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6 MORONGO BAND OF MISSION INDIANS

7
8 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
9

10 In Re Matter of License No. 659,
11 Morongo Band of Mission Indians

**QUESTIONS FOR
WALTER G. PETTIT**

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13 1. Do you remember talking on the telephone with Stuart Somach about this matter?

14 *Yes*

15 2. At that time you told Mr. Somach that, while you remembered being in Mallard Canyon,
you had no specific memories about the revocation issues involved. Is that correct?

Yes

16 3. You indicated to Mr. Somach that you had received a package of materials form Andy
Sawyer, but that you had not yet looked at it. Is that correct?

Yes

17 4. What was in the package of materials that you received from Mr. Sawyer?

License 659, 1964 Report of Inspection.

June 12, 1964 letter – Southern Pacific (SP) to State Board.

July 15, 1964 letter – State Board to SP.

July 22, 1964 letter – SP to State Board.

License 659, 1968 Report of Inspection by David Leve.

License 659, Report of Licensee for 1965, 1966 and 1967.

(See #5 below)

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- 21 5. Are the facts contained in your Declaration based upon your review of the materials sent to you from Mr. Sawyer? If not, or if some are not from the review of these materials, what was the basis of the factual representations in your declaration?

The review included the following documents subsequently forwarded by Ms. Olson:

License 660, 1964 Report of Inspection.

October 23, 1967 letter – State Board to SP.

Copy of License 660

Copy of 1961 agreement between SP and Cabazon County Water District.

- 24 6. Are the “observations” noted in your Declaration based upon your review of the materials from Mr. Sawyer (or someone at the SWRCB)? If not, what is the basis of your observations?

Based upon review of documents in both #4 and #5 above.

- 25 7. Who is Mr. Leve? Do you know where he can be located?

*Mr Leve was an Engineering Technician with the Board for a number of years.
I do not know his whereabouts.*

- 26 8. You indicated that you reviewed a report by Mr. Leve. When did you review this report?

Several days before signing the April 26 decaration.

- 27 9. Do you have any personal knowledge of the facts in Paragraph 8 of your Declaration? Are the facts articulated in Paragraph 8 derived from your review of a Report? What is the basis of your statement at the end of Paragraph 8 that there is no evidence that irrigation took place between the date of my inspection and 1968?

Re: question 1 – No

Re: question 2 – they were derived from review of the Leve report.

Re: question 3 – the irrigation diversion system was inoperative in 1964 and SP described it as “retired in place” in 1962. Leve reported in 1968 that: as a result of inadequate supply for a long time the pipes had deteriorated and needed to be replaced; changes made by the water district precluded use under terms of the license; irrigation had lapsed for 3 or 4 years. Since there was no irrigation use in 1964 and, according to the best information I have seen, no irrigation in 1968 or for some time prior to that, I concluded that no evidence I have seen establishes use in the 1964 – 1968 period.

28 10. In Paragraph 4 of your Declaration, you indicate that "As far as the Company was concerned...." What is the basis of this statement?

The statement on the 1962 map, which is consistent with the condition of the diversion system in 1964 and the lack of irrigation, and is not inconsistent with the statements of the SP personnel interviewed at the time.

29 11. Did you follow up on the recommendation you noted in the last sentence of Paragraph 5?

No - other personnel were responsible for processing petitions, and assignments, for requesting license reports and developing future inspection lists. I left the Board the following year and don't know what followup may have occurred.

30 12. Do you have any personal facts to support the observations you made on the second to the last sentence in Paragraph 7 of your Declaration?

The inconsistency between the "assumed" use and the 1964 report is clear. If irrigation of 49.7 acres had occurred it would have been inconsistent with the license terms.

31 13. Has anyone discussed these questions with you, offered any advice on how to answer them, or otherwise provided any type of assistance to you in answering them? If the answer is yes, who discussed, assisted, or advised?

No

Walter G. Pettit

May 12 2012