

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the matter of Application 18439 )  
of Luigi Marre Land and Cattle )  
Company to appropriate from San )  
Luis Obispo Creek in San Luis )  
Obispo County )

---

Decision No. D 963

**ADOPTED APR 18'60**

DECISION DENYING APPLICATION

Application 18439 was filed December 10, 1958, by Luigi Marre Land and Cattle Company for a permit to appropriate unappropriated water from San Luis Obispo Creek underflow in San Luis Obispo County.

Protest by California Department of Fish and Game and conflicting applications having been filed by Shell Beach County Water District, a public hearing was held upon all applications and protests before W. P. Rowe and Ralph J. McGill, Members of the State Water Rights Board on March 2, 1960, in San Luis Obispo, California. The applicant appeared but offered no testimony and submitted the application upon the record.

Shell Beach County Water District appearing, moved to withdraw its applications (RT p. 14), whereupon Avila Water Company, a protestant to the application of the Water District, entered its protest to Application 18439 and offered a written report which was received into evidence without

objection (RT p. 34). Evidence having been received at the hearing, the matter having been submitted for decision upon such evidence, and the Board, having considered the same and now being fully informed in the premises, finds as follows:

1. Application 18439 is for a permit to appropriate 1.45 cubic feet per second from San Luis Obispo Creek underflow in San Luis Obispo County, year-round, for domestic use and stockwatering within portions of projected Sections 34, 35, and 36, T31S, R11E, and projected Sections 1, 23, 10, and 11, T32S, R11E, MDB&M.

The place of use proposed in the application is nonriparian land on which the applicant anticipates may be located 1,000 residences and two hotels, as well as 1,000 head of grazing cattle.

2. The proposed source of supply is an underground stream with well-defined bed and banks. Very little water moves downward from the stream channel into the confined basal alluvial aquifer. Most of the recharge is derived from the percolation of stream flow in the upper area of the main stream and tributaries.

3. Protestant Avila Water Company under Permit 11771 (Application 18219) pumps from the same source as proposed by the applicant. Two wells, both of which are 12 inches in diameter and 100 feet deep are employed. The water company diverted 58

acre-feet per year in 1955-56 and 95 acre-feet per year in 1958-59, an increase of 37 acre-feet in the last three years. The remaining undeveloped safe yield is only a small fraction of the ultimate needs of the protestant water company. Permit 11771 would allow a total diversion of 1,084 acre-feet per annum.

4. The chloride content of the Avila Water Company well No. 2 has increased from 54 parts per million in June 1959 to 119.5 parts per million in January of 1960. An increasing trend of chloride intrusion from the ocean would be potentially damaging to the existing aquifer.

5. There is no excess water in the alluvial aquifers beyond that which the Avila Water Company could put to beneficial use within the next few years pursuant to its permit.

6. All the water which the protestant is presently pumping from the named source is beneficially used by the inhabitants of the community of Avila and surrounding service area of the public utility company.

7. There is no unappropriated water available to supply the applicant which can be diverted and used in the manner proposed without causing substantial injury to lawful users of water.

It is concluded from the foregoing finds that Application 18439 should be denied.

