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

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In the Matter of Application 3391 of Alfred Giraud
to appropriate from Eaton Springs in Inyo County
for stockwatering purposes.

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Decision A 3391 D 237

Decided September 13, 1929

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Appearances at the Hearing Held at Los Angeles May 7, 1929.

For Applicant

Alfred Giraud

No appearance.

For Protestant

Walter Palmer

No appearance

For U. S. General Land Office

J. H. Favorite
J. J. Donovan.

Examiner

Harold Conkling,
Deputy in Charge
of Water Rights.

O P I N I O N

Application 3391 was filed April 30, 1923, by Alfred Giraud. It proposes an appropriation of 1/8 miner's inch or approximately 0.003 cubic foot per second from Eaton Springs in Inyo County to be diverted for stock-watering purposes from about October 1st to about May 1st of each season.

The application was protested by Walter Palmer on the grounds that Eaton Springs were on lands controlled by him by virtue of mining location, but this protest was disposed of as the result of a former hearing held on March 13, 1928.

In Decision 189 decided April 9, 1928, it was ordered by this office that pending the action of the U. S. Land Office on applicant's petition for clear listing, action on Application 3391 should be deferred, that if and when applicant's petition was granted by the U. S. Land Office, Application 3391 should be approved but that if the petition was denied, Application 3391 should also be denied.

On May 7, 1929 at 10:00 A.M. a public hearing was held in Room 1025 Associated Realty Building, Los Angeles, primarily for the purpose of securing information as to the steps which had been taken by a number of applicants before this office, toward the securing right of access to the proposed points of diversion and to afford applicants an opportunity to show cause, if any existed, why the several applications should not be cancelled on the grounds that diligent and appropriate effort had not been made toward that end. The sources of proposed appropriation in each of the several applications, including Application 3391 was described as being on unoccupied land of the public domain and in order that the General Land Office

might be fully informed in the premises notice of the hearing was sent to the General Land Office as well as to the several applicants.

Eaton Springs are Upon Lands of Applicant.

On May 4th, 1929 an amended application was received from Mr. Giraud, and on June 3rd an amended map was filed in support of the application which indicates that according to a recent survey the source of the proposed appropriation is located upon lands owned by the applicant.

This clears up the question of right of access for which reason action has been withheld by this office and there is no apparent reason why application 3391 should not be approved.

O R D E R

Application 3391 for a permit to appropriate water having been filed with the Division of Water Resources, as above stated, a protest having been filed, public hearings having been held and the Division of Water Resources now being fully informed in the premises.

IT IS HEREBY ORDERED, that Application 3391, 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, California, this 13 day of Sept 1929
1929.

EDWARD HYATT
STATE ENGINEER

By Harold Conkling
Deputy in Charge of Water Rights.

WES:JR.

September 11, 1929.

SEP 12 1929 E.N.B.