

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19513)
of Peter and Carrie Cesaretti to)
Appropriate from Calabazas Creek)
Tributary to Sonoma Creek in)
Sonoma County)

Decision D 1040

ADOPTED NOV 13 '61

DECISION DENYING APPLICATION

Peter and Carrie Cesaretti having filed Application 19513 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants 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 19513 is for a permit to appropriate 0.15 cubic foot per second (cfs) by direct diversion between May 1 and November 30 of each year for irrigation and domestic purposes from Calabazas Creek tributary to Sonoma Creek in Sonoma County. The point of diversion is to be located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 3, T6N, R6W, MDB&M.



2. The applicants' proposed point of diversion is located approximately two miles above the junction of Calabazas Creek and Sonoma Creek. The protestants, claiming riparian rights and holding permits and licenses, are located below the applicants on these two streams.

3. The flow of Calabazas Creek is derived principally from springs and diminishes rapidly during the summer. At the time of the field investigation on June 1, 1961, its flow at the applicants' proposed point of diversion was 0.30 cubic foot per second.

4. The mean monthly flows of Sonoma Creek as determined from the records of a USGS gaging station located at Boyes Hot Springs 5 miles below the applicants' proposed point of diversion for the period of record (1955-59) are as follows:

May	June	July	Aug.	Sept.	Oct.
17.6	4.9	1.34	0.36	1.34	6.28

5. Diversions by known water users from Sonoma Creek below said gaging station under claims of prior vested rights aggregate 2.24 cubic feet per second during the applicants' diversion season. There has not been sufficient water to satisfy these diversions during the months of July, August, and September. Calabazas Creek contributes to the flows of Sonoma Creek available to these users.

6. The evidence indicates, and the Board finds, that there is not sufficient unappropriated water in Calabazas Creek to warrant approval of Application 19513.

7. In answer to the protests, applicants allege that their proposed diversion and appropriation of water would only be to the extent of applicants' present riparian rights. Such riparian rights as applicants may have are not an issue in this proceeding and will not be affected by this decision.

From the foregoing findings, the Board concludes that Application 19513 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 19513 and all relevant information on file therewith, particularly the report of the field investigation made June 1, 1961; files of Application 18818; the files of License 246 (Application 1497); License 1905 (Application 6512); License 1833 (Application 7834); License 2811 (Application 9881); License 5353 (Application 15951); License 6052 (Application 16338); Permit 10965 (Application 17279); United States Geological Survey Santa Rosa, Sonoma, and Mare Island quadrangles, 15-minute series, dated 1954, 1951, and 1947, respectively; United States Geological Survey, Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California."

IT IS HEREBY ORDERED that Application 19513 be, and the same is, denied.

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