

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

5 4 3
5 4 3

oOo

In the Matter of Applications 6472 and 6473 of Gilbert E. Humphrey
to Appropriate Water from Adobe Creek, River Spring and a
Series of Wells in Mono County for Power, Irrigation
and Domestic Purposes.

oOo

DECISION A 6472, 6473 D - 326

Decided *July 13, 1932*

oOo

APPEARANCES AT HEARING HELD AT SACRAMENTO, JUNE 6, 1932

For Applicant

Gilbert E. Humphrey

No appearance

For Protestants

City of Los Angeles and Department of
Water and Power
William Symons

No appearance
No appearance

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

oOo

OPINION

GENERAL FEATURES OF THE APPLICATIONS

Applications 6472 and 6473 were filed by Gilbert E. Humphrey on
November 2, 1929.

Application 6472 proposes an appropriation of 20 cubic feet per
second by direct diversion and 12,500 acre feet per annum by diversion to
storage at a maximum rate of 35 cubic feet per second from Adobe Creek at
a point within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, T 1 N, R 30 E, M.D.B.&M.; an

appropriation of 4 cubic feet per second by direct diversion and 2,500 acre feet per annum by diversion to storage at a maximum rate of 7 cubic feet per second from River Spring at a point within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, T 1 N, R 30 E, M.D.B.&M., and an appropriation of 16 cubic feet per second by direct diversion from a series of wells extending through Sections 11, 12, 13, 14, 20, 21, 22, 23, 24 and 25, T 1 N, R 30 E; Sections 29, 30, 32 and 33, T 1 N, R 31 E, and Sections 4, 5, 8, 9, 17 and 20, T 1 S, R 31 E, M.D.B.&M. The season of direct diversion is throughout the entire year. The season of diversion to storage is from about December 1st to about June 1st of each year. It is proposed to use the water for power purposes within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T 2 S, R 31 E, M.D.B.&M. After use for power purposes the water will be returned to Benton Creek at a point within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T 2 S, R 31 E, M.D.B.&M.

Under Application 6473 it is proposed to divert the same quantities of water as designated in Application 6472 for irrigation and domestic purposes on 3200 acres of land within Sections 24 and 25, T 2 S, R 31 E; Sections 18, 19, 30, 31 and 32, T 1 S, R 32 E; and Sections 4, 5, 8, and 9, T 2 S, R 32 E, M.D.B.&M. as shown on map filed with the Division.

Applications 6472 and 6473 were protested by the City of Los Angeles and Department of Water and Power. Application 6472 was protested by William Symons.

PROTESTS

City of Los Angeles and Department of Water and Power allege that they are in the process of extending their aqueduct system into the Mono Basin for the purpose of obtaining an additional water supply for municipal purposes; that one of the routes under investigation is by way of Adobe meadows, that they own in fee 120 acres of land within applicant's reservoir

site and that if this route is selected it is the purpose of the City to construct a reservoir which would be larger in capacity than applicant's and would overlap portions of applicant's conduit system and that the construction of a reservoir at the place described in Applications 6472 and 6473 would conflict with the construction of the proposed project of the City.

William Symons claims the right to the entire flow of Adobe Creek based upon appropriative rights initiated prior to the effective date of the Water Commission Act and continuous use thereafter and alleges that any diversion therefrom and/or from the underground waters which support the flow would interfere with his prior vested rights.

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

Applications 6472 and 6473 were completed sufficiently for advertising in accordance with the Water Commission Act and the requirements of the Rules and Regulations and proof of publication was filed on June 22, 1931. Mr. W. T. Selleck who acted in the capacity of applicant's agent until July 27, 1931, was advised that it appeared that only 800 acres of the land specified for benefit under Application 6473 were owned by the applicant and before the application could be considered for approval it would be necessary that his legal status in relation to the other lands proposed for service should be shown. Attention was also directed to the necessity of perfecting an application with the Federal Power Commission in connection with Application 6472 and to the necessity for filing answers to the protests.

Due to Mr. Selleck's ill health and the apparent refusal of Mr. Humphrey to reply to his letters he turned over the matter to Gail B. Selig but letters addressed to him under dates of August 18th and September 21st,

1931, were not answered.

Under date of May 5, 1932, the interested parties were advised that some ten months had expired since any communication had been received from the applicant relative to the applications and as it appeared that the proposed projects of the applicant had been abandoned, the applications were set for a public hearing in accordance with Section 1a of the Water Commission Act on June 6, 1932, at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing applicant and protestants were duly notified.

Accompanying the hearing notice was a statement to the effect that if no appearance was made by the applicant, the applications would be dismissed on the assumption that the projects had been abandoned but that on the other hand, should the applicant attempt to appear in support of the applications, protestants would again be notified and the hearing continued to a time and place convenient to the interested parties.

As no appearance was made at the hearing on behalf of the applicant this office has no alternative but to assume the projects abandoned and to dismiss the applications.

O R D E R

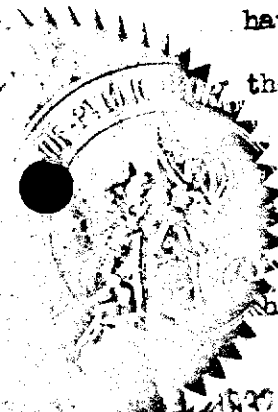
Applications 6472 and 6473 for permits to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and it appearing to the Division that the proposed projects have been abandoned by the applicant:

IT IS HEREBY ORDERED THAT Applications 6472 and 6473 be rejected and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 13th day of July, 1932.

EDWARD HYATT, State Engineer

BY *Harold Conklin*



1932