

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

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In the Matter of Application 11133 of Platina Lumber
Company to appropriate from Middle Fork
of Cottonwood Creek Tributary to
Sacramento River in Shasta County
for Domestic, Industrial and
Fire Protection Purposes

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Decision A. 11133 - D. 548

Decided March 17, 1947

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APPEARANCES AT FIELD INVESTIGATION ON SEPTEMBER 14, 1946 UNDER THE PROVISIONS
OF ARTICLE 13, SECTION 733B OF THE CALIFORNIA ADMINISTRATIVE CODE.

For Applicant

Platina Lumber Company

John R. Dillabo, Jr.

For Protestants

William H. and Helen E. Burch

In propria persona

Investigator

S. C. Whipple, Associate Hydraulic Engineer, for Edward Hyatt,
State Engineer, Division of Water Resources, Department of
Public Works, State of California.

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OPINION

General Description of Project

Applicant proposes diversion of 3000 gallons per day from January 1 to December 31 for domestic, industrial and fire protection purposes by means of a pump of 150 gallons per minute capacity.

Protest

Protestants claim use has been continuously made for domestic, stockwatering, fire protection and irrigation purposes for over 50 years under a riparian claim and a right to 300 miner's inches by a deed dated February 1, 1904.

A maximum of 15 acres is claimed to have been irrigated.

Discussion

Application 11133 having been filed, a protest 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.

The report of the investigating engineer indicates that during the winter and spring months there is normally sufficient flow in Middle Fork of Cottonwood Creek for applicant to divert the 3000 gallons per day sought without interference with any rights of protestants and while it appeared that during the midsummer months there may not be sufficient water in the stream to meet protestants' domestic, stockwatering, garden irrigation and fire protection uses if diversion, as proposed, by applicant is made, it was pointed out to protestants that any approval of the application would be made expressly subject to vested rights and that such rights could not legally be diminished by any diversion by applicant. On the understanding that approval, under such a condition, would sufficiently protect their interests the protestants informed

the investigating engineer that they had no further objections to approval of the application.

The uses to which applicant proposes to put the waters sought are beneficial ones and there appearing to be no bar to approval of Application 11133, it is the opinion of this office that said application should be approved, subject to the usual terms and conditions.

Records Relied Upon

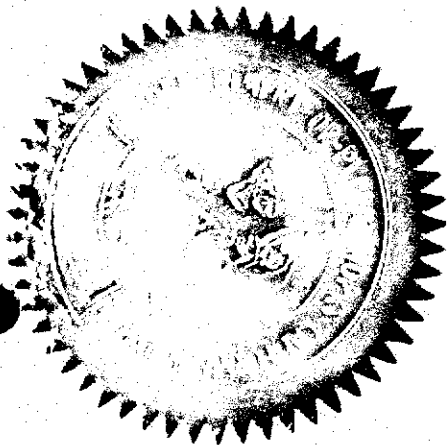
Application 11133 and all data and information filed in connection therewith.

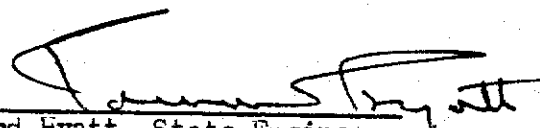
ORDER

Application 11133 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 having been made, a stipulated hearing having been held in accordance with Article 13, Section 733b of the Administrative Code and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 11133 be approved for the amount and season of use sought and that a permit be granted 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 of the State of California, this 17th day of March 1947.




Edward Hyatt, State Engineer.