

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

McN
11-6-69

In the Matter of

Application 22039 by THE NEWHALL
LAND AND FARMING COMPANY,

Application 22061 by
PARADISE IRRIGATION DISTRICT,

Application 22321 by
GORRILL LAND COMPANY,

Applications 22333 and 22499 by
C. WILLIAM JOHNSON and MARY
SUZANNE FORAKER,

Application 22534 by
GARRISON PATRICK,

Application 22564 by
LOUIS C. CAMENZIND, JR.,

and Application 22653 by
EMMETT WARREN SKINNER, JR.,

Applicants

DELTA WATER USERS ASSOCIATION,
et al.,

Protestants

ORDER DENYING PETITIONS FOR RECONSIDERATION

Gorrill Land Company (Gorrill) filed a petition dated October 18, 1969, for reconsideration of the following portions of Decision 1344:

"(1) The provisions of Paragraph 14, on page 13, which deny the request of Gorrill that its permit have equal priority with the permit to be issued to Newhall.

"(2) The provisions of condition 3 in the proposed permit to Gorrill, appearing at the bottom of page 32, which impose the total burden of fish releases upon Gorrill, and require it to install and maintain certain devices, and make certain reports with respect to them."

1. Equal Priority

Petitioner contends the evidence shows that The Newhall Land and Farming Company (Newhall) and Gorrill historically divided the water available by agreement and that, therefore, their permits should have equal priority. The statutory priority based on the date of filing an application can be changed only by agreement of the applicant or by the Board on the basis of public interest. No contention regarding public interest has been advanced. The evidence was in conflict as to the alleged agreement and the past practices of these parties; considering the entire record, the Board found that the evidence was not sufficiently clear to justify upsetting priorities established by statute. The petition presents nothing different regarding the alleged agreement or the past practices of the parties, so there is no reason to reconsider these subjects. The stipulation dated October 31, 1925, which is referred to in the petition, concerned applications other than the ones involved in this proceeding.

The petition includes a study depicting graphically when and how much water would have been available to Gorrill

A petition for reconsideration of Decision 1344 was also filed by Garrison Patrick and Louis C. Camenzind, Jr. These applicants support the position of Gorrill and contend that their permits should also have equal priority based upon the alleged past practice of the parties. They likewise have presented nothing that was not previously considered by the Board and therefore their petition should also be denied.

IT IS ORDERED that the petitions filed by Gorrill Land Company and by Garrison Patrick and Louis C. Camenzind, Jr. for reconsideration of Decision 1344 be, and they are hereby, denied.

Adopted as the order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: November 6, 1969

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member

RONALD B. ROBIE
Ronald B. Robie, Member