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

In the Matter of Application Number 3923 by C. E. Loose
to Appropriately Water from East Walker River in
Mono County for Power Purposes.

DECISION NO. 3923 D 128
Decided October 26, 1926

APPEARANCES AT HEARING HELD JUNE 22, 1925

For Applicant: L. F. Adamson, Attorney
Kearns Bldg.,
Salt Lake City, Utah

EXAMINER: Edward Hyatt, Jr., Chief of Division of Water Rights

OPINION

On March 26, 1924, C. E. Loose filed Application Number 3923 with
the Division of Water Rights to appropriate 220 cubic feet per second and
10,000 acre feet per annum from East Walker River for the generation of
electrical power. Being in conflict with Application Number 1389 of the
Walker River Irrigation District, as will be shown hereafter, although un-
protected, Mr. Loose's application was included with those of the above
district heard at 1:30 o'clock P.M. on Monday, June 22, 1925 in Room 707
Forum Building, Sacramento, California. Of this hearing applicant Loose
was duly notified. He was represented by his attorney L. F. Adamson.

February 3, 1926, Decision No. 1097, 1098, 1389, 2221, 2615, 3923
D 90 was rendered ordering approval of the Walker River Irrigation District's
applications and withholding action on the Loose application until further
order was entered. June 18, 1926, the District's applications were formally
approved and on that date a letter was sent to Mr. Loose explaining the necessity of a revised project and allowing an extension to October 1, 1926, to enable him to so amend his application as to describe a project of practicable accomplishment if he so desired. No amendment has been undertaken.

The inchoate right which Mr. Loose initiated by Application Number 3922 is subject to the District's rights under prior application Number 1389. The latter application has been approved, the storage works have been completed and the reservoir is in use; also this reservoir covers the greater part of the land Mr. Loose proposes to flood and since all but a negligible part of the land covered by the reservoir is owned by the District it is seen that Mr. Loose's project could not be put into effect in the form described in his application Number 3923. Mr. Loose has failed to indicate that a continuance of the filing is desired under any other plan.

ORDER

Application 3923 for permit to appropriate water having been filed with the Division of Water Rights as above stated, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED THAT Application Number 3923 be rejected and cancelled upon the records of the Division of Water Rights without prejudice.

Dated at Sacramento, California, this 25th day of October, 1926.

[Signature]

Chief of Division of Water Rights