

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21132
of Nicholas and Sallie Lou Contestable
to Appropriate from an Unnamed Stream
Tributary to Jericho Canyon in
Napa County

Decision D 1180

ADOPTED MAY 19 1964

DECISION APPROVING APPLICATION IN PART

Nicholas and Sallie Lou Contestable having filed Application 21132 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 21132 is for a permit to appropriate 4.0 acre-feet per annum (afa) by storage from December 1 of each year to May 31 of the succeeding year for domestic, stock-watering, fire protection, and recreational purposes from an unnamed stream in Napa County. The point of diversion is to be located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T9N, R7W, MDB&M.

2.. The applicants have constructed an earth dam and a reservoir with a capacity of approximately 4 acre-feet on the unnamed stream approximately 1/4 mile above its junction with another unnamed stream that continues approximately 1-1/4 miles to enter Jericho Canyon. The stored water is to be used mainly for boating, fishing and fire protection. It may also be used as a supplemental supply for domestic use at a lodge and for stockwatering.

3. Protestants Murrell W. and Zenaida M. Talbot hold License 5678 (Application 15708) to appropriate 2,000 gallons per day from June 1 to September 30 for irrigation and recreational use and year-round for domestic use from the unnamed stream, diverting at a point just above the junction of the two unnamed streams and below the applicants' dam. These protestants have experienced water shortages during the summer months.

4. Protestant Charles H. Hanly diverts from the unnamed stream which joins Jericho Canyon under claim of riparian rights for the irrigation of permanent pasture. His irrigation season extends from the last spring rains to the first fall rains.

5. Sufficient flow occurs in the unnamed stream during the winter months of most years to satisfy the protestants' uses and also provide for the storage proposed by the applicants. Rainfall records show that in most years the rainfall occurring in the applicants' area during the month of May is only three

per cent, or less, of the total annual rainfall. Storage by the applicants during this month would cause interference with uses by the protestants.

6. There is unappropriated water available to supply the applicants during the months of December through April, 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.

7. The intended uses are beneficial.

From the foregoing findings, the Board concludes that Application 21132 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 21132 and all relevant information on file therewith, particularly the memorandum of the field investigation made October 31, 1963; files of Application 15708 (License 5678); United States Geological Survey "Detert Reservoir" 7.5-minute quadrangle.

ORDER

IT IS HEREBY ORDERED that Application 21132 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 appropriated shall be limited to the amount which can be beneficially used and shall not exceed 4.0 acre-feet per annum by storage to be collected from about December 1 of each year to about May 1 of the succeeding year.

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 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.

6. Permittee 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.

7. This permit does not authorize collection of water to storage during the period from about May 1 to about December 1 of each season to offset evaporation and seepage losses or for any other purpose.

8. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the natural stream channel, or provide other means satisfactory to the State Water Rights Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of water is not authorized under this permit.

9. Permittee shall install and maintain suitable measuring devices (a) upstream from the high water elevation of his reservoir and (b) immediately below his storage dam in order that accurate measurement can be made of the quantity of water flowing into and out of said reservoir.

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 , 1964.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member