

BEFORE THE DIVISION OF WATER RESOURCES
DEPARTMENT OF PUBLIC WORKS
State of California

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In the Matter of Application 7879 of Inyo Mines Inc., to
Appropriate from Upper Addie Spring in Inyo County for
Mining and domestic purposes.

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Decision A 7879 D-368

Decided *January 19, 1935*

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APPEARANCES AT HEARING HELD AT SACRAMENTO, DECEMBER 14, 1934.

For Applicant

Inyo Mines Inc.

No Appearance

For Protestant

John Gutendorf

No Appearance

EXAMINER: Everett N. Bryan, Supervising Hydraulic Engineer
for Harold Conkling, Deputy in Charge of Water
Rights, Division of Water Resources, Department of
Public Works, State of California

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OPINION

General Features of Application 7879

Application 7879 was filed by Inyo Mines Inc., on March 22, 1934.

It proposes an appropriation of 0.2 of a cubic foot per second from Upper
Addie Spring tributary to Saline Valley Sink in Inyo County to be diverted

throughout the entire year for mining and domestic purposes within the S¹/₂ of SE¹/₄ of Section 5, T 12 S, R 37 E, M.D.B. & M. It was protested by John Gutendorf.

PROTEST

Under Application 826, Permit 410, License 310 John Gutendorf claims the right to divert 0.02 of a cubic foot per second from the same source as proposed by the applicant and alleges in effect that applicant is attempting to jump the "Bunker Hill Group" of mining claims which are within the place of use described in Application 826, Permit 410, License 310.

HEARING SET IN ACCORDANCE WITH SECTION 1a

OF THE WATER COMMISSION ACT

Application 7879 was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources and being protested was set for a public hearing in accordance with Section 1a of the Water Commission Act on December 14, 1934 at 10:00 o'clock A.M. in Room 401, Public Works Building, Sacramento, California. Of this hearing applicant and protestant were duly notified.

The hearing was set at Sacramento as it appeared that the project had been abandoned and protestant was informed that unless an appearance was entered on behalf of applicant, Application 7879 would be cancelled. On the other hand protestant was advised that should applicant attempt to defend the application this office would be pleased to postpone the hearing and transfer it to Los Angeles, if it would better serve his convenience.

As was contemplated no appearance was made at the hearing on behalf of the applicant and although the record indicates that applicant received notice there has been no attempt to show cause for failure to appear. We are therefore forced to the conclusion that applicant has abandoned his project and it appears in order to cancel the application.

ORDER

Application 7879 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a public hearing having been held and it appearing to the Division that the proposed project has been abandoned,

IT IS HEREBY ORDERED that Application 7879 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 19 day of January, 1935.

EDWARD HYATT, State Engineer

BY Harold Parkling
Deputy

