

Goodwin J. Knight  
Governor



STATE OF CALIFORNIA  
**State Water Rights Board**

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SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN  
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LESLIE C. JOPSON  
CHIEF ENGINEER  
GAVIN CRAIG  
PRINCIPAL ATTORNEY  
R. H. MATHER  
ASSISTANT TO THE BOARD

October 9, 1957

TO: APPLICANT, PROTESTANT, AND  
OTHER INTERESTED PARTIES

Enclosed is a copy of Decision No. 876 of the State Water Rights Board issued on September 30, 1957, in connection with Application 16848 of Edgar A. Ronk to appropriate from Perry Creek in El Dorado County.

The application was rejected and canceled as the applicant failed to amend the application as necessary to prevent overflow of water on an upstream neighbor's property and his failure to reply to letters of the Board in that connection was construed as an abandonment of the application.

Very truly yours,

STATE WATER RIGHTS BOARD

By Leslie C. Jopson  
Leslie C. Jopson  
Chief Engineer

Enc.

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 16848, ) Source: Middle Fork,  
EDGAR A. RONK, ) Cosumnes River  
Applicant ) County: El Dorado

Decision No. 876

Decided: September 30, 1957

Appearances at Hearing Conducted at Sacramento on January 16, 1957, by Henry Holsinger, Chairman, John B. Evans, Member, and W. P. Rowe, Member, State Water Rights Board:

Edgar A. Ronk, Applicant Pro se  
Arroyo Ditch Company, Protestant Kenneth W. Donelson, Attorney

Decision

Application 16848 was filed on January 24, 1956, by Edgar A. Ronk, requesting a permit to appropriate annually between November 15 and May 1 of each season, 45 acre-feet of unappropriated water from Perry Creek, tributary to the Middle Fork of the Cosumnes River, for temporary storage and later beneficial use for irrigation and stockwatering purposes. Said application was protested by the Arroyo Ditch Company. A hearing was held on said application on January 16, 1957.

At the hearing, both applicant and protestant appeared and submitted evidence. The issues between the

parties primarily concerned construction and operation of applicant's dam and reservoir so that the structure would be safe and would not impound waters to which protestant asserts a prior right. At the conclusion of testimony, submission of the matter for decision by the Board was deferred for 30 days to enable the parties to attempt to reach an agreement and within which time the Board's staff was directed to conduct a field investigation. It was stipulated that the information obtained by the staff as a result of the field investigation might be considered by the Board in its action on said application.

Said field investigation was made on January 25, 1957. Present were Edgar A. Ronk and Mrs. Ronk; Messrs. Henry Garibaldi and Gerald H. Jones for the Arroyo Ditch Company, Mr. Emmett H. Anderson was represented by his son Chester Anderson; and Mr. George Klare, a long-time local resident, was interviewed concerning flow in Perry Creek.

The field investigation shows that the project, as contemplated by the Soil Conservation Service, would have a dam 20 feet in height from streambed to overflow level, and that the reservoir area would cover not only Ronk property but also Anderson property within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 29, Township 9 North, Range 12 East, Mount Diablo Base and Meridian. Mr. Anderson objected to overflow on his property, making necessary a revision of plans. Mr. Ronk agreed to have a dam designed that would

take water only to his property line, and to request that his application be modified to conform with the new survey.

Thereafter, the applicant failed to amend his application as necessary to prevent overflow on Anderson property, and failed to reply to letters of the Board dated April 11, 1957, and May 7, 1957, requesting action on the commitments made by Mr. Ronk at the field investigation on January 25. On June 7, 1957, the Board sent a final letter to Ronk, referring to the unanswered letters dated April 11 and May 7, and stating: "Your continued failure to respond indicates abandonment of your application. ...You are hereby notified that your application will be denied unless, within ten days from the date of this letter, you (1) inform the Board of progress made toward resurveying the dam and reservoir area ..."

No reply of any kind was made to the Board in response to its letter of June 7, 1957, and it is the finding of the Board that the applicant has abandoned his application and that the same should be rejected and canceled.

O R D E R

IT IS HEREBY ORDERED that Application 16848 be,  
and the same is, hereby rejected and canceled upon the  
records of the State Water Rights Board.

Adopted as the decision and order of the State  
Water Rights Board at a meeting duly called and held at  
Sacramento, California, this 30th day of September, 1957.

/s/ Henry Holsinger  
Henry Holsinger, Chairman

/s/ W. P. Rowe  
W. P. Rowe, Member