

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

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In the matter of Applications 3077, 3079 and 3307 of Sespe Light and Power Company to appropriate from Piru Creek; Applications 3078, 3080, 3305 and 3306 of Sespe Light and Power Company to appropriate from Sespe Creek; Applications 4615 and 4975 of Guy T. Stetson and Henry S. Nixon as Trustees for the Proposed Ojai Irrigation District to appropriate from Sespe Creek and Application 6174 of City of San Buenaventura to appropriate from Sespe River; all sources being tributary to Santa Clara River in Ventura County, California.

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DECISION A. 3077, 3078, 3079, 3080, 3305, 3306, 3307, 4615, 4975, 6174 D-366

Decided

January 12, 1935

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APPEARANCES AT HEARING HELD AT LOS ANGELES ON OCTOBER 10, 1934, AND CONTINUED TO JANUARY 4, 1935.

For Applicants

Sespe Light and Power Company
City of San Buenaventura
Proposed Ojai Irrigation District

Frank Buren
D. C. McMillan
No appearance

For Protestants

Farmers Irrigation Company)
Limoneira Company)
Santa Paula Water Works)
Thermal Belt Water Company)
Southside Improvement Company)
Hardison Ranch Company)
San Cayetal Mutual Water Company)

Farrand and Slosson, by
Leonard B. Slosson

Dominick McGrath Estate Company)
American Beet Sugar Company)
James T. and Charles Donlon)
Mary E. Rowe)
Fillmore Irrigation Company)
Sespe Land and Water Company)

Durley and Downes, by
Henry C. Downes

Sespe Light and Power Company
George A. and Melita Henley
Petroleum Securities Company
Moorpark-Conejo Irrigation District

Frank Buren
George A. Henley
No appearance
No appearance

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

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O P I N I O N

GENERAL DESCRIPTION OF PROJECTS

(a) Applications of Sespe Light and Power Company

- Application 3077 - to appropriate 200 c.f.s. and 20,000 A.F. from Piru Creek for agricultural purposes.
- Application 3078 - to appropriate 400 c.f.s. and 115,500 A.F. from Sespe Creek and tributaries for power purposes.
- Application 3079 - to appropriate 200 c.f.s. and 75,000 A.F. from Piru Creek for power purposes.
- Application 3080 - to appropriate 200 c.f.s. and 11,000 A.F. from Sespe Creek for agricultural purposes.
- Application 3305 - to appropriate 200 c.f.s. and 41,000 A.F. from Sespe Creek for agricultural purposes.
- Application 3306 - to appropriate 27,000 A.F. from Sespe Creek for agricultural purposes.
- Application 3307 - to appropriate 200 c.f.s. and 53,000 A.F. from Piru Creek for agricultural purposes.

(b) Applications of Guy T. Stetson and Henry S. Nixon as Trustees for Proposed Ojai Irrigation District.

- Application 4615 - to appropriate 30,800 A.F. from Sespe Creek (8,700 A.F. to be withdrawn annually) for irrigation and domestic purposes.
- Application 4975 - to appropriate 30,800 A.F. from Sespe Creek (8,700 A.F. to be withdrawn annually) for power and domestic purposes.

(c) Application of City of San Buenaventura

- Application 6174 - to appropriate 35 c.f.s. and 20,000 A.F. from Sespe River for municipal purposes.

PROTESTS

Applications 3077, 3078, 3079, 3080, 3305, 3306, 3307, 4615 and 4975 were protested by the following:

Southside Improvement Company
George A. and Melita Henley
Farmers Irrigation Company

Limoneira Company
Santa Paula Water Works
Thermal Belt Water Company

Application 6174 was protested by Southside Improvement Company.

Applications 4615 and 4975 were protested by the following:

Fillmore Irrigation Company
Sespe Land and Water Company
Moorpark-Conejo Irrigation District
Dominick-McGrath Estate Company
American Beet Sugar Company
James T. and Charles Donlon
Sespe Light and Power Company

It is deemed unnecessary to state the grounds of, or discuss the protests in this opinion as action upon the applications is governed by other considerations.

HEARING SET IN ACCORDANCE WITH SECTION 1a
OF THE WATER COMMISSION ACT

Applications 3077, 3078, 3079, 3080, 3305, 3306, 3307, 4615 and 4975 were completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Resources and being protested were set for a public hearing on October 10, 1934, at 10:00 o'clock A.M. in Room 803, State Building, Los Angeles, California, which hearing was continued to January 4, 1935, at the same hour and place. Application 6174 of the City of San Buenventura, although not completed and advertised was also set for hearing with the other applications. Of this hearing applicants and protestants were duly notified.

GENERAL DISCUSSION

The applications by Sespe Light and Power Company and by trustees of the proposed Ojai Irrigation District have been pending before the Division for varying lengths of time up to more than twelve years and none less

than eight years. Action was suspended for a time waiting upon completion of the Ventura Investigation and publication of the report thereof. This investigation was concluded in 1933 and the report made available to interested parties early in 1934. On June 4, 1934, the Division requested from them a statement of their plans.

To this request no satisfactory response was made by either of the parties and therefore these applications were set down for hearing on October 10, 1934, both applicants and protestants being duly advised. Application 6174 of the City of San Buenaventura was included, although incomplete, because it involved the use of the same waters.

There was no appearance on behalf of the proponents of Ojai Irrigation District either at the hearing on October 10th or at the continued hearing held on January 4, 1935, and applicant has since shown no cause for failure to appear. In fact the only response the Division has received from representatives of proponents of the project is a statement from J. B. Lippincott, formerly engineer of the project, received June 15, 1934, in which it is stated:

"Ojai Irrigation District was not organized and as far as I am aware no work has been done to follow up on these applications."

Also a statement from Guy T. Stetson, who filed the applications, received September 28, 1934, advising:

"We have no definite plans for development and as far as my interest is concerned I hereby grant requested authorization to dismiss."

We are therefore forced to the conclusion that these applications are abandoned and should be cancelled.

Under date of January 2, 1935, the City of San Buenaventura ad-

vised that the project covered by Application 6174 had been abandoned. This application should therefore likewise be cancelled.

Mr. Frank Buren, representative of record for Sespe Light and Power Company, failed to make any response to the request by the Division on June 4, 1934, for a showing in connection with its group of applications. After receipt of notice of the hearing set for October 10, 1934, however, Mr. Buren advised:

".....it is my intention to be present at the hearing on behalf of the Sespe Light and Power Company. I will also desire to be heard and may submit evidence, though the latter will depend upon the turn the hearing takes in the way of evidence submitted by others interested."

At the hearing Mr. Buren admitted that little or no progress had been made toward financing the project. In fact he stated that in his judgment the only way it could be financed would be with government aid. Mr. Buren further indicated that the matter was dependent more or less on some arrangement being consummated with the land owners for use of the stored waters. He asked for and was allowed ninety days within which to investigate the possibilities, saying

"We would not need more time if we can go ahead, if we can't we would abandon it at this time."

On December 12, 1934, notices reconvening the hearing on January 4th were sent to interested parties, and on December 17th a letter was addressed to Mr. Buren suggesting that unless he were in a position to proceed it would serve the convenience of all if he were to authorize the Division to dismiss the applications in time to cancel the hearing.

Mr. Buren replied December 29th requesting an additional thirty days which was not allowed. No appearance was made by him or on behalf of these applications at the hearing on January 4th and neither has any cause for failure to appear been shown. It appears that the applicant more than

twelve years after its initial filing neither has any market for its power, lands to irrigate, or financing with which to proceed with development. Under the circumstances the applications of Sespe Light and Power Company are deemed incomplete and should be cancelled.

O R D E R

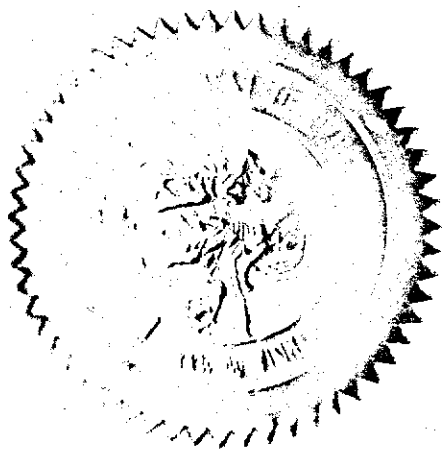
Applications 3077, 3078, 3079, 3080, 3305, 3306, 3307, 4615, 4975 and 6174 to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and the Division of Water Resources now being fully advised in the premises:

IT IS HEREBY ORDERED that said Applications 3077, 3078, 3079, 3080, 3305, 3306, 3307, 4615, 4975 and 6174 be rejected and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 12th day of January, 1935.

EDWARD HYATT, State Engineer

BY Harold Carlsberg
Deputy



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