

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

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In the Matter of Application 7831 by Fred B. Barnum to
Appropriate from School House Creek for Irrigation
and Domestic Uses and Petition of Donald W.
Wooden to Change Place of Use under Appli-
cation 4880, Permit 2523 Allowing an ap-
propriation from School House Creek
for Irrigation Purposes

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DECISION A. 4880 and 7831 D - 376

DECIDED: *June 22, 1935*

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APPEARANCES AT HEARING HELD AT EUREKA ON MAY 31, 1935

For Applicants

Fred B. Barnum
Donald W. Wooden

Albert H. Rodin, Eureka, Calif.
Irwin T. Quinn, Eureka, California

For Protestants

Donald W. Wooden
Fred B. Barnum

Irwin T. Quinn, Eureka, California
Albert H. Rodin, Eureka, California

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

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O P I N I O N

On June 11, 1926 the Division of Water Resources approved Application 4880 by Donald W. Wooden allowing an appropriation of 0.06 cubic foot per second from School House Creek for irrigation purposes and on November 22, 1933 Mr. Wooden filed a petition under Section 16 of the Water Commission Act requesting permission to change his place of use.

On January 31, 1934 Fred B. Barnum filed Application 7831 seeking to appropriate for irrigation and domestic purposes, 0.06 cubic foot per second from the same source at a point upstream from Mr. Wooden's point of diversion. He protested Mr. Wooden's petition to change and Mr. Wooden protested his application.

After due notice to the parties the matter came on for hearing at which time Mr. Barnum stipulated that he would petition to move his own point of diversion downstream to a point below that of Mr. Wooden and at the same time he withdrew his protest to Mr. Wooden's petition to change his place of use. By reason of the removal of his own point of diversion to a point on the stream below that of Mr. Wooden he relieved any cause of action which Mr. Wooden might have against the appropriation which he, himself, sought under Application 7831 and the parties were advised that both matters in dispute were deemed adjusted.

O R D E R

Application 7831 having been filed with the Division of Water Resources seeking a permit to divert from School House Creek, and having been protested, and the said Application having been amended to remove the cause of complaint and the protest against the petition to change place of use under Application 4880, Permit 2523 having been withdrawn

NOW THEREFORE IT IS HEREBY ORDERED that the said Application 7831 be approved subject to the usual terms and conditions and whatever special conditions may be deemed appropriate and

IT IS HEREBY ORDERED that the petition to change place of use under Application 4880, Permit 2525 be approved.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 22 day of *June*, 1935.

EDWARD HYATT, State Engineer

By Harold Coulter
Deputy

