

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Petitions for)
Reconsideration of Order Making)
Determinations Pursuant to)
Condition 10 of Decision 1632) ORDER: WR 97-03
)
Wolter Properties Limited;) SOURCE: Carmel River
Michael P. Groom, Trustee for)
Frederick and Patricia L. Holt;) COUNTY: Monterey
A. C. and Linda Markkula;)
Korean Sambosa Buddhist Temple;)
Homestead Homeowners Ass'n.;)
Chugach & Company; Richard Evans;)
Ronald R. Koontz;)
Novella Nicholson; and)
Bruce and Beth Sterten,)
)
Petitioners.)
_____)

ORDER ACCEPTING PETITIONS FOR RECONSIDERATION

BY THE BOARD:

1.0 INTRODUCTION

On July 6, 1995, the State Water Resources Control Board (SWRCB) adopted Decision 1632. The decision approved Application 27614 by the Monterey Peninsula Water Management District (MPWMD) for the proposed New Los Padres Project. Among other matters, the decision provides that the permit issued for Application 27614 will be junior in priority to persons listed in Table 13 of the decision and whose applications were filed later than Application 27614. For each person listed in Table 13, the reversal of priority is for only a specific amount of water.

Condition 10 of the decision provides a procedure for persons listed in the table to seek an adjustment to the amount specified in the table, including persons for whom no amount is listed.



The Chief, Division of Water Rights, (Chief) is authorized to make these determinations pursuant to criteria provided in condition 10.

On March 21, 1997, the Chief issued the Order Approving Revisions to Table 13 of Decision 1632 (Order). Thereafter, on or about April 20, 1997, petitions for reconsideration were filed on behalf of:

1. Wolter Properties Limited;
2. Michael P. Groom, Trustee for Frederick and Patricia L. Holt;
3. A. C. and Linda Markkula;
4. Korean Sambosa Buddhist Temple;
5. Homestead Homeowners Association;
6. Chugach & Company;
7. Richard Evans;
8. Ronald R. Koontz;
9. Novella Nicholson; and
10. Bruce and Beth Sterten.

2.0 LAW APPLICABLE TO PETITIONS FOR RECONSIDERATION

Petitions for reconsideration of SWRCB decisions must be:

- (a) filed within 30 days following adoption of a decision and
 - (b) accepted or denied within 90 days of adoption. (Wat. Code § 1122.)
- Reconsideration may be sought for the following causes:

- (a) Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;
- (b) The decision or order is not supported by substantial evidence;
- (c) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced; and
- (d) Error in law. (Cal. Code Regs., tit. 23, § 768.)

The SWRCB may refuse to reconsider a decision or order if the petition fails to raise substantial issues. In addition, after



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9. Novella Nicholson
10. Bruce and Beth Sterten

CERTIFICATION

The undersigned, Administrative Assistant to the 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 June 19, 1997.

AYE: James M. Stubchaer
Marc Del Piero
Mary Jane Forster
John W. Brown

NO: None

ABSENT: John Caffrey

ABSTAIN: None



Maureen Marché
Administrative Assistant to the Board

