

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

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In the matter of Application 6154 of Keyston and Leib to appropriate from El Corte de Madera Creek and a tributary in San Mateo County for irrigation and stockwatering purposes; Application 6155 of Keyston and Leib to appropriate from springs and other tributaries of El Corte de Madera Creek in San Mateo County for domestic, irrigation and stockwatering purposes; Application 6156 of Keyston and Leib to appropriate from El Corte de Madera Creek in San Mateo County for recreational (fish culture) purposes; Application 6157 of Keyston and Leib to appropriate from springs and tributaries of Tunitas Creek in San Mateo County for irrigation and stock watering purposes; Application 6158 of Keyston and Leib to appropriate from El Corte de Madera Creek in San Mateo County for power purposes; Application 6159 of Keyston and Leib to appropriate from El Corte de Madera Creek, Tunitas Creek and Dudley Spring in San Mateo County for irrigation and domestic (subdivision) purposes; Application 6497 of Marian Miller Ford to appropriate from El Corte de Madera Creek and tributaries in San Mateo County for irrigation and domestic purposes and Application 6498 of Marian Miller Ford to appropriate from El Corte de Madera Creek in San Mateo County for recreational purposes.

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DECISION A. 6154, 6155, 6156, 6157, 6158, 6159, 6497, 6498 D 298

Decided *December 9, 1931*

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APPEARANCES AT HEARING HELD IN SAN FRANCISCO, AUGUST 3, 1931.

For Applicants

Keyston and Leib  
Marian Miller Ford

Cyril Williams Jr. and Geo. N. Keyston  
Cyril Williams Jr. and Bernard W. Ford

For Protestants

Coastside Civic Union  
Ross Estate Co. et al  
John V. Souza  
Manuel V. Souza  
Marian M. Ford  
A. J. Belton  
Grover B. Neuman  
Eugene Aureguy  
Elizabeth Holje

No appearance  
Lee T. Ross  
" " "  
" " "  
" " "  
No appearance  
No appearance  
No appearance  
No appearance

TABLE I

MADE BY STIPULATION AT HEARING OF AUGUST 3, 1954

Amount	Point of Diversion	Season of Diversion	Place of Use
(a) 0.15 cfs	(a) NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20 T6S R4W	:Jan. 1 - : Dec. 31	:897 Ac. within Sec.29,30,31,32, T6S R4W MDM
(b) 0.80 cfs	(b) NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T6S R4W	: " :	: Sec. 25,36 T6S R5W MDM
(c) 500 A.F.	(c) NW $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 32 T6S R4W	:Dec. 15 - : May 1	: Sec. 1 T7S R5W MDM
(d) 20 A.F.	(d) SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W	: " :	: Sec. 6 T7S R4W MDM

and under Application 6159 at point (a) described in said applications  
r pipe similar to that described therein.

tion and under Applications 6156 and 6159 at points (b) and (c) described  
ow in El Corte de Madera Creek arriving at point (b) except at those times  
ay at which time a minimum of 320,000 gallons per day will be by-passed at point (c).

0.05 cfs	(1) SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W	:Jan. 1 - : Dec. 31	:120.3 Ac. within Sec.36 T6S R5W MDM
	(2) "	:	: Secs.29,31,32, T6S R4W MDM
	(3) "	:	:
	(4) SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W	:	:
	(5) SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31 T6S R4W	:	:
0.08 cfs	(b) NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T6S R4W	:Jan. 1 - : Dec. 31	:NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31) T6S R4W :NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32) MDM

tion and under Applications 6154 and 6159 at points (b) and (c) described  
in El Corte de Madera Creek arriving at point (b) except at those times  
ay when a minimum of 320,000 gallons per day shall be by-passed at point (c)

0.24 cfs	(1) NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25 T6S R5W	:Jan. 1 - : Dec. 31	:100 Ac. in Sec. 25 T6S R5W MDM
100 A. F.	(2) SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	:Oct.1-June 1:	:
	(3) NW $\frac{1}{4}$ NE $\frac{1}{4}$ "	: "	:
	(4) NW $\frac{1}{4}$ NE $\frac{1}{4}$ "	: "	:
	(5) SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	: "	:
	(6) SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	: "	:
0.15 cfs*	(a) SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 T6S R5W	:Jan.1-Dec.31:	:1167 Ac. within Secs.29,30,31,32 T6S R4W MDM
	(c) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6 T7S R4W	: "	: Secs.25,36 T6S R5 W MDM
	(d) NE $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W	: "	: Sec. 1 T7S R5W MDM
1.01 cfs**	(e) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32 T6S R4W	:	: Sec. 6 T7S R4W MDM
	(f) SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 T6S R5W	:	:

TABLE I

APPLICATIONS AS AMENDED BY STIPULATION AT HEARING OF AUGUST 1951

Appl.:	Filed :	Use :	Name :	Source :	Amount :	Point of Diversion :
6154	:1-12-29:	Irr. & Stock :	Keyston & Leib :	El Corte de Madera Cr. :	(a) 0.15 cfs :	(a) NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T6S R4W
					(b) 0.80 cfs :	(b) NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T6S R4W
					(c) 500 A.F. :	(c) NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32 T6S R4W
				Tributary El Corte de Madera Cr. :	(d) 20 A.F. :	(d) SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W

The combined total diversion under this application and under Application 6159 at point (a) will not exceed the capacity of a single 3" diameter pipe similar to that described therein. The net total combined diversion under this application and under Applications 6156 and 6157 therein will not exceed one-third of the natural flow in El Corte de Madera Creek arriving when said flow is in excess of 480,000 gallons per day at which time a minimum of 320,000

6155	:1-12-29:	Irr. & Stock :	Keyston & Leib :	Springs & other trib-utaries of El Corte de Madera Creek :	0.05 cfs :	(1) SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W
					(2) :	"
					(3) :	"
					(4) :	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W
					(5) :	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31 T6S R4W

6156	:1-12-29:	Rec. (fish & culture) :	Keyston & Leib :	El Corte de Madera Cr. :	0.08 cfs :	(b) NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T6S R4W
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The net total combined diversion under this application and under Applications 6154 and 6155 therein will not exceed one-third the natural flow in El Corte de Madera Creek arriving at when the flow is in excess of 480,000 gallons per day when a minimum of 320,000 gallons per

6157	:1-12-29:	Irr. & Stock :	Keyston & Leib :	Springs & tributaries of Tunitas Creek :	0.24 cfs :	(1) NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25 T6S R5W
					100 A. F. :	(2) SE $\frac{1}{4}$ NW $\frac{1}{4}$ " "
						(3) NW $\frac{1}{4}$ NE $\frac{1}{4}$ " "
						(4) NW $\frac{1}{4}$ NE $\frac{1}{4}$ " "
						(5) SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "
						(6) SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "

6158 : To be cancelled at applicant's request.

6159	:1-12-29:	Irr. & Dom. (subdivision) :	Keyston & Leib :	(a) El Corte de Madera Creek (c) El Corte de Madera Creek (d)(e)(f) Unnamed Tributary of El Corte de Madera Creek & a Spr. tributary thereto :	0.15 cfs* :	(a) SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 T6S R5W
					(c) :	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6 T7S R4W
					(d) :	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W
					(e) :	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32 T6S R4W
					(f) :	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 T6S R5W

TABLE I (Con't.)

Amount	Point of Diversion	Season of Diversion	Place of Use
0.24 cfs	(1) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 T6S R5W	Jan. 1 - Dec. 31	
	(2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25 T6S R5W	"	
590 A.F.**	(c) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6 T7S R4W	Dec. 15 - May 1	
20 A.F.	(d) NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 T6S R4W	"	
46 A.F.	(1) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 T6S R5W	"	
64 A.F.	(2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25 T6S R5W	"	

on at point (a) under this application and under Application 6154 shall be line described in said application.  
 Diversions under this application and under Applications 6154 and 6156 at not exceed one third of the natural flow in El Corte de Madera Creek arriving at point (c) flow is in excess of 480,000 gallons per day at which times a minimum of

0.016 cfs	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 T7S R4W	Jan. 1 - Dec. 31	29.3 acres Secs. 5 & 6 T7S R4W MDM
0.003 cfs	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6 T7S R4W		
0.006 cfs	"		
0.150 cfs	"		
0.03 cfs	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6 T7S R4W	Jan. 1 - Dec. 31	(SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) Sec. 6 T7S R4W MDM

TABLE I (Cont.)

1.	Filed:	Use :	Name :	Source :	Amount :	Point of Diversion :	Season
6159	:	:	:	:Tunitas Creek	: (0.24 cfs	:(1) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25	Nov-15
(Cont)	:	:	:	:	:	T6S R5W	
:	:	:	:	:Tunitas Creek	:	:(2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25	
:	:	:	:	:	:	T6S R5W	
:	:	:	:	:El Corte de Madera Cr:	590 A.F.**:	(c) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25	Nov-15
:	:	:	:	:	:	T7S R4W	
:	:	:	:	:Unnamed trib. El Corte	20 A.F.	:(d) NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25	
:	:	:	:	:de Madera Cr.	:	T6S R4W	
:	:	:	:	:Tunitas Creek	46 A.F.	:(1) NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25	
:	:	:	:	:	:	T6S R5W	
:	:	:	:	:Tunitas Creek	64 A.F.	:(2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25	
:	:	:	:	:	:	T6S R5W	

\*Provided however that the combined total diversion at point (a) under this application shall not exceed the capacity of the three inch pipe line described in said application.

\*\* Provided however that the net combined total diversions under this application at points (b) and (c) described therein shall not exceed one third of the natural flow at point (b) except at those times when said flow is in excess of 430,000 gallons per day 320,000 gallons per day shall be by-passed at point (c)

6497	:11-22-29	Irr	:Marian Miller:	Tributary El Corte de:	0.016 cfs:	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5	Nov-15
:	:	:& Don.	:Ford	:Madera Creek	:	T7S R4W	
:	:	:	:	:El Corte de Madera Cr:	0.003 cfs:	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5	
:	:	:	:	:	:	T7S R4W	
:	:	:	:	:Tributary El Corte de:	0.006 cfs:	"	
:	:	:	:	:Madera Creek	:		
:	:	:	:	:El Corte de Madera Cr:	0.150 cfs:	"	
:	:	:	:	:	:		
6498	:11-22-29	Rec.	:Marian Miller:	El Corte de Madera Cr:	0.03 cfs	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6	Nov-15
:	:	:	:Ford	:	:	T7S R4W	
:	:	:	:	:	:		

EXAMINER: Everett N. Bryan, Hydraulic Engineer, for Harold Conkling, Deputy in Charge of Water Rights, 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

The applications of Keyston and Leib are primarily to cover a proposed subdivision project, but included therewith are applications for irrigation and domestic purposes to cover the use of water pending full development of the subdivision, and also an application for recreational purposes and one for power purposes.

The applications of Marian Miller Ford are to appropriate for irrigation and domestic purposes and recreational purposes.

In order to effect an adjustment with protestants certain amendments to the applications of Keyston and Leib were stipulated to at the time of the hearing and authorization was given to dismiss Application 6158 which was for power purposes. The details of the respective applications are indicated in the attached Table I.

PROTESTS

These several applications were variously protested and a summary showing the names of protestants and the various applications which they protested is shown in Table II.

TABLE II

Name of Protestant	Applications Protested							
	: 6154	: 6155	: 6156	: 6157	: 6158	: 6159	: 6497	: 6498
Coastside Civic Union	: X	:	:	:	:	: X	:	:
Ross Estate Co., et al	: X	: X	: X	:	: X	: X	:	:
John V. Souza	: X	: X	: X	:	: X	: X	: X	:
Manuel V. Souza	: X	: X	: X	:	: X	: X	: X	:
Marian Miller Ford	: X	: X	: X	:	: X	: X	:	:
A. J. Belton	:	: X	: X	:	: X	:	:	:
Grover B. Neuman	:	: X	: X	:	: X	:	:	:
Eugene Aureguy	:	: X	: X	: X	:	:	:	:
Elizabeth Holje	:	:	:	: X	:	: X	:	:

The Coastside Civic Union protested Applications 6154 and 6159 apparently in the belief that exportation of water was involved to points east of the mountains and outside of the watershed, claiming that the water was needed on the western slope to maintain the underground water levels.

The Ross Estate Co. et al., John V. Souza, Manuel V. Souza, Marian M. Ford and Grover B. Neuman protested all of the applications of Keyston and Leib to appropriate from El Corte de Madera Creek and tributaries, claiming prior rights and rights by reason of riparian ownership. John V. Souza and Manuel V. Souza also protested Application 6497 of Marian M. Ford.

A. J. Belton protested Applications 6155, 6156 and 6158 of Keyston and Leib, claiming riparian ownership and use since 1923 and alleging that the proposed diversions from El Corte de Madera Creek and its tributaries would interfere with his use.

Eugene Aureguy protested Applications 6155, 6156 and 6157, claiming riparian ownership and that he and his predecessors in interest had used all of the water which it was sought to appropriate for many years.

Elizabeth Holje protested Applications 6157 and 6159 of Keyston and Leib to appropriate from Tunitas Creek and tributaries, claiming riparian ownership and use of water for stock watering purposes in the past and that she intended to extend her use by including irrigation.

APPLICATIONS REGULARLY COMPLETED  
ADVERTISED, PROTESTED AND HEARD

This group of applications was regularly completed in accordance with the provisions of the Water Commission Act and the Rules and Regulations of the Division, and being protested were set for hearing of which hearing applicants and protestants received due notice.

DISCUSSION OF PROTESTS

Protest of Coastside Civic Union

Inasmuch as the protest of Coastside Civic Union appears to be directed toward the exportation of water to points outside the watershed and as such exportation is not involved and no appearance was made by protestant at the hearing it appears that protest may be dismissed.

Protests of Ross Estate Co. et al., John V. Souza, Manuel V. Souza and Mariam H. Ford

This group of protestants was represented by Lee T. Ross of the firm of Ross and Ross, who stipulated to a withdrawal of the protests conditional upon amendment of the applications in certain particulars and the inclusion of certain conditions in the permits which might be issued in approval of the applications. Specifically the matters covered by the stipulation are as follows:

(1) Applications 6154, 6156, and 6159 were to be so amended that the combined diversions at point A described in those applications, which point is near the south line of the Alice M. Swett property, should not exceed the capacity of a single 3" pipe line such as was described in the applications.

(2) The net diversions from El Corte de Madera Creek proper on the property of Keyston and Leib should not exceed one-third of the flow of said El Corte de Madera Creek proper as measured at the point where it enters the Keyston and Leib property at the north boundary.

(3) The storage season in Applications 6154, 6157 and 6159 was to be limited to the period December 15 to May 1.

(4) Keyston and Leib were to withdraw Application 6158.

(5) Keyston and Leib agreed that they would not at any future time seek to acquire an appropriative right from Gilbert Creek a tributary of El Corte de Madera Creek which forms the southeasterly boundary of their property.

(6) Protestants agreed that they would not object to any petition of applicants Keyston and Leib at a future time to change their point of diversion under these applications to any point on El Corte de Madera Creek above the lowest point now specified in these applications.

(7) Applicants consented to a condition to be inserted in the permits covering storage on El Corte de Madera Creek which would require the installation of a by-pass of a minimum capacity of 320,000 gallons per day by which two-thirds the flow in El Corte de Madera Creek proper could be by-passed at all times when the flow was 480,000 gallons per day or less and at least 320,000 gallons per day when the flow was more than 480,000 gallons per day.

(8) These stipulations were without any waiver on the part of either applicant or protestants of their riparian rights.

It was agreed that the applications of Keyston and Leib should be redrawn to meet the conditions of these stipulations and should be submitted to applicants and protestants for their approval. This has been done and the approval of all parties secured and the Division has indicated that when and if permits are issued approving the applications to store on El Corte de Madera Creek a clause with respect to by-pass facilities will be included. This group of protests may therefore be deemed dismissed.

Application 6497 by Marian Miller Ford was protested by John V. Souza and Manuel V. Souza and no specific showing with respect thereto was made by either applicant or protestants at the time of the hearing. There is a considerable watershed tributary to El Corte de Madera Creek after it flows through the properties of these applicants which is not tributary to the point of diversion specified in the Ford application and in the absence of any specific showing by protestants at the time of the hearing it is believed that we may assume that in view of the stipulations affecting the Keyston and Leib applications there was no intention to press these protests against the Marian Miller Ford application and that these protests may therefore be dismissed.

Protest of Elizabeth Holje

No formal appearance was made on behalf of Elizabeth Holje at the time of the hearing, but Jerome Politzer her attorney was in attendance for a short time and stipulated with applicants Keyston and Leib that within a weeks time they would come to an understanding whereby either the applications to appropriate from Tunitas Creek (i. e., Applications 6157 and 6159) would be withdrawn or the protest of Elizabeth Holje thereto would be withdrawn. It appears that since the hearing there have been various negotiations between the parties but no definite understanding has been reached whereby either the applications or the protest were withdrawn. On August 27, 1931, Mr. Keyston advised that he would stipulate to an amendment to Applications 6157 and 6159 to the effect that 25% of the flow of Trebelcock Fork of Tunitas Creek between May 1 and December 1 of each year would be released by him to flow down upon the Holje property if Mrs. Holje would withdraw her protest.

To this Mr. Politzer replied with a counter proposal suggesting that a fair arrangement between the parties would be an equal division of the flow of the stream at the point where Keyston and Leib propose to divert. This proposal was, however, rejected by the applicants.

Under date of November 16 Mr. Politzer advised the Division it was his opinion the stipulation entered into at the hearing was of no effect and he set forth claims on behalf of Mrs. Holje as follows:

(1) That the lands of Mrs. Holje were as susceptible of irrigation as were lands of applicants.

(2) That Mrs. Holje had for over 40 years used the water of Trebelcock Fork for farming purposes and stock watering for 60 head of cattle.

(3) That there was a prospect of oil drilling operations to be commenced on the Holje property at an early date, in which case the water supply would be of great importance.

(4) That in view of the drought prevailing in recent years the applications should be denied insofar as they propose diversions from this source and if approved the applicants should be allowed to divert only during the winter season when the flow of water in the Trebelcock Fork at the point where it enters the Holje property is in excess of 0.3 cubic foot per second, and

(5) That in times of low flow the applicants should be required to release from their storage reservoirs a sufficient amount to maintain a constant flow of not less than 0.3 cubic foot per second past the Holje property.

There was no definite showing by protestant Holje that she had been or was using all of the flow of Tunitas Creek and its tributaries through her property and applicants assert that there are springs on the Holje property adequate to take care of the past uses of protestant. Exhibit 8 filed by the

applicants at the time of the hearing indicates that the Holje property is bounded on the west by Tunitas Creek for a distance of about 1-1/2 miles and the Trebelcock Fork flows through the Holje property for a distance of approximately 1/2 mile.

It would appear from such meager data as is before us that there is an adequate supply of water to take care of all present uses of the protestant regardless of what diversions may be made by applicants Keyston and Leib and in view of the established practice of the Division not to deny an application because of a prospective development under claim of riparian ownership it is felt that the protest of Elizabeth Holje may be dismissed.

Protest of Eugene Aureguy

Eugene Aureguy owns about 2500 acres of land immediately adjacent to the Keyston and Leib properties and upstream. All diversion points of the applicants are below his property, except diversion point A described in Applications 6154/and 6159 and by stipulation the capacity of diversion works taking at this point was limited to that of a single 3" diameter pipe, such as is described in the applications. Inasmuch as there was no appearance made at the hearing on behalf of Eugene Aureguy and he has not since shown any cause for failure to appear, and a 3" pipe line such as that described in the applications has for many years been in operation diverting at this point this protest may also be dismissed.

Protest of A. J. Belton and Grover B. Neuman

These protestants have lodges situated on El Corte de Madera Creek below the Keyston and Leib property and above the property of Marian M. Ford.

Mr. Belton claims that he uses the water from about April 1 to about November 30 of each year, having pumped the water with a hand pump since

about 1923 and with a gasoline engine and power pump of ten gallons per minute capacity since 1926, using the water for domestic and recreational purposes. Such water as Mr. Neuman uses is apparently dipped from the creek with a bucket.

Inasmuch as no appearance was made by these protestants at the hearing and the applicants have stipulated not to divert all of the flow of El Corte de Madera Creek and there are tributaries to the creek below the diversion points of Keyston and Leib it appears that the protests of Belton and Neuman may be dismissed.

#### SUMMARY AND CONCLUSIONS

Application 6158 may be dismissed as stipulated by the applicant at the time of the hearing.

The uses proposed in Application 6154 are beneficial and the application should be approved subject to the stipulation which was made at the time of the hearing with respect to an automatic by-pass.

The capacity of the reservoir proposed in Applications 6154 and 6159 on El Corte de Madera Creek is only 500 acre feet and the combined amounts sought for appropriation under the two applications by means of this storage totals 1090 acre feet. A clause should therefore be inserted in the permits issued in approval of these two applications that the combined storage at this point under the two applications shall not exceed 590 acre feet per annum.

There is a similar duplication of storage in these applications as proposed in Dudley reservoir which has a capacity of only 20 acre feet, both applications seeking to appropriate 20 acre feet per annum by means thereof. A clause should be inserted in the permits issued in approval of both applications to the effect that the combined storage under the two shall not exceed 20 acre feet per annum.

The uses proposed in Application 6155 are beneficial and this application may be approved.

The use proposed in Application 6156 is beneficial and it should be approved in the final form as stipulated to at the hearing.

Applications 6157 and 6159 are for useful and beneficial purposes and should be approved, Application 6159 to be approved subject to the conditions named above including the condition covered by stipulation with respect to automatic by-pass. The reservoirs proposed on Tunitas Creek and tributaries have a total capacity of only 100 acre feet and, with the exception of 10 a.f. of replenishment there is a duplication in the proposed amounts sought to be appropriated by means of storage. Therefore under Applications 6157 and 6159 it is appropriate that a clause should be inserted in the permits issued thereon limiting the total storage on Tunitas Creek and tributaries under these applications to 110 acre feet per annum. proposed in  
Appl. 615

Applications 6497 and 6498 are for useful and beneficial purposes and may be approved subject to the usual terms and conditions.

#### O R D E R

Applications 6154, 6155, 6156, 6157, 6158, 6159, 6497 and 6498 for permits to appropriate water having been filed with the Division of Water Resources, protests thereto having been received, a hearing thereon having been held and the Division of Water Resources now being fully informed in the premises;

IT IS HEREBY ORDERED that Application 6154 be approved and that a permit be granted thereon to the applicants subject to such of the usual terms and conditions as may be appropriate and to the following special terms and conditions, to-wit:

(1) Permittee shall construct and maintain automatic by-pass facilities through the reservoir on El Corte de Madera Creek of sufficient capacity to by-pass two-thirds of all the flow entering the reservoir when the net flow of El Corte de Madera Creek at point (b) described in Applications 6154 is 480,000

gallons per day or less and of sufficient capacity to discharge a minimum of 320,000 gallons per day when the net flow of El Corte de Madera Creek at point (b) is in excess of 480,000 gallons per day.

(2) The amount of water stored in the reservoir on El Corte de Madera Creek under this permit together with the amount of water stored therein under approved Application 6159 shall not exceed 590 acre feet per annum.

(3) The amount of water stored in Dudley reservoir under this permit together with the amount stored therein under approved Application 6159 shall not exceed 20 acre feet per annum; and

IT IS HEREBY FURTHER ORDERED that Applications 6155 and 6156 be approved and that permits be granted thereon to the applicants subject to such of the usual terms and conditions as may be appropriate; and

IT IS HEREBY FURTHER ORDERED that Application 6157 be approved and that a permit be granted thereon to the applicant subject to such of the usual terms and conditions as may be appropriate and to the following special terms and conditions, to-wit:

The amount of water stored in Tunitas Reservoirs 1 and 2 under this permit together with the amount of water stored therein under approved Application 6159 shall not exceed 110 acre feet per annum; and

IT IS HEREBY FURTHER ORDERED that Application 6158 be rejected and cancelled upon the records of the Division of Water Resources; and

IT IS HEREBY FURTHER ORDERED that Application 6159 be approved and a permit granted to the applicant subject to such of the usual terms and conditions as may be appropriate and the following special terms and conditions, to-wit:

(1) Permittee shall construct and maintain automatic by-pass facilities through the reservoir on El Corte de Madera Creek of sufficient capacity to by-pass two-thirds of all the flow entering the reservoir when the net flow of El Corte de Madera Creek at point (b) described in Application 6159 is 480,000 gallons per day or less and of sufficient capacity to discharge a minimum of 320,000 gallons per day when the net flow of El Corte de Madera Creek at point (b) is in excess of 480,000 gallons per day.

(2) The amount of water stored in the reservoir on El Corte de Madera Creek under this permit together with the amount of water stored therein under approved Application 6154 shall not exceed 590 acre feet per annum.

(3) The amount of water stored in Dudley Reservoir under this permit together with the amount of water stored therein under approved Application 6154 shall not exceed 20 acre feet per annum.

(4) The amount of water stored in Tunitas Reservoirs 1 and 2 under this permit together with the amount of water stored therein under approved Application 6157 shall not exceed 110 acre feet per annum; and

IT IS HEREBY FURTHER ORDERED that Applications 6497 and 6498 be approved and permits be granted thereon to the applicants subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 9th day of December, 1931.

EDWARD HYATT, State Engineer

By Harold Conklin  
Deputy.

WES:CG