

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20725)
of Mary Jane Tolliver to Appropriate)
from Arroyo Calero in Santa Clara)
County)

Decision D 1153

ADOPTED DEC 19 1963

DECISION DENYING APPLICATION

Mary Jane Tolliver having filed Application 20725 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 20725 is for a permit to appropriate 0.03 cubic foot per second (cfs) by direct diversion year-round for irrigation and stockwatering purposes from Arroyo Calero in Santa Clara County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, T8S, R1E, MDB&M.

2. The applicant proposes to divert from Arroyo Calero at an existing small concrete diversion structure located approximately two miles upstream from the Arroyo Calero-Alamitos Creek Junction. Alamitos Creek flows from this junction approximately

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3.5 miles to join the Guadalupe River. Water is to be used for the sprinkler irrigation of 2.57 acres of pasture, for the watering of horses and to supply a kennel. At the present time the kennel and the applicant's home are being supplied by a well.

3. Protestant Santa Clara Valley Water Conservation District holds License 2208 for the storage of 3500 acre-feet from December 1 of each year to April 30 of the succeeding year at its Calero Reservoir, which is located on Arroyo Calero approximately two miles above the applicant's proposed point of diversion. It also stores water in this reservoir which is originally impounded at its Almaden Reservoir and rediverted through the Almaden-Calero Canal. Water is released from Calero Reservoir for percolation into the ground water basin underlying lands within the District. Water is pumped from this ground water basin for irrigation and domestic uses within an area of approximately 126,000 acres.

4. Jim and Rose Caglia located approximately 0.5 mile downstream from the applicant's point of diversion hold License 2120 for 1.0 cfs by direct diversion from April 1 to September 15 for the irrigation of approximately 81 acres.

5. A study of the monthly flows of Arroyo Calero that would pass the applicant's point of diversion without regulation by Calero Reservoir for the period of record (1946 through 1960) shows that after the rights of the protestant and licensees Caglia are satisfied there is no unappropriated water during the

months of June through November in most years. Since the application was apparently filed primarily for irrigation, a permit with those months deleted would be of little or no value to the applicant.

From the foregoing findings, the Board concludes that Application 20725 should be denied.

The records, documents and other data relied upon in determining the matter are: Application 20725 and all relevant information on file therewith, particularly the report of the field investigation made on January 30, 1963, streamflow data furnished by the District; United States Geological Survey 7½-minute "Morgan Hill" and "Santa Teresa Hills" quadrangles; and Bulletin No. 7 of the State Water Resources Board, "Santa Clara Valley Investigation", dated June 1955.

ORDER

IT IS HEREBY ORDERED that Application 20725 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 _____, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member