

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

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In the Matter of Applications 7709, 7710 and 7951 of W. R.  
Mackenzie To appropriate from Goodyear Creek,  
Sawmill Ravine and Tunnel, Sebastopol  
Springs and East Branch of North  
Fork of North Fork of Yuba  
River for Mining and Do-  
mestic Purposes.

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DECISION A. 7709, 7710, 7951 D - 374

Decided April 22, 1935.

APPEARANCES AT HEARING OF APRIL 16, 1935.

<u>For Applicant</u>	None
<u>For Protestants</u>	None

EXAMINER: Everett W. 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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O P I N I O N

Applications 7709, 7710, and 7951 having been completed as required  
by the Water Commission Act and the rules and regulations of the Division  
of Water Resources, having been protested, and the applicant having failed  
to answer the protests or reply to recent communications of the Division  
the matter was set down for hearing on April 16th, 1935, with due and legal  
notice to the parties and the statement to the protestants with copy to the  
applicant that inasmuch as applicant had apparently abandoned the project  
it would be unnecessary for protestants to appear in support of their pro-  
tests unless, as a result of the notice, applicant gave the required notice  
of his intention to appear in support of his applications.

The last communication received from applicant was under date of October 3, 1954, when he stated:

"Would appreciate it if your department would simply hold up my applications for the present, as if hearings were held now it would build up expense and I believe that this can be avoided later on."

We then asked him to make clear his position asking him to "kindly advise just what is being done toward securing adjustment of these protests and how long a time it is expected will be required to carry on these negotiations," etc. To this inquiry we received no reply and the registered notice of the hearing of April 16th which was forwarded to his last stated address was returned unclaimed. There was no appearance at the hearing of April 16th on behalf of applicant. We are therefore forced to the conclusion that the applications have been abandoned and should be cancelled upon the grounds of failure to complete.

ORDER

Applications 7709, 7710 and 7951 having been completed sufficiently for advertisement, protests having been filed against the approval thereof, applicant having failed to answer said protests as required by the rules and regulations of the Division, and having failed to make any appearance at the hearing upon said applications of which hearing he was given due notice,

IT IS HEREBY ORDERED that said Applications 7709, 7710 and 7951 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 22nd day of April, 1955.

EDWARD HEATT, State Engineer.

By Harold Conkling  
Deputy