

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19281 of)
Lena Rochfort to appropriate from)
Hopkins Gulch Tributary to Bear Creek)
in Santa Cruz County)

Decision D 1028

ADOPTED JUL 19 '61

DECISION APPROVING APPLICATION

Lena Rochfort having filed Application 19281 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19281 is for a permit to appropriate 4,250 gallons per day by direct diversion, year-round, for domestic purposes from Hopkins Gulch tributary to Bear Creek in Santa Cruz County. The point of diversion is to be located in Section 20, T9S, R2W, MDB&M.

2. Hopkins Gulch joins Bear Creek immediately below the applicant's point of diversion. Bear Creek flows into the San Lorenzo River at a point approximately 1.5 miles downstream. Protestant City of Santa Cruz diverts from the San Lorenzo River at a point approximately 13 miles below the applicant and 3 miles above the point where the river empties into the Pacific Ocean.

3. The protestant holds License 1553 confirming a right to divert 6.2 cubic feet per second and Permit 2738 authorizing the diversion of 25 cubic feet per second, both year-round, from the San Lorenzo River. Its protest claims that there is insufficient water in the source during a dry year to satisfy these rights.

4. During the period from 1950 to 1958 the protestant's month of maximum use was in August of 1957, at which time it diverted the equivalent of 12.3 cubic feet per second continuous flow. Its present peak demand is 12.7 cubic feet per second.

5. The flow of the San Lorenzo River at a point 5 miles upstream from the protestant's intake during the 22 years of published records, from April 1937 to September 1959, has averaged 146 cubic feet per second, the daily flow averaging 15 cubic feet per second or more during approximately 94 per cent of that time.

6. There is water year-round during most years at the applicant's point of diversion. The applicant's project has been in existence approximately 25 years and no substantial increase in use of water is contemplated.

7. Protestant is constructing its Newell Creek project which it intends to have in operation this year. Upon its completion, its diversions from the San Lorenzo River will be considerably reduced temporarily.

8. There is unappropriated water available to supply the applicant, 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.

9. The full flow of the San Lorenzo River during the critical summer months 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, include said prior appropriative rights of the City of Santa Cruz. This notice of subordination of appropriative rights is not intended to relate to such riparian or other rights, if any, as applicant may have to the use of the waters of the source named in this application.

10. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19281 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19281 and all relevant information on file therewith, particularly the report of the field investigation made July 21, 1960, the files of License 1553 (Application 4017), License 5144 (Application 15488), Permit 2738 (Application 5215), and Application 19084; United States Geological Survey, Felton, Laurel, and Los Gatos Quadrangles, 7½-minute series, dated 1955, 1954, and 1953, respectively; United States Department of the Interior, Geological Survey, Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California," with particular reference to stream-flow records in the San Lorenzo River Basin.

IT IS HEREBY ORDERED that Application 19821 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations 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 4,250 gallons per day by direct diversion to be diverted year-round.

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

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

4. 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.

5. 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.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member

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8. There is unappropriated water available to supply the applicant, 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.

9. The full flow of the San Lorenzo River during the critical summer months 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, include said prior appropriative rights of the City of Santa Cruz. This notice of subordination of appropriative rights is not intended to relate to such riparian or other rights, if any, as applicant may have to the use of the waters of the source named in this application.

10. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19281 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19281 and all relevant information on file therewith, particularly the report of the field investigation made July 21, 1960, the files of License 1553 (Application 4017), License 5144 (Application 15488), Permit 2738 (Application 5215), and Application 19084; United States Geological Survey, Felton, Laurel, and Los Gatos Quadrangles, 7½-minute series, dated 1955, 1954, and 1953, respectively; United States Department of the Interior, Geological Survey, Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California," with particular reference to stream-flow records in the San Lorenzo River Basin.

IT IS HEREBY ORDERED that Application 19821 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations 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 4,250 gallons per day by direct diversion to be diverted year-round.

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

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

4. 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.

5. 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.

Kent Silverthorne, Chairman

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