

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 12900 of E. N. Palen to Appropriate Water from Antelope Creek, Tributary to Middle Fork of Feather River in Sierra County for Irrigation Purposes.

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Decision A. 12900

D-626

Decided

October 13, 1949.

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES
AT THE SITE OF THE PROPOSED APPROPRIATION ON AUGUST 15, 1949:

E. N Palen	Applicant
H. C. Enderlin	Engineer for Soil Conservation Service
Rollo Lassen	Resident Engineer for Soil Conservation Service
George Filippini	Representing Protestant Erminia Filippini
Attilio Genasci	Protestant
Angie Genasci	Protestant
R. J. Nesbit	Assistant Hydraulic Engineer) Senior Hydraulic Engineer) Division of Water Resources) Department of Public Works) Representing the State Engineer
L. C. Jopson	

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O P I N I O N

General Description of Project

Application 12900 was filed by E. N. Palen on January 17, 1949. The application is for storage of 146 acre-feet per annum to be collected between November 1 of each year and March 14 of the succeeding year from Antelope Creek in Sierra Valley, Sierra County. The proposed point of diversion is located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T 21 N., R 15 E., M.D.B. & M. The proposed reservoir will flood 12.4 acres of land in the same forty acre tract. It is proposed to construct an earth dam 20 feet in height, 920 feet long on top, which will have a freeboard of five feet, to store the water in a natural basin through which Antelope Creek flows. The water is to be released from storage from about June 15 to October 15 of each year for the irrigation of 370.7 acres of the applicant's lands located in Sections 16 and 21, T 21 N., R 15 E., M.D.B. & M.

Protest

Erminia Filippini, Attilio and Angie Genasci, and Amelia D. Ramelli protested the application, alleging that the storage of the winter flow of Antelope Creek would deprive them of water which they have used for many years and to which they are entitled by prior right. They represent that the winter flow of the stream is required to maintain the water table under their lands and to provide early flooding for their pastures and meadows. The protestants are the owners of some 1,500 acres in Sections 4, 5, 8 and 9, T 21 N, R 15 E, and Section 33, T 22 N, R 15 E., M.D.B. & M. Of this area, 180 acres on the Erminia Filippini and the Attilio and Angie Genasci ranches are set

forth as irrigated in the decree in the Middle Fork of Feather River adjudication proceeding with a season of use from March 15 to September 30, inclusive of each year.

The protestants claim that Antelope Creek, an intermittent stream, normally begins to flow in February or early March when the first thaw occurs in the spring. They assert that the flow prior to March 15 builds up the water table under their lands and overflows their pastures reducing materially the amount of water needed after their decreed rights become effective on March 15. They further declare that in years of sub-normal precipitation the entire snow melt runoff is likely to occur prior to March 15 and that the storage of all the water prior to that date would deprive them entirely of any benefit from irrigation or ground water rise for that season.

In answering the protests the applicant states that the normal winter runoff of Antelope Creek is far in excess of the amount applied for and that his storage of 146 acre-feet would not injure the protestants. Further that his storing of some of the surplus winter flow for use during the summer months would benefit the protestants by adding to the ground water at a time when normally there is no replenishment.

Field Investigation

The applicant and protestants having stipulated to an informal hearing as provided in Section 733 (b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on August 15, 1949 by an engineer of the Department. The applicant and protestants Filippini and Genasci were represented at the investigation.

Records Relied Upon

Application 12900 and data and information filed in connection therewith, Report on Water Supply and Use of Water on Middle Fork of Feather River and Tributaries, Plumas and Sierra Counties California, August, 1937, and watermaster reports in the Middle Fork of Feather River Watermaster Service Area were relied upon for information in the matter of the protests.

Discussion

The water requirement of the protestants during the proposed period of storage is largely to build up the water table and to pre-irrigate their pastures prior to the general irrigation season. They claim that due to the flashy nature of the runoff in Antelope Creek it is not always possible to delay the application of water to their lands until after March 14. That after March 14 the applicant has an established right to four cubic feet per second ahead of them and that if he makes full use thereof, the protestants may find in a dry year that due to storage of water through March 14 and continuous use for irrigation thereafter, they may receive no water whatsoever if the reservoir is constructed.

The amount of water required for pre-irrigation of the protestants' lands, prior to March 15, was estimated by them as a continuous flow of approximately two cubic feet per second. This is the amount established in the Middle Fork of Feather River Decree as the requirement for the irrigation of the 180 acres of land for which water was claimed in that proceeding. Two cubic feet per second flowing for thirty days would amount to approximately 120 acre-feet.

Insufficient data are available to permit a close estimate of the runoff of Antelope Creek as all year records are not available on any stream in that vicinity. It is admitted by the protestants that ordinarily the proposed reservoir would spill long before the spring runoff ceased but what would happen during the occasional dry years is unknown.

According to U.S.G.S. records of the flow of the Middle Fork of Feather River at Clio, a short distance below where that stream leaves Sierra Valley, the average runoff in the Sierra Valley area is approximately 250 acre-feet per square mile. This is believed to be too high for the Antelope Creek basin and it is probable that a figure of one-half that amount would be more nearly correct. By using a factor of 125 acre-feet per square mile for the 10 square mile area of watershed on Antelope Creek an annual runoff of 1,250 acre feet is found which is far in excess of the use claimed by the protestants.

In view of the probable surplus in Antelope Creek as compared with the requirements of the protestants it is concluded that there is adequate water in the stream to permit the applicant to store the water applied for without interference with whatever rights the protestants may possess. The protests of Erminia Filippini, Attilio and Angie Genasci, and Amelia D. Ramelli against Application 12900 are accordingly dismissed as insufficient.

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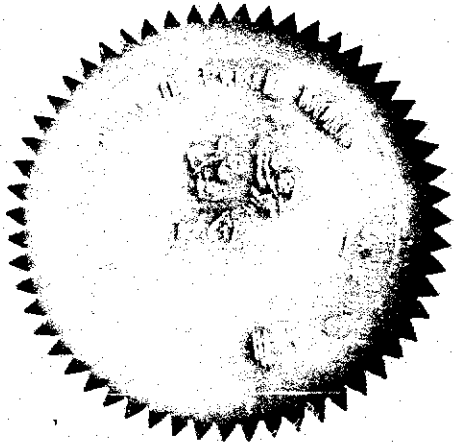
ORDER

Application 12900 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 California Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12900 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 13th day of October , 1949.




Edward Hyatt, State Engineer