

BEFORE THE DIVISION OF WATER RESOURCES
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the Matter of Application 10792 of A. L. Chaffin
to Appropriate Water from Wyman Ravine Tribu-
tary to Feather River via Honcut Creek in
Butte County for Stockwatering and
Irrigation Purposes.

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Decision A. 10792 D.- 528

Decided February 15, 1946

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APPEARANCES AT FIELD INVESTIGATIONS CONDUCTED ON OCTOBER 5, 1944 AND
NOVEMBER 2, 1945 UNDER THE PROVISIONS OF REGULATION 12B OF THE RULES
AND REGULATIONS OF THE DIVISION OF WATER RESOURCES.

For Applicant

A. L. Chaffin

In propria persona

For Protestants

M. T. Thome, et al

Charles M. and Jessie Richardson

N. S. Stephens

(Successor in interest to Charles M. and Jessie Richardson)

Chas. A. Wetmore

Charles M. Richardson

In propria persona

Investigator:

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

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O P I N I O N

General Description of Project

Applicant proposes construction of a timber dam on Wyman Ravine 2 feet high and 20 feet long within the $\frac{SW}{4}$ of $NE\frac{1}{4}$ of Section 7, T 18 N, R 4 E, M.D.B. & M. at which point a pump of 1.0 cubic foot per second capacity is to be installed which is to be used for direct diversion of 1.0 cubic foot per second from January 1 to December 31 and for diversion to storage from about November 1 to May 1 of a total of 40 acre feet to be stored in two small reservoirs. The maximum rate of diversion to storage to be 1.0 cubic foot per second.

The water so obtained is proposed to be used for stockwatering purposes throughout each year and for irrigation purposes on 17 acres from about April 20 to about November 20.

Protests

M. T. Thome, et al. claim rights by virtue of use commencing prior to December 19, 1914 and a notice of appropriation filed by Charles A. Wetmore, Jr. in May 1913.

Protestants divert by means of pumps on Honcut Creek, to which Wyman Ravine is tributary, for the purpose of irrigating approximately 200 acres.

Charles M. and Jessie Richardson, to whom N. S. Stephens is successor in interest, claim riparian rights on Wyman Ravine and use thereunder for over 50 years. Protestants are also owners of License 589 issued on Application 3479 on file with the Division of Water Resources.

Protestants divert by means of a pump for the purpose of irrigating about 20 acres.

Discussion

Application 10792 having been filed and protests against approval thereof having been received, was regularly set for a field investigation

of which applicant and protestants were duly notified and did agree, by signed stipulations, to abide by the report and subsequent findings of such investigation.

The report of the investigation indicates that during the winter and early spring months and during periods of heavy precipitation there is normally sufficient flow in Wyman Ravine to permit the applicant to divert to storage the 40 acre-feet per annum sought without interference with any rights of protestants providing such storage is accomplished between November 1 and April 1.

The report also indicates that between about April 1 and about June 15 there is natural flow in the ravine the use of which by applicant might conflict with the rights claimed by protestants and that between about June 15 and about November 1 there is little or no natural flow and it is admitted by protestants that they depend upon water from other sources to meet their requirements during that period.

In view of the foregoing it would appear that applicant could not divert natural flow between April 1 and November 1 without conflicting with the rights claimed by the protestants. However, it should be noted that at the time of the first investigation the flow at applicant's diversion point was about 0.25 cubic foot per second, with no diversion being made, and there was no flow reaching the protestants and it appeared that even if the flow had been to the extent of the 1.0 cubic foot per second sought by applicant that there would be no flow, or insufficient flow to be of any value, reaching the upper protestant 4 miles below applicant and no flow reaching the lower protestants about 10 miles below applicant and accordingly it would now appear that, under such circumstances, applicant could divert natural flow without conflicting with the rights claimed by protestants.

The report of the investigation further indicates that the use of foreign waters in irrigation operations within the watershed of Wyman Ravine above applicant causes varying amounts of waste water flow in the ravine and such flow is expected to increase with expanding irrigation operations and it is to this flow that applicant seeks to establish a right by direct diversion between April 20 and November 20 under Application 10792. In this connection it would appear that protestants have neither established nor initiated any appropriative rights to the use of such waters and certainly no claim to such waters can be made under a riparian right.

It would accordingly appear that applicant could divert such waters, to the extent of the amount sought by him, without interference with any rights of protestants.

The uses to which the applicant proposes to put the waters sought are beneficial ones and there appearing to be no bar to approval of Application 10792 it is the opinion of this office that said application should be approved subject to the usual terms and conditions and that protestants be fully informed as to their position in connection with waste water flow.

RECORDS RELIED UPON

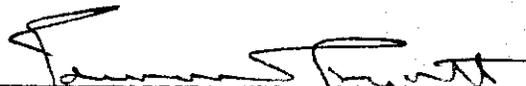
Application 10792 and all data and information filed in connection therewith.

ORDER

Application 10792 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, field investigations having been made, a stipulated hearing having been held in accordance with Regulation 12B of the Division of Water Resources and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 10792 be approved for amounts of water and season of use applied for, except that the season of diversion to storage be limited to from about November 1 to about April 1, and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate and the condition that insofar as waste water is concerned no continuance of flow is assured and the only purpose served is to establish priority as against subsequent appropriators.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 15th day of February 1946.


Edward Hyatt, State Engineer

ASW:MFF

