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

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In the matter of Application No. 4858 of Jefferson Hunick
to appropriate water from San Francisquito Creek
in Los Angeles County for Irrigation
and Domestic Purposes

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DECISION NO. A 4858. D - 211
Decided *January 3, 1929*

APPEARANCES AT HEARING HELD AT SACRAMENTO, DECEMBER 21, 1928

No appearances.

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O P I N I O N

Applicant proposed to appropriate 0.5 cubic foot per second from the flow of San Francisquito Creek a tributary of Santa Clara River for the benefit of 40 acres of riparian land owned by him. The application was protested by Farmers Irrigation Company, Limoneira Company, Thermal Belt Water Company and Santa Paula Water Works jointly and separately by Sespe Land and Water Company, Fillmore Irrigation Company, Southside Improvement Company and Dominick McGrath Estate Company, et al.

The application was filed February 10, 1925, 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 a public hearing in Room 401 Public Works Building, at 10 o'clock A.M. on Friday, December 21, 1928. Of this hearing applicant or his probable

successor in interest and protestants or their accredited representatives were duly notified but no appearance was made on behalf of any of such parties.

The several protests are based on interference with claimed rights to use water from the source at downstream points. For reasons hereinafter shown, however, action on the application will not be predicated on consideration of the protests but on abandonment of the project as indicated by the record.

The last information received from applicant was proof of posting of the notice of advertisement on May 3, 1926. On March 13, 1928 failure of St. Francis Dam about 5 miles upstream from applicants land resulted in utter devastation of the property and, so far as this office has been able to determine, death of the applicant. Since that date the Division of Water Rights has repeatedly endeavored to secure a statement of intention from applicant and his successor but has obtained no answer. The present condition of the land is such that beneficial use of water thereon is not feasible and there is no immediate prospect that this condition will change. Silence of the only parties from whom interest in the matter might be expected is taken as indicating apathy and abandonment of the application which is now of nearly four years standing. It therefore appears that approval of this application would be meaningless and that cancellation on the grounds of abandonment is in order.

ORDER

Application No. 4858 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 it appearing to

the Division of Water Rights that the project covered thereby has been abandoned:

IT IS HEREBY ORDERED that said Application No. 4658 be cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 3 day of Jan 1929

Harold Conkling
(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS