

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12465 by Elbert A. Reynolds to Appropriate Water from Two Unnamed Springs in Humboldt County for Irrigation, Domestic and Stockwatering Purposes.

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Decision A. 12465 D. 661

Decided April 18, 1950

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON SEPTEMBER 24, 1949:

Elbert A. Reynolds	Applicant
Walter W. Eich	Protestant
A. S. Wheeler	Senior Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer.

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OPINION

General Description of the Project

Application 12465 contemplates an appropriation of 0.17 cubic foot per second from one certain spring and 0.33 cubic foot per second from another, both springs being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T 4 N, R 1 W, H.B.&M. The water is to be diverted year round and utilized for irrigation, domestic and stockwatering purposes. The water is to be piped by gravity from the springs to a 2500 gallon regulating

tank and from there on pumped through a 4 inch pipe line 2350 feet long to the place of use, a 40 acre tract lying within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20 of the same township.

Protest

The application is protested by Walter W. Eich who asserts that the proposed appropriation will deprive him of water required for the operation of his farm. He contends that the springs do not yield enough to satisfy the appropriation in addition to meeting his own needs. He bases his claim of a right to use water from the springs in question upon riparian ownership and actual use of the water which the springs supply. He claims to have bulldozed a road to the watercourse carrying the water from the two springs and to have installed a pump, motor, power line and a 2000 foot pipe line to more readily avail himself of the supply which the springs offer. He describes his diversion point as lying within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T 4 N, R 1 W, H.B.&M. and states that his protest may be disregarded and dismissed if the applicant agrees to take not more than one half of the water being produced by the springs at the time of taking. The protestant further states that he owns 135 acres contiguous to the applicant's property, that he maintains 30 head of dairy cattle, a 1600 hen poultry ranch and facilities for propagating fur bearing animals. He states that for over 18 years he has depended upon one half of the yield of the springs filed upon. He alleges that according to careful measurements the maximum flow of the springs averages 2000 gallons per hour during the wet season and 1600 gallons per hour during the dry season. He asserts that in no event could they produce 0.5 cubic foot per second.

The protest was not answered by the applicant.

Field Investigation

The applicant and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code a field investigation was conducted at the site of the proposed appropriation on May 31, 1949 and on September 24, 1949 by an engineer of the Division. The applicant and the protestant were present during that investigation.

Records Relied Upon

Application 12465 and all data and information on file therewith.

Discussion

The investigation of May 31, 1949 developed that the protestant is riparian to a small draw into which the springs in question drain, that the protestant has used such water for 23 years and is currently using at a rate estimated by the investigating engineer to be approximately 5000 gallons per day (about 210 gallons per hour) for domestic purposes, stock watering and garden irrigation. During that investigation the protestant stated that the spring produces from 1600 to 2000 gallons per hour depending upon the time of year, these figures having been obtained by volumetric measurement. The applicant claimed on the other hand that the protestant's estimate of flow during periods of low flow is too low. The applicant also contended that the protestant does not need the spring water inasmuch as an ample supply is available to him from other sources on his property. The parties agreed that low flow conditions obtain from about August 15 to about September 15. On request of the parties the remainder of the investigation was postponed in order to observe supply and utilization under low flow conditions.

On resumption of the investigation on September 24, 1949, the total yield of the two springs was estimated to be 13,500 gallons per day (563 gallons per hour). This was said to be somewhat below normal for that time of year because of subnormal rainfall. The investigation further developed that the protestant obtains water for his house, for his poultry and for some of his livestock from a well, and that he draws upon the springs for a supply for the remainder of his livestock and for irrigation, using for that purpose a motor driven piston pump of a rated capacity of 1800 gallons per hour. Information was adduced to the effect that the protestant during the war drew upon the springs for a supply to irrigate 5 acres of pasture and to water 24 head of livestock. One William T. Ackerman, a former owner of the applicant's property was interviewed after the investigation and stated that normally there was sufficient water for both applicant and protestant.

It is apparent that the information above summarized is somewhat conflicting, especially the protestant's statement to the effect that the springs yield from 1600 to 2000 gallons per hour, depending upon the time of year and the investigating engineer's determination of 563 gallons per hour only, on September 24, 1949; and former owner Ackerman's opinion that ordinarily there is sufficient water for both parties. If the usual duty of 1 cubic foot per second to 80 acres is applicable the protestant's current use from the springs for the half acre which he irrigates is about $0.5/80 \times 450 \times 60$ or approximately 170 gallons per hour. Thus on September 24, 1940 there appears to have been a surplus of some 683 - 170 or 513 gallons per hour, disregarding the relatively small use for stock watering. If the protestant's estimate of the yield of from 1600 to 2000 gallons per hour be accepted,

the surpluses are of course greater. However the application is for 0.5 cubic foot per second or approximately 13,500 gallons per hour. It is apparent in the light of the information gathered that such surpluses as may exist are but a small fraction of that amount.

Although surpluses are not seen to exist in the amount sought under the application it is apparent that there are surpluses in lesser amounts. The application contemplates use for domestic and stockwatering purposes as well as for irrigation. If irrigation under the application be restricted to a degree commensurate with the amount of water actually available a permit to divert that amount may be of great benefit to the applicant. The issuance of a permit based upon the protestant's estimate of yield from the springs diminished by the protestant's estimated requirements would appear well justified. It would seem that 1800 gallons per hour (the mean of the estimated 2000 gallon per hour yield in a wet year and the estimated 1600 gallon per hour yield in a dry year) may be taken as the former figure and 200 gallons per hour (170 gallons per hour for garden irrigation and 30 gallons per hour for stockwatering and miscellaneous purposes) as the latter figure.

In view of the circumstances in the matter at issue it is apparent that water can be appropriated as contemplated in the application but to the extent of about 1600 gallons per hour (0.06 cubic foot per second) only. The application should be approved to that extent and permit issued, subject to the usual terms and conditions and subject also to a special clause limiting diversions under the application to 0.06 cubic foot per second. The permit should provide that this amount may be diverted from either or both of the springs designated in the application.

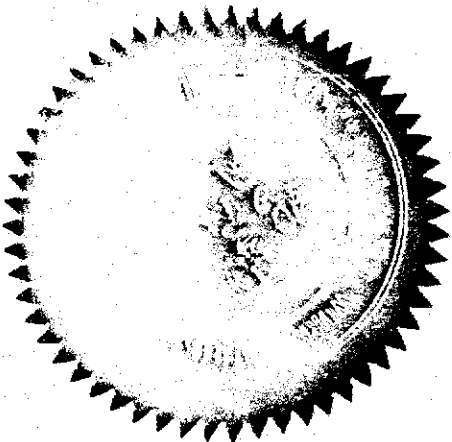
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ORDER

Application 12465 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12465 be approved and a permit be issued to the applicant for an amount of water not to exceed 0.06 cubic foot per second to be diverted from either or both points of diversion described in the application and 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 18th day of April, 1950.



A. D. Edmonston

A. D. Edmonston
State Engineer