

BEFORE THE DIVISION OF WATER RESOURCES

DEPARTMENT OF PUBLIC WORKS

STATE OF CALIFORNIA

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In the Matter of Application 12034 of John H. and Rose N. Caniff to appropriate water from an unnamed stream tributary to Salmon Creek in Sonoma County for irrigation and domestic purposes.

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Decision A. 12034 584

Decided July 21, 1948

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APPEARANCES AT INVESTIGATION CONDUCTED AT THE SITE OF THE PROPOSED APPROPRIATION ON MAY 13, 1948:

For the Applicants

John H. and Rose N. Caniff - John H. Caniff

For the Protestants

Mae S. Guthrie - Victor L. Guthrie

Julius Mantua - Julius and Mrs. Mantua
L. G. Hitchcock, Atty.
for Julius Mantua

William E. Maddox - William E. Maddox
Horace L. Cook, Atty.
for Wm. E. Maddox

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For the State Engineer

A. S. Wheeler, Assistant Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

Also in attendance was Mr. Bedreau, one of the water users on the stream, and Stanley Skeeher, Assistant Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

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OPINION

GENERAL DESCRIPTION OF PROJECT

Application 12034 was filed by John H. and Rose N. Caniff on August 11, 1947, for a permit to appropriate 5 gallons per minute from an unnamed stream tributary to Salmon Creek in Sonoma County to be diverted at a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T 6 N, R 9 W, M.D.B. & M., for irrigation and domestic uses.

PROTESTS

William E. Maddox claims a right to the use of water based upon riparian rights and prior use begun about the year 1885. Protestant states that if applicant diverts water in the amount proposed during periods of scarcity it will decrease the supply naturally available to him.

Julius Mantua claims a right based upon use begun prior to December 19, 1914. Protestant states that the water which applicant proposes to divert has been used for domestic and stockwatering purposes for over 50 years and is necessary for these purposes.

Mae S. Guthrie claims a right to the use of water based upon prior appropriation and apparently upon riparian claim. Protestant claims to divert water for poultry and irrigation of garden and states that the amount of water which the applicant proposes to divert is greater at times than the flow of the stream.

Field Investigation

Stipulations to an informal hearing under the provisions of Article 13, Section 733(b) of the California Administrative Code having been entered into by the applicant and the protestants and the stipulations having been approved by the State Engineer, an investigation was conducted at the site of the proposed appropriation by an engineer of the Division on May 13, 1948. Accompanying the engineer was Stanley Skeehan also of the Division, one of the applicants John H. Caniff, Victor L. Guthrie for protestant Mae S. Guthrie, protestant Julius Mantua accompanied by Mrs. Mantua and his attorney L. G. Hitchcock, and protestant William E. Maddox accompanied by his attorney, Horace L. Cook. Also present was Mr. Bedreau, an interested water user on the stream.

General Discussion

At the commencement of the field investigation a conference was held during which time it was found that the Mantua property was in another watershed and unaffected by the proposed appropriation. Accordingly, Mr. Mantua then signed a written withdrawal of his protest.

Insofar as the other protestants were concerned, it was found that they were riparian and were willing to enter into a written agreement to rotate their use during the low flow period.

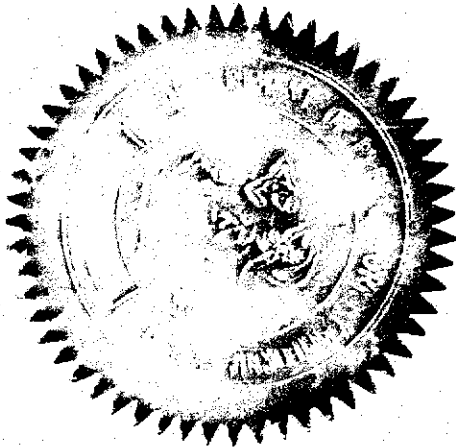
Attention was directed to all interested parties that any permit issued to the applicants would be issued subject to vested rights and in view of this, and their decision to rotate use, the protestants stated that they had no further objections to approval of the application and, therefore, all signed written withdrawals of their protests.

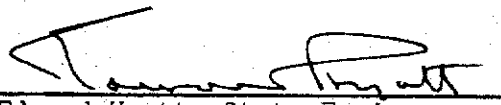
ORDER

Application 12034 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a stipulated hearing having been held in accordance with the provisions of Section 733(b) of the California Administrative Code, and the protests having been withdrawn:

IT IS HEREBY ORDERED that Application 12034 be approved and that a permit be issued to the applicant, subject to such of the usual terms as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 21st day of July, 1948.




Edward Hyatt, State Engineer