

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

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In the Matter of Application 6046 of May Bowman to  
Appropriate from South Fork of Cottonwood Creek  
Tributary to Sacramento River in Tehama County  
for Agricultural Purposes.

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DECISION A. 6046 D - 266

Decided

*August 28, 1930*

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APPEARANCES AT HEARING HELD AT RED BLUFF, MAY 5, 1930.

For Applicant  
May Bowman

M. J. Cheatham

For Protestant  
E. D. Barger

A. M. McCoy

EXAMINER: Everett N. Bryan, Hydraulic Engineer,  
Division of Water Resources, Department of Public Works,  
State of California.

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O P I N I O N

GENERAL FEATURES OF APPLICATION

Under Application 6046 filed with the Division of Water Resources on September 4, 1928, it is proposed to divert 0.56 cubic foot per second of the waters of the South Fork of Cottonwood Creek tributary to the Sacramento River from about April 1st to about November 1st of each season for agricultural purposes. The point of diversion is located within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T 29 N, R 5 W, M.D.B. & M. The place of use has a total area of

45 acres, 37 acres of which are located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 25 and 8 acres within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 25, T 29 N, R 5 W, M.D.S. & M. The application was protested by F. D. Dargel.

#### PROTEST

The protest of F. D. Dargel was filed January 11, 1929. Mr. Dargel claims riparian rights and alleges in effect that the proposed diversion of the applicant would deprive him of water for stock watering purposes.

#### HEARING HELD IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Application 6046 was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources and being protested was set for a public hearing in accordance with Section 1a of the Water Commission Act on May 5, 1930, at 10:00 o'clock A.M. in Council Chamber of City Hall, Red Bluff, California. Of this hearing applicant and protestant were duly notified.

#### DISCUSSION

From the testimony presented at the hearing it appears that the South Fork of Cottonwood Creek has a gravelly stream bed over which water passes in a continuous stream until the middle of June according to protestant, or until the middle of July according to applicant. After the surface flow ceases there is still an underflow which appears in holes or depressions in the gravels of the stream bed. It is from these depressions that protestant waters his stock and from which applicant seeks to obtain her supply by installing a six inch centrifugal pump having a normal rated capacity of about 900 gallons per minute.

F. D. Dargel, the protestant, waters his stock at a pool in the creek below the proposed point of diversion described in Application 6046. It appears that the use of protestant in the past has been confined to the watering

of about 75 head of cattle and in addition to this use he intends in the future to water about 175 head of goats. Assuming that the cattle will consume 20 gallons per day and the goats 5 gallons per day which it is believed is a liberal allowance, the maximum stock watering needs of the applicant would be 2,375 gallons per day or 1.05 gallons per minute.

We cannot conceive how the applicant could possibly prevent, by her proposed pumping, the flow of this amount at the protestant's point of diversion unless a cutoff wall were constructed to bed rock. This she does not propose to do. Before the underground flow diminished to any where near the comparatively small quantity of water which protestant declares should be allowed to flow down to his pool, the applicant's pump would lose its priming and the operations would be impracticable.

Again, as applicant's place of use is located upon the bank of the creek and the soil consists of a sandy loam in all probability there would be a large return flow to the stream bed.

The point of diversion is described in Application 6046 as being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T 29 N, R 4 W, M.D.B. & M. This location was questioned by the protestant. We believe the question is immaterial in so far as to whether or not the application should be approved. If it is found by further investigation that the point of diversion has been erroneously described the applicant may petition for a change thereof.

#### CONCLUSION

This office is of the opinion that there is sufficient unappropriated water in the South Fork of Cottonwood Creek to justify the approval of the application. The proposed season of diversion is from about April 1st to about

November 1st of each year. Owing to the conflicting testimony relative to the period during which applicant may operate the pump we do not deem it advisable to limit the season of diversion other than as stated in the application although it is entirely probable that in years of normal rainfall it will be impracticable for applicant to pump after the first or middle of July. The burden will be upon the applicant to divert water at such times as will not interfere with the prior rights of the downstream users.

O R D E R

Application 6046 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 6046 be approved and a permit be issued subject to the usual terms and conditions.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 23rd day of August, 1930.

EDWARD HYATT, State Engineer

BY Harold Conkling  
Deputy

WES:MP

