

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of APPLICATION 24840)	
of ESTATE OF ERNEST LEMOS)	Order: WR 78-15
Applicant)	Source: Snackenburg Creek
COPCO LAKE MUTUAL WATER COMPANY)	County: Siskiyou
Protestant)	

ORDER CANCELLING APPLICATION

BY BOARD MEMBER ADAMS:

1. Application 24840 was filed on July 22, 1975. It proposes an appropriation of 2.99 cubic feet per second (cfs) by direct diversion, from April 1 to November 1; and 4,050 gallons per day (gpd) by direct diversion from January 1 to December 31; the maximum amount to be diverted under the application is not to exceed 900 acre-feet per annum (afa). Proposed purposes of use are irrigation, domestif, stockwatering, and fire protection. The proposed place of use is on 150 acres in Siskiyou County, immediately south of Copco Lake near California's northern border.
2. On April 13, 1978, at the request of Applicant's agent, Wallace Lemos, a pre-hearing investigation was conducted by a State Board engineer. Lemos was notified in advance of the date of the investigation and was asked to meet with the investigating engineer on that date. Lemos failed to do so.
3. As required by the Water Code, a hearing was noticed on the application for May 12, 1978, Protestant Copco Lake Mutual

Water Company appeared at the time and place specified in the notice of hearing. Applicant's representative did not appear at the hearing although records of the Board show that he received due notice thereof.

4. Applicant's representative was immediately notified by telegram that, pursuant to Water Code Section 1352 and Board Rule 731, he had five days from the date of the hearing within which to show good cause for his failure to appear. He was notified of the consequences of his failure to show good cause, viz., that the Board might take final action on the subject application without further hearing, including making a determination that he had abandoned interest in the subject matter of the application.

5. By letter dated May 17, 1978, Lemos' attorney represented to the Board that Lemos had been informed by a Board engineer that his attendance at the hearing was unnecessary in that the protest to the subject application was "illegal" and that the Board would thus rule in favor of the applicant. Applicant's attorney further alleged that these circumstances could not be characterized as an abandonment of interest in the application and requested time to appear and present arguments.


6. The allegations contained in the letter of May 17, 1978, concerning representations made by the Board's engineer are specifically found not to be true. It is further found that the conduct of Applicant's representative noted above evidences failure to pursue the subject application diligently.

7. It is determined that the representations contained in the letter of May 17, 1978, do not constitute good cause for Lemos' failure to appear at the hearing. It is further determined that Applicant has abandoned interest in the subject matter of the application, within the meaning of Section 731, Title 23, California Administrative Code.


NOW, THEREFORE, IT IS ORDERED that Application 24840 should be, and it is hereby, cancelled.

Dated: SEP 25 1978


WE CONCUR:




W. W. Adams, Member



John E. Bryson, Chairman



W. Don Maughan, Vice Chairman



William J. Miller, Member



L. L. Mitchell, Member