

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
BEFORE THE STATE ENGINEER AND  
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 13106 by Violet O. Wilson to Appropriate Water from an Unnamed Stream in Sonoma County, Tributary via Dry Creek to Russian River, for Irrigation and Stockwatering Purposes.

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Decision A. 13106 D. 667

Decided April 25, 1950

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON NOVEMBER 5, 1949:

Violet O. Wilson	Applicant
F. R. Haigh	Protestant's Representative
A. S. Wheeler	Senior Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer.

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OPINION

General Description of the Project

The application contemplates an appropriation of 20 acre feet per annum, the water to be collected between December 1 and April 1 of each season in temporary storage pending later utilization for irrigation and stock watering. The source is described as being an unnamed stream tributary to Dry Creek in Sonoma County, the point of diversion as lying within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, T 9 N, R 9 W, M.D.B.&M., and

the place of use as being a 15 acre pasture located within the W $\frac{1}{2}$  SW $\frac{1}{4}$  of the same Section 8. The pasture is to be irrigated and some 40 head of cattle watered. The impounding dam, a concrete structure 24 feet high by 75 feet long, located at the point of diversion, will create a reservoir 2.5 acres in surface area and 20 acre feet in capacity. From the reservoir water is to be forced through a sprinkler system by means of a pump, 300 gallons per minute in capacity. Irrigation is to extend from about April 15 to about October 15.

#### Protest

The application was protested by F. R. Haigh on behalf of Simi Wineries. According to the protest the water now supplied by the stream is barely sufficient for the protestant's needs. The protestant claims an old appropriative right and continuous use since 1907 for purposes incidental to winery operation, its diversion heading at a point within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, T 9 N, R 9 W, M.D.B.&M.

#### Field Investigation

The parties having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on November 5, 1949 by an engineer of the Division. The applicant and the protestants were present or represented at the investigation.

#### Records Relied Upon

Applications 12542 and 13106 and all data and information on file therewith.

#### Discussion

Prior to the filing of Application 13106 the same applicant had filed Application 12542 which however was subsequently cancelled at

her request. The diversion points designated in the two applications are identical. Under Application 12542 it was proposed to divert 0.19 cubic foot per second from April 15 to October 15 for direct utilization without storage. That application was also protested by Simi Wineries and, the parties both stipulating, it was investigated in the field on May 17, 1949. The investigation disclosed that the applicant had erred in preparing Application 12542 and that what she really desired was a right to store winter runoff for summer use. Upon intimation by the protestant's representative that an application to store and use winter runoff would not be opposed, the applicant authorized cancellation of Application 12542 and filed Application 13106.

The investigation of May 17, 1949 developed that the protestant diverts not to exceed 5000 gallons per day, using the water so diverted for washing floors and vats at the winery. At the time of that investigation the estimated flow of the unnamed stream under consideration was 0.2 cubic foot per second at the applicant's proposed diversion and 0.15 cubic foot per second at the protestant's intake.

At the investigation of November 5, 1949 discussion centered upon the dates between which diversion by the applicant should be permitted, the protestant's representative indicating that if Application 13106 were amended to limit diversions to storage to periods from December 1 to April 1 - it originally read from November 15 to May 15 - the protest might be withdrawn. The applicant thereupon requested in writing the amendment of her application to agree with the suggestion of the protestant's representative as to the season of diversion and in due course the application was so amended. The protestant's representative also on November 5, 1949 signed and tendered a written

withdrawal of the protest conditioned upon the limitation of diversions under the application to periods from December 1 to April 1.

In view of the voluntary withdrawal of the only protest filed against Application 13106, no bar remains to the approval of that application which therefore should be approved and permit issued, subject to the usual terms and conditions.

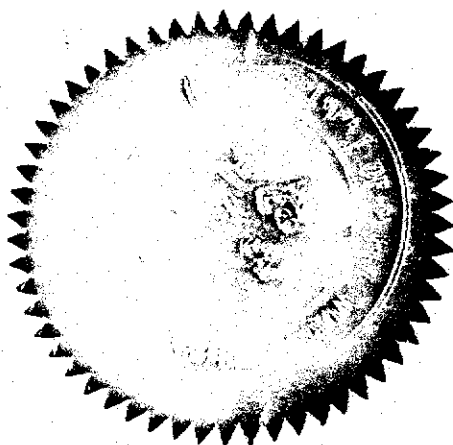
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ORDER

Application 13106 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13106 be approved and that a permit be issued to the applicant, 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 25th day of April, 1950.



*A. D. Edmonston*  
A. D. Edmonston  
State Engineer.