

BEFORE THE DIVISION OF WATER RESOURCES

DEPARTMENT OF PUBLIC WORKS

STATE OF CALIFORNIA

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In the Matter of Application 10936 of H. B. Hickerson to
Appropriate Water from an Unnamed Spring Tributary
to North Fork of Webber Creek, via an Unnamed
Creek, in El Dorado County for Domestic
and Irrigation Uses.

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Decision A. 10936 D. 552

Decided June 30, 1947

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APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON SEPTEMBER 7,
1945 UNDER THE PROVISIONS OF ARTICLE 13, SECTION 733B OF THE
CALIFORNIA ADMINISTRATIVE CODE.

For Applicant

H. B. Hickerson

In propria persona

For Protestants

El Dorado Irrigation District

W. E. Jenkinson

A. L. Matthews

In propria persona

INVESTIGATOR: Biscoe Kibbey, Associate Hydraulic Engineer,
for Edward Hyatt, State Engineer, Division
of Water Resources, Department of Public
Works, State of California.

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APPEARANCES AT HEARING HELD AT SACRAMENTO ON MAY 20, 1947 AT
10:00 O'CLOCK A.M.

For Applicant

H. B. Hickerson

None

For Protestants

Alfred L. and Rosalie A. Hamilton

None

EXAMINER: Gordon Zander, Principal Hydraulic Engineer, for Edward Hyatt,
State Engineer, Division of Water Resources, Department of
Public Works, State of California.

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OPINION

Application 10936 having been filed and protests against approval thereof having been received and stipulations having been received was regularly set for a field investigation of which applicant and protestants were duly informed and were represented.

Subsequent to such investigation the then protestants withdrew the objections offered to approval of the application whereupon a protest was filed by Alfred L. and Rosalie A. Hamilton and Application 10936 was then set for hearing, of which applicant and protestants were duly informed, at which no appearances were made in behalf of any of the interested parties.

Protests

The protests of El Dorado Irrigation District and A. L. Matthews having been withdrawn the objection thus offered to approval of Application 10936 need no longer be considered.

The protest of Alfred L. and Rosalie A. Hamilton is based upon the allegation that the spring covered by Application 10936 is on property owned by the protestants and that applicant has no right of access thereto. The protest also indicates that the waters referred to therein flow from a mine shaft and/or tunnel.

Discussion

The report of the field investigation on September 7, 1945, indicates that the spring covered by Application 10936 is a rather extensive cienega located on the property of applicant, that there is a tunnel on protestants' property from which the protestants secure water, that the two sources are considerably removed from each other and that there appeared to be no connection between them.

Subsequent to the investigation the applicant filed a map, traced from one on file with the county recorder of El Dorado County, which clearly indicates that the spring covered by Application 10936 lies within the boundaries of the

lands of applicant.

It would accordingly appear that the waters sought by applicant form no part of the waters claimed by protestants.

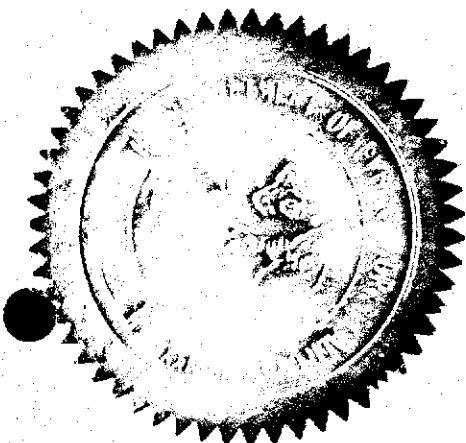
The uses to which applicant proposes to put the waters sought are beneficial ones and there appearing to be no bar to approval Application 10936, it is our opinion that said application should be approved subject to the usual terms and conditions.

ORDER

Application 10936 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a stipulated hearing and a field investigation having been made in accordance with Article 13, Section 733b of the Administrative Code and a hearing having been held in accordance with Article 13, Section 733a of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 10936 be approved for 0.10 cubic foot per second from about April 1 to about November 1 of each season and throughout the remainder of the year as required for domestic uses and that a permit be granted to the applicant subject to such of 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 30th day of June, 1947.




Edward Hyatt, State Engineer