

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

D-72

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In the Matter of Application 5803 of Pioneer Chief
Gold Mines Company to appropriate from South
Fork of Calaveras River in Calaveras
County for Mining Purposes.

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DECISION NO. A 5803 D-221

Decided *April 4, 1929.*

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APPEARANCES AT HEARING HELD AT SACRAMENTO, February 11, 1929.

None

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O P I N I O N

This is an application to appropriate 0.625 cubic foot per second from South Fork of Calaveras River by pumping, conduct same in a pipe line to a quartz mill some 3/4 mile below the point of diversion and return same to the source. No protests were filed against the appropriation proposed.

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. After completion, however, considerable doubt developed as to applicant's intention to proceed with the development proposed for reasons hereinafter shown, and the application was accordingly set for a public hearing at Room 401 Public Works Building, Sacramento, at 10:00 o'clock A.M. on Monday, February 11, 1929. Of this hearing applicant was duly notified but no appearance thereat was made on his behalf.

Subsequent to advertisement of this application this office was advised by Chas. L. Neumiller, attorney for Amelia Davis, that applicant's

contract with his client to purchase land at the point of diversion had lapsed and that the project covered by the application was in effect abandoned. The matter was immediately taken up with applicant's attorney who also indicated his understanding that the Company had discontinued operations. He was unwilling to withdraw the application, however, without definite instructions to that effect from the applicant company.

Formal notices of hearing were sent to both applicant and attorney with a letter indicating the understanding of the Division of Water Rights of the status of the project and suggesting withdrawal of the application if this understanding was correct. No answer to the letter has been received, no appearance was made at the hearing and applicant's apathy in the premises is therefore apparent.

It therefore appears that the project is abandoned and the Division of Water Rights will accordingly cancel the application.

O R D E R

Application 5803 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 5803 be cancelled upon the records of the Division of Water Rights.

Dated at Sacramento, this 4th day of April, 1929.

Harold Conkling
(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS

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