

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

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In the Matter of Application 10986 of Earl Willey to appropriate
water from the Feather River in Butte County
for irrigation purposes.

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DECISION A. 10986 D - 527

Decided: January 14, 1946

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APPEARANCES AT HEARING HELD AT SACRAMENTO, DECEMBER 18, 1945.

For Applicant

Earl Willey

No appearance.

For Protestant:

Garden Highway Mutual Water Company

No appearance.

EXAMINER: Gordon Zander, Supervising 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 DESCRIPTION OF PROPOSED PROJECT

Earl Willey under his Application 10986 filed with the Division of
Water Resources on February 19, 1945 proposes an appropriation of 1 cubic foot
per second to be diverted from the Feather River at a point within the NW $\frac{1}{4}$ of
SW $\frac{1}{4}$ of Section 22, T. 17 N., R. 3 E., M.D.B. & M. from June 1st to September 30th
of each season for the irrigation of 30 acres of orchard within Sections 21 and
22, T. 17 N., R. 3 E., M.D.B. & M.

PROTESTS

The Garden Highway Mutual Water Company, a Corporation, claims a riparian right to the use of the waters of the Feather River and also an appropriative right initiated under Application 1699 and confirmed by issuance of License 2033 on June 28, 1940 for an amount of water not to exceed 39 cubic feet per second from the Feather River to be diverted from about April 15 to about October 31 of each season at a point within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, T. 13 N., R. 3 E., M.D.B. & M., for the irrigation of 2705.11 acres within Sections 23, 24, 25, 26, 27, 34, 35 and 36, T. 13 N., R. 3 E., M.D.B. & M. Protestant's point of diversion is approximately 32 miles below the proposed point of diversion of the applicant.

HEARING SET IN ACCORDANCE WITH THE WATER CODE

Application 10986 was completed in accordance with the Water Code and the requirements of the Division of Water Resources and being protested was set for public hearing in accordance with the Water Code on Tuesday December 18, 1945 at 10 o'clock A.M. in Room 401, Public Works Bldg., Sacramento, California.

Under date of October 11, 1945 the Garden Highway Mutual Water Company was informed that the records of the Division clearly indicated that during a year of normal runoff there is sufficient unappropriated water in the Feather River during the irrigation season to justify the approval of Application 10986 and it was suggested that its protest be withdrawn unless it was proposed to present data and records to indicate the contrary. In reply we were informed that although the Board of Directors of the Water Company did not insist upon further investigation at this time, it did not wish to withdraw its protest. It admitted that it was doubtful that anything of value could be added to the

information relative to the amount of water available which is already at hand.

Under date of November 19, 1945 notices of the hearing were sent to both applicant and protestant and applicant's attorney was informed that if no appearance was made on behalf of the protestant, no appearance need be made on behalf of his client.

No appearances were made at the hearing either by the applicant or the protestant.

GENERAL DISCUSSION

The reports of the Sacramento San Joaquin Water Supervision indicate that the mean flow in the Feather River at Nicolaus 3.8 miles below the intake of the Garden Highway Mutual Water Company during the irrigation months in the past three years was as follows:

Mean Flow of Feather River at Nicolaus (Sec. Ft.)

<u>Year</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>
1942	20,390	13,340	2,707	718	1,129	2,237
1943	10,790	5,290	933	358	544	1,936
1944	10,290	3,022	541	216	541	1,354

From the above it may be observed that even during the month of August, 1944 which is within a season approximately 44% below normal, the mean flow was 216 second-feet which is about 140 second-feet in excess of the maximum monthly diversions from the Feather River between the Nicolaus gaging station to the mouth of the river during the seasons of 1942, 1943 and 1944.

These records clearly indicate that during a year of normal runoff there is sufficient unappropriated water in the Feather River during the irrigation season to justify the approval of Application 10986 and therefore the protest of Garden Highway Mutual Water Company, a Corporation, is dismissed without prejudice.


O R D E R

Application 10986 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, at which no appearances were made, and the Division of Water Resources now being fully informed in the premises from records on file with the Division:

IT IS HEREBY ORDERED that Application 10986 be approved and that a permit be issued thereon 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 of the State of California, this 14th day of January 1946.




Edward Hyatt, State Engineer

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