

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19084 of )  
Mt. Diablo Council, Boy Scouts of America, )  
to Appropriate from Kings Creek, Tributary )  
to San Lorenzo River in Santa Cruz County )

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Decision No. D 1001

**ADOPTED APR 10 '61**

DECISION APPROVING APPLICATION

Mt. Diablo Council, Boy Scouts of America, having filed Application 19084 for permit to appropriate unappropriated water; a protest having been received; a public hearing having been held before the State Water Rights Board conducted by Kent Silverthorne, Chairman, in Santa Cruz, California, on August 18, 1960; the applicant and protestant having appeared; evidence having been received and the Board having considered same and now being fully informed in the premises finds as follows:

1. Application 19084 is for a permit to appropriate 15,000 gallons per day from Kings Creek in Santa Cruz County year-round for domestic and recreational purposes within the SE $\frac{1}{4}$  of Section 6 and SW $\frac{1}{4}$  of Section 5, T9S, R2W, MDB&M.

2. Applicant's project is to furnish water for a Boy Scout camp, the full amount of water applied for to be used from the middle of June through the middle of August, with use during the rest of the year to be primarily on weekends. Applicant's project is partially complete, and use of water has begun.

3. Periodic measurements of Kings Creek from 1946 to 1949, approximately 2.5 miles above the applicant's point of diversion show that

water has been available to satisfy the requirements of the application even during some periods of below normal rainfall.

4. Protestant City of Santa Cruz holds appropriate rights under License 1553 (Application 4017) and Permit 2738 (Application 5215) to divert near the mouth of the San Lorenzo River, to which Kings Creek is a tributary.

5. The records of the flows of San Lorenzo River, as recorded by a gaging station located approximately 5 miles upstream from the protestant's point of diversion, show that for the period 1937 through 1960 there was sufficient unappropriated water to satisfy Application 19084 except for three years, during which three-year period the runoff contributing to the river was only from 22% to 28% of normal.

6. The protestant has nearly completed construction of its Newell Creek project in another watershed. This addition to its water system will result in surplus water of the San Lorenzo River flowing past the City's intake for a period of approximately 15 years.

7. The information indicates, and the Board finds, that unappropriated water exists in substantial quantities during most years in the source from which the applicant seeks to appropriate, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

8. The full flow of the San Lorenzo River will be required eventually, to satisfy the requirements of the protestant, even with the Newell Project in operation. Applicant is placed on notice that the vested rights, to which this application and the permit issued thereon are subject, do include said prior appropriate rights of the City of Santa Cruz. This notice

of subordination of appropriative rights is not intended to relate to such riparian rights, if any, as applicant may have to the use of the waters of ~~Kings Creek.~~

9. The intended use is beneficial.

IT IS HEREBY ORDERED that Application 19084 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 15,000 gallons per day to be diverted year-round. The total quantity of water to be appropriated under this permit shall not exceed 5.0 acre-feet annually.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Construction work shall be completed on or before December 1, 1963.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

5. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

6. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California on the day of \_\_\_\_\_, 1961.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member