

COPY 1

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

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In the Matter of:

Application 9446, BUENA VISTA WATER STORAGE DISTRICT, et al;
Application 9447, BUENA VISTA ASSOCIATES, INC. &
MILLER and LUK, INCORPORATED;
Applications 10941 and 15440, FULAKE LAKE BASIN WATER
STORAGE DISTRICT;
Application 11071, ARVIN-EDISON WATER STORAGE DISTRICT;
Application 11143, 11351 and 13403, ESTATE OF HARRY R. WILEY,
et al; and
Application 13709, THE COUNTY OF KERN.

Held at
Kern County Board of Supervisors Room
Civic Center
Bakersfield, California

---oOo---

Wednesday, February 5, 1964
9:30 O'clock A.M.

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WESTERN REPORTERS

3339 WATT AVENUE
SUITE 1 &
SACRAMENTO 21, CALIFORNIA
IV 7-0249

OFFICIAL AND GENERAL CERTIFIED SHORTHAND REPORTERS

FILE 996
FOLDERS 4
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Joint Exhibit 8

APPEARANCES:

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Members of the State Water Rights Board:

Kent Silverthorne, Chairman
W. A. Alexander, Member
Ralph J. McGill, Member

Board Staff:

Gavin Craig, Chief Counsel
Donald E. Kienlen, Engineer

For the Applicants:

North Kern Water Storage District:

MESSRS: McCUTCHEN, DOYLE, BROWN, TRAUTMAN & ENERSEN
Counselors at Law,
601 California Street
San Francisco, California
By: BURNHAM ENERSEN, Esq.

Miller & Lux Incorporated:

VINCENT J. McGOVERN, Attorney at Law
550 Kearny Street
San Francisco, California

Buena Vista Water Storage District:

J. WOOLLEY, Attorney at Law
Russ Building
San Francisco, California

Arvin-Edison Water Supply:

MESSRS: BAKER, PALMER & WALL
Attorneys at Law
Haberfelde Building
Bakersfield, California
By: CLAUDE F. BAKER, Esq.

Tulare Lake Basin Water Storage District:

S. M. BARNES, Esq.
P.O. Box 877
Corcoran, California

APPEARANCES - continued:

For the Applicants, continued:

County of Kern:

RALPH J. JORDAN
County Counsel
County of Kern
c/o Civic Center
Bakersfield, California

For the Protestants:

Pacific Gas & Electric Company:

JOHN B. GIBSON, Attorney
Law Department
100 Market Street
San Francisco, California

Southern California Edison Company:

JOHN BURY, Attorney
601 W. 5th Street,
Los Angeles, California

Hacienda Water District:

GEORGE NICHOLS, JR., Attorney at Law
550 Kearny Street
San Francisco, California

FOR City of Bakersfield:

KENNETH W. HOAGLAND, City Attorney
City of Bakersfield
1501 Truxtun Avenue
Bakersfield, California

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I N D E X

1			
2	Opening remarks by Chairman Silverthorne		1
3	WITNESS:		
4	William F. Balch, Water Master of Kern River ...		20
5	Harold Russell, Engineer-manager of Buena Vista Storage District		51
6			
7	Stanley K. Barnes , Engineer representing Tulare Lake Basin Water Storage District and Hacienda Water District		57
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EXHIBITS

STAFF:

12	STAFF:		
13	No. 1 (Files of Applications 9446, 9447, 10941, 11071, 11143, 11351, 13403, 13709 and 15440)		
14	Entered in evidence		4
15	No. 2 (United States Geological Survey, Water Supply Papers, Part II, "Pacific Slope Basins in California", 1901 to 1961.		
16	Entered in evidence		4
17	No. 3 (United States Geological Survey, Water Supply Paper 1469, "Ground Water Conditions and Storage, San Joaquin Valley", dated 1959)		
18	Entered in evidence		4
19	No. 4 (Department of Water Resources Report of Sacramento San Joaquin Supervision from 1950 to 1955.		
20	Entered in evidence		4
21	No. 5 (Department of Water Resources Bulletin 23, Surface Water Flow from 1956 to 1960)		
22	Entered in evidence		4
23			
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EXHIBITS, continued

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NONEXHIBIT:

No. 1 (Certified copy of Miller-Haggin Agreement)		
Offered	13	
Entered in evidence	15	
No. 2 (Certified copy of decree of Judge Lucian Shaw)		
Offered	15	
Entered in evidence	15	
No. 3 (1930 Amendment to Miller-Haggin Agreement)		
Offered	15	
Entered in evidence	15	
No. 4 (1955 Amendment to Miller-Haggin Agreement)		
Offered	16	
Entered in evidence	16	
No. 6 ("Agreement for Establishment and Maintenance of Minimum Recreation Pool, dated November 3, 1963)		
Offered	19	
Entered in evidence	19	
No. 5 (Amendment to Miller-Haggin Agreement dated December 31, 1962)		
Offered	17	
Entered in evidence	17	
No. 7 (Report of Kern River Water Master and attached Maps and Graphs)		
Offered	21	
Entered in evidence	21	

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Bakersfield, California
Wednesday, February 5, 1964
9:30 O'clock A. M.

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CHAIRMAN SILVERTHORNE: My name is Kent Silverthorne, Chairman of the Board. Sitting with me here is Mr. Alexander and Mr. McGill.

Members of the staff who are present are, Mr. Gavin Craig, Chief Counsel, and Don Kienlen, of the engineering staff.

This is the matter of Application 9446 of Buena Vista Water Storage District, et al; Application 9447, Buena Vista Associates, Incorporated and Miller and Lux, Incorporated; Applications 10941 and 15440 of the Tulare Lake Basin Water Storage District; Application 11071 by the Arvin-Edison Water Storage District; Applications 11148, 11351 and 13403 by the Estate of Harry R. Wiley, et al; and Application 13709 by the County of Kern. The source of water is the Kern River and various channels in Kern and Kings Counties.

At this time I will ask the appearing counsel for the Applicants to give your name and address, for the record.

MR. BURNHAM ENERSEN: Mr. Silverthorne and Members of the Board, my name is Burnham Enersen and I am appearing on behalf of the North Kern Water Storage District and other applicants in the so-called First Point Service Area under Application 9446.

1 MR. McGOVERN: Vincent J. McGovern, 550 Kearny Street,
2 San Francisco, California and I am appearing on behalf of
3 Application 9447 for the Buena Vista Associates, Incorporated
4 and Miller and Lux Incorporated.

5 MR. WOOLLEY: My name is J. Woolley and I am appearing
6 on behalf of the Buena Vista Water Storage District. My
7 address is the Russ Building, San Francisco.

8 MR. BAKER: Mr. Chairman, Members of the Board, my
9 name is Claude Baker of Baker, Palmer and Wall and I am
10 appearing for the Arvin-Edison Water Storage District and I'd
11 like to show for the record that the president of the District
12 is with me.

13 MR. BARNES: Mr. Chairman and Members of the Board,
14 my name is S. M. Barnes, P.O. Box 877, Corcoran, California.
15 I am appearing on behalf of the Tulare Lake Basin Water
16 Storage District with respect to Applications 10941 and 15440.

17 CHAIRMAN SILVERTHORNE: What was that last one?

18 MR. BARNES: 15440.

19 MR. JORDAN: Mr. Chairman and Members of the Board,
20 I am Ralph B. Jordan, County Counsel of Kern County. I'm
21 appearing on behalf of Kern County. My address is in care of
22 this building.

23 CHAIRMAN SILVERTHORNE: Anyone appearing for the
24 Estate of Harry R. Wiley?
25 record in the meeting (No response.)

26 CHAIRMAN SILVERTHORNE: Apparently not. dependent

1 That, I believe, includes all the applicants.
2 Protestants, are there any appearances for the
3 Protestants?

4 MR. GIBSON: Mr. Chairman, I am John B. Gibson, 247
5 Market Street, San Francisco, appearing for the Protestant
6 Pacific Gas & Electric Company.

7 MR. BURY: Mr. Chairman, my name is John Bury, 601
8 West 5th Street, Los Angeles, California. I am appearing on
9 behalf of the Protestant Southern California Edison Company.

10 MR. NICHOLS: Mr. Chairman and Members of the Board.
11 I am George Nichols, Jr. and I am appearing on behalf of the
12 Protestant Hacienda Water District. My address is 550 Kearny
13 Street, San Francisco.

14 CHAIRMAN SILVERTHORNE: Are there any other appearances
15 for Protestants?

16 (No response.)

17 MR. HOAGLAND: Mr. Chairman, my name is Kenneth
18 Hoagland and I am City Attorney for the City of Bakersfield,
19 1501 Truxton Avenue and at the appropriate time I'd like to
20 make an appearance.

21 CHAIRMAN SILVERTHORNE: You are not a protestant of
22 record, is that correct?

23 MR. HOAGLAND: No, sir, not a protestant of record.
24 As a matter of fact, the City has not been made a matter of
25 record in this hearing until today.

26 CHAIRMAN SILVERTHORNE: The City is an independent

1 party?

2 MR. HOAGLAND: Yes, sir.

3 CHAIRMAN SILVERTHORNE: Are there any other appear-
4 ances?

5 (No response.)

6 CHAIRMAN SILVERTHORNE: I will ask that Mr. Craig
7 make an offer of various exhibits for the Staff.

8 MR. CRAIG: The Staff Summary which accompanied the
9 Notice of Hearing contains a list of documents to be offered
10 into evidence by the Staff. Beginning on Page 6 of that
11 Staff Summary as Exhibit Number 1 of the Staff, by reference
12 I offer the Files of the Applications that are the subject of
13 this hearing. Those are Applications 9446, 9447, 10941, 11071,
14 11148, 11351, 13403, 13709 and 15440.

15 As Exhibit 2, United States Geological Survey,
16 Water Supply Papers, Part 11, "Pacific Slope Basins in
17 California", 1901 to 1961.

18 As Exhibit 3, United States Geological Survey, Water
19 Supply Paper 1469, "Ground Water Conditions and Storage,
20 San Joaquin Valley", dated 1959.

21 I also wish to add as Exhibit 4 Department of Water
22 Resources Report of Sacramento-San Joaquin Supervision from
23 1950 to 1955.

24 Also, as Staff Exhibit Number 5, I'd like to offer
25 Bulletin No. 23, also of the Department of Water Resources,
26 Surface Water Flow from 1956 to 1960.

1 That completes the staff offer.

2 CHAIRMAN SILVERTHORNE: Are there any objections or
3 any comments concerning this offer?

4 (No response.)

5 CHAIRMAN SILVERTHORNE: If not, the offer will be
6 accepted and the exhibits will be admitted.

7 (Whereupon Staff Exhibits Nos. 1
8 through 5 were entered as aforementioned.)

9
10 Mr. Hoagland, I understand you have a motion for
11 continuance.

12 MR. HOAGLAND: I do have a written motion, Mr.
13 Chairman, that I'd like to file, plus an affidavit.

14 Mr. Chairman, Members of the Board, the City of
15 Bakersfield feels that possibly there are some rights involved
16 in these applications which the City would like the opportunity
17 to check more thoroughly. My personal affidavit is that I
18 have made a search of the records of the City Counsel, City
19 of Bakersfield, records of the City Attorney's Office and
20 records of the City Manager. I have been unable to find any
21 evidence of any notice ever having been given any representa-
22 tive of the City of Bakersfield regarding any claims pending
23 for this State Water Rights Board. We have not had the
24 opportunity to ascertain whether the City of Bakersfield may
25 have claims on any water in the Kern River or on appropriated
26 waters. What we have done is to indicate that possibly we may

1 have some claims and, if so, we would like to study those for
2 a greater time. We believe that such study into any rights
3 or claims would take a minimum of 180 days and we respectfully
4 request a continuance in this matter for that period of time.

5 CHAIRMAN SILVERTHORNE: You have had notice of this
6 hearing; some time, have you not?

7 MR. HOAGLAND: No, sir, we have never had any
8 notice of any type.

9 CHAIRMAN SILVERTHORNE: Mr. Craig, would you give
10 a sort of brief outline of the type of notice insofar as the
11 applications are concerned, Notice of Hearing and so forth.

12 MR. CRAIG: All legal notice has been given as shown
13 by the records on file with the State Water Rights Board. That
14 consists of a published notice of the applications and, of course,
15 the time for filing protests as a result of that
16 notice has long since passed and the notice of this hearing,
17 of course, was given only to those who had expressed an
18 interest in the matter and were on file with the Board. I
19 assume that the City was not given a special notice of this
20 hearing and I might comment that I believe it is common
21 knowledge that locally that these matters have been pending
22 before the Board for a long time. I know that there has been
23 a list given to them in the local newspaper. I would like to
24 inquire of Mr. Hoagland as to what claims or rights to water
25 his study indicates that the City might possibly have?

26 MR. HOAGLAND: If the Board pleases, we are not making

1 any contention that we should have been notified from this
2 Board or Mr. Craig insofar as we have filed anything with this
3 Board. We do feel that where the County is involved in matters
4 county-wide that perhaps there should have been some communica-
5 tion in respect to water.

6 We are a community here comprised of individuals and
7 if there are any rights with which the City should have been
8 aware of, we think we should have been consulted.

9 Now, I would be the first --

10 CHAIRMAN SILVERTHORNE: You mean by the County
11 Counsel?

12 MR. HOAGLAND: Someone in the County. I would be the
13 first to recognize that this appearance is very late indeed.

14 CHAIRMAN SILVERTHORNE: Yes, some of the applications
15 range from a filing in 1938 to the latest one in 1953. I
16 believe they have been legally noticed at the time they were
17 filed.

18 MR. HOAGLAND: I suppose, if the Board pleases, my
19 appearance here is to plead ignorance of the matters which
20 the City perhaps should have been aware of and should have
21 made their study. However, one of the conditions, I believe,
22 or one of the matters before this Board, of course, is an
23 agreement for established maintenance of Lake Isabella of
24 thirty thousand acre-feet in which there are certain agree-
25 ments made by the County which might very well affect the
26 City itself. I understand, of course, that these agreements

1 have been a long time in the making. I don't believe that it
2 could be prejudicial to any of the applicants or others for
3 a continuance of this matter insofar that it has taken so many
4 years to arrive at what they have arrived at.

5 MR. CRAIG: I do think that it might be material and
6 of interest to the Board in considering your motion as to what
7 basis the City feels it might have a claim.

8 CHAIRMAN SILVERTHORNE: This is all very nebulous.
9 Is the City using any water from the Kern River?

10 MR. HOAGLAND: No, sir, they are not using any water.
11 The City is presently served by a private water concern which
12 has been mining water, that is pumping water from underground
13 wells. However, there is some indication from our brief
14 studies that perhaps the City may have some rights.

15 CHAIRMAN SILVERTHORNE: What kind of rights?

16 MR. HOAGLAND: This is a hearing of appropriative
17 rights.

18 CHAIRMAN SILVERTHORNE: Well, we have only jurisdiction
19 over appropriative rights. If the City does not have appropri-
20 ative rights we do not have jurisdiction as far as any water
21 rights of the City.

22 MR. HOAGLAND: Whatever rights that the City might
23 have in the Kern River, of course, could very well be affected
24 by the disposal in line with this agreement which is before-

25 CHAIRMAN SILVERTHORNE: Well, in order not to be
26 arbitrary, I will deny the continuance, but we will keep the

1 matter open for some reasonable time to give us some opportunity
 2 to show what the City's rights might be, if any. I will
 3 announce the time later. We have no evidence or we have no
 4 knowledge of our own of any rights in the City and we will
 5 have to have a pretty good strong showing before we will pro-
 6 ceed on the basis of any rights.

7 MR. HOAGLAND: I understand the imposition I have
 8 placed on this Board by such a motion and it is a good deal
 9 of embarrassment to me to appear without more concrete
 10 evidence of any sort. Again I say that on behalf of the
 11 City I am merely pleading ignorance.

12 CHAIRMAN SILVERTHORNE: Anyone might think they might
 13 have a right to Kern River water and that's about all you
 14 have said. I really should deny the continuance and cut the
 15 matter off completely but I don't want to be arbitrary
 16 especially with such a politic like the City of Bakersfield.
 17 So, we will allow some time for some showing to be made, if
 18 it turns out to be possible.

19 MR. HOAGLAND: Thank you.

20 CHAIRMAN SILVERTHORNE: Very well.

21 Mr. Enersen?

22 MR. ENERSEN: Mr. Chairman and Members of the Board.
 23 On behalf of the applicants whom I represent and, I am sure,
 24 on behalf of all the other applicants I'd like to express our
 25 appreciation to the Board and to its staff for the very
 26 patient and thoughtful consideration which has been given to

1 the problems presented by the differences and controversies
2 which are involved in the Water Rights of the Kern River as
3 represented by the applications which, as you have just stated
4 have been on file in some cases since as early as 1938.

5 About five years ago this Board held a preliminary
6 hearing in reference to the applications. At that time it was
7 stated to the Board that the several applications which were
8 being considered had been filed largely as protective measures
9 because there are controversies among the irrigation interests,
10 the users of waters of the Kern River which were in the course
11 of negotiation for settlement and the Board was asked at that
12 time to postpone any formal consideration of the applications
13 so as to give the applicants further opportunity to give time
14 to their negotiations in the hope of arriving at a satisfactory
15 compromise of their complicated and somewhat difficult problems.

16 Again two years ago this spring this Board called
17 the parties together in this room after a public notice and
18 asked again for the statement of the progress which had
19 been made during the intervening period, upon the hope for
20 settlement of the controversies. The Board was informed that
21 progress had been good and further postponement of any formal
22 hearing was requested. In the meantime, since that hearing,
23 your staff has been in touch with the representatives of the
24 applicants from time to time and we were able on behalf of
25 all of the irrigation interests to inform your staff about a
26 year ago that an agreement had been reached along all of the

1 irrigation interests permanently settling these long standing
 2 and as I said somewhat difficult controversies. Subsequently,
 3 negotiations were undertaken between the irrigation interests
 4 and the County of Kern, which is also an applicant, with
 5 respect to the recreation pool in Isabella Reservoir and I
 6 am very happy to report as undoubtedly you have been advised
 7 that at the end of the year, towards the end of the year of
 8 1963 a permanent agreement was reached between the irrigators
 9 and the County of Kern under which the irrigators have agreed
 10 that they will never drop the reservoir down below thirty
 11 thousand acre-feet of stored water for irrigation purposes.
 12 Therefore, the wisdom the Board imposed in postponing formal
 13 hearings and the decision of the Board to bring the matter up
 14 at this time appears to be fully justified.

15 On behalf of the Applicant whom I represent, I desire
 16 at this time to offer for the permanent files of the Board
 17 copies of the agreement to which I have referred and insert
 18 other documents which have a direct bearing upon the status
 19 of the water rights -- appropriative water rights on the
 20 Kern River.

21 I am sure that all of the members of the Board are
 22 aware that the water rights on the Kern River have a long
 23 history.

24 The first and most important event being the decision
 25 of the Supreme Court in the State of California in the case of
 26 Lux versus Haggin in 1886. That case, of course, is a landmark

1 decision in the history of water rights not only in
2 California but throughout the west and it involved a contro-
3 versy between the upstream appropriators on the Kern River
4 and the downstream riparian owners. In translating this to
5 those interested to modern terms, that means that there was
6 a controversy between a group now known as the first point
7 interest and they were taking water out of the Kern River by
8 means of canals into the vicinity of Bakersfield. They were
9 the upstream appropriators.

10 The other group is now known as the Second Point
11 Group, consisting of the Buena Vista Water Storage District and
12 Buena Vista Associates and there taking water out of the
13 stream down below what we call the second point of measurement,
14 some twenty miles southwest of Bakersfield. The decision of
15 the Supreme Court in that case in 1886 held that the law of
16 California recognized the riparian claims of the downstream
17 riparian owners and it was the decision of the Court that
18 the rights should be reviewed by the Supreme Court and the
19 case was sent back from the Supreme Court to the Superior
20 Court of this County for further proceedings. As I said, this
21 was in 1886. As so often happens, the case was then compromised
22 by an agreement which has become known as the Miller-Haggin
23 Agreement. This represented a really very important event
24 in the history of Kern River. It divided all of the waters
25 of the stream between the upstream appropriators, now known as
26 the First Point Group and the downstream riparian group now

1 known as the Second Point Group. The parties in the agreement
2 included practically all of the landowners not only along the
3 channel of the stream in this delta region but also far back
4 from the stream along some of the canals and, I think, it is
5 impressive that practically all the irrigable land in the
6 Kern Delta is included.

7 This document was filed for public record in the
8 office of the County Recorder in Kern County in 1888. I
9 offer this as our first exhibit, a certified copy of that
10 document.

11 CHAIRMAN SILVERTHORNE: I am not going to ask if
12 there are any objections. If anyone has objections, please
13 make their objections known.

14 (Whereupon a certified copy of
15 Miller-Haggin Agreement was
16 entered as North Kern Exhibit No. 1)

17 MR. ENERSEN: Mr. Chairman, shortly after the
18 completion of that historic agreement the water right appro-
19 priators in the First Point Area obtained an adjudication
20 among themselves of their respective water rights in the
21 water court in this County and a decree was made on August 6,
22 1900 by Judge Lucian Shaw of the Superior Court in this
23 County adjudicating those what we call First Point Water Rights.
24 This document has also been recorded in the office of the
25 County Recorder in Kern County at Book 6, Page 364 and I offer
26 this as our next exhibit, a certified copy of that decree.

1 CHAIRMAN SILVERTHORNE: Mr. Kienlen, how have you
2 been marking those exhibits?

3 MR. KIENLEN: I have marked the first exhibit as
4 North Kern Exhibit 1 and this next, the decree, would be
5 North Kern Exhibit 2 for identification.

6 CHAIRMAN SILVERTHORNE: That's for what application?

7 MR. ENERSEN: Mr. Chairman, I am representing the
8 North Kern Water Storage District and the other so-called
9 First Point Interests with respect to Application 9446. There
10 are other applicants named in that Application represented
11 here by Judge Woolley and Mr. McGovern.

12 CHAIRMAN SILVERTHORNE: I just noticed in our Staff
13 Summary that it is Buena Vista Water Storage District, et al.

14 MR. ENERSEN: We are an "et al".

15 MR. MCGOVERN: On behalf of 9447 may it be stipulated
16 that all of the exhibits offered by Mr. Enersen be considered
17 exhibits offered by us?

18 CHAIRMAN SILVERTHORNE: Yes.

19 Does anyone else wish to make the same stipulation?

20 MR. WOOLLEY: I was thinking in terms of Buena Vista
21 Water Storage District. That is the district filed in 9446
22 jointly with the Kern County Land Company and naturally we
23 are interested in these exhibits which Mr. Enersen introduced
24 and we wanted the benefit of those exhibits.

25 CHAIRMAN SILVERTHORNE: Well, you'd make the same stipulation
26 stipulation that Mr. McGovern did, is that correct? Nov. 19, 1955

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MR. WOOLLEY: Yes.

(Whereupon a certified copy of decree of Judge Lucian Shaw was entered as North Kern Exhibit No. 2 for identification.)

MR. ENERSEN: Next in time sequence is a document dated June 19, 1930 which was an amendment of the Miller-Haggin Agreement of 1888. It was recorded in the office of the County Recorder in Book 37. at Page 34 on July 3, 1930.

I offer this as the North Kern Exhibit No. 3.

CHAIRMAN SILVERTHORNE: I think that so there is no danger of my forgetting that we should have the record show that these exhibits are admitted now. I will admit each as they are offered, rather than at the end of when they are all through.

(Whereupon the 1930 amendment to Miller-Haggin Agreement was entered as North Kern Exhibit No. 3 in evidence.)

(Whereupon the aforementioned North Kern Exhibits Nos. 1 and 2 was marked in evidence.)

MR. ENERSEN: The Miller-Haggin Agreement was again amended in 1955 and again the document was recorded in the office of the County Recorder and I offer as North Kern Exhibit No. 4 a certified copy of the document dated September 14, 1955

1 and recorded August 13, 1956 at Book 2649, Page 523.

2 CHAIRMAN SILVERTHORNE: It is admitted.

3 (Whereupon the 1955 amendment to Miller-
4 Haggis Agreement was entered as
5 North Kern Exhibit No. 4 in evidence.)

6 MR. HENRICHSEN: Now, Mr. Chairman and Members of the
7 Board, I've come to the first of the agreements settling the
8 controversies which I have mentioned among the irrigators.
9 This is a document dated December 31, 1962. It is entitled
10 "Kern River Water Rights and Storage Agreement." The parties
11 are the four public districts having claims to the use of the
12 Kern River water for irrigation purposes asking not only in
13 their own behalf but on behalf of various other parties in
14 the same respective geographical areas. Those are the Buena
15 Vista Water Storage Districts, the North Kern Water Storage
16 District, Tulare Lake Basin Water Storage District and
17 Hacienda Water District. This document was recorded in the
18 office of the County Recorder on April 5, 1963, in Book 3594
19 at Page 3.

20 Before offering it I shall explain very briefly to
21 the Board that by this agreement a portion of the flow of the
22 Kern River was allocated to what was called the lower river
23 group. This is a group consisting of the Tulare Lake Basin
24 Water Storage District and the Hacienda Water District and
25 certain other parties in the area at the south of the Tulare
26 Lake Basin. In years of high flow, under the formula

1 established by this agreement, a certain portion of the waters
2 of the stream are allocated to and become the property of
3 that lower group. The upstream area represented by the
4 first point and the second point interests under the Miller-
5 Haggin Agreement and its various amendments have, in other
6 words, agreed that a portion of the water previously claimed
7 by them under the Miller-Haggin Agreement and the use of the
8 water pursuant to it a portion of that water shall be allocated
9 to the lower group under conditions of high flow. I offer this
10 as our next exhibit.

11 MR. ALEXANDER: That's the agreement as to storage
12 behind the dam?

13 MR. ENERSEN: It also provides, Mr. Alexander, for
14 an arrangement made by the irrigators pursuant to which water
15 may be stored in Isabella Reservoir. That Agreement is still
16 in the course of being completed.

17 MR. KIENLEN: Mr. Chairman, so the record will be
18 clear, this last Agreement dated December 31, 1962, will be
19 North Kern Exhibit 5.

20 CHAIRMAN SILVERTHORNE: This one is Number 67

21 MR. KIENLEN: No, the one that was just received was
22 Number 5.

23 CHAIRMAN SILVERTHORNE: It will be admitted.

24 (Whereupon the 1962 amendment to Miller-
25 Haggin Agreement was entered as North
26 Kern Exhibit No. 5 in evidence.)

1 MR. ENERSEN: The final argument I wish to offer,
2 gentlemen, instead of being a certified copy is an existing
3 counterpart, an original document entitled "Agreement for
4 Establishment and Maintenance of Minimum Regulation Pool." It
5 is dated November 8, 1963, between the same four districts I
6 previously mentioned and the County of Kern.

7 It was also recorded in the office of the County
8 Recorder on January 19, 1964 in Book 3580, Page 472. As I
9 think I mentioned earlier by this Agreement the irrigators
10 have sold to the County a quantity of water necessary to
11 replenish the County Recreation Pool to the full amount of
12 thirty thousand acre-feet by transfer of water in the
13 reservoir and then the irrigators have agreed permanently to
14 continue maintenance of Isabella Reservoir and continuation
15 of it by the Corps in accordance with its announced principals.
16 The irrigators have agreed permanently that they will leave
17 thirty thousand acre-feet in this reservoir at all times and
18 never drop it down below that amount for irrigation purposes.

19 CHAIRMAN SILVERTHORNE: This couldn't conflict with
20 any Corps criteria?

21 MR. ENERSEN: No, Mr. Silverthorne, the Corps
22 allocated that the space of thirty thousand acre-feet in the
23 reservoir to recreation and other purposes. I offer as our
24 next exhibit the counterpart of that document.

25 CHAIRMAN SILVERTHORNE: It will be admitted.

26 MR. KIENLEN: That last exhibit dated November 8, 1963

1 will be marked as North Kern Exhibit 5.

2 (Whereupon a document entitled "Agreement
3 for Establishment and Maintenance of
4 Minimum Recreation Pool" dated November 3,
5 1963 was entered as North Kern Exhibit
6 No. 6 in evidence.)

7 MR. ALEXANDER: The evaporation will be taken care of
8 by whom?

9 MR. ENERSEN: Mr. Alexander, I should explain,
10 however, that the lands within the reservoir area now owned
11 by the United States have in the past had riparian uses of water
12 for irrigation and cattle waterings and in those years when
13 the water level in the reservoir is above those needs of those
14 lands, when it is perfectly clear that those lands can't use
15 any water for irrigation and subsequently that water which was
16 permanent to the land and is now owned by the United States
17 is water that becomes available for some other purpose and
18 the United States through the Corps of Engineers have
19 announced its intention to leave that water in the reservoir
20 and that water, of course, will assist in replenishing the
21 evaporation loss from the Recreation Pool. The studies of
22 the quantities involved, that is, the quantity of water that
23 previously had been used by the reservoir land and now would
24 not be used, and the quantities of evaporation which would
25 be available to the recreation pool have indicated that on
26 the average the amount of water that becomes available from the

1 these riparian lands in the reservoir will go a very very long
 2 way towards replenishing the evaporation losses. In some
 3 years, it may be even more than the evaporation loss when the
 4 reservoir is at a high level. The irrigation interests have
 5 agreed to make up whatever the difference is.

6 CHAIRMAN SILVERMASTER: That water was acquired by
 7 the Corps by purchase or by condemnation.

8 MR. BURMAN: The water is riparian to the land and
 9 the Government acquired the land along with the water rights.
 10 If the Corps should at some future date change its policy to
 11 some respect, of course, this Agreement would require some
 12 modification.

13 Now, Mr. Chairman, if it is in order, I should like
 14 to call our first and only witness. I should like to call
 15 the Water Master on the Kern River to testify with respect
 16 to the use of the waters of the Kern River during a period
 17 of time.

18 Mr. William T. Balch, would you come up here?

19 W I L L I A M T. B A L C H, was called as a
 20 witness on behalf of the North Kern Water Storage District,
 21 was sworn and testified as follows:

22 MR. ENERSEN: Mr. Chairman, for the convenience of
 23 the Board and Staff we have prepared and submit now a brief
 24 report of the Kern River Water Master to which are attached
 25 certain exhibits. This will be used by Mr. Balch in his
 26 testimony and I will ask the Clerk to distribute those to the

1 Board Members, so you can follow.

2 MR. KIENLEN: Mr. Enersen, do you wish the map and
3 the report itself marked as an exhibit?

4 MR. ENERSEN: Fine.

5 MR. KIENLEN: The next number in order would be
6 North Kern Exhibit 7 and it is entitled "Report of Kern River
7 Water Master". It is a document containing four pages and it
8 is signed by Mr. Balch.

9 CHAIRMAN SILVERTHORNE: And now many attachments?

10 MR. KIENLEN: In addition thereto there is an attach-
11 ment of the Plate Map of Kern River Service Area. It is
12 Plate 1. Plate 2, consisting of four sheets, with the Table
13 of Kern River runoff and beneficial uses, and Plate 3 is a
14 graph of the annual runoff of the Kern River at the first
15 point of measurement for the seventy year period from 1894 to
16 1963.

17 CHAIRMAN SILVERTHORNE: Admitted.

18 (Whereupon the Report of Kern River
19 Water Master and attached Maps and
20 Graphs were entered as North Kern
21 Exhibit No. 7 in evidence.)

22 MR. ENERSEN: Mr. Balch, your name and address?

23 MR. BALCH: My name is William T. Balch, P.O. Box 380,
24 Bakersfield, California.

25 MR. ENERSEN: By whom are you employed?

26 MR. BALCH: I am employed by the Kern County Land

1 Company and I am manager of the Water Division of the Kern
2 County Land Company and the general manager of the Kern
3 County Canal and Water Company.

4 MR. ENERSEN: Which is a subsidiary of Kern County
5 Land?

6 MR. BALCH: That is correct.

7 MR. ENERSEN: Mr. Balch, do you hold the title of
8 Water Master on the Kern River?

9 MR. BALCH: Yes, I do.

10 MR. ENERSEN: How long have you held that title?

11 MR. BALCH: I have held that title since 1962.

12 MR. ENERSEN: And prior to that time were you tempor-
13 arily Water Master under a temporary agreement?

14 MR. BALCH: Yes, sir.

15 MR. ENERSEN: Since when?

16 MR. BALCH: Since 1958.

17 MR. ENERSEN: That was during the interim agreements
18 within the irrigation interests themselves and the Government
19 of the United States with respect to the use of water and
20 the storage of water in Isabella Reservoir?

21 MR. BALCH: That is correct.

22 MR. ENERSEN: What is your professional training, Mr.
23 Balch?

24 MR. BALCH: I am a civil engineering graduate of the
25 University of California in Civil Engineering with a major
26 in Irrigation. I am a lic used civil engineer in this State.

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MR. ENERSEN: And in what year did you graduate?

MR. BALCH: I graduated in 1949.

MR. ENERSEN: And are you a member of any professional societies?

MR. BALCH: Yes, I am a member of the American Society of Civil Engineers and a member of the Water Works Association and the American Geophysical Union.

MR. ENERSEN: When were you first employed for work in connection with the waters of the Kern River?

MR. BALCH: In 1951.

MR. ENERSEN: And have you since that time been continuously engaged in activities relating to the Kern River and the use of its water?

MR. BALCH: Yes, I have.

MR. ENERSEN: And are you familiar with the records which have been kept by your predecessors and by other parties with reference to the uses of the water of the Kern River prior to the time when you became acquainted with it personally?

MR. BALCH: Yes.

MR. ENERSEN: Mr. Balch, you have prepared this document which has been admitted in evidence as an Exhibit of North Kern Water Storage District -- what is the number?

MR. CRAIG: Number 7.

MR. ENERSEN: -- entitled Report of Kern River Water Master?

MR. BALCH: Yes.

1 MR. ENERSEN: And I notice that the document is
2 approved on behalf of the various other interests. Would you
3 describe those so that the Board can see who approved this
4 report?

5 MR. BALCH: This report has been approved on behalf
6 of the First Point service area by C. H. Williams, who is an
7 engineer for the North Kern Water Storage District. He is
8 the hydraulicist for the Kern County Land Company. The report
9 was agreed to on behalf of the Second Point service area
10 by H. K. Russell, who is engineer-manager of the Buena Vista
11 Water Storage District. For the Lower River Service Area the
12 report has been approved by Mr. S. M. Barnes, the engineer
13 representing the Tulare Lake Basin Water Storage District and
14 the Hacienda Water District.

15 MR. ENERSEN: These gentlemen are all present in
16 the room, are they?

17 MR. BALCH: Yes, they are.

18 MR. ENERSEN: Thank you. Now, may I suggest to the
19 members of the Board for the purpose of following this report
20 to please unfold the map which is attached. It is a small
21 scaled map. Perhaps for everyones benefit it would be best
22 if I put this map on the bulletin board.

23 (Plate 1 Map of Kern River service area

24 was placed on the bulletin board by Mr.

25 Enersen.)

26 Mr. Balch, would you please proceed with the

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presentation of your report?

MR. BALCH: This first is the description of the Kern River service area.

"The Kern River runoff, which flows out of the Sierra Nevada Mountains, is entirely absorbed for beneficial uses on the floor of the San Joaquin Valley in three general areas. These areas are the First Point service area, the Second Point service area, and the Lower River service area. Incorporated herein as Plate 1 is a map of the Kern River service areas."

You notice on the map the First Point service area is colored in orange and that of the Second Point service area is colored in green and the major district representing the Lower River area is colored in brown and blue.

"Water diverted from Kern River between First Point of Measurement, which is located in Section 2, T. 29 S., R. 28 E., and --"

MR. ENERSEN: May I indicate that on the map? Is this (indicating) the approximate location?

MR. BALCH: Yes, it is.

"-- and Second Point of Measurement, which is located in Section 24, T. 30 S., R. 25 E.,--"

MR. ENERSEN: Is this (indicating) the approximate location that I have pointed to on the map?

MR. BALCH: Yes.

The water between those two points is utilized in...

1 the First Point service area.

2 MR. ENERSEN: That is between the First Point and
3 Second Point?

4 MR. BALCH: Yes.

5 "The major entities diverting water within the First
6 Point service area are the North Kern Water Storage District,--"

7 MR. ENERSEN: Northwest of Bakersfield, is that
8 correct? (indicating)

9 MR. BALCH: Yes, to which Mr. Enersen is pointing on
10 the map.

11 "--Kern County Land Company, Kern County Canal and
12 Water Company, Anderson Canal, Inc., Buena Vista Canal, Inc.,
13 Central Canal Company, The Farmers Canal Company, East Side
14 Canal Company, Kern-Boquillas Company, James Canal, Inc.,
15 Joyce Canal, Inc., Kern Island Canal Company, Kern River
16 Canal and Irrigating Company, Pioneer Canal, Inc., Plunket
17 Canal, Inc. and Stine Canal, Inc."

18 Six of these Canal Companies are public utility
19 canal systems which deliver water to several hundred customers.
20 The public utilities are the East Side, Kern Island, Buena Vista
21 Vista, Stine and Farmers which are located in a southerly and
22 southeasterly direction of Bakersfield and the Kern River
23 Canal and Irrigating Company which is located immediately
24 northwest of Bakersfield. The service area of the First Point
25 area is approximately 223,000 acres. That includes the entire
26 boundaries and all land within the boundaries of the North Kern

1 Water Storage District and within the service areas of the
2 public utility canal systems and other canal systems.

3 MR. ALENXANDER: Public utility canals are irrigation
4 supplies?

5 MR. BALCH: Yes, entirely irrigation supply.

6 CHAIRMAN SILVERTHORNE: Mr. Balch, the lower large
7 orange area and the lower left-hand green area, is that the
8 Kern County Land Company? What is that?

9 MR. BALCH: The green which Mr. Enersen is pointing
10 to at the present time is part of the Second Point service
11 area and it is within the boundaries of the Buena Vista Water
12 Storage District.

13 A portion of the land lying south of the green pan-
14 handle which is east of the Buena Vista Lake is owned by the
15 Kern County Land Company.

16 CHAIRMAN SILVERTHORNE: And then the larger orange
17 area above that is what? It doesn't have any name. Is that
18 a number of ownerships?

19 MR. BALCH: Yes.

20 CHAIRMAN SILVERTHORNE: The Stine Canal runs through
21 there?

22 MR. BALCH: Yes. Each one of those canal systems in
23 that vicinity are public utilities. There is a variety of
24 ownership in there. The most southerly portion is what is
25 known as the Kern Lake area, is owned by Kern County Land Company.

26 MR. ENERSEN: That area here (indicating). Mr. Balch,

1 under the Kern Island and these canals, Stine and the Farmers
2 to a large extent are small ownerships and are they not
3 customers of the utilities?

4 MR. BALCH: That is correct. That is approximately
5 all of the ownership north of McKittrick Road.

6 MR. ENERSEN: It is approximately in this location
7 (indicating)?

8 MR. BALCH: That's correct.

9 CHAIRMAN SILVERTHORNE: Thank you, sir.

10 MR. ENERSEN: Now, would you describe generally the
11 Second Point service area, Mr. Balch?

12 MR. BALCH: The Second Point service area is colored
13 in green. It consists of two general areas, the area known as
14 Buena Vista Lake, which you questioned me about a moment ago
15 and the panhandle which is easterly from there and also the
16 larger portion which extends through the Buttonwillow area
17 up to the Wasco-Losthills Highway.

18 MR. ENERSEN: Highway 466?

19 MR. BALCH: That is correct.

20 North of the Wasco-Losthills Highway Number 466 is
21 the so-called Lower River area in which the Tulare Lake Basin
22 Water Storage District is colored in brown and the Hacienda
23 Water District is colored in blue. They are the major interests

24 MR. ENERSEN: Before you leave the description of the
25 area, would you tell the Board the location and nature of the
26 canal and diversion works of the Second Point area, Mr. Balch?

1 MR. BALCH: Yes. Kern River Water is delivered to
2 or through the river at the Second Point of Measurement and
3 then it is diverted through the Buena Vista Canal which flows
4 in a northwesterly and westerly direction into the northwesterly
5 portion of the district and through the Alejandro Canal down
6 to the Buena Vista Lake area. River water, depending upon the
7 nature of the operations, also at times flows through the
8 river down to the northerly portion of Buena Vista Lake and
9 is stored in cells within the lake.

10 There is also an outlet canal which is noted on the
11 map whereby after water is stored it is released from the
12 cells to flow into the district.

13 MR. ENERSEN: And how does water reach the Lower
14 River area after it crosses the Wasco-Paso Robles Highway?

15 MR. BALCH: There are two channels. One is the
16 Goose Lake Canal which is noted on the map and the other is
17 a channel which lies immediately west of the most northwesterly
18 portion of the Buena Vista and it may be said that this is
19 a channel that flows northerly in that direction.

20 MR. ENERSEN: Thank you.

21 Would you proceed, then, with your discussion of the
22 allocation of runoff?

23 MR. BALCH: Kern River runoff is allocated to the
24 First and Second Point Service areas in accordance with that
25 certain contract known as the Miller-Haggin Agreement, dated
26 July 28, 1888 and recorded in the office of the County Recorder

1 of Kern County, California, in Book 2 of Agreements, at Page
2 40, as amended and supplemented"

3 MR. ENERSEN: This is a document which has been
4 admitted as our Exhibit Number 1?

5 MR. BALCH: Yes.

6 "In addition, the water is allocated among the First
7 Point, Second Point and Lower River users in accordance with
8 the 'Kern River Water Rights and Storage Agreement', by and
9 among Buena Vista Water Storage District, North Kern Water
10 Storage District, Tulare Lake Basin Water Storage District
11 and Hacienda Water District, dated December 31, 1962."

12 MR. ENERSEN: And a certified copy of that document
13 has also been admitted?

14 MR. BALCH: Yes.

15 "Isabella Reservoir began operation on April 16, 1954."

16 MR. ENERSEN: Am I correctly pointing to the location
17 of the reservoir on the map?

18 MR. BALCH: Yes.

19 MR. ENERSEN: Would you describe it for the written
20 record, please?

21 MR. BALCH: The reservoir is located in the Isabella
22 area immediately south of the Town of New Kernville and the
23 major portion of the lake is in the South Fork Valley and the
24 dam is at the intersection of the Kern River and the South
25 Fork of the Kern River.

26 MR. ENERSEN: What is the elevation? ... service

1 MR. BALCH: The elevation is approximately twenty-five
2 hundred feet.

3 MR. ENERSEN: That's a reservoir formed by a dam
4 constructed across the main stem of the stream?

5 MR. BALCH: That is correct.

6 MR. ENERSEN: What is the capacity of the reservoir?

7 MR. BALCH: The capacity of the reservoir is 570,000
8 acre-feet.

9 MR. ENERSEN: Thank you.

10 MR. BALCH: "On November 8, 1963, an 'Agreement for
11 the Establishment and Maintenance of Minimum Recreation Pool
12 of 30,000 Acre-Feet in Isabella Reservoir', between Buena
13 Vista Water Storage District, North Kern Water Storage District,
14 Tulare Lake Basin Water Storage District and Hacienda Water
15 District, and the County of Kern, was entered into. In
16 essence, this Agreement provides that water in Isabella
17 Reservoir will not be withdrawn for irrigation purposes below
18 30,000 acre-feet."

19 MR. ENERSEN: Now, will you go ahead with the dis-
20 cussion of the flow records?

21 MR. BALCH: "In accordance with provisions of the
22 Miller-Haggin Agreement, measurements and records of flow
23 at First Point and Second Point of Measurement have been
24 maintained since 1894. Included as Plate 2 is a table which
25 sets forth pertinent information regarding Kern River runoff
26 and absorptions for beneficial use within the Kern River service

1 area during the 70-year period of record.

2 "Studies by Mr. C. E. Grunsky, as reported in
3 Bulletin 100, Irrigation Investigations of the U.S. Department
4 of Agriculture, and subsequent records by the U.S. Geological
5 Survey and others, indicate that the entire Kern River runoff
6 has been absorbed within the Kern River service area since 1878.
7 These reports state that 1878 was the most recent year in
8 which the water level in Tulare Lake was high enough for
9 water to flow out to the Pacific Ocean. The complete
10 absorption of the Kern River water supply by the Kern River
11 water users is thus clearly demonstrated."

12 MR. ENERSEN: May I interrupt there for a minute
13 to refer the members of the Board to the decision of the
14 Board having to do with certain applications, on Tule River
15 Application 15931 and a number of others rendered about two
16 years ago and Decision D 1013 where it was stated that the
17 Tule River flows into the Tulare Lake Basin and on the basis
18 of the evidence presented in that proceeding, and now I am
19 quoting, "such is the character of the Tulare Lake Basin and
20 so extensive has been the use of water there in recent years
21 that no water has ever flowed from the basin, since 1878."
22 That was a finding by the Board concerning the statement to
23 which Mr. Balch just referred by Mr. Grunsky.

24 Go ahead, Mr. Balch.

25 MR. BALCH: Perhaps I should turn to Plate 2 and
26 describe the figures.

1 In turning to Plate 2 you note that we have a
2 tabulation here of the Kern River runoff from 1894 through
3 1963 for all points upon which there is data available.

4 In 1894, the first year of records, here the
5 measurement of flow at the first point of measurement which
6 was indicated earlier on the map on this chart in column 5
7 was 533,200 acre-feet. Incidentally, this tabulation is in
8 thousands of acre-feet. The flow at the Second Point of
9 Measurement was 53.9 thousand acre-feet. Therefore the
10 absorption for beneficial use in the First Point service area
11 which is noted in Column 9 is 475,500 acre-feet and in the
12 Second Point area is 53,900 acre-feet, making the total of
13 533,200 acre-feet.

14 CHAIRMAN SILVERTHORNE: What was that, evaporation
15 or transpiration?

16 MR. BALCH: That would be minimal. I was just
17 assuming it all got down there. We have also assumed in
18 this area that the evaporation and transpiration from vegeta-
19 tion along the stream was quite minor in relation to the
20 amount of flow. The 479,000 was the amount of water that either
21 was diverted by the canal systems which I mentioned a few
22 minutes ago or was used in delivering the 53,900 acre-feet
23 to the Second Point of Measurement. They are

24 MR. ENERSEN: Mr. Balch, the canal that you
25 described in the First Point Area, the public utilities, and
26 the other canals, were these in existence in 1894? or was of the

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MR. BALCH: Yes, they were.

MR. ENERSEN: Thank you.

Why don't you pick out another year to illustrate this tabulation, Mr. Balch?

MR. BALCH: I might pick out 1906 which was an extremely large runoff year. During that year the runoff was 1,399,900 acre-feet. The flow at the Second Point of Measurement was measured at 944,600 acre-feet. You will notice a footnote E where there were no measurements or only partial records available during that year in this service area so that we do not have complete figures in this case.

MR. ENERSEN: But you know in that area no water escapes Tulare Lake into the San Joaquin system or into the ocean?

MR. BALCH: That is correct, it was established by the report I referred to a moment ago.

MR. ENERSEN: By the way, Mr. Balch, would you describe the measuring points? I think the members of the Board would be interested in a description of these two measuring stations that were constructed back in the ninety's.

MR. BALCH: Well, those two measuring stations are typical measuring stations as on other streams. They are constructed partly of wood and have a floor across the river, a footwalk, and have a small building next to it to protect a continuous recorder which provides continuous records of the

1 depth of water at that point.

2 CHAIRMAN SILVERTHORNE: I didn't suppose that they
3 had a continuous recorder in 1894.

4 MR. BALCH: During those days I have been told that
5 a man was maintained in that area and several times a day he
6 would make measurements at that point. These stations are
7 run by a current meter today. Even today it is ordinarily
8 on a twice a week basis. These measurements are made on a
9 joint basis by a hydrographer employed by the First Point
10 group and a hydrographer employed by the Second Point group
11 going jointly to these stations and measuring the flow.
12 The computations are computed jointly so that there can be
13 no internal discussion at a later time as to what the actual
14 flow was.

15 MR. ENERSEN: You might go on to a more recent
16 period, Mr. Balch.

17 MR. BALCH: I might take the year 1952 which was a
18 most recent large year of record before the Isabella Dam of
19 was completed.

20 During this year which is shown on Sheet Number 3 of
21 Plate 2, there was a measured flow at First Point of Measure-
22 ment of 1,501,000 acre-feet. At the Second Point of Measure-
23 ment there was a flow of 707,200 acre-feet and at the Wasco-
24 Losthills highway, which is shown in Column 8, there was a
25 flow of 210,200 acre-feet. The beneficial use in each of those
26 three service areas shown on Columns 9, 10 and 11. 1954 was

1 the first year in which Isabella Reservoir operated. That's
2 the first line on Sheet Number 4.

3 MR. ALEXANDER: Before you leave Sheet Number 3,
4 Mr. Balch, how do you account for the use of the Lower River
5 users in 1941 and '43 and '38 being so much larger than '52
6 although the year was about the same and even smaller in some
7 cases? Was that the runoff or the way the runoff occurred?

8 MR. BALCH: I believe that's probably a combination
9 of many factors; the type of runoff, the method of operation
10 and the type of use by each area in those years.

11 MR. ALEXANDER: Thank you.

12 MR. BALCH: Starting in 1954, the first year in
13 which Isabella was constructed, it was necessary at that time
14 to work out a method of preserving the historical record or
15 historical natural flow or the flow that would have occurred
16 at First Point of Measurement had the dam not been constructed
17 and that figure is shown in Column 2 as Kern River runoff.
18 In other words, this is the actual runoff at First Point of
19 Measurement prior to the construction of Isabella Reservoir.
20 After construction of Isabella Reservoir, it is the runoff
21 which in absence of storage in Isabella Reservoir would have
22 passed the First Point of Measurement.

23 MR. EMERSEN: That computation was made jointly,
24 was it, with the Second Point interests and under a formula
25 that was applied by those engineers?
26 MR. BALCH: Yes, that is correct.

1 MR. ENERSEN: You might describe for the Board
2 briefly how it was done.

3 MR. BALCH: Well, in essence after taking into due-
4 consideration the time lags between Isabella Reservoir and
5 First Point of Measurement a formula was developed by which
6 basically we take the actual flow that arrives at First Point
7 of Measurement so-called --

8 MR. ENERSEN: That's the measured flow?

9 MR. BALCH: Add to that the evaporation loss in
10 Isabella Reservoir and then add to that the change, the
11 algebraic change in the storage in Isabella Reservoir. The
12 storage change or the change in storage each day in Isabella
13 Reservoir is determined by the Corps of Engineers who operate
14 the dam by actually measuring the water standing and comparing
15 that with an evaporation capacity curve that was developed by
16 the Corps of Engineers so that we, by this method, determine
17 the number of acre-feet either stored or released each day
18 from the Reservoir. Evaporation losses are determined by the
19 Corps of Engineers by using coefficients which have been
20 developed to be applied to evaporation pans that are maintained
21 at the dam.

22 MR. ALEXANDER: Is there always a flow at the First
23 Point of Measurement?

24 MR. BALCH: Yes, there is always a minimum flow.
25 The smallest was in the neighborhood of eighty to one hundred
26 second-feet.

1 MR. ALEXANDER: And you are maintaining that under
2 storage operation, maintaining a minimum flow there of some
3 type? There is always a flow to the First Point of Measure-
4 ment?

5 MR. BALCH: Yes, there has always been flows since
6 the dam has been constructed.

7 CHAIRMAN SILVERTHORNE: On Column 4, Sheet 4, Plate
8 2, Loss Footnote F, is that 85,000 acre-feet or is that --

9 MR. BALCH: 8.5. Unfortunately the decimal point
10 didn't reproduce.

11 CHAIRMAN SILVERTHORNE: What's the loss represented
12 now?

13 MR. BALCH: That is the evaporation loss at Isabella.
14 These loss figures are for conservation storage only which has
15 been excluded from this tabulation. The loss is attributable
16 to the recreation pool and the actual volumes of water since
17 1956 that have been maintained in the reservoir for recreation
18 purposes --

19 MR. KIENLEN: Mr. Balch, while we are on this, is
20 there any affect because of the power generation? I notice
21 along the stream there are small reservoirs. Do these create
22 any affect on your losses?

23 MR. BALCH: No significant measurable affect. They
24 do, from time to time, create operational problems which have
25 always been easily resolved, however.

26 MR. KIENLEN: This does affect your time lag problem?

1 MR. BALCH: Quite seriously.

2 MR. ENERSEN: If there are no further questions on
3 Plate 2, Mr. Balch, I think you might go on with your report.

4 MR. ALEXANDER: Before you leave Plate 2, what is
5 your average runoff at the First Point of Measurement for the
6 period of record?

7 MR. BALCH: The average runoff for the 70-year
8 period of record is 680,600 acre-feet.

9 MR. ALEXANDER: Thank you.

10 MR. ENERSEN: This appears on Plate 3 which you were
11 just about to mention, I believe.

12 MR. BALCH: Yes, back to the report, on top of Page
13 3 this is mentioned.

14 "Also included, as Plate 3, is a graph of Kern River
15 runoff at First Point of Measurement for the 70-year period
16 of record, portraying the annual runoff of the river arranged
17 in order of magnitude. This graph illustrates the magnitude
18 and frequency of the various annual amounts of Kern River
19 runoff. Erratic flows are characteristic of Kern River. The
20 runoff exceeds the average in only one-third of the years.
21 Conversely, in two-thirds of the years the runoff is less than
22 average. Thus, water deficiencies are normal in the Kern
23 River service area."

24 Turning to Plate 3 on the left-hand side of the graph
25 is shown the Kern River runoff in thousands of acrefeet. About
26 Along the bottom of the chart is shown the years of record,

1 from 1894 through 1963. However, these years are not arranged
 2 chronologically, but in order of magnitude. In other words,
 3 1891 which is shown on the left-hand side of the chart, was
 4 the driest year during this seventy-year period of record.
 5 The next driest was 1931, the next was 1923 -- '24 and so on.
 6 Over on the right-hand side of the chart are shown the largest
 7 years of runoff. You notice that 1916 was the largest with
 8 slightly less than two million acre-feet of runoff. It may
 9 be noted that the annual flow has about a tenfold variation.

10 MR. ALEXANDER: Is this water year or calendar year?

11 MR. BALCH: Calendar year. Here on the Kern River
 12 ordinarily the flows of the river are very small during the
 13 winter months and so we have maintained our records on a
 14 calendar basis.

15 It might be noted that the fourth largest year of
 16 record was 1952 and as an example comparing Plate 2 and Plate 3
 17 you might note that the absorption in the two Upper River
 18 areas alone amounted to 1,290,800 acre-feet which, if you
 19 compare that to this graph (indicating) you find that more --
 20 or that the absorption in just parts of the service area
 21 was greater than the annual flow of the river in more than
 22 ninety per cent of the years.

23 You will notice that there is six years when the flow
 24 has exceeded 1,300,000 acre-feet. Another interesting point is
 25 the average of 680 acre-feet which the flow is larger in about
 26 one-third of the years.

1 MR. ENERSEN: That is average in about one-third of
2 the years?

3 CHAIRMAN SILVERTHORNE: 1962 was almost average,
4 wasn't it?

5 MR. BALCH: Yes, it was slightly above.

6 CHAIRMAN SILVERTHORNE: Slightly above.

7 MR. ENERSEN: And what is the median flow, the flow
8 which occurred fifty per cent of the time?

9 MR. BALCH: 1903 and 1953 would be classified as
10 median years in which the flow is approximately 550,000
11 acre-feet as contrasted to the average 680,000 acre-feet.

12 CHAIRMAN SILVERTHORNE: Perhaps we should take a
13 brief recess of five minutes before going any further.

14 (Whereupon a short recess was taken

15 at 11:00 o'clock A. M., after which,

16 the following proceedings were had.)

17 CHAIRMAN SILVERTHORNE: All right, Mr. Enersen.

18 MR. ENERSEN: Mr. Balch, during the recess I was
19 reminded that I neglected to ask you with respect to the
20 canal and diversion works in the Second area whether your
21 familiarity of the area and the records relating to the area
22 would allow you to state whether or not those canals were in
23 existence prior to 1894?

24 MR. BALCH: Yes, it is my understanding that they
25 were in existence prior to 1894. In fact, the Miller-Haggin
26 Agreement specifies certain of those structures in that area

1 Agreement.

2 MR. ENERSEN: The Agreement of 1953?

3 MR. BALCH: Yes.

4 MR. ENERSEN: It provides for construction of certain
5 of them?

6 MR. BALCH: Yes.

7 MR. ENERSEN: And with respect to diversion facilities
8 and canals in the First Point area I think I also neglected to
9 ask you what use is made of the water which is taken out of
10 river through those First Point Canals?

11 MR. BALCH: Well, the water is diverted by gravity
12 through the canal system through direct application on crop
13 and for ground water replenishment purposes.

14 MR. ENERSEN: Thank you. Now, you may proceed with
15 your report.

16 CHAIRMAN SILVERTHORNE: Would you know whether this
17 replenishment would also tend to help replenish the Bakersfield
18 City wells?

19 MR. BALCH: I have not made any studies of the
20 ground hydrology around the City of Bakersfield.

21 "The shortage or deficiency of water within the
22 Kern River service area is substantial. This shortage is well
23 demonstrated by the positive efforts of the irrigation users
24 to import additional water supplies. Since shortly after the
25 U. S. Bureau of Reclamation completed construction of the
26 Friant-Kern Canal, the Kern River water users have maintained

1 standing requests for additional water. The quantity of water
2 actually acquired by Kern River water users from the Friant-
3 Kern Canal is shown in Column 6, Page 4 of Plate 2." This
4 Plate was referred to a few moments ago.

5 MR. ENERSEN: Mr. Balch, I have interrupted you to
6 ask you how the water gets from the Friant-Kern Canal to the
7 Kern River system?

8 MR. BALCH: Yes, the Friant-Kern Canal ends at the
9 Kern River just a few miles west of Bakersfield. It flows
10 directly into the river.

11 MR. ENERSEN: It is shown on the map as coming down
12 from the north through the North Kern Water Storage District
13 area and terminating at the Kern River Canal, is that correct?

14 MR. BALCH: Yes, that's correct.

15 CHAIRMAN SILVERTHORNE: Has Mr. Hoagland left us?

16 MR. CLAYTON (In Audience): He will be back.

17 CHAIRMAN SILVERTHORNE: It is time the City of
18 Bakersfield started to learn something about this case. I
19 wonder if he had left for the day.

20 MR. ENERSEN: I think that's a very pertinent comment.
21 Proceed, Mr. Balch.

22 MR. BALCH: "The Kern County Water Agency has also
23 contracted with the State of California for the delivery of
24 1,000,000 acre-feet of water annually. By resolution, Buena
25 Vista Water Storage District has indicated to the Kern County
26 Water Agency its desire to purchase 85,000 acre-feet annually

1 of additional water as soon as possible. Before December 31,
 2 1963, Tulare Lake Basin Water Storage District entered into
 3 a contract with the State of California to purchase an
 4 annual supply of 110,000 acre-feet, and Hacienda Water District
 5 entered into a contract to purchase an annual supply of 3,500
 6 acre-feet.

7 "For more than seventy years all Kern River River
 8 water has been utilized beneficially; in fact, there is a
 9 serious shortage of water. This shortage is further empha-
 10 sized by the positive actions to contract for imported
 11 supplies. Any decrease in the supply of Kern River water
 12 available to the service areas would cause further declines
 13 in the ground-water table, with the inherent increases in
 14 well and pump costs, and could cause serious crop and
 15 financial losses."

16 MR. ENERSEN: Thank you, Mr. Balch.

17 Mr. Chairman I have no questions of Mr. Balch.

18 CHAIRMAN SILVERTHORNE: Do you have any serious
 19 ground water drainage or water logging problems in this area?

20 MR. BALCH: There is only one spot within the entire
 21 First Point service area that has any problem of this nature.
 22 That is in the very southerly end of Kern Lake which is the
 23 most southerly portion of the service area which Mr. Enersen
 24 is pointing to. This drainage problem is caused, we believe,
 25 from a shallow perch table irrigation wells in that area have
 26 static depth of about 175 to 200 feet. In other words, in

1 this area we believe the geology is such to hold on a perch
2 basis certain water near the surface but yet the ground water
3 which is pumped is continuing to decline. In the most of the
4 First Point service area the soils are rather pervious and
5 drainage is not a problem. In fact, there are not drains.

6 CHAIRMAN SILVERTHORNE: Is there enough to keep your
7 groundwater table within reasonable limits?

8 MR. BALCH: It seems always to be going in the other
9 direction. There has been a decline in practically every year.

10 CHAIRMAN SILVERTHORNE: Throughout the area?

11 MR. BALCH: Throughout the First Point area and
12 throughout the Second Point area from the records we have seen.

13 MR. ALEXANDER: You gave a figure of 225,000 acres.

14 MR. BALCH: I believe the acreage is 223,000.

15 MR. ALEXANDER: Is that the entire acreage under
16 irrigation by the canal system?

17 MR. BALCH: No.

18 MR. ALEXANDER: Do you have an idea approximately
19 what it would be?

20 MR. BALCH: We have not had a crop survey for many
21 years. Being a public utility type operation with low water
22 rates we haven't been able to make crop surveys. My guess would
23 be that it might be in the neighborhood of two-thirds of the
24 land under a row crop type of irrigation.

25 MR. ALEXANDER: Approximately 150,000 acres then you
26 would roughly state?

1 MR. BALCH: That would be my guess.

2 MR. ALEXANDER: And what is the general trend of
3 the water table during the past several years?

4 MR. BALCH: Well, the general trend of the entire
5 service area in the First Point has been down. It has gone
6 down on a rate of five to seven feet per year.

7 MR. ALEXANDER: Five to seven feet per year?

8 MR. BALCH: That I would say would be a general average
9 for the entire area. Some would be more, some would be less.

10 MR. ALEXANDER: Now, could you give me similar
11 information regarding the Second Point service area?

12 MR. BALCH: It has been a long time since I have
13 reviewed any of those records. I would rather defer that to
14 Mr. Russell, who is here.

15 MR. ALEXANDER: Do you know the approximate irrigated
16 acreage in that Second Point?

17 MR. BALCH: Yes, the Buena Vista Water Storage
18 District has a gross acreage of 78,400 and a net irrigable
19 of 60,100.

20 MR. ALEXANDER: Thank you.

21 CHAIRMAN SILVERTHORNE: Do you get some benefits
22 from Isabella aside from any flood control regulation, getting
23 water when more appropriate, that sort of thing?

24 MR. BALCH: Yes, before Isabella it was necessary to
25 have larger spreading areas than are currently in operation
and secondly before Isabel Reservoir it was necessary to pump

1 more water from the ground during the later season. In other
2 words, there is a relation within the irrigation season so that
3 there is a reduction in the amount of spreading or repercolating
4 through the ground water so it is actually a transfer of a
5 portion of ground water regulation from the underground to
6 Isabella.

7 CHAIRMAN SILVERTHORNE: You receive some evaporation
8 in pumping, don't you?

9 MR. BALCH: Yes.

10 CHAIRMAN SILVERTHORNE: Thank you.

11 Mr. McGill, do you have any questions?

12 MR. MCGILL: No.

13 CHAIRMAN SILVERTHORNE: Staff members have any
14 questions?

15 MR. KIENLEN: Mr. Balch, you indicated water spread-
16 ing activities or maintenance, are these by the various
17 companies that divert at the First Point Measurement?

18 MR. BALCH: Yes, Kern County Land Company has had
19 spreading operations for many years and the North Kern Water
20 Storage District has constructed spreading grounds which are
21 part of the North Kern Water Storage project or method of
22 operation. This is in accordance with the Water Storage
23 District Law whereby in 1950 they had a project recorded
24 which included the construction of an improved spreading
25 area.

26 MR. KIENLEN: And do they also maintain a well field

1 to extract water from underground?

2 MR. BALCH: Yes, the North Kern Water Storage District
3 owns irrigation wells which pump directly into the canal system.

4 MR. KIENLEN: Does the Kern County Land Company also
5 have a well field or is it individual diverters that pump?

6 MR. BALCH: Well, both individual customers and
7 the Kern County Land Company have irrigation wells even with
8 Isabella Reservoir. Coming back to this curve it is necessary
9 for the majority of the area to have wells as well as a canal
10 supply. As an example, many -- if you note on this frequency
11 curve which is Plate 3, 1959 was the sixth driest year --
12 was the seventh, and then 1961 was the driest year in the
13 70 years of record, so that there it is not possible to carry
14 over or regulate the stream sufficient to meet the requirements
15 of the canal service areas. From my knowledge this is also
16 true in the Second Point District.

17 MR. KIENLEN: You answered my question. That's all
18 I have.

19 MR. CRAIG: No questions.

20 CHAIRMAN SILVERTHORNE: Any other questions?

21 MR. McGOVERN: Mr. Chairman, first I would like to,
22 on behalf of Applicant 9447, to have the benefit of Mr. Balch's
23 testimony and I hoped his exhibits would be offered on behalf
24 of us also.

25 CHAIRMAN SILVERTHORNE: Very well.

26 MR. McGOVERN: May I ask one question?
27

CHAIRMAN SILVERTHORNE: Surely.

MR. McGOVERN: Is the Staff report a part of the record here?

MR. CRAIG: Yes, it is intended to be a part of the Staff Exhibit No. 1.

MR. McGOVERN: Mr. Balch, on the Staff report, the map attached to the Staff report the applicant in Application 9447, the plans are delineated as Buena Vista Lake. Now, these are the lands within Buena Vista Water Storage District as shown in green on your Plate Number 1, I believe it is, of Exhibit No. 7?

MR. BALCH: Yes.

MR. McGOVERN: That's correct?

MR. BALCH: Yes.

MR. McGOVERN: And, rather, I would imagine that the title "Former Buena Vista Lake" or "Dry bed" or some such title would be more applicable?

MR. BALCH: Yes, the rather circular area in green is the area known as Buena Vista Lake.

MR. McGOVERN: And as of the present time some or all of those lands are presently irrigated?

MR. BALCH: That's correct.

MR. McGOVERN: That's all, Mr. Balch.

CHAIRMAN SILVERTHORNE: Any other questions?

MR. ALEXANDER: I have one other question.
Mr. Balch, do you have any idea as to what the

average annual overdraft is in the First and Second Point service areas?

MR. BALCH: Not for the service areas as shown on the map. There have been recent reports prepared by the firm of Lewis Hill and Jaatt for the County of Kern which indicates on the valley floor in a portion of the County an overdraft is in the neighborhood of 700,000 acre-feet per year.

MR. ALEXANDER: And a good percentage of that land is within the First and Second Point of service area, or do you know.

MR. BALCH: Well, as the map shows here the Buena Vista Water Storage District is the most westerly cultivated or irrigated land within the valley floor. To the east there is perhaps land east of the North Kern Water Storage District, two or three miles in extent. From personal knowledge within the Semi-Tropic Water Storage District, which lies west of North Kern and east of Buena Vista, approximately one-third of those lands are presently in production. I might mention one other area, that's the Shafter-Wasco which is practically fully developed and gets its water from the Central Valley Project.

MR. ALEXANDER: Thank you.

CHAIRMAN SILVERTHORNE: Any other questions?

(No response.)

CHAIRMAN SILVERTHORNE: Thank you very much, Mr. Balch. Does that complete your phase, Mr. Enersen?

1 MR. ENERSEN: Yes, it does.

2 (Whereupon the witness was excused.)

3 CHAIRMAN SILVERTHORNE: Do any other applicants
4 which to present statements or testimony?

5 Judge Woolley?

6 MR. WOOLLEY: On behalf of the Buena Vista Water
7 Storage District I'd like to call Mr. Russell.

8 HAROLD K. RUSSELL, was called as a
9 witness on behalf of the Buena Vista Water Storage District,
10 was sworn and testified as follows:

11 MR. WOOLLEY: State your name, Mr. Russell, please.

12 MR. RUSSELL: Harold K. Russell.

13 MR. WOOLLEY: Where do you reside?

14 MR. RUSSELL: Buttonwillow, California.

15 MR. WOOLLEY: Are you employed by the Buena Vista
16 Water Storage District?

17 MR. RUSSELL: Yes, I am.

18 MR. WOOLLEY: What position, if any, do you hold with
19 that District?

20 MR. RUSSELL: I hold the position of Engineer
21 Manager of the District.

22 MR. WOOLLEY: And how long have you been associated
23 with the District?

24 MR. RUSSELL: Since '60.

25 MR. WOOLLEY: Do you have anything to do with the
26 disposition of Second Point Water?
27
28
29
30

MR. RUSSELL: Yes, I do.

MR. WOOLLEY: What has been your experience or observation insofar as whether the amount of Second Point water as been sufficient to grow mature crops within the District, during the time that you know the District?

MR. RUSSELL: The period which I have known the District, the Second Point water available to the District for irrigation of crops has been deficient in every year.

MR. WOOLLEY: In your opinion is it possible to grow and harvest crops in that area without the pumping of underground water?

MR. RUSSELL: No, it has not been.

MR. WOOLLEY: As a matter of fact, one year since you have been there no water at all reached the Second Point of Measurement, is that correct?

MR. RUSSELL: That's correct, 1961.

MR. WOOLLEY: Yes.

Now, some questions were asked Mr. Balch regarding the underground depth. Do you have any knowledge on that subject as to whether the water is going up or down?

MR. RUSSELL: Yes, the Buena Vista Water Storage District area ground water depths have followed the pattern of the County as a whole and have been declining at some five-foot per year average in recent years.

MR. WOOLLEY: Now, Mr. Russell, are you acquainted with the wells in the northern portion of the Buena Vista at

District, where I am pointing with my finger on the map (indicating)?

MR. RUSSELL: Yes.

MR. WOOLLEY: Would you state to the Board what has happened to those wells insofar as the saline condition of the water is concerned?

MR. RUSSELL: The wells in the north part of the District in addition to declining have experienced a worsening of quality of water. The saline condition has become increasingly worse and not so because of the heavy pumping and some of the wells have gone out of production. The water is no longer useable on land for the raising of crops.

MR. WOOLLEY: Now, in addition to the Second Point Water and the pumping of underground water that you have mentioned, has the Buena Vista Water Storage District had any other water since you have been there? Has it purchased water?

MR. RUSSELL: The District has purchased Friant-Kern water whenever available.

MR. WOOLLEY: Would you elaborate on that a bit?

MR. RUSSELL: This is a short-term contract the District has with the Bureau for the purchase of Class 2 plant water when available and it has been in effect for the last five years and we just recently are renegotiating for an additional five-year period which we are acquiring Class 2 water whenever available off the Friant.

MR. WOOLLEY: You have actually used some of that

1 Friant water, haven't you?

2 MR. RUSSELL: Yes. As shown on that Plate 2 of
3 Mr. Balch's report showing the importation of Friant water
4 into the area.

5 MR. WOOLLEY: Yes. I think Mr. Balch testified also
6 that Buena Vista intends to purchase Feather River water, is
7 that correct?

8 MR. RUSSELL: Yes. The Board passed a resolution
9 indicating its willingness and desire to purchase water through
10 the Kern County Water Agency off the Feather River conduit.

11 MR. WOOLLEY: Do you know what the District's
12 expense to pay for that water per acre-foot is? Do you have
13 any idea?

14 MR. RUSSELL: Roughly it is anticipated it will cost
15 an average to the District of approximately ten dollars an
16 acre-foot.

17 MR. WOOLLEY: What kind of crops are grown in the
18 Buena Vista area? Cotton, is that the principal crop?

19 MR. RUSSELL: The principal crop is cotton and
20 alfalfa as well as grain types of crops.

21 MR. WOOLLEY: And I think Mr. Balch testified as to
22 the percentage of the land actually planted in crops?

23 MR. RUSSELL: Yes.

24 MR. WOOLLEY: What does that run about?

25 MR. RUSSELL: Some 67,000 acres out of a total of
26 75,000.

1 MR. WOOLLEY: I think that is all the questions.

2 CHAIRMAN SILVERTHORNE: 75,000?

3 MR. RUSSELL: Seventy-five is the total within the
4 District. 67,000 is presently being served with water for
5 irrigation purposes.

6 CHAIRMAN SILVERTHORNE: Well, I was just wondering
7 if that seventy-five includes all the land, roads and farm
8 settlements, et cetera?

9 MR. RUSSELL: Probably it is like 75,000 irrigable.

10 MR. WOOLLEY: Do you have any statement you want
11 to make beyond what you have already stated?

12 MR. RUSSELL: No, although I would emphasize that
13 the District lands are all served by individual farmer pumps
14 because of the deficiency in the supply and the pumps are
15 sufficient to completely irrigate the land which was indicated
16 in 1961 and this would indicate that heavy pumping is done and
17 is available and at the present time it is necessary for
18 farmers to maintain a pumping supply that can irrigate all of
19 their land.

20 CHAIRMAN SILVERTHORNE: What is the average depth
21 of your water table?

22 MR. RUSSELL: The average standing level would be
23 probably be about fifty to sixty feet dropping down to
24 approximately a hundred feet.

25 MR. WOOLLEY: That's all the questions I have.

26 MR. McGOVERN: Mr. Russell, as I understand it you are

1 relating all of your testimony to the green area as shown on
2 Plate 1 of Exhibit 7?

3 MR. RUSSELL: Yes.

4 MR. McGOVERN: On behalf of Applicants in Application
5 4447 we would like Mr. Russell's testimony to be considered
6 as offered by us.

7 CHAIRMAN SILVERTHORNE: Very well.

8 MR. WOOLLEY: I would like to have it understood that
9 Laguna Vista also would get the benefit of Mr. Balch's testi-
10 mony and all of their records on file in this case.

11 CHAIRMAN SILVERTHORNE: Very well.

12 MR. ALEXANDER: Does the 75,000 acres include all
13 the green area as shown on the map?

14 MR. RUSSELL: Yes.

15 CHAIRMAN SILVERTHORNE: Any other questions from the
16 Staff?

17 (No response.)

18 CHAIRMAN SILVERTHORNE: Any questions by anyone else?

19 (No response.)

20 CHAIRMAN SILVERTHORNE: Thank you, Mr. Russell.

21 (Whereupon the witness was excused.)

22 MR. BARNES: Mr. Chairman, on behalf of the Principal
23 Lower River interests the Tulare Lake Basin Water Storage
24 District and the Hacienda Water District, we would like to join
25 in to the support of the statement made by Mr. Balch and
26 we would like to offer at this time some additional testimony

1 by ourselves which I would like to make from the chair, if
2 I say.

3 STANLEY BARNES, was called as a witness
4 on behalf of the Lower River Interests and was sworn and
5 testified as follows:

6 MR. BARNES: My name is Stanley M. Barnes, I am
7 a civil engineer in Corcoran, California. I graduated from
8 Caltech in 1949 with a degree in Mechanical Engineering and
9 I hold a Master's of Science Degree in Civil Engineering from
10 Stanford specializing in hydraulic and hydrology. I am a
11 member of the American Society of Civil Engineers and the
12 American Water Works Associates and I am affiliated with
13 Tau Beta Pi. I am a licensed mechanical and civil engineer
14 in the State of California.

15 My experience since graduation has been entirely
16 in the field of water resources engineering. The great
17 majority of it in California, and entirely in the Western
18 United States. Included in it is work that I did starting
19 in 1954 or 1955 while employed by Bechtel Corporation. We
20 made some Kern River Water Rights investigations on behalf of
21 the Buena Vista Associates, Incorporated and my general familiar-
22 ity with the Kern River problem stems from that time.

23 I have continuously been involved in one phase or
24 another with studies since that time. For the last five years
25 I have been employed in the Tulare Lake area and it is with
26 respect to that area that I would like to indicate how the

1 Kern River water is used.

2 That water flows north of this County and crosses
3 the Wasco-Paso Robles Highway. Water which Mr. Balch indicated
4 flows north through either the outlet canal or Goose Lake
5 slough flows northerly and is retained there. What I am
6 talking about is natural flow condition not divided by an
7 agreement. The flows were retained back of the area known as
8 the Hacienda Water District and that area is approximately
9 15,000 acres. The water, the surplus waters were then released
10 through the San Ridge through an outlet into the Tulare Lake
11 area. There was some water that was diverted elsewhere but
12 the great bulk of Kern River water was pumped from the lake
13 by a number of water lift systems.

14 Tulare Lake, similar to portions of Buena Vista,
15 was divided into cells formed by Reclamation Districts. The
16 Reclamation Districts were formed approximately in the
17 period 1895 through approximately 1916, the majority of them
18 prior to the date of the Water Commission Act.

19 The first water flowing into the area, of course,
20 would go into the lowest portion of the lake and if additional
21 waters flowed in then it would be overtopped and water would
22 expand out into a larger area, but the nature of the irrigation
23 was to try to confine the area so as to try to reduce evap-
24 oration and to pump the water on to the higher land surrounding
25 the lake itself where the water was used.

26 Now, the statements that have been made here with

1 regard to inadequate water supplies also apply to quite an
 2 extreme extent in our area. The Tulare Lake Basin Water
 3 Storage District consists of approximately 193,000 acres.
 4 Approximately 173,000 acres of net irrigable land. During
 5 times of adequate water supply, all of this land is irrigated.
 6 During times of drought only portions of it are irrigated.
 7 Mr. Balch indicated that we have requested the State of
 8 California and have assigned a contract for the delivery of
 9 115,000 acre-feet of water. I think that generally covers
 10 what I wanted to say, Mr. Chairman.

11 MR. ALEXANDER: The area that you were testifying
 12 to and the point of diversion are shown on Exhibit 7 in Plate 1?

13 MR. BARNES: I don't have the number, but it was
 14 shown on the exhibit that was on the board.

15 MR. ALEXANDER: That is Plate 1 of Exhibit 7. I
 16 wanted to get that for the record.

17 MR. BARNES: Yes. I might point out, Mr. Alexander,
 18 that the map only indicates approximately the southern half
 19 of the Tulare Lake Basin Water Storage District.

20 CHAIRMAN SILVERTHORNE: Any questions by Mr. Kienlen
 21 or Mr. Craig?

22 (No response.)

23 MR. ALEXANDER: Did anyone or the Corps make any
 24 estimate as to evaporation because of the recreational use of
 25 the reservoir and who will make it up? This was

26 MR. BARNES: If there was, I don't know of it. It was

1 MR. ALEXANDER: Do you have any information on that,
2 Mr. Balch?

3 MR. BALCH: The Corps made several routings on
4 both an unregulated and regulated basis back in 1952 and '53.
5 Those routings were made on using various assumptions as to
6 criteria. I believe they did come up with the figures that
7 you are talking about. However, the assumption in some of
8 those studies were never agreed upon by the irrigation users.

9 CHAIRMAN SILVERTHORNE: Thank you.
10 Thank you, Mr. Barnes.

11 (Whereupon the witness was excused.)

12 CHAIRMAN SILVERTHORNE: Do any of the other applicants
13 wish to present testimony or make statements?

14 (No response.)

15 CHAIRMAN SILVERTHORNE: Apparently not.
16 Protestants? Mr. Gibson made the first appearance
17 for PG&E.

18 MR. JOHN B. GIBSON: We have nothing, Mr. Chairman.

19 CHAIRMAN SILVERTHORNE: Mr. Bury?

20 MR. BURY: No, we did not intend to present any
21 evidence at this time. I think that previously protests which,
22 were filed by Southern California Edison, particularly with
23 respect to Applications 9446 and 9447 indicated the conditions
24 upon which they could be dismissed. Ample diversions were made
25 at points below the point of diversion of Edison. This was
26 because it was our feeling that the original application was

1 perhaps somewhat ambiguous in this respect. It is my under-
 2 standing, that the applicants intend to secure appropriate
 3 rights and assume unappropriated water at points below and
 4 that, therefore, the contention for dismissal of that protest
 5 would be apt. This, of course, assumes that there is un-
 6 appropriated water and Edison takes no position with respect
 7 to that issue. About the only other protest was with the
 8 County Application and it is my understanding, although I have
 9 heard nothing, today to indicate that, that the County does
 10 not propose to move forward with the application and so,
 11 therefore, we will withhold any statement as to position or
 12 evidence.

13 CHAIRMAN SILVERTHORNE: Very well. Thank you.

14 Mr. Nichols?

15 MR. NICHOLS: Mr. Chairman, on behalf of the Hacienda
 16 Water District I want to state that the Kern River Rights
 17 and Storage Agreement has satisfied our position and we continue
 18 to feel that there is no unappropriated water in the Kern River.
 19 Our position is taken as of the riparian position. It need
 20 not be argued here as I understand it.

21 CHAIRMAN SILVERTHORNE: Thank you. And that finishes
 22 out the protestants. And, I assume, concludes the hearing.

23 MR. WOOLLEY: Mr. Chairman, I'd like to make one
 24 statement.

25 I neglected to bring out that the witness Russell
 26 is a registered civil engineer. I'd like to have the record

1 show that.

2 CHAIRMAN SILVERTHORNE: Very well.

3 No one else has anything to present?

4 (No response.)

5 CHAIRMAN SILVERTHORNE: Well, we will let the City
6 of Bakersfield know about any time that they have for preparing
7 anything they may have. I thought perhaps if they heard this
8 case through they might --

9 MR. CLAYTON: I have.

10 CHAIRMAN SILVERTHORNE: And your name, sir?

11 MR. CLAYTON: Clayton, Ray Clayton.

12 CHAIRMAN SILVERTHORNE: I thought there was a
13 possibility that when you were thoroughly familiar with what
14 was going on here that you might change your position as far
15 as the feeling that you might have some kind of claim.

16 MR. CLAYTON: We have heard nothing to change our
17 position.

18 CHAIRMAN SILVERTHORNE: We will let you know and
19 set some time in which you may make some presentation. If
20 you do so desire and if there is something you wish to present,
21 something substantial, we will write you to that effect and
22 notify the other parties.

23 That will conclude the hearing. Thank you very much.

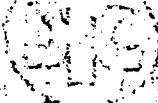
24 (Whereupon the hearing was concluded
25 at 11:45 o'clock A. M.)

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REPORTER'S CERTIFICATE

I, ALLEN MARTIN, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the aforementioned cause, at the time and place herebefore set forth and I do further certify that the foregoing transcript consisting of sixty-two (62) typewritten pages is a true, accurate and correct copy of my stenographic notes.


Allen Martin
Allen Martin, Court Reporter
Western Reporters,
3333 Watt Avenue
Sacramento, California

REPRODUCTION FEE

INDEX TO EXHIBITS

A-9446, 9447, 10941, 11071, 11148, 11351, 13403, 13709 and 15440

- Item 1 Transcript (Dated February 5, 1964)
- Item 2 - STATE WATER RIGHTS BOARD
- Exh. 1 Files of Applications 9446, 9447, 10941, 11071, 11148, 11351
13403, 13709 and 15440. (By Reference)
- Exh. 2 USGS Water Supply Papers, Part 11, "Pacific Slope Basins in
California", 1901 to 1961. (By Reference)
- Exh. 3 USGS Water Supply Paper 1469, "Ground Water Conditions and
Storage, San Joaquin Valley", dated 1959. (By Reference)
- Exh. 4 Department of Water Resources "Report of Sacramento-San Joaquin
Water Supervision" From 1950 to 1960. (By Reference)
- Exh. 5 Department of Water Resources, Bulletin No. 23, "Surface Water
Flow" From 1956 to 1960. (By Reference)
- Item 3 - NORTH KERN
- Exh. 1 Agreement recorded October 11, 1888, between Henry Miller, et al.,
and James B. Haggin, et al., consisting of 54 pages.
- Exh. 2 Decree dated August 6, 1900, consisting of 21 pages.
- Exh. 3 Agreement dated June 19, 1930, between Miller and Lux, Carmel
Cattle Company, et al., and Buena Vista Water Storage District,
consisting of 9 pages.
- Exh. 4 Agreement dated September 14, 1955, amending the Miller-Haggin
agreement, consisting of 25 pages.
- Exh. 5 "Kern River Water Rights and Storage Agreement", dated December 31, 1962.
- Exh. 6 "Agreement for Establishment and Maintenance of Minimum Recreation
Pool of 30,000 Acre-feet in Isabella Reservoir", dated November 8,
1963, consisting of 9 pages.
- Exh. 7 "Report of Kern River Watermaster", consisting of 4 pages and 3 plates.