

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

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In the Matter of Revocation of Permit 3051 Heretofore Issued
Upon Application 5180 of Islam Redwoods Shrine allowing
an Appropriation of 275 acre feet per annum from
Pescadero Creek in San Mateo County for
Irrigation and Road Sprinkling Purposes

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DECISION A 5180 D 282

Decided: *February 21, 1931*

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APPEARANCES AT HEARING HELD January 20, 1931

For Permittee
Islam Redwoods Shrine

Fred E. Gibbetta

EXAMINER: Everett M. Bryan, Hydraulic Engineer, Division of Water
Resources, Department of Public Works, State of California.

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O P I N I O N

On July 12, 1928, Application 5180 of Islam Redwoods Shrine was approved by the issuance of Permit 3051 allowing the appropriation of 275 acre feet per annum from Pescadero Creek for the irrigation of golf courses, parks, gardens and for road sprinkling and maintenance on 1640 acres within Sections 3, 4, 5, 8, 9 and 10, T 8 S, R 3 E, M.D.B. & M. According to the terms of the permit, actual construction work was to commence on or before October 1, 1928, to be completed on or before December 1, 1930 and complete application of the water to the proposed use is to be made on or before December 1, 1932.

Progress reports submitted by permittee under dates of December 2, 1929 and November 6, 1930, indicated that plans for the dam had been prepared but that no actual construction work had been done. The permittee's attention was directed to the fact that the terms of the permit had not been complied with and permittee was advised that unless good cause was shown for an extension of time or the permit voluntarily withdrawn it would be necessary to set the matter for a hearing at which permittee would be required to show cause why the permit should not be revoked because of failure to comply with the terms and conditions thereof.

Under date of November 21, 1930, permittee advised this office that the delay had been caused by the fact that it had not been able to finance the project on account of the general financial depression and an extension of two years was requested within which to begin and complete construction work.

As the reason for delay did not appear to be sufficient upon which to grant the extension requested, the matter was set for a hearing in accordance with Section 20 of the Water Commission Act on January 20, 1931, at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing permittee was duly notified.

At the hearing Fred H. Tibbette appeared on behalf of the permittee and presented testimony to the effect that in January and February 1929 test borings had been made at the proposed dam site and detailed plans and estimates prepared for an alternative location a short distance up the Creek, and for a concrete dam of reduced height. Complete surveys and maps of the reservoir site had been completed and about \$10,000 per year is being expended on the general development of the property including clearing, es-

pecially in the reservoir site, building of trails and the development of water supply facilities, arboriculture, sanitary improvements, and general recreational facilities. Mr. Tibbets stated that the project under Application 5180, Permit 3051 had always been an integral part of the development work proposed by the Islam Redwoods Shrine which includes also direct diversion under Application 4184, Permit 2654 and upon which development about \$14,000 had already been expended. The fact that the project proposed under Application 5180, Permit 3051 was more in the nature of a luxury made financing more difficult at this time of general depression. He expected however that construction work would be completed within the next two years.

It is believed that the boring of test pits at the dam site, the clearing of timber from the reservoir site and the building of trails which will facilitate construction work may be considered as a commencement of construction work and since the project is an integral part of the entire development upon which considerable money has already been expended, the permittee is entitled to a reasonable time within which to complete the project based upon the showing made at the hearing.

O R D E R

Permit 3051 having heretofore been issued in approval of Application 5180; it appearing to the Division of Water Resources that permittee had failed to comply with the terms and conditions of the permit, a hearing having been held at which permittee was afforded an opportunity to appear and show cause why the permit should not be revoked for failure to comply with the terms and conditions thereof and the Division of Water Resources now being fully informed in the premises;

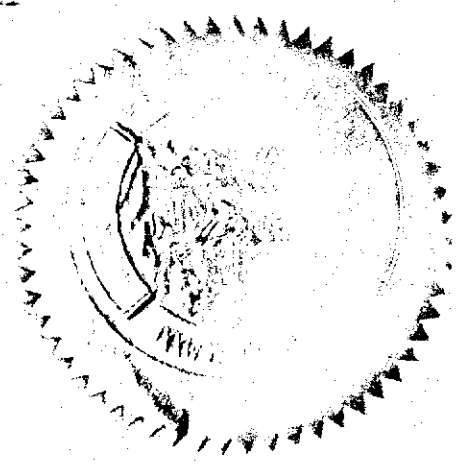
IT IS HEREBY ORDERED that said permit be not now revoked and that a reasonable extension be allowed within which to complete construction work and beneficial use thereunder.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 21 day of February, 1931.

EDWARD HYATT, State Engineer

BY Harold Conkling
Deputy

WES:MP



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