

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

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In the matter of Application 11753 of W. S. Pittman
and Lola Lee Hammon to appropriate from Fern Dell Creek
Tributary to North Fork Feather River via Berry Creek
In Butte County for Domestic purposes.

Decision A. 11753 D-567

Decided *December 26, 1947*

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Appearances at Field Investigation conducted on September 10,
1947, under the provisions of Article 13, Section 733b of the
California Administrative Code.

For the Applicants

W. S. Pittman, et al

J. Francis Good, Attorney
W. S. Pittman
Mrs. W. S. Pittman
George E. Rhoades
Ida Regan
Charlotte Regan

For the Protestants

Berry Creek Water Users

George Cameron, Secretary
M. F. Rogers

Fred C. Parsons

In propria persona

For the State Engineer

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

Also present were Lloyd L. Collinson, William E.
Turner and Le Voy H. Thode who represented the Improvement
Water Users Association, a subsequent applicant on Fern Dell
Creek.

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OPINION

Application 11753 having been filed, protests against

approval thereof having been received and applicants and protestants having agreed, by signed stipulations, to submit the matter for decision as provided by Article 13, Section 733b, of the California Administrative Code, it was regularly set for a field investigation of which applicants and protestants were duly notified.

The report of the investigation indicates that during the course thereof the protestants were informed that if Application 11753 was approved it would be approved specifically subject to vested rights. In view of this the protestants were agreeable to withdrawal of their protests provided that applicants would agree not to increase the size of their existing pipe line to which provision applicants did agree. In consequence the protestants did, on September 16, 1947, file written requests for withdrawal of their protests.

There would now appear to be no bar to approval of Application 11753 and since the uses to which applicants propose to put the waters sought are beneficial ones, it is the opinion of the State Engineer that said application should be approved subject to the usual terms and conditions.

ORDER

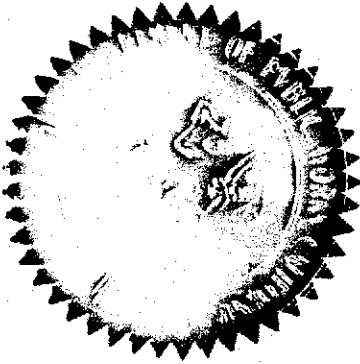
Application 11753 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733b of the California Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 11753 be approved

for the amount and season of use applied for and a permit be issued 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 *26th* day of *Dec.*, 1947.


Edward Hyatt, State Engineer



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