

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

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In the matter of Application 4381 by California Pacific
Oil Company to appropriate from Rincon Creek in
Ventura and Santa Barbara Counties for oil
drilling and domestic purposes

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DECISION NO. 44381 D 188
Decided *March 26, 1928*

APPEARANCES AT HEARING HELD March 12, 1928 at Sacramento

For Applicant

No appearance

For Protestants

No appearance

EXAMINER: Everett H. Bryan, Deputy Chief, Division of Water Rights.

O P I N I O N

This application, filed December 18, 1924, proposed the appropriation of 5,000 gallons per day from Rincon Creek a tributary of Pacific Ocean for oil drilling purposes and incidental domestic use.

The application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested was set for public hearing in the Council Chamber of the City Hall, Santa Barbara at 10:00 o'clock A. M. on Monday, March 12, 1928. When it became apparent that no appearance would be made on applicant's behalf the hearing was transferred to Sacramento to be held in Room 707 Forum Building without change in hour or date. Formal notices of hearing at Santa Barbara and transfer thereof to Sacramento were duly sent to applicant and protestants.

This application has been before the Division of Water Rights for well over three years but since November, 1925 nothing has been heard from applicant in the matter. The last letter received from Thurston Daniels, president, indicates that the matter is more his personal affair than that of the oil company. Mr. Daniels has since died and it is apparent that all interest there may have been in the project terminated at his death. Mr. Owen Van Durn, an attorney of San Francisco, formerly statutory agent for applicant in California states "The company did not do anything for a number of years and my connection with it was severed".

The Division of Water Rights made determined efforts to secure information as to applicant's intention to appear making use of mail, telephone and telegraph for the purpose. It was determined from the records of the Secretary of State of California that G. W. Daniels of Vancouver, Washington, was secretary of the Company and a communication sent by mail to him on February 23, 1928 in an envelope bearing the return card of the Division of Water Rights was not returned. A telegram to G. W. Daniels dated March 5, 1928 also calling for immediate information as to intention to appear was reported by the Western Union Telegraph Company as delivered the same day. No response was made to either communication by Mr. Daniels. There can be no clearer indication of applicant's apathy toward the project.

It is therefore the attitude of the Division of Water Rights that the project has been abandoned and that the application should be cancelled.

ORDER

Application 4381 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises;

IT IS HEREBY ORDERED that said Application 4381 be considered abandoned and that same be cancelled on the records of the Division of Water Rights.

Dated at Sacramento this *26th* day of *March*, 1928.

(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS

JCF:MP