

Before the Division of Water Resources  
Department of Public Works  
State of California

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In the Matter of License 1753 of Maxwell Irrigation District  
and George Packer, Nettie L. Packer and Ella Packer Morse  
issued by the Division of Water Resources in confirmation  
of the Right Initiated by the Filing of Application 186  
to Appropriate Water from the Sacramento River in  
Colusa County for Irrigation Purposes

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Decision A. 186 D - 520

Decided February 20, 1945

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APPEARANCES AT HEARING HELD IN SACRAMENTO ON JANUARY 15, 1945.

For Licensees

Maxwell Irrigation District	No appearances
George Packer )	
Nellie L. Packer )	No appearance
Ella Packer Morse )	

For Division of Water Resources

Harold Conkling, Deputy State Engineer in Charge of  
Water Rights, Division of Water Resources,  
Department of Public Works, State of California

O P I N I O N

On June 14, 1937 the right initiated under Application 186, which  
at that time stood in the names of Maxwell Irrigation District and Clara C.  
Packer, was confirmed by the issuance of License 1753, for an amount of water

not to exceed 17.5 cubic feet per second to be diverted from the Sacramento River at a point within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 13. T. 17 N. R. 2 W. M.D.B. & M., from about April 1 to about November 1 of each season for the irrigation of 1796 acres comprising the S $\frac{1}{2}$  of Section 15 and the N $\frac{1}{2}$  of Section 22, T. 17 N. R. 2 W., M.D.B. & M., and 1156 acres in the "Packer Tract" in projected Sections 13, 14, 23 and 24 of said township and range, all as shown on a map entitled "Map of the Blevins-Mallon Ditch Company's Irrigation Project" filed January 3, 1916, with the State Water Commission, now Division of Water Resources.

The amount of water named in the license was determined from the use of water made during the 1933 irrigation<sup>season</sup>, at which time Mrs. Packer irrigated 100 acres of general crops requiring 1 cubic foot per second to each 80 acres and 250 acres of rice requiring 1 cubic foot per second to each 40 acres or a total of 7.50 cubic feet per second and the Maxwell Irrigation District irrigated 400 acres of rice on lands owned by California Lands, Inc., within the S $\frac{1}{2}$  of Section 15 and the N $\frac{1}{2}$  of Section 22, T. 17, N. R. 2 W., M.D.B. & M., requiring 1 cubic foot per second to each 40 acres or 10 cubic feet per second.

As the records of this office indicated that not since 1934 had the Maxwell Irrigation District used any water under Application 186, License 1753, it appeared to the Division that its appropriative right to the use of the water thereunder had been lost by non-use and in order to correct the situation the matter was set for public hearing on Monday, January 15, 1945,

at 10:00 o'clock A. M. in Supervisor's Room, Court House, Colusa, California. Of this hearing the Licensees were duly notified.

On being informed by Mr. Ralph W. Rutledge, Secretary of the Maxwell Irrigation District and attorney for George Packer, Nettie L. Packer, and Ella Packer Morse, who have succeeded to the interests of Clara C. Packer, deceased, that the Maxwell Irrigation District was willing to allow its interest in the license to lapse and that the Packer interests were agreeable to having the license amended by reducing the amount of water named therein to 7.5 cubic feet per second and the place of use to 1156 acres in the "Packer Tract" and that no appearance would be made at the hearing, the place of hearing was transferred to Room 401, Public Works Building, Sacramento at the same date and hour. The interested parties were informed of the change in place of hearing and informed that no appearance would be required.

As no appearances were made at the hearing and both the Maxwell Irrigation District and the Packer interests appear to be agreeable to the proposed changes in the license, it is the opinion of the Division that License 1753 should be amended by eliminating the Maxwell Irrigation District as a party at interest, by reducing the amount of water named therein from 17.5 cubic feet per second to 7.5 cubic feet per second, which was the amount found by inspection to have been applied to beneficial use by Clara C. Packer, which amount has not been exceeded in recent years, and by amending the description of the place of use by eliminating therefrom the  $S\frac{1}{2}$  of Section 15 and the  $N\frac{1}{2}$  of Section 22, T. 17 N. R. 2 W., M.D.B. & M., which were formerly irrigated by the Maxwell Irrigation District.

O R D E R

It appearing to the State Engineer that the interest of the Maxwell Irrigation District in License 1753 has been lost by non-user, a public hearing having been held and the Division of Water Resources being fully informed in the premises:

IT IS HEREBY ORDERED that the Maxwell Irrigation District be eliminated as a party at interest in License 1753, and

IT IS FURTHER ORDERED that the amount of water named in License 1753 be reduced to an amount of water not to exceed 7.5 cubic foot per second, and

IT IS FURTHER ORDERED that the description of the place of use in License 1753 be amended to read as follows:

1156 Acres in the "Packer Tract" in projected Sections 13, 14, 23 and 24, T. 17 N. R. 2 W., M.D.B. & M., as shown on a map entitled "Map of the Belvins-Mallon Ditch Company's Irrigation Project" filed January 3, 1916, with the State Water Commission, now the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 20 day of February 1945.

EDWARD HYATT, STATE ENGINEER

By Harold Conkling  
Deputy State Engineer

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