

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

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IN THE MATTER OF APPLICATION NO. 4195 BY L. F. HUGHES
TO APPROPRIATE WATER FROM BIG ROCK AND PALLETT CREEKS
IN LOS ANGELES COUNTY FOR AGRICULTURAL PURPOSES

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DECISION NO. 4195 D 116

Decided July 17, 1926

APPEARANCES AT HEARING HELD May 19, 1926

For Applicant: No appearance

For Protestants: Ralph Bennett for E. M. Libby and Ralph Bennett
John G. Packard, Atty., for Big Rock Mutual
Water Company and for Llano Mutual Water Co.

Wm. T. Kendrick for Big Rock Mutual Water Co.

W. G. Fetchner present but entered no formal
appearance.

Examiner: Edward Hyatt, Jr. Chief of Division of Water
Rights, State Department of Public Works.

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O P I N I O N

On September 6, 1924, L. F. Hughes filed his application
No. 4195 to appropriate from Big Rock Creek and Pallett Creek for
the agricultural benefit of 8,000 acres which were thereafter adequately
located. In due course protests against same were received from various
parties interested in the use of water from these sources. For reasons
hereinafter shown action on this application is not governed by any
matter touched upon in the protests and same will accordingly not be

considered in deciding on the application. Sufficient information was submitted by the applicant to make advertisement of the application possible under the usual practice of the office. Being protested the application was in due course set for a public hearing in room #1026, Sun Finance Building at 3:00 o'clock P.M. on Wednesday, May 19th, 1926. Of this hearing applicant and protestants were duly notified.

Both before and after advertisement of the application applicant was advised of the requirements of this office with regard to legal relationship between an applicant and the land to be benefitted. It appears that applicant has at no time held title to more than 40 acres within the 8,000 proposed to be irrigated under the application and that he proposed to form a mutual water company to execute the proposed project.

It is, however, apparent that not only has there been no organization of such a company but that no effort has been made to create any organization to proceed with the project.

The Division of Water Rights has heretofore and on grounds which are somewhat parallel rejected application Number 2344 by E. H. Libby which specified for benefit practically the same area as that now under consideration. Reported efforts by Libby to secure contracts under which to furnish the land with water have been unsuccessful. No such effort has been made by applicant and he has evidently become apathetic toward the project as nothing has been heard from him since the proof of publication of the advertising notices was received on September 22, 1925. He has not shown sufficient interest in

the matter to answer protests or even appear at the hearing. It therefore appears that approval of the application would be an idle gesture whose only effect would be to render more difficult the consumation of any other project to make beneficial use of water from these sources. Such a project is already before the Division of Water Rights, and in fairness to the subsequent applicant it would appear application No. 4195 should be cancelled from the records.

ORDER

Application No. 4195 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 No. 4195 be rejected and cancelled upon the records of the Division of Water Rights.

Dated at Sacramento this 17th day of July 1926.

JOF:RS

(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS