

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19363 )  
of William I. and Ruth M. Jacobs )  
to Appropriate from an Unnamed Stream )  
Tributary to Walker Creek in )  
Marin County )

Decision D 1081

**ADOPTED APR 11 '62**

DECISION APPROVING APPLICATION IN PART

William I. and Ruth M. Jacobs having filed Application 19363 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 19363 is for a permit to appropriate 0.2 cubic foot per second (cfs) by direct diversion from April 1 to November 1 of each year and 20 acre-feet per annum by storage from November 1 of each year to April 30 of the succeeding year for irrigation, stockwatering, and fish culture purposes from an unnamed stream tributary to Walker Creek in Marin County. The point of diversion is to be located within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 32, T5N, R9W, MDB&M.



2. The unnamed stream originates approximately one mile above the applicants' point of diversion, where a small dam and reservoir have been constructed in cooperation with the United States Soil Conservation Service. It flows from that point approximately one mile to join Walker Creek. From this junction Walker Creek flows approximately 2.5 miles to enter Tomales Bay.

3. Protests were filed by Roy A. Parks, Maria Albin, and J. P. Poncia who are owners of property adjacent to Walker Creek below the point where the unnamed stream joins Walker Creek. They contend that approval of the application will interfere with claimed riparian and pre-1914 appropriative rights to the use of water from Walker Creek. Their use consists in watering of stock from the stream channel. A protest was also filed by Thomas Bassett, a small portion of whose property is adjacent to the unnamed stream and the remainder adjacent to Walker Creek, claiming similar rights to water from both streams for the same purpose.

4. In 1961 the mean flow of Walker Creek at a point immediately above the unnamed stream during April was 13.79 cfs, in May it was 9.35 cfs, and in June it was 1.10 cfs. Measurements of the flow of the unnamed stream during 1961 indicate that it contributes only a small portion of the total flow in Walker Creek below the confluence of the two streams and that the proposed diversions by applicants prior to June 1 would not result in injury to the protestants. The unnamed stream ceases to flow in the early part of June.

5. There is unappropriated water available during the months of November through May to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed during those times without causing substantial injury to any lawful user of water. There is no water available for appropriation by applicants between June 1 and November 1.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19363 should be approved in part and that a permit should be issued to the applicants 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 19363 and all relevant information on file therewith, particularly the report of the field investigation made January 24, 1961, records of stream flow measurements by the State Water Rights Board on Walker Creek for the period from April 10 to June 27, 1961, and United States Geological Survey Topographic Quadrangle "Tomales" and "Point Reyes N. E.," both being 7½-minute series, dated 1954.

IT IS HEREBY ORDERED that Application 19363 be, and the same is, approved in part, and that a permit be issued to the applicants 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 0.2 cubic foot per second by direct diversion to be diverted from about April 1 to about June 1 of each year and 20 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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, 1965.

4. Progress reports shall be filed promptly by permittees 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.

6. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

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                      , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member