

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

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In the Matter of Application 10840 of R. H. Johnson to Appropriate
from Antelope Creek and a Spring Tributary to Antelope Creek
in Placer County for Domestic and Irrigation Purposes

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Decision A 10840 D - 533

Decided March 25, 1946

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APPEARANCES AT INVESTIGATION CONDUCTED AT THE SOURCE OF THE PROPOSED
APPROPRIATION ON SEPTEMBER 5, 1945

For Applicant

R. H. Johnson

In propria persona

For Protestant

George Mavrias

William Schulz

For Division of Water Resources

Biscoe Kibbey, Associate Hydraulic Engineer, for Gordon Zander,
Supervising Hydraulic Engineer, Division of Water Resources,
Department of Public Works, State of California.

OPINION

General Description of Project

Application 10840 was filed with the Division of Water Resources on
July 17, 1944. It proposes an appropriation of 0.20 cubic foot per second
to be diverted from either or both Antelope Creek or an unnamed spring tributary
thereto in Placer County. The point of diversion on Antelope Creek is located
within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, and the spring is located within the NW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 19, T 11 N, R 7 E, M. D. B. & M.

It is proposed to divert the water for domestic purposes throughout the entire year and for irrigation purposes from April 1 to November 1 of each season. It is proposed to irrigate 30 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T 11 N, R 7 E, and to use the water for domestic purposes at a residence located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T 11 N, R 7 E, M. D. B. & M. Applicant claims ownership of lands upon which both points of diversion and places of use are located.

Protest

Protestant George Mavrias has Applications 2500 and 8037 before this office, the rights under which have been confirmed by licenses. He also claims a right to the use of the waters of Antelope Creek based upon the ownership of lands riparian thereto. The right under Application 2500 has been confirmed to an amount of water not to exceed 0.25 cubic foot per second to be diverted from Antelope Creek at a point within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, T 11 N, R 6 E, M. D. B. & M., from about May 1 to about November 1 of each season for the irrigation of 55 acres within the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 25, T 11 N, R 6 E, M. D. B. & M. The right under Application 8037 has been confirmed to an amount not to exceed 0.44 cubic foot per second to be diverted from about February 1 to about December 1 of each season at the same point of diversion and for the irrigation of the same lands as described in Application 2500.

Mr. Mavrias claims that for the past twenty years the water has been used for irrigation and domestic purposes on the 55 acres described above and that this use has required the entire flow of Antelope Creek during the summer season.

Field Investigation

On September 5, 1945, a field investigation was made by an engineer of this office at the site of the proposed appropriation. At this investigation the applicant was present and Protestant Mavrias was represented by William Schulz.

Stipulated Hearing

Stipulations under Regulation 12(b) of the Rules and Regulations of the Division of Water Resources with respect to protests and hearings were filed by Applicant R. H. Johnson and by Protestant George Mavrias and were approved by this office. The records upon which the matter is determined comprise the entire file in connection with Application 10840.

General Discussion

The record indicates that the flow in Antelope Creek during the summer season is irrigation runoff originating mainly in foreign water purchased from the Pacific Gas & Electric Company. There are a number of diversions from the creek both above and below the applicant's proposed point of diversion, and the flow in the stream varies considerably between these points. In the latter part of August, 1923, an engineer of the Division made a series of measurements along the stream, finding .8 cubic foot per second flowing in the vicinity of the proposed point of diversion of the applicant. Since then, however, a substantial use by Wilma and Earl Woods has been made under their Applications 5806 and 9500 about $3\frac{1}{2}$ miles upstream, and at the time of the field investigation made on September 5, 1945, only about .1 cubic foot per second was passing the property of the applicant. The point of diversion of Protestant Mavrias lies about $1\frac{1}{2}$ miles downstream from the proposed point of diversion of the applicant, and it appears that any diversion by the applicant from Antelope Creek during the

irrigation season would deprive him of water to which he is entitled under his prior Applications 2500 and 8037. Measurements made in 1923 indicate that only 0.23 cubic foot per second was available for appropriation by him in August, and according to his predecessor in interest Monnina, there is no excess water after April 20, and during the month of August there is only sufficient water to irrigate approximately 4 acres. A measurement taken of the stream flow on July 30, 1937, at a point about one mile above the proposed point of diversion of the applicant indicated the flow to be 0.078 cubic foot per second, and the indications are that the situation has not improved with time.

Mr. Johnson, who has owned the property for a short time only, stated that in filing the application he had been misled by the abnormally large flow of 1943 or 1944 and that subsequent observations had convinced him that the small amount of water which may be available on occasion for appropriation would probably not justify the cost of installing a pump and pipe system, and apparently he was willing to eliminate Antelope Creek as a source of appropriation.

The spring named as one of the sources of proposed appropriation lies on the applicant's property in a small swale tributary to Antelope Creek. It has been developed by a shallow rock-lined well. The flow from the spring during the summer season is very small and apparently any underground flow which may reach the creek would not appreciably augment the flow in the stream, and there is apparently no reason why Application 10840 may not be approved for an amount not to exceed 0.20 cubic foot per second to be diverted from the unnamed spring. The amount of water which can be developed at the spring is problematical, and it is possible that the entire 0.20 cubic foot per second may not be available; but inasmuch as the data before this office is not

sufficient to determine with any degree of certainty what the flow may be, there is no reason for reducing the quantity at this time.

Conclusion

The record indicates that there is an insufficient amount of water available in Antelope Creek during the irrigation season to justify the approval of Application 10840 in so far as this source is concerned.

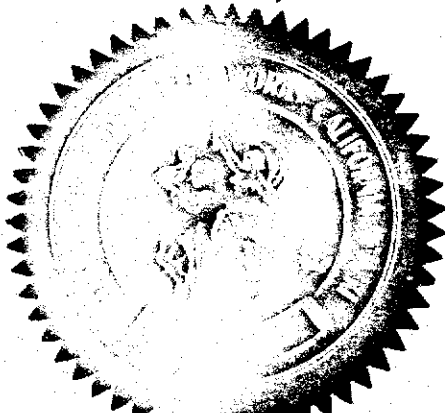
The record indicates, however, that diversion of water may be made from the unnamed spring as proposed without interfering with prior rights below, and therefore Application 10840 may be approved for the appropriation of 0.20 cubic foot per second to be diverted from the unnamed spring.

O R D E R

Application 10840 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation by the Division having been made, a stipulated hearing having been held in accordance with Regulation 12-B 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 10840 be denied in so far as the proposed appropriation from Antelope Creek is concerned, and that the proposed appropriation from the unnamed spring be allowed and permit issued in approval thereof, 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 25th day of March ,1946.




EDWARD HYATT, STATE ENGINEER

WES:RV