

for reconsideration urged by Petitioner are that it was prevented from having a fair hearing and error in law. (23 Code of Calif. Regs. 768(a), 768(d).)

3.0 RELATED PROCEEDING

Subsequent to the filing of the Petition for Reconsideration of Order WR 90-9, the Board on July 26 and 27, 1990, conducted a hearing in a closely related proceeding. This related proceeding, "Complaint by California Trout, Inc., against Walker River Irrigation District", has as its principal goal development of an order which will prescribe specific criteria (which may be interim criteria) for implementing the narrative requirement of Fish and Game Code Section 5937, viz., that the fishery below Bridgeport Dam be kept in good condition. Bridgeport Dam is a project work covered by water right License 9407 (Application 1389), one of the three licenses amended by Order WR 90-9.

4.0 THE PETITION SHOULD BE GRANTED SO THAT A CONSOLIDATED ORDER MAY BE ADOPTED

The petition raises issues which should be addressed by the Board in an order. However, principles of efficiency and clarity support consideration of the issues raised by the petition at the same time the Board considers the issues raised by the closely related proceeding identified in the preceding

paragraph. Orders in both proceedings will be considered for adoption by the Board at its October 1990 Board Meeting. Accordingly, the petition should be granted to permit the Board to address these issues at the same time it considers the issues raised in the related proceeding.

5.0 GRANTING RECONSIDERATION IMPLIES NO DETERMINATION OF THE MERITS OF PETITIONER'S ARGUMENTS

The purpose of granting the petition is to enable the Board to consider the issues raised therein together with the issues involved in the related proceeding. Granting the petition implies no determination on the merits thereof.

6.0 PREVIOUS LICENSE AMENDMENTS SHOULD REMAIN IN EFFECT

To comply with the mandate of Fish and Game Code Section 5946 and to continue in effect a water right enforcement remedy for protection of the fish below Bridgeport Dam, the water right license amendments made by Order WR 90-9 should remain in full force and effect pending further order. (See California Trout, Inc. v. State Water Resources Control Board, 218 Cal.App.3d 187 (1990).)

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration filed by Licensee Walker River Irrigation District be granted;

provided, that granting said petition implies no determination on the merits thereof. The amendments to water right licenses made by Order WR 90-9 shall remain in full force and effect pending further order of the Board.

CERTIFICATION

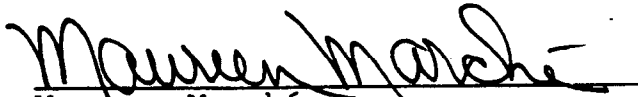
The undersigned, Administrative Assistant to the State Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 5, 1990.

AYE: W. Don Maughan
 Edwin H. Finster
 Eliseo M. Samaniego
 John Caffrey

NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marché
Administrative Assistant
to the Board

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Licensed Applications 1389, 2221, and 2615)	ORDER: WR 90-13
WALKER RIVER IRRIGATION DISTRICT,)	SOURCE: East Fork Walker River and West Fork Walker River
Licensee.)	COUNTY: Mono

ORDER GRANTING PETITION FOR RECONSIDERATION
OF ORDER WR 90-9 FOR THE PURPOSE OF
ISSUING A CONSOLIDATED ORDER

BY THE BOARD:

1.0 INTRODUCTION

By Order WR 90-9, adopted June 21, 1990, the Board ordered that water right Licenses 3987, 6000, and 9407 (issued on Applications 1389, 2221, and 2615) be amended to include the following additional condition:

"In accordance with the requirements of Fish and Game Code Section 5946, this license is conditioned upon full compliance with Section 5937 of the Fish and Game Code."

2.0 PETITION FOR RECONSIDERATION

Licensee Walker River Irrigation District (hereinafter, Petitioner) filed a timely petition for reconsideration of Order WR 90-9. (Water Code Section 1357.) Grounds

for reconsideration urged by Petitioner are that it was prevented from having a fair hearing and error in law. (23 Code of Calif. Regs. 768(a), 768(d).)

3.0

RELATED PROCEEDING

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paragraph. Orders in both proceedings will be considered for adoption by the Board at its October 1990 Board Meeting. Accordingly, the petition should be granted to permit the Board to address these issues at the same time it considers the issues raised in the related proceeding.

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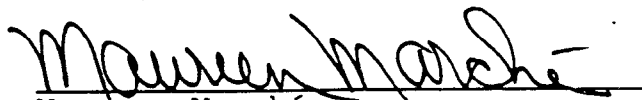
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AYE: W. Don Maughan
Edwin H. Finster
Eliseo M. Samaniego
John Caffrey

NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marché
Administrative Assistant
to the Board

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

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WALKER RIVER IRRIGATION DISTRICT,)	SOURCE: East Fork Walker River and West Fork Walker River
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NO: None

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Maureen Marché
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