

22776-4-12-16-2500

FILE IN DUPLICATE

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Application No. 301

APPLICATION FOR A PERMIT

To appropriate Unappropriated Waters of the State of California FOR AGRICULTURAL PURPOSES

THE WEST SIDE IRRIGATION DISTRICT, the office of which is in the City
(Name of Applicant)
of Tracy, (Post Office) County of San Joaquin,
State of California, does hereby make application for a permit to appropriate the following
described unappropriated waters of the State of California, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation. Applicant is an irrigation district, the organization of which was completed on October 25, 1915, under the laws of the State of California.

1. The source of the proposed appropriation is Old River,
(Name of stream, lake or other source)
located in San Joaquin County, tributary of San Joaquin River.

2. The amount of water which the applicant intends to apply to beneficial use is two hundred and twenty-five (225) cubic feet per second.
(One cubic foot per second equals 40 miner's inches)

3. The use to which the water is to be applied is Irrigation of Agricultural Lands.

4. The point of diversion is located on the South bank of Old River, bearing North 28 degrees 53 minutes 20 seconds East, 4466.6 feet from the South quarter corner of Section Three (3), Township Two (2) South, Range Four (4) East, Mount Diablo Base and Meridian,
(Give distance and bearing to section corner)

being within the Rancho El Pescadero (Patent from United States of America dated March 10, 1865, recorded in Book 1 of Patents, Volume 1, page 126 et seq., San Joaquin County Records), in the county of San Joaquin.

5. The main intake canal to be 1-1/8 miles in length, terminating in the Southwest quarter (S.W. 1/4) of Northeast quarter (N.E. 1/4) of Sec. 10
(Main ditch, canal or pipe line)
(Smallest legal subdivision)
Tp. 2 South, R. 4 East, M.D. B & M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is No Name.

DESCRIPTION OF WORKS

Diversion Works—

7. (a) Height of dam feet; length on top feet; length at bottom feet; material to be used and character of construction
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)
No Dam

(b) Description of headgate
(Time and size of openings)
No Headgate

Canal System—

8. Give dimensions at each point of canal where materially changed in size, stating miles from headgate:

(a) At headgate: Width on top (at water line) 92 ----- feet; width on bottom 80 ----- feet; depth of water 4 ----- feet; grade 0.2 ----- feet fall per one thousand feet.

(b) At 1-1/8 ----- miles from headgate. Width on top (at water line) 42 ----- feet; width on bottom 30 ----- feet; depth of water 4 ----- feet; grade 0.2 ----- feet fall per one thousand feet. (Attach sheet covering other changes.)

Storage Reservoir—

9. The amount of water to be stored is ----- acre feet.

10. The location of the proposed reservoir will be in -----
(Give 40-acre subdivisions)

No Reservoir

11. The dam will be located in -----
(40-acre subdivisions)

Sec. ----- Tp. ----- R. -----, M. It will be ----- feet in height; length on top ----- feet; length on bottom ----- feet; width on top ----- feet; slope of front or water face -----; slope on back -----; height of dam above water line when full ----- feet.
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)

12. Character of construction of dam and the materials of which it is to be built -----

13. Estimated cost of proposed works, \$ 285,000.00.

14. Construction work will begin on or before January 1, 1917.

15. Construction work will be completed on or before December 31, 1917.

16. The water will be completely applied to the proposed use on or before January 1, 1922.

17. The land to be irrigated has a total area of 11,377.54 acres, located in each forty-acre tract as follows: within the boundaries of applicants ^{District} and an area of about 6,214 acres now without said boundaries but in the future to be included therein, all the foregoing located in each 40 acre tract as shown throughout on the accompanying map.

18. Irrigation will begin about April ----- and end about October ----- of each year.
(Month) (Month)

19. It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes, and providing further that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

THE WEST SIDE IRRIGATION DISTRICT
(an irrigation district)

By Samuel A. Shearer
President of Its Board of Directors,
and by W. W. Foster
Secretary of Its Board of Directors.

Signed in the presence of us as witnesses:

- 1. Cornelius L. Lacey Bethany Cal
(Name) (Address)
- 2. George A. Fitz 605 Commercial and Savings Bank Building,
(Name) Stockton, California. (Address)

For the use of the Water Commission in sending notices as provided in Rule 8, Page 8 of Rules and Regulations, the applicant should answer the following questions:

1. What is the name of the post office most used by those living near the proposed point of diversion?-----

Bethany, San Joaquin County, California.

2. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?-----

Byron-Bethany Irrigation Company, a corporation, Byron, California.

Brentwood Irrigation Company, (Balfour-Guthrie), Brentwood, California.