

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

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In the Matter of Application 5670 of Butano Land and Development Company to appropriate from Butano Creek in San Mateo County for Domestic Purposes, Application 5671 of Butano Land and Development Company to appropriate from Three Unnamed Springs and an Unnamed Stream Tributary to Butano Creek in San Mateo County for Domestic Purposes and Application 6121 of Bertha A. Wildes to appropriate from Butano Creek and Four Unnamed Springs in San Mateo County for Irrigation and Domestic Purposes.

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DECISION A. 5670, 5671, 6121, D - 273

Decided: *November 1, 1930*

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APPEARANCES AT HEARING HELD AT SAN FRANCISCO, AUGUST 15, 1930

For Applicants

Butano Land and Development Co.
Bertha A. Wildes

William H. Bryan
William H. Bryan

For Protestants

Elmer C. Weeks and Margaret M. Dias
Shoreland Properties Inc.
Francis E. Rapp

Oliver Dibble
J. W. Ferguson
F. E. Hoffman

For Other Interested Parties

Butano Improvement Club and
San Mateo Co. Fish & Game Protective Assn., F. E. Hoffman
Sara M. Finkham Oliver Dibble
M. J. and E. J. Erickson E. O. Erickson

EXAMINER: Everett N. Bryan, Hydraulic Engineer
Division of Water Resources, Department of Public Works
State of California.

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O P I N I O N

GENERAL FEATURES OF THE APPLICATIONS

Application 5670 was filed August 29, 1927 by Butano Land and Development Company. It proposes an appropriation of 0.67 cubic foot per second to be diverted throughout the entire year from Butano Creek for domestic purposes within a subdivision of 400 acres in Section 17, T 8 S, R 4 W, M.D.B. & M. The point of diversion is located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, T 8 S, R 4 W, M.D.B.& M. The application was protested by Elma C. Weeks and Margaret M. Dias and the Shoreland Properties Inc.

Application 5671 was filed August 29, 1927 by Butano Land and Development Company. It proposes a total appropriation of 0.083 cubic foot per second throughout the entire year as follows:

<u>Source</u>	<u>Amount</u>	<u>Point of Diversion</u>
Spring No. 1	0.011 c.f.s.	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.17 T8S R4W MDB&M
Spring No. 2	0.004 "	SW $\frac{1}{4}$ SE $\frac{1}{4}$ " " " " "
Spring No. 3	0.025 "	NW $\frac{1}{4}$ SE $\frac{1}{4}$ " " " " "
Unnamed Stream	0.043 "	SE $\frac{1}{4}$ NE $\frac{1}{4}$ " " " " "

It is proposed to use the water for domestic purposes on the same 400 acre tract described in Application 5670. It was protested by Elma C. Weeks and Margaret M. Dias and Shoreland Properties Inc.

Application 6121 was filed November 14, 1928 by Bertha A. Wildes. It proposes a total appropriation of 0.2 cubic foot per second throughout the entire year as follows:

<u>Source</u>	<u>Amount</u>	<u>Point of Diversion</u>
Spring No. 1	0.025 c.f.s.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.19 T8S R4W MDB&M
Spring No. 2	0.025 "	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.20 " " "
Spring No. 3	0.025 "	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.20 " " "
Spring No. 4	0.025 "	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.20 " " "
Butano Creek	0.100 "	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.20 " " "

It is proposed to use the water for irrigation, domestic and maintenance of fish ponds on a subdivision of 200 acres located in Section 18, 19 and 20, T 8 S, R 4 W, M.D.B.& M. The irrigation use will be limited to stored waters only. The application was protested by Shoreland Properties, Inc., Elma C. Weeks and Margaret M. Dias, and Francis T. Rapp.

PROTESTS

As presented at the hearing, Applications 5670 and 5671 proposed irrigation use and fire protection as well as domestic use. The place of use in Application 5670 was described as containing 600 acres instead of 400 acres. Application 6121 proposed an appropriation of 0.25 cubic foot per second from each spring and 1.00 cubic foot per second from Butano Creek, and 30 acre feet per annum from Butano Creek to be diverted throughout the entire year for irrigation and domestic use and the maintenance of fish ponds on a subdivision.

The applications were protested on the grounds of lack of unappropriated water, protestants claiming that during the summer months there was not sufficient water to satisfy their prior rights.

HEARING SET IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Applications 5670, 5671 and 6121 were completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources, and being protested, were set for public hearing in accordance with Section 1a of the Water Commission Act on August 15, 1930 at 10:00 A.M. in Room 520, State Building, Civic Center, San Francisco, California. Of this hearing, applicants and record protestants were duly notified.

PROTESTS WITHEDRAWN BY STIPULATION

At the hearing it was stipulated by those present that all protests against the approval of Applications 5670 and 5671 would be waived provided that the use thereunder would be confined to domestic purposes only upon the 400 acres of the Butano Land and Development Company.

It was also stipulated that all protests against the approval of Application 6121 would be waived provided that the irrigation use thereunder would be limited to stored waters only which should be collected during the period from January 1st to May 1st of each season only, and that the amounts of direct diversion thereunder should be limited to 0.025 cubic foot per second from each of the four springs and 0.10 cubic foot per second from Butano Creek.

By consent of the applicants the several applications were amended in accordance with the stipulations, and, being now unprotested, may be approved subject to the usual terms and conditions.

E. O. Erickson was not present at the time of the stipulation but since no protest was filed by him and no affirmative showing has been made by him either at or subsequent to the hearing, it is assumed that he has no objection to the approval of the applications as amended.

O R D E R

Applications 5670, 5671 and 6121 for permits to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED THAT said Applications 5670, 5671 and 6121 be approved and that permits be issued thereon subject to the usual terms

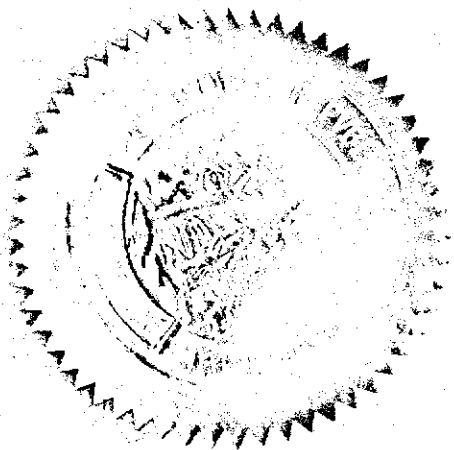
and conditions.

WITNESS my hand and the seal of the Department of Public Works
of the State of California, this *1st* day of *November* 1930.

EDWARD HYATT, State Engineer

BY Harold Conkling
Deputy

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