

BEFORE THE DIVISION OF WATER RESOURCES
DEPARTMENT OF PUBLIC WORKS
State of California

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In the Matter of Application 9682 of Henry E. Meerlien
To Appropriate from Deer Creek, tributary to
Trinity River, in Trinity County for
Mining, Power and Domestic Purposes

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DICISION A. 9682 - D-467

Decided *January 21, 1941*

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APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON
JUNE 28, 1940 UNDER THE PROVISIONS OF
REGULATION 12B OF THE RULES AND
REGULATIONS OF THE DIVISION
OF WATER RESOURCES

For Applicant
Henry E. Meerlien

In Propria Persona
James Nolan

For Protestants
H. M. Bruce
Mrs. Wm. A. Pattison

In Propria Persona
Her son

INVESTIGATOR: A. S. Wheeler, Assistant Hydraulic Engineer, for
Harold Conkling, Deputy State Engineer,
Division of Water Resources, Department of
Public Works, State of California

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OPINION

Application 9682 having been filed and protests against approval thereof having been received, was regularly set for a field investigation of which applicant and protestants were duly notified and did agree, by signed stipulations, to abide by the report and subsequent findings of such investigation.

During the course of the investigation stream flow measurements were made which showed 1.25 cubic feet per second as being available for use by the protestants and it was agreed by all interested parties present that this represented the approximate low flow in Deer Creek.

During the extremely low flow period, which normally is from about July 1 to about September 15 the report of the investigation indicates that the protestants full requirements are 1.43 cubic feet per second.

From the foregoing it would accordingly appear that no unappropriated water was available for use by the applicant during that period.

The report of the investigation, however, also indicates that the protestants do not regularly irrigate the entire areas prepared for irrigation and that as the result some water is usually wasting into the Trinity River which could be put to a beneficial use by the applicant.

It further appears that normally, in the opinion of the protestants, there is ample water available in Deer Creek to meet the requirements of all interested parties without interference from about November 1st to about April 1st of each season.

It also appears that during the course of the investigation all interested parties were fully advised as to the clauses protecting the claimed rights customarily placed in all permits issued by the Division of Water Resources and that applicant advised that only during a few months in the winter would he require the full amount sought by him and that in the remaining months an allowance of 0.50 cubic feet per second would be sufficient for his requirements.

The protestants then definitely advised the investigator that they had no further objections to approval of Application 9682 if diversion thereunder was confined to ²⁰ ~~3.0~~ cubic feet per second from about November 1st to about April 1st and 0.5 cubic feet per second from about

April 1st to about October 31st.

The uses to which applicant proposes to put the water are useful and beneficial ones and there now appearing to be no bar to approval of Application 9682 it is the opinion of the Division of Water Resources that the said application should be approved subject to the usual terms and conditions.

RECORDS RELIED UPON

Application 9682	Filed July 27, 1939
Map supporting Application 9682	Filed July 27, 1939
Protest of H. M. Bruce	Filed August 16, 1939
Protest of Mrs. Wm. A. Pattison	Filed August 17, 1939
Stipulation by Protestant Bruce	Filed June 27, 1940
Stipulation under Regulation 12B by applicant	Filed August 28, 1940
Special stipulation by applicant	Filed October 21, 1940
Report of field investigation	Filed October 22, 1940
Stipulation under regulation 12B by protestant Pattison	Filed December 20, 1940

ORDER

Application 9682 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Regulation 12B of the Rules and Regulations of the Division of Water Resources and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 9682 be approved for diversion of ^{2.5}3.0 cubic feet per second from about November 1st to about April 1st and 0.50 cubic foot per second from about April 1st to about October 31st 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.

See 1-10-40

WITNESS my hand and the seal of the Department of Public
Works of the State of California, this 21 day of Jan 1941.

EDWARD HYATT, State Engineer

By HAROLD CONKLING
Deputy

(Seal)

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