

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

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IN THE MATTER OF APPLICATION 11365 OF RUBY E. FIELDING TO
APPROPRIATE FROM MITCHELL CREEK, TRIBUTARY TO SMITH RIVER VIA
ISLIS SLOUGH, IN DEL NORTE COUNTY FOR IRRIGATION PURPOSES.

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DECISION 11385, D-568

DECIDED

January 12, 1948
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APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON SEPTEMBER 22, 1947,
UNDER THE PROVISIONS OF ARTICLE 13, SECTION 733b OF THE CALIFORNIA
ADMINISTRATIVE CODE.

For the Applicant

Ruby E. Fielding

In propria persona
Mr. Fielding

For the Protestants

Kenneth F. Layman, et al.

Kenneth F. Layman

For the State Engineer

A. S. Wheeler, Assistant Hydraulic Engineer, Division of Water Resources,
Department of Public Works, State of California

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OPINION

Application 11385 having been filed, a protest against approval
thereof having been received, applicant and protestants having signed
stipulations to submit the matter for decision, a field investigation
was made of which applicant and protestants were duly notified.

From the report of the investigation it appears that, as a
result of a conference held during the course thereof, the protestants
were agreeable to withdrawal of their protest if further discussion of
the matter with their attorney resulted in additional assurance that

their rights would not be injured by approval of Application 11385. Such a discussion with their attorney having taken place they did, on October 9, 1947, file a written request with the Division of Water Resources for withdrawal of their protest.

There now appearing to be no bar to approval of Application 11385 and since the uses to which applicant proposes to put the waters sought are beneficial ones it is the opinion of the State Engineer that said application should be approved subject to the usual terms and conditions.

ORDER

Application 11385 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733b of the California Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 11385 be approved for the amounts and seasons of diversion applied for and that a permit be issued to applicant subject to 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 12th day of Jan. 1948.



Edward Hyatt, State Engineer

