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 13834 by Edric W. Vredenburg to Appropriate Water from Troutdale Creek Tributary via St. Helena Creek to Putah Creek, In Napa County, for Domestic Purposes and Fish Culture.

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Decision A. 13834 D. 744

Decided May 27, 1952

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In Attendance at Investigation Conducted by the Division of Water Resources at the Site of the Proposed Appropriation on October 17, 1951:

E. W. Vredenburg	Applicant
Lilly McNulty	A downstream user
F. E. Bleakslee	A downstream user
L. S. Rhodes	A downstream user
Harry Mortinsen	A downstream user
A. S. Wheeler	Senior Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer.
Edward F. Pohl	Junior Hydraulic Engineer, Division of Water Resources, Department of Public Works.

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OPINION

General Description of the Project

The applicant seeks to appropriate 3 cubic feet per second, year-round, and 1 acre-foot per annum, the latter to be accumulated between October 1

of each year and June 1 of the year following. Diversion is to be effected by means of a concrete and earth-fill dam, 8 feet high by 20 feet long. The dam is to create an on-stream reservoir ¼ acre in surface area and 1 acre-foot in capacity. The proposed point of diversion is described as being located on Troutdale Creek 1600 feet north and 50 feet east of the SW corner of Section 36, T10N R7W, MDB&M. That point appears from the application map to be an appreciable distance (perhaps 300 feet) above the dam. The diverted water is to pass through 500 lineal feet of earth ditch and 75 lineal feet of 10 inch diameter pipe, successively, delivering into a fish pond or ponds. After use for fish culture (fish population approximately 60,000) the water is to be returned to the stream. Domestic use (extent unstated) is also contemplated for household purposes and garden watering. In addition to the right sought under the application the applicant asserts a riparian right.

Protest

The City of Winters protests that the diversion proposed by the applicant would decrease the amount of water available for the replenishment of the underground supply upon which it is dependent. It claims a right to use water from the source filed upon, by virtue of riparian ownership, ownership of overlying lands and beneficial use since prior to December, 1914. It states that it uses water for domestic purposes and fire protection, that use extends throughout the year, that maximum use occurs from April through November and that current use is of the order of 70,000,000 gallons yearly. It describes its point of diversion as being located along the north side of Putah Creek, 4 miles east of the mouth of Putah Canyon. It states further:

"The City of Winters is entirely dependent upon water from Putah Creek runoff, which percolates into the underground water strata, largely in the gravel beds along the stream course west of town, and which is then brought to the surface by pumps. When any water is diverted from the Creek before it can reach the underground strata from which this area is fed, it will mean less water for the wells of the City of Winters and at a time when the underground water storage is being expended more rapidly than it is being replenished.

Answer

Relevant statements contained in the applicant's answer are:

"We feel that there are absolutely no grounds for this protest - - -. We take the water out at one part of the creek near our boundary and the same amount of water enters the creek about 100 yards below - - -.

"There is absolutely no intention of decreasing the water supply.

"According to our riparian rights we can divert this water for our own use as we are diverting and replacing the water on our own property."

Field Investigation

The applicant and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, Title 23, Waters, a field investigation was conducted at the site of the proposed appropriation on October 17, 1951 by an engineer of the Division. The applicant was present during the investigation. The protestant was unrepresented.

Records Relied Upon

Application 13834 and all data and information on file therewith.

Discussion

According to the report covering the investigation of October 17, 1951, Troutdale Creek heads on the eastern slope of Mt. St. Helena, draining about 2¼ square miles (above the applicant's dam) of heavily wooded watershed where rainfall averages some 60 inches; Troutdale Creek is tributary via St. Helena Creek to Putah Creek; the flow of Troutdale Creek at the applicant's intake at the time of the investigation was of the order of ⅛ cubic foot per second, an amount which the water users present agreed was representative of low water conditions; Toll House Creek which enters Troutdale Creek just below the applicant's project was adding about ¼ cubic foot per second and between that creek junction and Middletown (some 7 miles farther downstream) additional accretions were observed. According to the same report the applicant has constructed a diversion dam 8 feet high by 30 feet long with a 72 inch diameter pipe outlet equipped with flash boards, and has installed 150 lineal feet of an 8 inch riveted steel pipe line which he proposes to extend some 450 feet farther so as to deliver into a circular reservoir, 1.2 acre-feet in capacity, already built and intended to be used exclusively for fish culture. According to the report, further, the pipe line will be capable of carrying about 1.25 cubic feet per second and, since the applicant obtains water for his resort (Mountain Mill Lodge) by means of a pipe line heading on Toll House Creek, he expects to use water from Troutdale Creek only for fish culture and for domestic use at a caretaker's cabin which may be built near the reservoir.

With reference to the City of Winters the report of investigation states that that City diverts from wells adjacent to Putah Creek for general municipal purposes in serving a population, according to the 1950 census, of 1265 persons, that it depends mainly upon Putah Creek for recharging the

underground basin from which it pumps, and that its pumps are about 75 miles downstream from the applicant's project.

With reference to diversions by the downstream users who were present during the investigation the report states that the McNulty diversion heads on Toll House Creek and will therefore be unaffected by the proposed diversion on Troutdale Creek; that Mr. Bleakslee pumps at a point about 3.5 miles downstream from the applicant at a rate not exceeding 0.25 cubic foot per second, irrigating 20 acres of alfalfa from May 15 through October; that Mr. Rhodes' diversion heads about 6 miles downstream from the applicant and supplies a 9 acre planting from May 1 to the end of October; and that Mr. Mortinsen, some 8 miles below the applicant, pumps 0.04 cubic foot per second from May 1 through October for the irrigation of 3 acres. According to the report these four parties, after acquainting themselves with the details of the applicant's project, agreed that that project would not affect them and stated that they had no objection to approval of his application.

The report of investigation contains a comment to the effect that the stream channel is lined with a heavy growth of brush and trees and that transpiration losses therein are therefore probably greater than losses that would occur by bypassing the water through the pipe line and reservoir and back into the stream as the applicant proposes to do, and that users downstream including the protestant, would therefore be benefited rather than injured, if the applicant's plan is carried out.

Apart from the information contained in the report of investigation there remains to be considered the flow of Putah Creek and the conflict if any

between Application 13834 and earlier filings on that stream.

The U.S. Geological Survey has maintained a gaging station on Putah Creek at a point approximately 6 miles west of Winters since June, 1930. Roughly 1.5 miles below the USGS gage Putah Creek emerges from Putah Creek Canyon. Roughly 4 miles farther downstream is located the City of Winters intake. No filings are of record between the USGS gage and the City intake. According to the Water Supply Papers some 614 square miles of drainage area lie above the USGS gage and discharge at the gage has averaged 474 cubic feet per second and has ranged from a maximum of 70,500 cubic feet per second to a minimum of 0.3 cubic foot per second. In the water year 1946-47 which was a year of subnormal runoff, monthly mean discharges at the gage under discussion, in cubic feet per second, are recorded as follows:

October	4.30
November	111
December	234
January	44.6
February	714
March	736
April	263
May	40.6
June	25.2
July	6.05
August	3.89
September	4.12
Year	179

Obviously the flow passing the USGS gage greatly exceeds the demands made upon it by the City of Winters, which according to its protest are of the order of 70 000 000 gallons per annum or about 0.3 cubic foot per second.

Earlier filings upon waters of Putah Creek includes the following: Application 11198 for 1,000,000 acre-feet per annum for power purposes, Application 11199 for 1,000,000 acre-feet per annum for irrigation, domestic municipal, industrial, recreational and salinity control purposes, Application

12578 for 995 cubic feet per second and 600,000 acre-feet per annum for irrigation, domestic and salinity control purposes and Application 12716 for 995 cubic feet per second and 600,000 acre-feet per annum for municipal purposes. These applications all stand in the name of the United States Bureau of Reclamation. They all contemplate diversion at a point within Section 29, T8N R2W, said point being roughly 1 mile upstream from the USGS gage. None of them is as yet complete. In the aggregate they cover more water than ordinarily flows in Putah Creek. If those applications are completed, approved and the projects under them come into operation, there may be no water available for diversion under junior applications such as Application 13834. They are not a bar however to use under a junior application until projects which they contemplate are in a position to utilize substantially the full flow of the stream.

Summary and Conclusions

The data indicate that the uses proposed by the applicant are in the main non-consumptive, that such consumptive use as the applicant may make is relatively insignificant and will not interfere with the exercise of existing rights by downstream users including the protestant and that unappropriated water currently exists. The data further indicate that applications senior to Application 13834 have been filed covering amounts which in the aggregate exceed the normal flow of Putah Creek, that if in the future the projects under such applications become operational consumptive use under Application 13834 may be obliged to cease, but that until that time, which is unknown at present and may lie some years ahead, the water filed upon by the applicant may be used to advantage in the manner proposed, without interference with rights already vested.

In view of the circumstances summarized this office is of the opinion that Application 13834 should be approved and permit issued, subject to the usual terms and conditions.

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ORDER

Application 13834 having been filed with the Division of Water Resources as above stated, a protest having been filed, a stipulated hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13834 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 27th day of May 1952.

Original signed by A. D. Edmonston
A. D. Edmonston
State Engineer

SWC:dm