

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

cOo

In the Matter of Application 7326, Permit 4416, to
appropriate from an unnamed stream tributary to
West Carson River in Alpine County for
mining and domestic purposes.

cOo

DECISION A 7326, B-403

Decided *June 12, 1937*

cOo

APPEARANCES AT HEARING HELD MAY 4, 1937, AT SACRAMENTO, CALIFORNIA

For Permittees

R. Franklin Weber
S. C. Castleman

R. Franklin Weber

cOo

O P I N I O N

GENERAL DESCRIPTION OF PROJECT

Under the above numbered filing a permit was issued to appropriate 3 cubic feet per second from January 1st to December 31st from an unnamed stream tributary to West Fork of Carson River for mining and domestic purposes. It was provided in issuing the permit that construction should begin on or before June 1, 1935, and thereafter be prosecuted with reasonable diligence; that construction work should be completed on or before December 1st, 1937, and that full beneficial use of the water should be made on or before December 1st, 1938.

Reports received from the permittees for the years 1935 and 1936 indicated that nothing had been done in the way of construction work and that no water, except that used for domestic purposes which was carried by buckets to permittees' cabin, had been used. In view of this circumstance permittees' were cited on May 4, 1937, to show cause why the permit should not be revoked for failure to comply with the terms thereof.

At the appointed time, Mr. Weber appeared to represent himself and his partner Mr. Castleman. He stated that Mr. Castleman was an old man and paid little attention to this matter and that at the present time he was in El Dorado County. At the time of the hearing Mr. Weber made no defense for non compliance with the permit terms except to say that he was endeavoring either to make a sale of the properties or to take in partners who would advance the money to do the necessary work to put the project in operation. In view of the uncertainty of permittees' plans and the lack of diligence up to the present time it is believed that permittees' interests would be best protected by cancellation of the present filing and the filing of a new application if and when they are in a position to actively proceed in the matter.

ORDER

It appearing to the Division of Water Resources after a hearing which was duly noticed under the provisions of Section 20 of the Water Commission Act (Chapter 586, Statutes 1913 as amended) that permittees under Application 7326, Permit 4416 have failed to comply with the terms and conditions of said permit and that no adequate defense for such non compliance has been offered.

IT IS HEREBY ORDERED that Permit 4416 be revoked and cancelled upon the records of the Division of Water Resources without prejudice.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 12th day of June, 1937.

EDWARD HYATT, State Engineer

BY WINGOLD JOCKLIE

(Seal)
WEN:HP

Director