

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-104

REGARDING PROTESTS AND EXTENSION OF TIME
ON CERTAIN APPLICATIONS TO APPROPRIATE FROM
THE SACRAMENTO-SAN JOAQUIN DELTA

WHEREAS:

1. Applications 20957 of McDonnell, Bank of America, and Trust of Katie Feck to appropriate from San Joaquin River; 21162 of Phelps to appropriate from San Joaquin River; 22598 of Wheeler to appropriate from Middle River; and 22638 of Avila to appropriate from Middle River; all within the Sacramento-San Joaquin Delta, were completed, advertised, and unprotested when Decision 1379, regarding the Sacramento-San Joaquin Delta, was issued.
2. Decision 1379 provides that further hearings will be held on or before July 1, 1978.
3. The State Water Resources Control Board intended to act on these applications after Decision 1379 became final; however, legal action has prevented Decision 1379 from becoming final.
4. Pursuant to State Board procedures, these applications were re-advertised and the United States Bureau of Reclamation protested each application.
5. The Bureau of Reclamation protests were based on alleged injury to vested rights and each contained a statement of alleged injury as follows:

"The proposed diversions under [each application] will probably result in the releases of stored water from the Central Valley Project."
6. Said protests fail to state a valid ground of protest in that each is vague and each fails to contain an allegation of specific injury to protestant which will result from the proposed appropriation.
7. The Legislature has created the South Delta Water Agency with the authority to negotiate and enter into agreements with the United States and State of California to ensure that lands within the boundaries of the agency have a dependable supply of water.
8. That agency must enter into such agreements by December 31, 1978, or its existence is terminated.

9. By letters dated February 18, 1975, and May 16, 1975, applicants requested that action on the applications be held in abeyance until December 31, 1978, because successful completion of negotiations between the Bureau of Reclamation, California Department of Water Resources, and the South Delta Water Agency would render the applications unnecessary in that a water supply for the lands involved would be assured.
10. The request by the applicants is reasonable.

THEREFORE BE IT RESOLVED:

1. That if the protests by the United States Bureau of Reclamation to Applications 20957, 21162, 22598, and 22638 are not amended to state a valid ground of protest within 15 days from the date of this resolution, the Chief, Division of Water Rights, is hereby directed and authorized to dismiss the Bureau of Reclamation's protests.
2. That the request that Applications 20957, 21162, 22598, and 22638 be held in abeyance until December 31, 1978, is hereby granted, provided that a hearing on these applications may, at the discretion of the Board, be included in any hearings regarding the Sacramento-San Joaquin Delta held prior to that date.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 20, 1975.

Bill B. Dendy
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Executive Officer