

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

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In the Matter of Application 10314 of Raymond M. Gill  
to appropriate Water from an Unnamed Creek  
In Rose Springs Valley in Inyo County  
for Irrigation and Domestic  
Purposes.

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Decision A. 10314 D. 540  
Decided October 18, 1946

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APPEARANCES AT INVESTIGATION CONDUCTED BY THE DIVISION OF  
WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION  
ON SEPTEMBER 4, 1942.

For Applicant

Raymond M. Gill

In propria persona

For Protestant

Sam N. Lewis

In propria persona

For Division of Water Resources

Biscoe Kibbey, Associate Hydraulic Engineer, for Harold Conkling, Deputy  
in Charge of Water Rights, Division of Water Resources, Department of  
Public Works, State of California.

O P I N I O N

General Description of Project.

Application 10314 was filed by Raymond M. Gill on November 4, 1941.  
Applicant proposes to appropriate 1 cubic foot per second of the waters of an  
unnamed creek in Rose Springs Valley in Inyo County throughout the year for  
domestic purposes and the irrigation of 80 acres within the  $SE\frac{1}{4}$  of Section 2,  
T. 22 S., R. 37 E., M.D.B. & M. The points of diversion are described as

being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6 /and within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, T. 21 S., R. 37 E., M.D.B. & M.

Protest

Application 10314 was protested by Sam N. Lewis who bases his claim of right to the water which applicant seeks to appropriate on prior appropriation and continuous use commenced prior to the effective date of the Water Commission Act and also upon a claim of riparian ownership. He alleges in effect that should Application 10314 be approved it would deprive him of water which is necessary for his use and to which he is entitled.

Field Investigation

Stipulations to an informal hearing under Regulation 12B (now Section 733(b)) of the Rules and Regulations of the Division of Water Resources having been signed by both the applicant and the protestant and having been approved by the Division, an investigation was conducted at the site of the proposed appropriations by an engineer of the Division on Sept. 4, 1942 who was accompanied by the applicant and the protestant.

Project Abandoned

On September 30, 1946 there was received in this office a request from the applicant that his Application 10314 be cancelled as the project proposed thereunder had been abandoned. Application 10314 may therefore be rejected and cancelled upon the records of the Division.

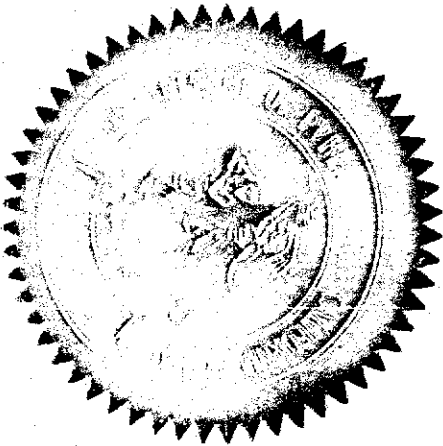
ORDER

Application 10314 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been made, a stipulated hearing having been held in accordance with Regulation 12B (now Section 733(b)) of the Rules and Regulations of the Division of Water Resources, followed by a request from the Applicant that Application 10314 be cancelled:

IT IS HEREBY ORDERED that Application 10314 be rejected and cancelled upon the records of the Division of Water Resources without prejudice.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 18th day of October, 1946.

  
Edward Hyatt, State Engineer.



WES:JM