

Before the Division of Water Resources
Department of Public Works
State of California

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In the Matter of Application 9799 of S. W. Murray to appropriate from Niggerhead Creek in Tulare County for irrigation purposes.

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Decision A.9799 D. 489

Decided June 29, 1942

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Appearances at Hearing Held February 3, 1941 at Visalia

For Applicant

S. W. Murray

In propria persona

For Protestants

E. A. Sorensen

Leroy McCormick

Henry A. & Elsie M. Collin

Leroy McCormick

Examiner M. S. Edson, Senior Hydraulic Engineer for Harold Conkling, Deputy State Engineer in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

OPINION

Under Application 9799, which was filed with the Division on January 4, 1940, it was proposed to appropriate 0.12 c.f.s. from Niggerhead Creek in Tulare County to be diverted from March 1 to November 30 for the irrigation of 10 acres of general crops. Both the point of diversion and place of use

were described as being within the SE $\frac{1}{2}$ of SE $\frac{1}{2}$ of Section 26, T. 1 S.,
R. 25 E., M.D.B.& M.

Application 9799 was protested by E. A. Sorensen and by Henry A. Collin and Elsie M. Collin and being protested was set for public hearing in accordance with Section 1a of the Water Commission Act on Monday, February 3, 1941 at 10:00 o'clock A.M. in the Legion Room of the Civic Auditorium, Visalia, California. Of this hearing applicant and protestants were duly notified.

Subsequent to the hearing, action was delayed in order to afford the interested parties an opportunity to install an appropriate measuring device by means of which reliable information relative to the runoff of the creek could be obtained upon which this office could base a decision. Apparently, however, the measuring device has not been installed and on June 16, 1942 a request was received from the applicant that Application 9799 be cancelled.

ORDER

Application 9799 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, subsequent to which the applicant requested cancellation of the application;

IT IS HEREBY ORDERED that Application 9799 be denied and the said application be cancelled upon the records of the Division.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 29th day of June, 1942.

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy

