

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 16250,)
Issued on Application 23342,)
DR. LAWRENCE C. FOLKES and)
MABLE E. FOLKES,)
Permittees.)

Order : 77-5

Source: Peterson Creek

County: Madera

ORDER REVOKING PERMIT TO APPROPRIATE WATER

BY BOARD MEMBER ADAMS:

A hearing having been held pursuant to Section 1410 of the Water Code before the State Water Resources Control Board on the 10th day of August, 1976, in the Resources Building, 1416 Ninth Street, Sacramento, California, for the purpose of allowing Dr. Lawrence C. Folkes and Mable E. Folkes, hereinafter called the permittees, to show cause why Permit 16250 should not be revoked; due notice of the time, place, and nature of said hearing having been given by certified mail to said permittees; said notice having been received, as is evidenced by signed return receipts; no appearances having been made at said hearing by or on behalf of said permittees; the Board finds as follows:

1. Permit 16250 was issued in the matter of Application 23342 on June 25, 1971, to Dr. Lawrence C. Folkes and Mable E. Folkes for the appropriation of 240 acre-feet per annum between November 1 and March 31 of each season from Peterson Creek in Madera County for recreation, fish culture, stockwatering, and wildlife enhancement.

2. The time authorized in connection with said permit for completion of construction and to complete application of water to beneficial use expired on December 1, 1974. A petition for extension of said time for an indefinite period was filed on June 19, 1975.

3. Said permittees have failed to exercise due diligence in an effort to complete the necessary construction work and to apply water to beneficial use in accordance with said permit and with Division 2 of the Water Code and the regulations of the Board.

4. Section 731, Article 14, Subchapter 2, Chapter 3, Title 23, California Administrative Code provides that "Any party who fails to appear at a hearing will not be entitled to a further opportunity to be heard unless good cause for such failure is shown to the board within five days thereafter, and lack of such showing of good cause may, in the discretion of the board, be interpreted as an abandonment of interest by such party in the subject matter of the application". The Board finds permittees' failure to appear at the Board's duly noticed hearing of August 10, 1976, constitutes an abandonment of interest in the subject matter of said permit.

It is concluded from the foregoing findings that further extension of time should be denied and that Permit 16250 should be revoked.

NOW, THEREFORE, IT IS ORDERED that further extension of time be denied, and IT IS FURTHER ORDERED that Permit 16250 be revoked, and all rights thereunder are terminated forthwith.

Dated: June 16, 1977

WE CONCUR:

/s/ W. W. ADAMS
W. W. Adams, Member

ABSENT
John E. Bryson, Chairman

/s/ W. DON MAUGHAN
W. Don Maughan, Vice Chairman

Jean Ayer
Jean Ayer, Member