

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

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In the Matter of Application 10469 of Seldom B. Lowell to Appropriate from an Unnamed Ravine in Riverside County, Tributary to Santa Ana River via Johnson Canyon for Stockwatering Purposes.

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Decision A. 10469 D. 506

Decided November 9, 1943

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Appearances at Hearing Held at Sacramento July 30, 1943

For Applicant

Seldom B. Lowell

No appearance

For Protestant

Carl Hertzberg

No appearance

Examiner

Harold Conkling, Deputy State Engineer in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

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OPINION

Application 10469 of Seldom B. Lowell was filed with the Division of Water Resources on June 1, 1942. It proposes an appropriation of 1000 gallons per day to be diverted throughout the entire year from an unnamed ravine in Riverside County, tributary to Santa Ana River via Johnson Canyon for stockwatering purposes within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2 T.2S, R6W. S.B.B.M. The spring is also located within this 40 acre subdivision of the government survey.

Application 10469 was protested by Carl Hertzberg upon the basis that the spring is located upon his mining claim and that since January, 1941, he has used the water from the spring.

Letters addressed to the applicant under dates of October 16 and November 4, 1942, and January 8 and March 19, 1943, directing his attention to the necessity of obtaining right of access received no answer and in order to clear the records of this office the matter was regularly set for public hearing at Sacramento, on July 30, 1943, both parties being informed that if applicant indicated intention of appearing at the hearing it would be transferred to Los Angeles, otherwise it would not be necessary for the protestant to appear.

No appearance was made at the hearing on behalf of the applicant and no cause has been shown for his non-appearance which may be taken as presumptive evidence that he is no longer concerned in the matter and therefore permit should be denied.

ORDER

Application 10469 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 at which no appearance was made on behalf of the applicant and no cause shown for his non-appearance, and it appearing to the Division that the development proposed under Application 10469 has been abandoned.

IT IS HEREBY ORDERED that Application 10469 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 ninth day of November 1943.

EDWARD HYATT, STATE ENGINEER

BY Harold Conkling  
Deputy State Engineer

