feet per second of direct diversion from Juniper
Creek is also sought under this application during a season of diversion from
about March 1st to about June 1st. It is proposed to irrigate under the ap-
plication a total area of 2480 acres of which 1720 acres are included under
Applications 1300, 1696, 3187 and 3188, Permits 1360, 1361, 1760 and 1691;
the remaining 760 acres lie within the Antone Avilla Ranch. An assignment to
Antone Avilla of that portion of the application covering storage in Packwood

Flat was executed and filed with the Division by Homer C. Jack on January 12, 1927. The application was protested by Pitt River Power Company.

This 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 10:00 o'clock a.m. on February 7, 1927. Of this hearing applicants and protestants were duly notified. Notice was received from protestant on January 27, 1927, that an appearance would not be made at the hearing. Applicants were notified on January 31, 1927, that no appearance would be made by protestant and that an appearance by applicants was not necessary unless it was desired to present additional information in the matter. No appearance was made on behalf of applicants at the hearing.

The protest of the Pitt River Power Company was filed on February 17, 1923. It is based on a claim of riparian rights on Pit River at a place about 70 miles downstream from the projects of applicants. In a letter dated January 26, 1927, protestant stated that the protest would not be pressed since it was understood that an application was approved subject to vested rights. No development work has been done under the riparian claims of protestant.

The Division obtained intermittent records of flow in Juniper Creek during the spring of 1922 in connection with an investigation of Applications 1300 and 1696. A summary of the measurements follows:

<u>Date</u>	<u>Discharge</u> <u>Cubic Feet per Second</u>
April 6, 1922	72
April 21, 1922	755
April 25, 1922	309
April 30, 1922	72
May 8, 1922	33
May 10, 1922	146
May 11, 1922	56
May 18, 1922	7.4

During the above mentioned investigation it was found that water was diverted from Juniper Creek for the irrigation of about 130 acres on the Antonia Ranch. Prior applications, 1300, 1696 and 3187, cover storage of 3900 acre feet per annum and direct diversion of 21.5 cubic feet per second from Juniper Creek watershed. The Division has no information on hand indicating the existence of other claims to water from Juniper Creek. Application 3188 covers supplemental diversion from an unnamed canyon of 1280 acre feet to storage in the reservoir of 3900 acre feet capacity covered by Application 1300.

No direct diversion under this application is sought for the 760 acres within the Antonio Avilla Ranch. The remaining area of 1720 acres has rights under previous permits issued by the Division for 21.5 cubic feet per second of direct diversion from the same source under which direct diversion is sought in this application. The prior direct diversion rights allow for a duty of one cubic foot per second to 60 acres, which is considered adequate.

The above measurements indicate a probability of considerable unappropriated water in Juniper Creek watershed at times during the season that applicants seek to appropriate therefrom.


ORDER

Application 3232 for permit to appropriate water having been filed with the Division of Water Rights as above stated, a protest 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 that portion of said Application 3232 relating to storage be approved and that a permit be granted to applicants for the storage sought therein subject to such of the usual terms and conditions as may be appropriate, and

IT IS FURTHER ORDERED that that portion of said Application 3232 relating to direct diversion be disallowed and that a permit for direct diversion be denied.

Dated at Sacramento, California, this 28th day of March , 1927.



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

TRS:MP

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