

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

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In the matter of Application 5485 by Geo. T. Carley and Wm. A. Bruntan to appropriate water from Little Kanaka Creek and Unnamed Creeks flowing from Mammoth Springs for Power Purposes

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DECISION A 5485 D 183

Decided

January 31, 1928

APPEARANCES AT HEARING HELD January 17, 1928

No appearances

EXAMINER: Everett N. Bryan, Deputy Chief, for Harold Conking,
Chief of Division of Water Rights.

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O P I N I O N

This application proposes the use of a total of 8 second feet to be diverted from Little Kanaka Creek and certain tributaries crossed by the canal for the development of 288 horsepower all of which would be used for the operation of a mining mill and general purposes about a mining camp. After use the water would be returned to Kanaka Creek about 1 1/2 miles below the point of diversion.

The application was filed May 31, 1927, completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights. No protests were filed against the application. Applicants advised the Division of Water Rights that government land would be affected and that proper application to the Federal Power Commission would be made. Repeated requests by this office for information as to the status of their project before the Federal Power Commission were not answered and the

application was accordingly set for hearing in Room 707 Forum Building, Sacramento, California, at 1:30 o'clock P.M. on Tuesday, January 17, 1928. Of this hearing all parties of record interest were duly notified.

Between the time the matter was set for hearing and the date set the Federal Power Commission indicated that permit might issue on the application to the Division of Water Rights without objection from the Federal Body. At about the same time, however, Wm. A. Bruton one of the applicants, advised this office that he and Geo. T. Carley had dissolved partnership, that Carley had departed to parts unknown leaving Bruton as the only party having an actual interest in the matter. He requested that the application be cancelled but could not for obvious reasons, secure a like request from his former partner.

No appearance was made by either applicant at the hearing and there is no reason to doubt Bruton's statement that he alone retains any interest in the application. Approval of an application which, it is apparent, will never be consummated by either applicant is an idle gesture inimicable to the spirit of the Water Commission Act. Same may therefore be considered as abandoned.

O R D E R

Application 5485 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, 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 5485 be cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 31st day of January, 1928.

(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS