

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

*D. File*

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In the Matter of Application 5383 of Big Channel Mining Company to Appropriate from Deacon Long Ravine, South Branch Sawmill Ravine Canyon Creek, and Branch of Canyon Creek, Tributaries of the Yuba River via Slate Creek and Canyon Creek in Sierra County for Mining Purposes and Application 5597 of Big Channel Mining Company to Appropriate from Cedar Grove Ravine and Unnamed Branch of Cedar Grove Ravine, Tributaries of the Yuba River via Slate Creek in Sierra County for Mining Purposes.

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DECISION A. 5383, 5597 D - 223

Decided: *April 4, 1929.*

APPEARANCES AT HEARING HELD FEBRUARY 15, 1929.

For Applicant

Big Channel Mining Company

No appearance

For Protestant

Modglin Brothers

No appearance

EXAMINER: Everett N. Bryan, Deputy Chief, for Harold Conkling, Chief of Division of Water Rights, Department of Public Works, State of California.

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O P I N I O N

GENERAL FEATURES OF APPLICATION

Application 5383 was filed March 17, 1927 by George R. King and assigned to Big Channel Mining Company on September 3, 1927. It purposes diversion from tributaries of the Yuba River via Slate Creek and Canyon Creek as follows:

Source	Amount	Point of Diversion
Deacon Long Ravine	12.5 c.f.s.	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T 21 N, R 9 E, M.D.M.
S. Br. Sawmill Ravine	4.5 c.f.s.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T 21 N, R 9 E, M.D.M.
S. Br. Sawmill Ravine	8.0 c.f.s.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T 21 N, R 9 E, M.D.M.
Canyon Creek	30.0 c.f.s.	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T 22 N, R 10 E, M.D.M.
Br. Canyon Creek	20.0 c.f.s.	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T 22 N, R 10 E, M.D.M.

It is proposed to use the water throughout the entire year for placer mining purposes in Sections 12, 13, and 14, T 21 N, R 9 E, M.D.M. The water is to be returned to Deacon Long and Sawmill ravines in the E $\frac{1}{2}$  of Section 14, T 21 N, R 9 E, M.D.M. This application was protested by Modglin Brothers insofar as it appertained to the proposed diversion from Deacon Long Ravine.

Application 5597 was filed July 8, 1927 by George R. King and assigned to Big Channel Mining Company on September 3, 1927. It purposes diversions from tributaries of the Yuba River via Slate Creek as follows:

Source	Amount	Point of Diversion
Cedar Grove Ravine	20.0 c.f.s.	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T 21 N, R 10 E, M.D.M.
Unnamed Branch of Cedar Grove Ravine	5.0 c.f.s.	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T 21 N, R 10 E, M.D.M.

It is proposed to use the water through out the entire year for placer mining purposes at the Riffle, Comet, Challenge and Port Wine Consolidated Placer Mines in Section 12, 13 and 14, T 21 N, R 9 E, M.D.M. No protest was received against the approval of this application.

### DESCRIPTION OF PROTEST

Modglin Brothers claim a prior appropriative right to the waters of Deacon Long Ravine and allege in effect that the proposed diversion of applicant will interfere with their right to use the water for mining purposes as all of the water from this ravine is now being used on the Neversweat and Southern Placer Mines.

### STATEMENT OF COMPLIANCE WITH LEGAL REQUIREMENTS

Applications 5383 and 5597 were completed sufficiently for advertising, in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and Application 5383 being protested and Application 5597 being included in the same project were set for a public hearing in accordance with Section 1a of the Water Commission Act on February 15, 1929 at 1:30 o'clock P.M. in Room 401, Public Works Building, Sacramento, California. Of this hearing applicant and protestants were duly notified.

### GENERAL DISCUSSION

Subsequent to the filing of the two applications, the Big Channel Mining Company became involved in financial and internal difficulties. For some months action was therefore postponed by the Division to afford the members of the company an opportunity to compose their differences and agree upon a representative to handle their affairs before the Division. Finally the affairs of the company having reached an apparent impasse and the Division being unable to communicate with the agent who had been acting for the company the matter was set for a public hearing as stated above. No appearance was made either on behalf of the applicant or the protestant.

Prior to the hearing all record parties in interest were informed that in case the hearing was held without an appearance being made on applicant's behalf, or satisfactory reasons being shown for the apparent apathy this office

would consider that the projects were abandoned and act accordingly.

Subsequent to the hearing a period of thirty days was allowed applicant in order to afford it an opportunity to establish an authoritative representative, but as no further advices have been received it is the assumption of this office that the projects have been temporarily at least abandoned.

ORDER

Applications 5383 and 5597 for permits to appropriate water having been filed with the Division of Water Rights as above stated, a protest against Application 5383 having been filed, the matter having been set for a public hearing at which no appearances were made on behalf of applicant and it appearing to the Division of Water Rights that the projects are abandoned.

IT IS HEREBY ORDERED that said applications be rejected and cancelled upon the records of this office.

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

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

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