

D 716

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

oOo

In the matter of Application No. 5312 of Louis Avanzino
to appropriate from Willow Creek, a trib-
utary of Clear Lake in Modoc
County for Irrigation
Purposes.

DECISION 5312 D 217

Decided: *February 21, 1929*

oOo

APPEARANCES AT HEARING HELD at Alturas,
October 1, 1928.

For Applicant

Louis Avanzino in propria persona

For Protestants

Lane Mortgage Co., et al.,

A. K. Wylie, Atty.,
Alturas, Calif.

EXAMINER: T. R. Simpson, Assistant Hydraulic Engineer, for Harold Conkling,
Chief of the Division of Water Rights.

oOo

O P I N I O N

Under Application 1880 Permit 849 License 515 applicant has ap-
propriated 400 acre feet per annum. The reservoir was constructed to a
capacity of 855 acre feet and it appears that since 1924 the larger amount
has been put to beneficial use on 414 acres of the 800 acres described in
the original licensed application. Application 5312 proposed the appropriation
of the difference between the amount specified in Application 1880 and the

capacity of the reservoir, or 455 acre feet, for the agricultural benefit of the same 414 acres. The period of diversion to storage in each proceeding is from about December 1st to about June 30th. Protest was filed jointly by Lane Mortgage Company, Leland and Myers, W.L. Leland and C. J. Gardner.

This application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested was set for a public hearing at 1:30 o'clock in the afternoon of October 1, 1928, in the Supervisor's Room of the Court House at Alturas. Of this hearing applicant and protestants were duly notified and appearances thereat were made on behalf of all parties.

The protest alleges that protestants own several thousand acres of land riparian to Willow Creek and that the entire yield of the source has been used thereon. At the hearing, however, it was brought out that protestants are jointly interested in the Bowles Meadows Tract of land being 4,000 acres situated on Willow Creek below applicant's point of diversion of which 4,000 acres approximately 3,600 acres have been irrigated. Applicant testified that there is ample water in the source for both parties and that his "purpose and intention is not to interfere with their use of water." Witnesses for protestants testified that there was an abundance of water for both applicant and protestants. Protestants' attorney thereupon stated that he found nothing to protest in applicant's proposed use of surplus water and, in effect, withdrew the protest against approval of the application subject to vested rights.

It has already been proven by several years irrigation that the use is a beneficial one. The application will therefore be approved.

ORDER

Application No. 5312 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protest having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said application No. 5312 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento this 21 day of February 1929.

Harold Conkling
(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS

JCF:GG