

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

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In the matter of Application 6413 of Antonio Saralegui
to appropriate from Long Valley Creek, tributary to
Honey Lake in Lassen County, for Irrigation and
Domestic Purposes.

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DECISION A. 6413 D-295

Decided *Sept. 7, 1931.*

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APPEARANCES AT HEARING HELD AT SUSANVILLE, CALIFORNIA, JUNE 24, 1931.

For Applicant

Antonio Saralegui

William M. Kearney

For Protestants

C. C. Rowland
Marietta Hall
Phillip Hall and
Galeppi Brothers

H. J. Barry

C. W. McQueen
E. M. Garnier
Oscar Lanham
J. C. McQueen and
Fred Osburn

J. A. Pardee

EXAMINER: Gordon Zander, Hydraulic Engineer, Division of Water Resources,
Department of Public Works, State of California.

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OPINION

GENERAL FEATURES OF THE APPLICATION

Application 6413 was filed by Antonio Saralegui on August 19, 1929.
It proposes the appropriation of 600 acre feet per annum to be collected be-
tween January 1st and December 1st of each season for irrigation and domestic

purposes on 166.71 acres of land, diversion to be from Long Valley Creek within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, T 23 N, R 17 E, M.D.B. & M. The application was protested by C. C. Rowland, Marietta Hall, Galeppi Brothers, C. W. McQueen, J. C. McQueen, E. M. Garnier, Oscar Lanham, Fred Osburn and Manuel Garnier.

PROTESTS

C. C. Rowland, Galeppi Brothers and Marietta Hall claim prior appropriative rights and use, and riparian rights.

C. W. McQueen, J. C. McQueen, E. M. Garnier and Oscar Lanham claim prior appropriative rights.

Fred Osburn and Manuel Garnier claim prior appropriative rights under Application 202, Permit 1235, License 324.

All protestants allege in effect that the approval of this application will deprive them of water to which they are lawfully entitled.

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

Application 6413 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 June 24, 1931, at Susanville, California. Of this hearing, applicant and protestants were duly notified.

DISCUSSION

Long Valley Creek is an intermittent stream, flowing in the winter and spring, and going almost dry in the summer and early fall, during periods of large runoff wasting into Honey Lake. This Creek has been discussed and investigated for many years as a possible water supply for various projects

in the Honey Lake Region. Mr. L. H. Taylor and Mr. C. E. Grunsky reporting to the Honey Lake Valley Land and Water Company in August 1891, Mr. C. E. Grunsky reporting to the Long Valley Creek Irrigation District, August 31, 1917, Mr. W. L. Wales reporting to the Southern Lassen Irrigation District in 1915 and 1917 and Reviews of the Wales Reports by Mr. S. T. Harding. The conclusions in the various reports are based largely on studies of precipitation records and the estimated runoff therefrom, the only periods of actual measurements being December 1890 to June 1891 and October 1916 to September 1917.

The measurements in 1890 and 1891 were made by Mr. L. H. Taylor about three miles downstream from Doyle. Due to uncertainty as to that portion of the measured runoff derived from Red Rock Creek, Dry Creek and that portion of Long Valley Creek drainage area lying below applicant's proposed diversion, these measurements are of little value in determining what the actual runoff at applicant's proposed diversion was during this period. They do, however, show what may be expected during a season of runoff slightly above normal, this season having been about 103 per cent of normal. The discharge from Long Valley Creek during this period was over 56,000 acre feet downstream from protestants C. C. Rowland, Galeppi Brothers and Marietta Hall, all of whom set up a claim to water based on use since 1885 and that protestants J. C. McQueen and Fred Osburn, during a like period would have available 56,000 acre feet of water for use upon 545 acres of land if their diversion works were of sufficient capacity to take this quantity of water under control.

The measurements in 1916 and 1917 were made by W. L. Wales at Plumas Junction which is about four miles upstream from applicant's proposed diversion and cover an entire season. These measurements show a seasonal

runoff of 17,700 acre feet, a maximum discharge of 427 c.f.s. and a minimum of 2 c.f.s., the large discharge beginning January 22, and ending March 1, and again March 27 to 30. The major portion of the precipitation from which this runoff is derived is snow, December and January ranging in temperature from 20 degrees below zero to 40 degrees above zero, the thaw usually taking place the latter part of January.

From testimony presented at the hearing it appears that the practice of the irrigators diverting water from this creek is to start irrigation usually in February and continue as late into the summer as water is available, flooding their fields in the early spring and at times covering their fields with ice, claiming this to be a needful and beneficial practice as sufficient water is not available later in the season for irrigation.

The fact was clearly established through protestants testimony that it is necessary to rebuild their diversion works every year due to their destruction by high stages of the creek. This fact alone would seem to indicate that there is unappropriated water in Long Valley Creek.

The records of this office indicate the season of 1916-1917 to be about 90% of normal and Mr. S. T. Harding, after carefully reviewing the reports of Taylor, Grunsky and Wales concludes that during a normal year Long Valley Creek will produce a runoff of about 20,000 acre feet at applicant's proposed diversion. From testimony presented and statements of protestants the combined acreage irrigated by all protestants is 3545 acres. If this is a correct statement of the entire acreage served under prior vested rights from this source, a normal year would supply all vested rights with better than 5.5 acre feet of water per acre of land provided it was possible to control the entire flow of the creek, from that portion of the drainage area above applicant's proposed diversion.

Mr. Grunsky in his report concludes that there is a sufficient supply of water in Long Valley Creek to serve 6,000 acres of land and at the same time states that his figures are probable under estimates.

To what extent the flow of Long Valley Creek is controlled by diversion works of protestants was not clearly brought out at the hearing. It was however established by testimony that during the month of December 1929, the creek wasted into Honey Lake.

From a study of all available records and the testimony presented at the hearing it appears that the period during which high stages of flow in Long Valley Creek may be expected is from about October 15th to about April 15th and that during the period from about April 15th to about October 15th any large flow in the creek would be unusual. In fact during this latter period there is insufficient water flowing in the creek to meet the needs of protestants. In fact all the evidence before this office is to the effect that the area which has been put under cultivation and irrigation in Long Valley has been limited not by lack of suitable land but solely by the summer flow of Long Valley Creek. In view of which this office would not be justified in the approval of any application asking for a diversion from this source during this portion of the year.

Applicant proposes to store 600 acre feet per annum of the flood or surplus waters of this creek. He testified that he had no intention of interfering with the flow of the creek during periods of low discharge or to in any way interfere with any vested rights.

CONCLUSION

In view of the above statement of facts it appears that during a normal season there is a runoff from Long Valley Creek in excess of the needs of the record protestants, that protestants diversion works are of insufficient capacity to take under control all the waters of Long Valley Creek during stages of large discharge and that from about October 15th to about April 15th there is during a normal or near normal season unappropriated water in Long Valley Creek.

The purpose for which the applicant proposes to use the water is beneficial and it is the opinion of this office that Application 6413 should be approved, the period of diversion, however, being limited to the season from about January 1st to about April 15th and from about October 15th to about December 1st.

ORDER

Application 6413 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been received, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application 6413 be approved for an amount of water not to exceed 600 acre feet per annum to be diverted to storage from about January 1st to about April 15th and from about October 15th to about December 1st of each season and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works

the State of California, this *4th* day of *September*, 1931.

EDWARD HYATT, State Engineer

BY *Harold Conkling*
Deputy