

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

Opinion

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IN THE MATTER OF APPLICATION NO. 2344 BY E. H. LIBBY TO
APPROPRIATE WATER FROM BIG ROCK AND PALLETT CREEKS
IN LOS ANGELES COUNTY FOR AGRICULTURAL PURPOSES
AND APPLICATION NO. 3418 BY RALPH BENNETT TO
APPROPRIATE WATER FROM BIG ROCK CREEK FOR
POWER PURPOSES.

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DECISION NO. 2344 - 3418. D. 98.

Decided March 31st, 1926.

APPEARANCES AT HEARING HELD DECEMBER 19, 1923 and JUNE 2, 1924.

For Both Applicants: Haas and Dunnigan, Attorneys,
Citizens National Bank Bldg.,
Los Angeles, California.

For Protestant, Big Rock Mutual Water Co.- Wm. T. Kendrick,
Attorney, Van Nuys Bldg., Los Angeles,
California.

For Protestants, S.J. Brubaker and John T. Mathis:-
Thos. T. Robinson, Attorney, Merchants
National Bank Bldg., Los Angeles.

For James A. Trow,- Harlan P. Sweet, Attorney, 1036 West-
lake Ave., Los Angeles, Calif.

NO APPEARANCES: A. W. Guenther, R. Lee Wilson, Rock Creek Water Co.

Examiner: Donald M. Baker, Associate Hydraulic Engineer, for the
Chief of the Division of Water Rights.

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O P I N I O N

Application 2344 filed May 6, 1921 contemplates the appropriation
of 20 second feet and 30,000 acre feet for irrigation use. This application
was completed sufficiently for advertisement in accordance with the Water
Commission Act and the requirements of the Rules and Regulations of the

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Division of Water Rights and being protested was set for public hearing on December 19, 1923 at 10:00 o'clock A.M. in room No. 818 Pacific Finance Building, Los Angeles, California. Of this hearing applicant and protestant were duly notified and appearances were made as noted above.

Application No. 3418 was filed May 14, 1923 and various extensions have been allowed thereon for the purpose of submitting maps and other information required for its completion. This application although incomplete and not advertised was included with application No. 2344 in the hearing commenced December 19th, 1925 as being a unit of the same general development. Thereafter on January 20, 1926, applicant was allowed sixty days under Section 17 of the Water Commission Act to submit the required information and the application to-day remains incomplete.

Although Application No. 2344 has been pending for almost five years the plans of applicant are admitted by himself to be uncertain. Originally it was his intention to proceed with the project as a private enterprise. Subsequently negotiations were undertaken to serve Littlerock Irrigation District. These negotiations broke down completely some three or four months ago only to be resumed again a month or two later. Latest advices from the applicant were that the officials of Littlerock Irrigation District desired time to investigate the feasibility of the project and applicant displays a high degree of uncertainty as to the exact area to be served and the method which would be pursued to consummate the appropriation were the application approved.

We are convinced that applicant has from the first approached this problem from the wrong view point in that he has endeavored by application to secure a priority to the use of the water in question against the time when he might have some use for it and land to irrigate. We believe this is the reverse of the procedure contemplated in the law of appropriation

wherein an appropriator has a need for certain water and files an application to secure priority as against another who may later develop a plan for its use. We find the application incomplete and that it would be an abuse of the discretion of this office to allow further extensions of time in order that applicant may develop a definite plan for the use of the water he has sought to appropriate.

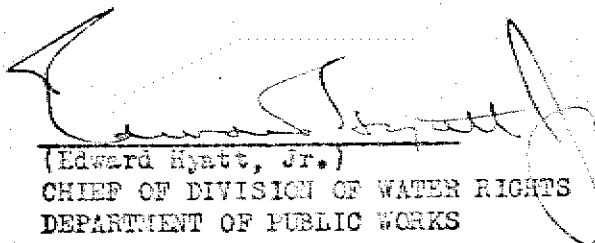
It is therefore found, without direct consideration of the protests, that no purpose will be served by continuing to consider either of these applications.

ORDER

Applications Nos. 2344 and 3418 for permits 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 Applications Nos. 2344 and 3418 be rejected and cancelled upon the records of the Division of Water Rights.

Dated at Sacramento, this 31st day of March, 1926.


(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA.

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