

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

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IN THE MATTER OF APPLICATION NUMBER 4233 OF ROBERT TROST
TO APPROPRIATE WATER FROM CHOWCHILLA RIVER IN MADERA
COUNTY FOR AGRICULTURAL PURPOSES

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DECISION NO. 4233 D-70

Decided September 3, 1925

APPEARANCES AT HEARING HELD June 30, 1925

For Applicant: None

For Protestant: None

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

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O P I N I O N

This is an application to appropriate 3.25 cubic feet from Chowchilla River some 25 miles above its confluence with the San Joaquin River for irrigation of 260 acres of land contiguous to the river. It was filed September 24, 1924, and protested by James J. Stevinson, a corporation and by East Side Canal and Irrigation Company, both protestants being represented by George J. Hatfield, an attorney of San Francisco.

This application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested was set for a public hearing in the Court Room of the Court House at Madera at 1:30 o'clock P.M., June 15, 1925. On the initiative of the Division of Water Rights this hearing was postponed and held June 30, 1925, at 10:00 o'clock A.M. in Room 707 Forum Building, Sacramento. Applicant and pro-

testants were duly notified of the dates originally set for the hearing and the date to which same was postponed. No appearance was made by any party at interest at the hearing and since no reasons have been submitted for non-appearance the matter is decided on the basis of information now available.

The protests are on behalf of allied interests who state parallel causes of action and are therefore considered jointly. Both protestants claim riparian rights to use water from San Joaquin River some 60 miles below applicant's points of diversion and allege that their supply will be curtailed by consummation of the application during the period of low flow.

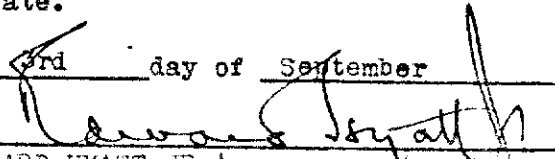
Subsequent to the dates set for hearing applicant submitted information, which is not denied, that only during periods of flood flow does water from Chowchilla River reach San Joaquin River and there is flow past his point of diversion after flow into the San Joaquin has ceased. The flow was observed by applicant at the point of diversion specified during the period 1923-1924 and 1925 and in 1923 did not cease until about July fourth. Since the observance was during a dry period it is not impossible that in wet years there will be water available for applicants use during the month of August. and it is manifest that water may be appropriated from the source without effect on the flow of the San Joaquin River, to which protestants lay riparian claim.

ORDER

Application Number 4233 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises

IT IS HEREBY ORDERED that said Application Number 4233 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento this 3rd day of September, 1925.


(EDWARD HYATT JR.)

CHIEF OF DIVISION OF WATER RIGHTS