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

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.

Decision A. 10314 D. 540
Decided October 18, 1944

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 W. Lewis
In propria persona

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

OPINION

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 60 acres within the SE 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 NE\(\frac{1}{4}\) of NE\(\frac{3}{4}\) of Section 6 and within the SW\(\frac{1}{4}\) of SW\(\frac{3}{4}\) of Section 33, T. 21 S., R. 37 E., M.D.B. & N.

Protest

Application 1031\(\frac{1}{4}\) 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 1031\(\frac{1}{4}\) 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.\(\frac{3}{4}\), 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 1031\(\frac{1}{4}\) be cancelled as the project proposed thereunder had been abandoned. Application 1031\(\frac{1}{4}\) may therefore be rejected and cancelled upon the records of the Division.
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.