

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 16195 by Sumio Doi to Appropriate  
Water from an Unnamed Drain, Tributary to Doty Ravine, in  
Placer County, for Irrigation Purposes.

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Decision A 16195 D           D 853          

Decided           April 26, 1956          

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In Attendance at Investigation Conducted by the Division of  
Water Resources on October 26, 1955:

Sumio Doi	Applicant
R. L. Hopkins, Office Engineer and	) Representing the Protestant
W. H. Shinn Placer Division Representative, Nevada Irrigation District	
Mrs. Julia Nunes	Downstream water user
Royal Wellington	Mrs. Nunes' son-in-law
Louis L. Lagomarsino	Representing Pacific Fruit Exchange
K. L. Woodward, Senior Hydraulic Engineer, Division of Water Resources, Department of Public Works	Representing the State Engineer

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## DECISION

### Substance of the Application

The applicant seeks to appropriate 0.22 cubic foot per second, from May 1 to October 31 of each year from an unnamed drain, tributary to Doty Ravine, in Placer County. Diversion is to be effected by pumping from a sump on the course of the drain near the center of Section 34, T13N R7E, MDB&M. The water is wanted for the irrigation of a nearby orchard, 30 acres in extent. The applicant asserts ownership both of the land at the proposed point of diversion and of the land whereon the water is to be used. He also states that the land to be irrigated has another source of water supply and describes that supply as "15 inches from N.I.D.

### Protest

The Nevada Irrigation District protests the application, stating as the basis of its protest:

"This appropriation would cause a reduction in the supply available to the Doty South Ditch; appropriation would require Doty South Ditch be supplemented by water from Auburn Ravine which is purchased (from) the Pacific Gas and Electric (Company) during the irrigation period.

As to its claimed right to use of water from the source filed upon the protestant states:

"Prior use is considered return irrigation water and is used by protestant during irrigation season."

The protestant describes its point of diversion as being located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, T13N R6E, MDB&M, and states further:

"All water in this drain ... has been used for irrigation purposes since 1933, by the protestant during its irrigation season (April 15 - October 15)."

#### Answer

No answer to the protest is of record other than the following statement contained in a letter from the applicant dated May 24, 1955.

"The protest of Nevada Irrigation District form after talking it over with the man in charge there at Nevada Irrigation District office he had no protest denying my application to this drainage water."

#### Field Investigation

The applicant and the protestant with the approval of the Division having stipulated to the submittal of the application and protest upon the official records, a field investigation was conducted on October 26, 1955, by an engineer of the Division. The applicant and representatives of the protestant were present during the investigation.

#### Records Relied Upon

Application 16195 and all information on file therewith; Auburn and Lincoln Quadrangles, United States Geological Survey.

Information Obtained by Field Investigation

Extracts from "Report of Division of Water Resources on Application 16195", dated December 21, 1955 and filed with the application, are as follows:

"The source is a shallow ravine which heads at an elevation of about 700 feet above sea level in the foothill area some five miles northwest of ... Newcastle near the SW corner of Section 27, T15N R7E, MDB&M. The water course extends in a south-westerly direction about 1.5 miles to a junction with Doty Ravine near the center of Section 4, T12N R7E, MDB&M. It is estimated that the drainage area above the proposed point of diversion is less than one-quarter square mile."

"The area ... is within the boundaries of Nevada Irrigation District and substantially all of the surface water used in the area is supplied by that agency through the 'Gold Hill' system which was purchased from Pacific Gas and Electric Company (in) ... 1933. . . . It is assumed that the right (attaching to the 'Gold Hill' system) antedates the Water Commission Act ...."

"The Gold Hill Canal heads on Bear River in Section 2, T13N R8E, MDB&M, follows on contour through the NW $\frac{1}{4}$  of T13N R8E, MDB&M, and crosses Deadman Canyon near the SE $\frac{1}{4}$  of Section 25, T13N R7E, MDB&M. The canal continues as the Valley View Canal in a slightly north of west direction to a terminus at the Valley View Reservoir in Section 24, T13N R6E, MDB&M. The Livingston Canal of Nevada Irrigation District is a lateral of the Valley View Canal heading near the S $\frac{1}{4}$  corner of Section 22, T13N R7E, MDB&M, and extending in a southwest direction a total distance of about one mile."

"The '15 inches' which the applicant refers to as an additional water supply ... is obtained from the District through the Livingston Canal. Other users from this Canal within the watershed are Annie E. Holmes (about 3 miners inches) and Pacific Fruit Exchange (about 55 miners inches).

All use is for irrigation. It is understood that all three users obtain water through the same outlet and it appeared from a discussion with the applicant that considerable friction exists regarding a proper division of the water."

"After the District-served water is used by the applicant, Holmes and Pacific Fruit Exchange, the excess or runoff from the irrigated lands enters the unnamed drain and when unimpeded would reach Doty Ravine. The applicant seeks permission through Application 16195 to recapture this runoff. All of the parties present at the investigation agreed that there is normally no natural flow in the source during the irrigation season and that all of the water under consideration enters the watershed through the Livingston Canal. Flow in the source on October 26, 1955 at the proposed point of diversion was an estimated 30 gallons per minute and is said to vary considerably ...."

"An earth dam about 3 feet high by about 30 feet long has recently been constructed across the unnamed drain at the proposed point of diversion and water is diverted by the applicant when available by means of a 2" inch centrifugal pump for use on an adjacent orchard ...."

"Mrs. Julia Nunes owns property immediately downstream from the applicant and diverts ... about 50 feet below the applicant by means of a 4-inch iron pipeline. The pipe is laid directly in the stream channel.... Mrs. Nunes claims to have diverted from the stream since about 1925 for use upon some 5 acres of orchard and that in view of the length of time such use has been made without interference claims that her right should be recognized.... Mr. Hopkins' attitude regarding the Nunes' diversion was that inasmuch as ... District took over the 'Gold Hill' system after such use began, the District probably would not feel inclined to actively oppose it."

"There are no known diversions from the source between Mrs. Nunes and Doty Ravine."

"Nevada Irrigation District serves a considerable area within the boundaries of the

District northeast of ... Lincoln through the Doty South Ditch which heads on Doty Ravine in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, T13N R6E, MDB&M. The diversion is effected by means of a flashboard dam with concrete abutments. . . . According to Mr. Shinn ... the entire flow of Doty Ravine at this point is diverted into the Doty South Canal as early as May 1 and ... the Ravine supply must be supplemented beginning about July 1 from Auburn Ravine via Auburn Canal to meet the District's demands. A reconnaissance of the service area failed to reveal any point where the diverted water can be intentionally spilled back into Doty Ravine and in view of the fact that the supply is supplemented from a source outside the watershed (Auburn Ravine) it is reasonable to assume that all of the water diverted into the Doty South Canal, excluding operational losses, is beneficially used."

#### Discussion

From the statements contained in the report of field investigation to the effect that substantially all of the water used within the watershed tributary to applicant's proposed source is supplied by protestant, that protestant's rights to supply that water appear valid, that return flow from the lands so supplied finds its way into Doty Ravine via applicant's proposed source, that normally there is no natural flow in applicant's proposed source during irrigation seasons, that the entire flow of Doty Ravine is diverted into Doty South Ditch (below mouth of applicant's proposed source) as early as May 1, that all water diverted into Doty South Ditch may be assumed to be used beneficially, the flow of Doty South Ditch requiring supplementation from a source foreign to Doty Ravine,

it follows that unappropriated water, at the applicant's proposed point of diversion, at the time of year when the applicant has occasion to divert, is ordinarily non-existent.

Conclusion

The available information indicates that unappropriated water seldom if ever exists during irrigation seasons in the source from which the applicant seeks to appropriate and that diversions from that source in the manner proposed in the application would infringe upon apparently valid rights of protestant to divert at points downstream.

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ORDER


Application 16195 having been filed with the Division of Water Resources as above stated, a protest having been filed, stipulations having been submitted, a field investigation having been conducted and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 16195 be rejected and canceled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Works of the State of California this 26th day of April, 1956.

HARVEY O. BANKS, STATE ENGINEER

By

  
L. C. Jopson  
Assistant State Engineer

