

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

oOo

In the Matter of Application Number 4104 of Islam  
Redwood Shrine to appropriate from Evans, Slate  
and Peters Creeks, Tributaries of Pescadero  
Creek in San Mateo County for Domestic  
and Camp Purposes, Lawn and Garden  
Irrigation and Maintenance of  
Golf Course and Roads.

oOo

DECISION NO. 4104 D - 125  
Decided October 21, 1926

APPEARANCES AT HEARING HELD August 25, 1926.

For Applicant:

Islam Redwood Shrine

Chas. A. Adams  
Fred H. Tibbatts  
Geo. A. Elliott  
John A. Skeggs

For Protestants:

Peninsula Farms Company  
Margaret M. Dias, et al

J. W. Ferguson  
Oliver Bible

oOo

O P I N I O N

Application Number 4104 was filed July 19, 1924, by the Islam  
Redwood Shrine, a corporation organized to provide a camping ground, country  
club and playground for the members of Islam Temple and their families.

It proposes an appropriation of 9 cubic feet per second from Evans,  
Slate and Peters Creeks tributaries of Pescadero Creek in San Mateo County,  
three second feet to be appropriated from each source throughout the entire  
year for domestic use for campers and summer residents, lawn and garden ir-  
rigation and the sprinkling of a golf course and roads on a tract of land  
containing 1640 acres lying within Sections 3, 4, 5, 8, 9 and 10, T 3 S,  
R 3 W, M.D.B. & M. in San Mateo County.

The application was protested by the Peninsula Farms Company and Margaret M. Dias and twenty-five other users of water on the lower reaches of Pescadero Creek.

The application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested was set for a public hearing at Room 401 State Building, San Francisco, at 10:30 o'clock a.m. on August 25, 1926. Of this hearing applicant and protestants were duly notified.

The Peninsula Farms Company of Pescadero claims a right to the use of water from Pescadero Creek by virtue of riparian ownership and use of water and alleges in effect that water from this source is used for the irrigation of 1,000 acres of artichokes and truck crops and that the application if approved would result in diminishing their supply for irrigation purposes.

Margaret M. Dias and twenty-five others claim riparian rights and constant use of water for more than thirty years and allege in effect that the proposed appropriation if approved would so diminish the flow of water in Pescadero Creek that there would not be sufficient water remaining to satisfy their requirements for domestic, agricultural and stock watering purposes. Figures were submitted which indicated that these protestants owned 671.75 acres of irrigable land of which 457.50 acres had actually been cultivated.

Pescadero Creek to which the sources named in the application are tributary is a perennial stream about twenty-five miles long, rising in the Coast Range Mountains.

The drainage area above Duffield Mills which is above the main agricultural lands in the valley is 43.7 square miles of which 10.5 square miles are tributary to the points of diversion named in the application.

Testimony presented at the hearing indicated that about 50% of the summer runoff came from this area which appears to be a reasonable estimate on account of the fact that the higher elevations of the watershed are confined to this area.

Very few records of stream flow are available. In fact the only records which may be relied upon are those made by the Spring Valley Water Company at a dam near Dudfield Hills about four miles above the town of Pescadero. These records which were submitted by the applicant at the hearing and extend over a period of time from July 1, 1915 to June 30, 1917, indicate that the flow in Pescadero Creek at Dudfield Hills in 1916 was 9.45 second feet for the entire month of June, 8.68 second feet for the entire month of July and 6.51 second feet for the entire month of August and that the flow did not increase until the second day of December, that in the year 1917 the flow during the month of June varied from 13 second feet on the first day of the month to 9.9 second feet on the fifteenth day of the month and to 6.0 second feet on the last day of the month.

As the rainfall for the season 1915-16 was about 20% above normal and for the season 1916-17 was about 22% below normal it would appear that the summer flow did not vary appreciably with the seasonal rainfall. In fact the average runoff for the month of June for both years was about the same.

Testimony was introduced at the hearing which indicated that the maximum area which had been irrigated from Pescadero Creek by the protestants was approximately 1100 acres although at the present time only 900 acres were being irrigated.

The duty of water appears to be about 1 second foot to 200 acres and assuming that the protestants have the right to the use of water on 1100 acres of land it would appear that when the flow in Pescadero Creek at Dudfield Hills became less than  $5\frac{1}{2}$  cubic feet per second there might be an interference

with the protestants prior vested rights.

Testimony presented at the hearing however indicated that a shortage of water usually occurs about the 15th of June in a year of ordinary runoff and continues until about 2 inches of rain have fallen, which ordinarily occurs about the latter part of October or the early part of November.

It was admitted by the applicant that the amount of water which the protestants can put to beneficial use exceeds the low water of the stream and although the available stream flow records would appear to indicate that the proposed appropriation could be made up to July 1st without interfering with the rights of the lower users, yet in view of the fact that the stream flow records are very meager and the testimony of the protestants as to the period of water shortage it would appear that the rights of the lower users should be safeguarded by limiting the period of the applicant's diversion from about November 1st to about June 15th of each season.

The engineer for the applicant estimated that the maximum amount of water necessary for the domestic use of a possible 25,000 people who may avail themselves of the privileges of the camp grounds would be 100 gallons per day per capita or 3.9 second feet.

An agreement between the forest service and this office provides substantially that in estimating the needs for domestic purposes in the forest reserve, 20 to 50 gallons per day per person for those occupying residences and 5 to 15 gallons per day per capita for those in public camps is considered ample.

For summer resort purposes, where running water, bath and flush toilets are in use it is the opinion of this office that the proper allowance should be about 50 gallons per day per capita.

As it is not likely that the 25,000 people who may eventually visit the camp will be provided with the same privileges which they would enjoy at a summer resort it would appear that a supply of 50 gallons per

day per capita is ample and therefore the supply for this purpose should be limited to 1.94 cubic feet per second. This supply should also be sufficient to care for any individual lawn sprinkling or garden irrigation.

According to the applicant's engineer the area to be sprinkled in the golf course would be about 60 acres and the supply necessary for the sprinkling of this area would be about 2.0 second feet.

Testimony presented at the hearing indicated that the proper supply for the Lakeside Golf Course in San Francisco which has two 18 hole courses, each having a length of fairway of 6,200 yards, was about 2.8 cubic feet per second or 1.4 cubic feet per golf course. The Division of Water Rights has been informed that the average width of these fairways is about 150 feet which would result in the area of each course being about 54 acres, which is comparable with the estimated area of the applicant's golf course.

In view of the fact that the Lakeside Golf Course is located near the ocean and the duty of water would possibly be greater in that locality than upon the applicant's golf course it would appear to be reasonable to assume that 1.5 cubic feet per second would be ample to meet the golf course requirements of the applicant and the application should be approved for this amount.

For road sprinkling purposes the applicant's engineer estimated that there would be from 30 to 40 miles of roads having a width of from 20 to 30 feet to be watered which would require 1/2 inch of water every two days or approximately 1.15 second feet. Testimony was presented at the hearing which indicated that this amount was not excessive.

While this office believes that the amount asked for for this purpose is in excess of that ordinarily used for road sprinkling purposes, it does not feel disposed to limit the amount at this time in view of the testimony presented at the hearing.

Attention is directed to the authority vested in the Division of Water Rights by virtue of Section 19 of the Water Commission Act by which this office may reduce the amount to that which has been found by inspection to have been applied to beneficial use and if the amounts approved under the permit for any of the above uses are found to be in excess of the amounts actually put to beneficial use at the time of inspection preliminary to the issuance of license they may be reduced accordingly.

At the hearing the applicant stated that although the application asked for an appropriation of 9 second feet its actual maximum beneficial use would be about 7 second feet but as there were three different streams named in the application and the maximum amount named in the application was 3 second feet for each stream, they should be allowed to select the streams which had the most desirable quality of water and asked that the application be granted for a maximum amount of 3 second feet from each stream perhaps with the limitation that the total from all three streams might not exceed the amount indicated as its maximum beneficial use.

It is believed however that a supply of 1.94 cubic feet per second for domestic purposes and incidental lawn and garden irrigation, 1.50 cubic feet per second for golf course purposes and 1.15 cubic feet per second for road sprinkling purposes or a total of 4.59 cubic feet per second is ample for the proposed use of the applicant and that therefore the application should be approved for this amount only during the period from about November 1st to about June 15th of each season and a clause inserted in the permit to the effect that diversion from any one of the three sources named in the application should not exceed three cubic feet per second.

Attention is directed to the fact that the applicant has filed Application Number 5180 with this office asking for an appropriation of 500 acre feet from Pescadore Creek to be diverted to storage throughout the entire year for the irrigation of golf courses, parks and gardens and for sprinkling and

maintaining roads. No action has been taken as yet on this application.

O R D E R

Application Number 4104 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application Number 4104 be approved for 4.59 cubic feet per second to be diverted during the period from about November 1st to about June 15th of each season and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate and a special condition inserted therein to the effect that diversion from any one of the three sources of water named in the permit shall not exceed three cubic feet per second.

Dated at Sacramento, California, this 21st day of October , 1926.

(Edward Hyatt, Jr.)  
CHIEF OF DIVISION OF WATER RIGHTS

WES:MP