

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

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In the Matter of Application 11400 of Gilbert W. Luman  
to Appropriate Water from an Unnamed Spring and Jackson  
Creek Tributary to Middle Fork of Feather River in Plumas  
County for Domestic and Irrigation Purposes.

DECISION A. 11400, D-559  
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DECIDED: *October 22, 1947*

APPEARANCES AT FIELD INVESTIGATION CONDUCTED ON AUGUST 26,  
1947, UNDER THE PROVISIONS OF ARTICLE 13, SECTION 733b OF  
THE CALIFORNIA ADMINISTRATIVE CODE.

For Applicant

Gilbert W. Luman

In propria Persona

For Protestants

M. E. Magill, et al

Henry Magill

Investigator

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

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OPINION

Application 11400 having been filed and a protest against approval  
thereof having been received, was regularly set for a field investigation of  
which applicant and protestants were duly notified and did agree, by signed  
stipulations, to abide by the report and subsequent findings of said investi-  
gation.

The report of the investigation states that at the conclusion of the  
investigation a conference was held at which it was pointed out to applicant  
that it did not appear to be feasible to irrigate all lands proposed to be  
irrigated; that the amount sought might be considered excessive, with the  
result that applicant agreed to reduce the area proposed to be irrigated to

60 acres and the amount sought from Jackson Creek to 1.10 cubic feet per second. A written request to so amend Application 11400 was filed by him with the Division of Water Resources on September 2, 1947.

The report also states that during the conference it was pointed out to protestants' representative that the application, if approved, would be approved subject to vested rights whereupon he stated that, in view of such protective provision in any permit which might be issued applicant and the reduction in the amount sought from Jackson Creek, there was no further objection to approval of Application 11400. In consequence, a written withdrawal of the protest was filed with the Division of Water Resources on September 2, 1947.

There would now appear to be no bar to approval of Application 11400 and since the uses to which applicant proposes to put the waters sought are beneficial ones it is the opinion at the State Engineer that said application should be approved, as amended, subject to the usual terms and conditions.

ORDER

Application 11400 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been received, a field investigation having been conducted, 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 11400 be approved for the amended amounts sought and the season of use applied for 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 *22nd* day *October*, 1947.

  
Edward Hyatt, State Engineer

