

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
BEFORE THE STATE ENGINEER AND  
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Applications 12426 by Robert E. and Verona V. Dietderich, 12444 by Dewey Murdock, 12445 by Melvin O. Hieb, 12446 by LeRoy L. Hieb, 12447 and 12448 by C. A. and Nellie A. Eddlemon, 12449 by Charles J. Faber, 12450 by Donald H. Hieb, 12451 by Ludwig F. Hieb and 12660 by Christian and Elizabeth Ulrich to appropriate water from Patty Creek, Bear Creek and/or a certain unnamed stream in San Joaquin County for irrigation, stock watering and/or domestic purposes.

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Decision A. 12426, 12444, 12445, 12446, 12447, 12448, 12449, 12450,  
12451, 12660 D. 671

Decided August 31, 1950

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APPEARANCES AT HEARING HELD AT STOCKTON ON OCTOBER 5, 1949:

For the Applicants

Robert E. and Verona V. Dietderich	- Glenn West
Dewey Murdock	- No Appearance
Melvin O. Hieb	- No Appearance
LeRoy L. Hieb	- No Appearance
C. A. and Nellie A. Eddlemon	- Wm. H. Woodward
Charles J. Faber	- In Person
Donald H. Hieb	- No Appearance
Ludwig F. Hieb	- No Appearance
Christian and Elizabeth Ulrich	- Chester Ulrich

For the Protestants

Edward Giubbini	- In Person
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EXAMINER - GORDON ZANDER, Principal Hydraulic Engineer, Division of Water Resources, Department of Public Works, for A. D. EDMONSTON, State Engineer.

ALSO PRESENT - W. R. Gianelli, Associate Hydraulic Engineer, Division of Water Resources.

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OPINION

General Description of the Projects

The applications contemplate appropriations for irrigation, stockwatering and/or domestic purposes, as follows:

<u>Application</u>	<u>Source</u>	<u>Amount</u> (cu.ft./sec.)	<u>Period</u>	<u>Section within</u> <u>which diversion heads</u>
12426	Patty Creek	0.75	March 1 to Oct. 1	23
12444	Bear Creek	0.44	Mar. 15 to Oct. 15	23
12445	Bear Creek	0.71	Jan. 1 to Dec. 31	23
12446	Bear Creek	0.59	Jan. 1 to Dec. 31	23
12447	Bear Creek	1.28	March 1 to Nov. 1	23
12448	Bear Creek	0.88	March 1 to Nov. 1	23
12449	Bear Creek	2.88	Jan. 1 to Oct. 15	14
12450	Bear Creek	0.86	Jan. 1 to Dec. 31	23
12451	Bear Creek	0.98	Jan. 1 to Dec. 31	23
12660	An Unnamed Stream	0.031	April 1 to Oct. 31	24

Except in the case of Application 12660 in which diversion is to be by gravity, the projects are all pumping projects. The proposed diversions all head within T 3 N, R 7 E, M.D.B. & M.

Protests

Applications 12444, 12447 and 12448 were unprotested. Applications 12426, 12445, 12446, 12449, 12450, 12451 and 12660 were protested by Edward Giubbini who claims that in 1948 he was unable to get the water allotted to him under a prior application because of the many new pumps and dams installed in the creek, and who further claims that if the pending applications are approved the supply will be insufficient to irrigate his land. Protestant Giubbini states that his protests may be disregarded and dismissed if the applicants will limit their diversions

to natural flow and either leave the stream bed unobstructed or provide any obstruction used with a permanent opening of adequate size.

Hearing Held in Accordance with the  
Water Code

The several applications were completed in accordance with the Water Code and the Rules and Regulations of the Division of Water Resources. Applications 12426, 12445, 12446, 12449, 12450, 12451 and 12660, being protested, were set for public hearing under the provisions of Article 733(a) of the California Administrative Code on Wednesday, October 5, 1949, in the Board of Supervisors' Room, County Court House, Stockton, California. Applications 12444, 12447 and 12448 being related applications, although not protested, were set for hearing at the same time and place. Of the hearing the applicants and the protestant were duly notified.

General Discussion

The testimony adduced at the hearing, even when combined with information available from other sources, was deemed insufficient to serve as a proper basis for a determination. It was undertaken to secure essential additional information by means of a field investigation or investigations by an engineer of the Division. One such investigation was made on May 2, 1950. Further investigation was rendered unnecessary by the withdrawal by the protestant, on that same date, of all of his protests.

Summary and Conclusions

Inasmuch as the only protests filed against any of the applications were those filed by Protestant Guibbini and those protests have now been withdrawn no bar remains to the approval of any of the applica-

tions. All of the applications therefore should be approved, subject to the usual terms and conditions.

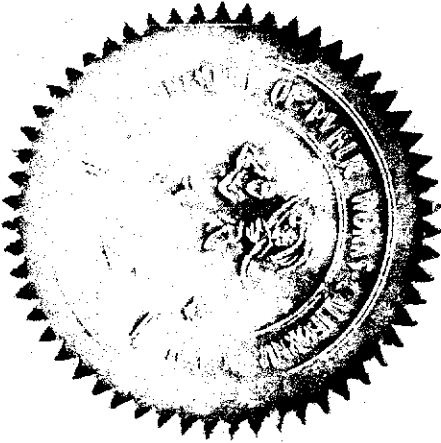
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ORDER

Applications 12426, 12444, 12445, 12446, 12447, 12448, 12449, 12450, 12451 and 12660 for permits to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 12426, 12444, 12445, 12446, 12447, 12448, 12449, 12450, 12451 and 12660 be approved and that permits be issued to the respective applicants, 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 31st day of August, 1950.



*A. D. Edmonston*  
A. D. Edmonston  
State Engineer