

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

oOo

In the Matter of Application 10865 of Arthur J. Turner
to appropriate water from an unnamed stream tri-
butary to Hayfork of Trinity River via Salt
Creek in Trinity County for Domestic
and Irrigation Purposes.

oOo

Decision A. 10865, D. 526

Decided January 14, 1946

oOo

APPEARANCES AT INVESTIGATION MADE ON OCTOBER 2, 1945

For Applicant

Arthur J. Turner

No appearance

For Protestants

Dennis and Sophia Rourke

Dennis Rourke

For Division of Water Resources

A. S. Wheeler, Assistant Hydraulic Engineer, for
Gordon Zander, Supervising Hydraulic Engineer, Division of
Water Resources, Department of Public Works, State of
California.

O P I N I O N

General Description of Proposed Development

Application 10865 was filed with the Division of Water Resources on
August 17, 1944 by Arthur J. Turner for a permit to appropriate 0.31 cubic
foot per second from an unnamed stream tributary to Hayfork of Trinity River
via Salt Creek from May 1 to October 1 of each season for the irrigation of

25 acres within Section 23, Township 31 North, Range 12 West, M.D.B. & M., and throughout the entire year as required for domestic purposes. The point of diversion is described as being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, T. 31 N., R. 12 W., M.D.B. & M., and is located on the public domain just outside of the Trinity National Forest.

PROTEST

Application 10865 was protested by Dennis Rourke and Sophia Rourke who claim a right to the water which applicant seeks to appropriate, which right is based upon an old appropriative right initiated in 1891 for "500 inches under 4-inch pressure". Protestants state that the water has been in constant use since 1891 to the extent of the appropriation for irrigation purposes from April to November of each year and throughout the year for domestic purposes. The water is diverted from Frank's Hill Garden Gulch at a point about 200 feet below applicant's proposed point of diversion within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23, T. 31 N., R. 12 W., M.D.B. & M.

INVESTIGATION

Stipulations to an informal hearing under Regulation 12B of the Rules and Regulations of the Division of Water Resources having been signed by the applicant and the protestants and approved by this office, an investigation was conducted at the site of the proposed appropriation by an engineer of this office on October 2, 1945. Accompanying the engineer on the investigation was protestant Dennis Rourke. No appearance was made at the hearing by the applicant and it appears from the report of the engineer that applicant had sold the pipe which he had intended for the development and had departed from Hayfork. Also correspondence addressed to him has remained unanswered which leads us to believe that the project

has been abandoned and that Application 10865 should be rejected and cancelled upon the records of the Division.

ORDER

Application 10865 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation by the Division having been made, a stipulated hearing having been held in accordance with Regulation 12B of the Rules and Regulations of the Division of Water Resources, and it appearing that the applicant has abandoned the proposed development:

IT IS HEREBY ORDERED that Application 10865 be rejected and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 14th day of January 1946.



WES:JM



State Engineer