

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 15879 by C. H. Robinson to  
Appropriate Water from Long Hollow, Tributary via Wolf  
Creek to Bear River, in Nevada County, for Irrigation  
Purposes.

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Decision A 15879 D 859

Decided July 3, 1956

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In Attendance at Investigation Conducted by the Division  
of Water Resources on January 13, 1955:

C. H. Robinson	Applicant
L. R. Hopkins Office Engineer Nevada Irrigation District	Representing the Protestant
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 0.05 cubic foot  
per second, from April 1 to October 1 of each year from Long  
Hollow, tributary via Wolf Creek to Bear River, in Nevada

County, for irrigation purposes. Diversion is to be effected by pumping from the unobstructed channel of Long Hollow at a point due west from the center of Section 17, T14N R8E, MDB&M. The water is to be used for the irrigation of a 5-acre pasture just below the proposed point of diversion and west of Long Hollow. The applicant claims to own both the proposed diversion site and the land to be irrigated.

#### Protest

Nevada Irrigation District protests in effect that it diverts at various points on Wolf Creek, that the water which the applicant seeks to appropriate is irrigation return flow which it (the District) owns, and that the diversion of that water in the manner proposed will result in a reduction both of the water supply to which it is entitled and of revenue that it would otherwise realize from water sales. It mentions no terms under which its protest may be dismissed.

#### Answer

In answering the protest the applicant states:

"The protest ... would not appear to be in order, inasmuch as before my application was filed I made a careful check of the records and was advised by ... District that they do not claim ownership of the waters in Long Hollow."

Field Investigation

The applicant and the protestant with the approval of the Division having stipulated to the <sup>page 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100</sup> submittal of the application and protest upon the official records, a field investigation was conducted on January 13, 1955 by an engineer of the Division. The applicant was present and the protestant was represented at that investigation. The investigation of January 13, 1955 was supplemented by further investigations by engineers of the Division on May 18, July 12 and August 9, 1955.

Records Relied Upon

Applications 959, 2881, 3843, 10190 and 15879 and all information on file therewith; Grass Valley, Wheatland and Markham Ravine quadrangles, Water Supply Papers and unpublished streamflow records, United States Geological Survey.

*Relevant*

^ Information Secured by Field Investigations

Extracts from "Report of Division of Water Resources on Application 15879", dated November 4, 1955 and filed with that application, are as follows:

" ... a field investigation was made by the writer on January 13, 1955, accompanied by the applicant and L. R. Hopkins, Office Engineer, Nevada Irrigation District. Subsequent unaccompanied investigations were made ...."

"The information contained in this report has been obtained from the files of the Division and other public records and from observations made on the ground during ... the above mentioned investigations."

"There are no active applications before this office to appropriate from Long Hollow below the applicant. There are several applications to appropriate from Bear River below the mouth of Wolf Creek. The principal diversion is by Camp Far West Irrigation District at Camp Far West Dam within Section 21, T14N R6E, MDB&M."

"Long Hollow heads at (about) elevation ... 1600 ... near the west central portion of T14N R8E, MDB&M and flows ... southeasterly ... about two miles to a junction with Wolf Creek .... Wolf Creek is a tributary of Bear River .... Above the proposed point of diversion the water course drains about 1.5 square miles of low, rolling, sparsely-wooded hills."

" ... precipitation ... occurs almost entirely during the late fall, winter and early spring months and is of little value in maintaining streamflow during the irrigation season."

"Water is carried into Long Hollow by Nevada Irrigation District via its Viet Cameron Canal which is an extension of the District's Tarr Canal .... During the 1955 irrigation season about 30 miner's inches were being served to two users in Long Hollow watershed .... Adjoining the applicant on the downstream side is a reservoir of about one acre-foot capacity with a pump installed .... A small ditch which served two other District users below the applicant heads on another branch ... and is not affected by the proposed appropriation. Adjacent to Long Hollow near its junction with Wolf Creek about one-quarter acre of pasture showed evidence of having been irrigated during ... 1955 ...."

"A reconnaissance ... on May 18, 1955 revealed no surface water coming from the Viet Cameron Canal. The first evidence of flow was noted at least 1000 feet below the Canal and the flow increased progressively downstream. The adjacent area however had been irrigated from the Canal within two or three

days prior to the inspection. The channel of Long Hollow was grown profusely with water cress, swamp grass and tules. About 0.5 cubic foot per second was flowing at the applicant's proposed point of diversion."

"On July 12, 1955 Mr. Carl C. Wollam, a long-time resident of the area, was interviewed. Mr. Wollam stated that prior to the time Nevada Irrigation District began serving the area Long Hollow usually went dry early in the season and that in his opinion most of the late-season flow of Long Hollow is foreign water having been created through the operations of the District. (Flow at the applicant's point of diversion on that date was 0.64 cubic foot per second.)"

"During the August 9, 1955 visit none of the stream channels in the vicinity which are unaffected by the District's activities was noted as carrying any surface water whereas Long Hollow was flowing at the applicant's place 1.20 cubic feet per second."

"There was no use being made of the flow of Long Hollow between the applicant and its junction with Wolf Creek during any of the ... visits. Several homes located near the channel were being served from wells adjacent thereto ...."

"It is understood from Mr. Hopkins ... that the only customer of the District on Wolf Creek below the Long Hollow junction is the Jones ranch which is located ... approximately in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20 .... The Ranch diverts ... by means of a 4-inch centrifugal pump .... It is estimated that possibly 40 acres of pasture were served from Wolf Creek during 1955. On August 9, 1955 the flow of Wolf Creek immediately above this diversion was an estimated 6.0 cubic feet per second. During each of the ... visits ... the flow of Wolf Creek was considerably in excess of the capacity of the Jones Ranch pump."

"Between January 13, 1955 and May 18, 1955 the applicant installed a 1 $\frac{1}{2}$ -inch ... pump in Long Hollow and has diverted therefrom during the past irrigation season for use upon the 5 acres of pasture."

Information from Division Files

Filings on Bear River in the name of Camp Far West  
(4102.37 acres in extent)  
Irrigation District/are as follows:

Application 959 Permit 743 License 385, in the amount of 13.24 cubic feet per second, from April 1 to October 1 of each year, diverted at points within Section 29, T14N R6E, MDB&M, for agricultural use.

Application 2881 Permit 2089 License 2266, in the amount of 5,000 acre-feet per annum collected between about March 1 and about May 1 of each season behind a dam located within Section 21 of T 14N R6E, MDB&M, for irrigation use.

Application 3843 Permit 2090 License 2267, in the amount of 11.76 cubic feet per second, from about May 1 to about October 1 of each year, diverted at points within Section 29 of T14N R6E, MDB&M, for irrigation use.

Application 10190 Permit 5852 License 2740, in the amount of 5,000 acre-feet per annum, collected between about May 1 and about June 1 of each season behind the same dam as described in Application 2881 and used for irrigation. License 2740 provides that total diversions under Licenses 2266 and 2740 shall not exceed 5,000 acre-feet per annum. According to the report covering an inspection by an engineer of the Division on June 16, 1950, Camp Far West Irrigation District claimed to be irrigating some 2,125 acres, claimed further that its water supply by direct diversion from Bear River is usually ample until mid-June.

Monthly mean flows passing "Bear River near Auburn", a United States Geological Survey gaging station above the junction of Wolf Creek and Bear River, during periods of April to September inclusive of recent years, in cubic feet per second, are reported in Water Supply Papers to have been as follows:

Year	April	May	June	July	August	September
1945	713	227	118	17.5	32.1	6.33
46	545	342	135	1.63	3.76	4.71
47	406	73.4	2.14	3.59	2.68	3.87
48	1222	629	168	9.15	5.92	4.02
49	641	150	14.0	2.53	2.84	5.06
50	652	153	56.9	3.32	5.97	4.88
51	657	293	24.7	4.88	3.64	2.97
52	1146	491	106	38.6	2.63	3.93
53	651	360	152	26.5	3.34	2.30
1954	568	119	6.53	2.74	5.39	8.54

With reference to flows passing this station Water Supply Paper 1245 states:

"River receives inflow from Yuba River above station. Flow regulated by Combie Reservoir (capacity 9,000 acre-ft) and other reservoirs. Many diversions above station for power and irrigation."

River distances downstream from "Bear River near Auburn" scale roughly, in miles, as follows:

To mouth of Wolf Creek	2.4
To Camp Far West Irrigation District storage dam	15.0
To lowermost diversion under Applications 959 and 3843	16.3

By letter dated April 26, 1956 this office requested information from Camp Far West Irrigation District as to whether the flow of Bear River adequately meets that district's requirements and as to when if at all such flow becomes inadequate. The letter also requested an estimate as to the possible effect upon the district of the appropriation sought under Application 15879 and stated that in the absence of a reply within 15 days it would be assumed that Camp Far West Irrigation District does not object to said appropriation. No reply to the letter of April 26, 1956 has been received.

#### Discussion

The available information does not support the contention of the protestant Nevada Irrigation District that the applicant's proposed diversion would reduce either protestant's water supply or protestant's revenues. The protest therefore is not a bar to approval of the application.

The Grass Valley and Wheatland quadrangles, United States Geological Survey, indicate that Wolf Creek is the largest tributary that enters Bear River between the gaging station "Bear River near Auburn" and the lowermost diversion under the licenses held by Camp Far West Irrigation District. Long Hollow, according



the report covering the field investigations in the locality during 1955, carries more foreign water, introduced by Nevada Irrigation District, than necessary to serve that district's customers on that stream but, during most irrigating months, carries little if any natural flow. Wolf Creek, according to the same report, carries larger excesses over customer requirements, such as the 6 cubic feet per second at the Jones Ranch (lowest customer on Wolf Creek) observed on August 9, 1955. Other tributaries to Bear Creek in the reach under discussion are shown on the quadrangles as intermittent. It is common knowledge that natural flow in minor streams in the foothills east of Sacramento Valley is extremely scanty in summer and it may be inferred that flow reaching Camp Far West Irrigation District is little if any more than the flow passing "Bear River near Auburn" augmented by a flow of up to about 6 cubic feet per second from Wolf Creek and negligible flows from other tributaries. Such flow has aggregated less than the 25 cubic feet per second that the Camp Far West Irrigation District is entitled to divert under its licensed applications in 3 of the 10 months of June considered in the tabulation of monthly flows, supra, in 8 of the 10 months of July, in 9 of the 10 months of August and in all of the 10 months of September. It appears probable, therefore, that supply reaching Camp Far West Irrigation District after early July falls short of the entitlements of that district. However, in view of the 5,000 acre-feet per annum that Camp Far West

Irrigation District is also entitled to collect during March, April and/or May, said district is not entirely dependent upon direct diversion from Bear River when flow is scanty therein and therefore may elect not to exercise its appropriative rights in full. At any rate the failure of Camp Far West Irrigation District to protest Application 15879 and/or to reply to Division's inquiry of April 26, 1956 indicates that said district will not be injured materially by the applicant's proposed diversion and that the relatively small amount the applicant seeks to divert may therefore be considered to be subject to appropriation.

#### Conclusion

The available information indicates that unappropriated water ordinarily exists in the source from which the applicant seeks to appropriate and that such water may be taken and beneficially used in the manner proposed in the application, without injury to holders of prior rights. It is the opinion of this office therefore that Application 15879 should be approved and permit issued, subject to the usual terms and conditions.

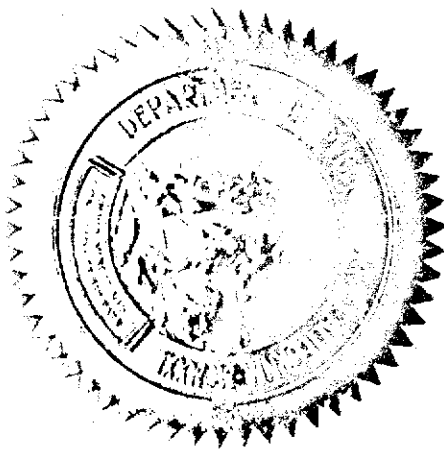
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ORDER

Application 15879 for a permit to appropriate water 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:

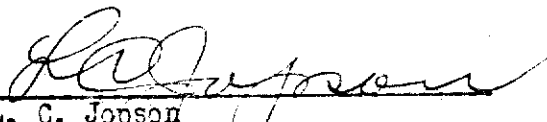
IT IS HEREBY ORDERED that Application 15879 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 3rd day of July, 1956.



HARVEY O. BANKS, STATE ENGINEER

By

  
L. C. Jopson  
Assistant State Engineer