

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

cOo

In the Matter of Application 6748 of Ralph and George W. Coffey
to appropriate from Lone Tree Creek, tributary to French Camp
Slough and San Joaquin River in San Joaquin County for
Irrigation Purposes.

cOo

DECISION A 6748 D 312

Decided *April 11, 1932*

cOo

APPEARANCES AT HEARING HELD APRIL 2, 1932

For Applicant

Ralph and George W. Coffey

T. P. Wittschen

For Protestants

Richard and Nellie C. Stevens

No appearance

Lucky McFall

No appearance

EXAMINER: Everett N. Bryan, Hydraulic Engineer for Harold Conkling,
Deputy in Charge of Water Rights, Division of Water Resources,
Department of Public Works, State of California.

cOo

O P I N I O N

GENERAL FEATURES OF APPLICATION 6748

Application 6748 was filed by Ralph and George Wesley Coffey on
July 24, 1930. As presented at the hearing it proposed an appropriation of
5.75 cubic feet per second to be diverted from Lone Tree Creek, tributary to
French Camp Slough and San Joaquin River from about February 1 to about
October 15 of each season for irrigation purposes on 465.0 acres of land
lying within Section 26, T 1 S, R 8 E, M.D.E. & M. The point of diversion

was described as being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, T 1 S, R 8 E, M.D.B. & M.

During the course of the hearing the application was amended at the request of the applicants by striking therefrom all reference to that portion of the place of use lying within the boundaries of the South San Joaquin Irrigation District thereby limiting the area to be irrigated to 297.2 acres and reducing the amount of water applied for to 3.72 cubic feet per second, the usual allowance for the irrigation of such an area.

PROTESTS

Richard and Nellie C. Stevens, under Application 6264, Permit 3287 claim a right to 2 cubic feet per second to be diverted from the waters of Lone Tree Creek from about April 1 to about November 30 of each season for irrigation purposes and allege in effect that, as there is already an insufficient supply of water during the summer months, the approval of Application 6748 would result in depriving them of the water to which they are entitled.

Lucky McFall, under Application 6397, Permit 3389, claims a right to divert 1.47 cubic feet per second from the waters of Lone Tree Creek from about April 1 to about November 30 of each season for irrigation purposes and alleges in effect that the approval of Application 6748 would deprive him of water to which he is entitled.

HEARING SET IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Application 6748 was completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Resources

and being protested was set for a public hearing on April 2, 1932, at 9:30 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing applicants and protestants were duly notified.

AGREEMENT BETWEEN APPLICANTS AND PROTESTANTS

Prior to the hearing the protestants were advised by their attorney that as a result of a conference between applicants' attorney and himself, the applicants had agreed to amend their application by striking therefrom all reference to lands lying within the boundaries of the South San Joaquin Irrigation District provided that protestants would not appear at the hearing and contest the proposed appropriation.

The fact that protestants were not present or represented at the hearing may be considered tantamount to the acceptance of the terms of the agreement and as the application has been amended in conformity therewith, and as uncontroverted testimony presented at the hearing indicated that during the summer months of a year of normal runoff there was unappropriated water in the source from which applicants propose to divert, it is the opinion of this office that the protests may be dismissed and Application 6748 approved as amended.

O R D E R

Application 6748 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been received, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application 6748 be approved and that a permit be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this *11th* day of *April*, 1932.

EDWARD HYATT, State Engineer

BY *Harold Conkling*
Deputy

WES:MP

