

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

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In the matter of Application Number 1889 by Alberta
L. Lathrop to appropriate water from San Joaquin
River in Fresno County for Agricultural Purposes

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DECISION NO. 1889 - D 96

Decided March 27, 1926

APPEARANCES AT HEARING HELD March 3, 1926

For Applicant: No appearances.

For Protestant: No appearances.

Examiner: Edward Hyatt, Jr., Chief of Division of Water Rights.

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O P I N I O N

On July 2, 1920, Alberta L. Lathrop who later became by marriage Mrs. Alberta L. Thompson filed her application Number 1889 to appropriate water for the agricultural benefit between March 1st and November 1st of 40 acres of land in the vicinity of Ingomar, water to be diverted near Mendota and conveyed through about 55 miles of canal proposed to be built by the West Stanislaus Irrigation District. Thereafter the 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 a protest against same was filed by James J. Stevinson, a Corporation. A hearing was set to be held in the matter at 10:00 o'clock in the morning of March 3, 1926, at Room 707 Forax Building, Sacramento, of which hearing applicant and protestant were duly notified.

END. MAR 25 1926

The protest of James J. Stevinson, a Corporation, recites a riparian claim to use water ~~under riparian~~ on several thousand acres and states this claim has been adjudicated in their favor.

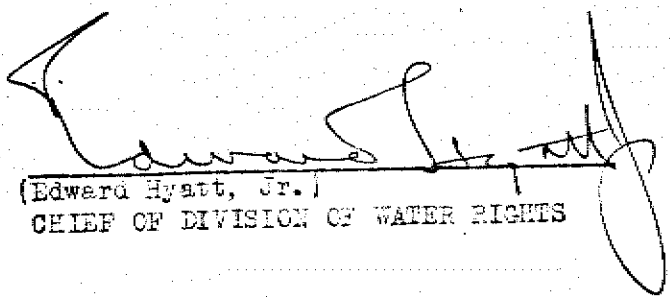
This application was filed some five and one-half years ago and proposed diversion through a main canal to be constructed by West Stanislaus Irrigation District which district was then just organized. Since that time the San Joaquin River Water Storage District has been organized to include the lands of the applicant and a portion of West Stanislaus Irrigation District. The West Stanislaus Irrigation District has not proceeded with its plans as contemplated at the time this application was filed nor is there any present prospect of its building the canal through which this applicant has proposed to divert. If further appears that applicant has made no practical arrangement by which diversion could be made to consummate the appropriation as originally proposed nor has she submitted any alternative plan. Although advised of the hearing which was made necessary by reason of the protest of the James J. Stevinson Corporation before favorable action could be taken on the application the applicant failed to appear at the hearing nor has she since made any showing of cause for failure to appear. We are therefore forced to the conclusion that the applicant is apathetic and has no present plan to proceed under this appropriation and the approval of the application would be an idle process intended to accomplish no useful or beneficial purpose. We are further persuaded to this belief by the fact that several other similar applications filed at about the same time as this one, by the same agent, and having the same general plan or purpose have since been voluntarily withdrawn.

ORDER

Application Number 1889 having been filed with the Division of Water Rights as above stated, protests 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 permit be denied on application Number 1889 and that same be cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 27th day of March 1926.



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

JCF:MP