

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

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IN THE MATTER OF APPLICATION 4406 OF EDWIN W. EHMANN  
• TO APPROPRIATE FROM THE MAIN DITCH OF DRAINAGE DISTRICT  
NO. 100, TRIBUTARY OF BUTTE CREEK, IN BUTTE COUNTY,  
FOR AGRICULTURAL PURPOSES.

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DECISION No. A4406. D 152

Decided May 17, 1927

APPEARANCES AT HEARING HELD APRIL 7, 1927

For Applicant:	Edwin W. Ehmann in propria persona
For Protestants:	W. P. Dwyer for Sacramento Navigation Co. R. J. Morrissey for Manley S. Harris, President, Gray Lodge Gun Club.
EXAMINER:	Edward Hyatt, Jr. Chief of Division of Water Rights

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O P I N I O N

Application 4406 was filed on December 29, 1924, by Edwin W. Ehmann. It proposes an appropriation of 3.22 cubic feet per second from the Main Ditch of Drainage District No. 100 for the irrigation of 129 acres of rice, pasture and duck preserve. No protest had been filed against this application prior to the hearing.

Although this application had not been protested, there had been incident to the water shortage during the past few years, considerable controversy relative to use of water for duck pond purposes and the relation which same should bear to agricultural, navigation and other uses. For this

reason it was desired by the Division of Water Rights that before final action on this class of application was taken, opportunity be presented through a hearing for the discussion of the points involved by the various interests concerned in the perfection of water rights of this character.

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 for reasons above stated was set for a public hearing at 707 Forum Building, Sacramento, at 10:00 o'clock A.M. on April 7, 1927. Of this hearing applicant and various other parties interested in the perfection of water rights of this character were duly notified. Appearances were made at the hearing as noted above. The matters of Application 3151, 3153, 3155, and 3157 were heard jointly at this hearing.

Applicant amended Paragraphs 3 and 19 of his application at the hearing such that the feature proposing the irrigation of a duck preserve was stricken out. (Pages 16 and 17 of transcript filed in folder 2 of Application 3151). The applicant now seeks in this application an appropriation of 3.22 cubic feet per second for the irrigation of 129 acres of rice during a season from April 1st to October 1st, and for the irrigation of the same area in pasture from October 1st to April 1st. The duty of water sought is that customary for irrigation of rice prior to August 1st, that is, one cubic foot per second to forty acres. This duty is too low for irrigation of rice subsequent to August 1st and of pasture, as is brought out in the memorandum by D. M. Baker, dated April 8, 1924, entitled "Duty of Water to be Allowed in Permits and Licenses in Sacramento Valley, Particularly in Connection with Rice Projects." The customary duty of water for irrigation of rice after August 1st is one cubic foot per second to fifty acres and that for pasture irrigation is one cubic foot per second to eighty acres.

Since there is no protest standing against this application and since the feature proposing irrigation of a duck preserve has been stricken from said application, there appears to be nothing that now stands to prevent issuance of permit to applicant.

O R D E R

Application 4406 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, a public hearing having been held for reasons as above stated and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that application 4406 be approved and that permit be granted to applicant subject to such of the usual terms and conditions as may be appropriate and the following special terms and conditions to-wit:

"The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 3.22 cubic feet per second from January 1 to December 31 of each year. Diversions under this permit, which are to be directly applied to irrigation use without storage, shall not exceed the rate of one cubic foot per second continuous flow to eighty acres of irrigated land devoted to crops other than rice, and where the water is to be used for the irrigation of rice, shall not exceed one cubic foot per second continuous flow to forty acres of irrigated land from the commencement of the irrigation season to August 1st and thereafter shall not exceed the rate of one cubic foot per second to fifty acres of irrigated land; provided, however, that in case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights."

Dated at Sacramento, California, this 17th day of May 1927.

  
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(Edward Hyatt, Jr.)  
CHIEF OF DIVISION OF WATER RIGHTS

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