

ADOPTED APR 28 1965

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 20772,  
21160, 21193, 21195, 21242, 21276,  
and 21279 of Ralf H. Stinson and  
Others to Appropriate from Various  
Tributaries of Putah Creek in Lake  
and Napa Counties

Decision D 1218

DECISION APPROVING APPLICATIONS

Applications 20772, 21160, 21193, 21195, 21242, 21276,  
and 21279 of Ralf H. Stinson and others having been filed; protests  
having been received; a public hearing having been held before the  
State Water Rights Board in Sacramento, California, on March 17,  
1964, conducted by Board Members W. A. Alexander, presiding, and  
Ralph J. McGill; applicants and protestants having appeared and  
presented evidence; the evidence received at the hearing having  
been duly considered; the Board finds as follows:

1. The applications are for permits to appropriate  
water by storage on tributaries of Putah Creek above Monticello  
Dam in Lake and Napa Counties. The projects proposed by Applica-  
tions 21160, 21193, and 21242 have already been constructed. The  
essential information contained in the applications is set forth  
in the following table:



DATA FROM APPLICATIONS FOR UNAPPROPRIATED WATER  
FROM VARIOUS TRIBUTARIES OF PUTAH CREEK

Applica- tion Number	Applicant	Source	Storage Quantity (afa)	Season	Purpose
20772	Ralf H. Stinson Harriet Stinson	unnamed stream trib. to Gallagher Creek	313.6	Oct. 1-May 1	irrigation, recreational, fish culture
21160	Tellyer Industries of Texas, Inc.	unnamed stream trib. to Jericho Creek	16	Oct. 1-June 1	stockwatering, fish culture, recreational
21193	Edgar J. Malgrem, Jr., Harriet C. Malgrem	unnamed stream trib. to James Creek	40	Nov. 1-Apr. 15	irrigation, stockwatering, fish culture, recreational
21195	John A. Burns, Katherine M. Burns, Sara Joan Burns	unnamed stream trib. to Swartz Creek	50	Nov. 1-May 15	stockwatering, domestic, irrigation
21242	George B. Whitney, Mary Irma Whitney Peterson, William J. Whitney	unnamed stream trib. to Butts Creek	22	Oct. 1-Apr. 1	stockwatering, fish culture, recreational, fire protection, irrigation
21276	Gilbert Yates Harriet Yates	unnamed stream trib. to Zim Zim Creek	24	Nov. 1-June 1	stockwatering, fire protection, fish culture, recreational
21279	Tellyer Industries of Texas, Inc.	Jericho Creek	48	Oct. 1-May 1	recreational, fish culture, irrigation

2. There are no records of runoff for the various sources at the reservoir sites designated in the applications. For the 54-year period from 1901 to 1954 the average runoff for the entire watershed of Putah Creek was 0.9 foot annually. The runoff from the small watersheds above the applicants' points of diversion probably exceeds the average, due to the steep slopes. It follows that water is physically available to the applicants in most years to satisfy the requested amounts.

3. Runoff of the Putah Creek stream system is in excess of the requirements of prior existing rights, other than those of the protestant United States Bureau of Reclamation, except in extremely dry years such as 1920, 1924, 1931 and 1939.

4. Permits issued to the protestant United States Bureau of Reclamation authorize storage to the capacity of Lake Berryessa (formed by Monticello Dam) plus diversion of 1,016 cubic feet per second. Except for infrequent winter floods, Monticello Dam controls the entire flow of Putah Creek, including releases that are required to supply downstream prior water rights. There would be no water subject to appropriation in the Upper Putah Creek watershed except for the following limitation on the Bureau's permits that is contained in Decision D 869:

"14. The permits and all rights acquired or to be acquired thereunder are and shall remain subject to depletion of streamflow above Monticello Reservoir, not to exceed 33,000 acre-feet of water annually, by future appropriations of water for reasonable beneficial use within the watershed of Putah Creek above said reservoir; provided such future appropriations shall be initiated and consummated pursuant to law prior to full beneficial use of water within the project service area under these permits."

5. Whether there is unappropriated water to supply the applicants in most years depends upon whether the annual streamflow depletion of 33,000 acre-feet of water has already been exceeded by appropriations with priority subsequent to October 29, 1945, the date of the filing of the earliest Bureau application for appropriation of water stored in Lake Berryessa.

6. As appropriations in the upper watershed approach the annual allowable depletion, it will be necessary to secure information concerning each appropriation from which depletions can be estimated with reasonable accuracy. Such information would include: (1) availability of streamflow at the respective points of diversion; (2) consumptive uses including reservoir and other evapo-transpiration losses; (3) streamflow and channel conditions between the points of diversion and Lake Berryessa; (4) magnitude and extent of any return flows reaching Lake Berryessa; and (5) consideration of possible overlapping riparian or other claims of prior rights.

Pending the compilation and evaluation of such data as that referred to above, general criteria have been developed and applied to the upper basin appropriations to derive maximum depletion estimates that will suffice for the present. These criteria are:

a. For any storage reservoir under license and not involving multiple filings, annual depletion equals maximum withdrawal of water from the reservoir in any season, as stated in the license. If the license does not state the maximum withdrawal, it is assumed to be reservoir capacity less dead storage. If dead storage is not known, it is assumed to be 10 per cent of reservoir capacity, until determined by investigation. Depletions from reservoirs involving more than one filing are estimated according to criterion d(6) set forth below.

b. For any storage reservoir under permit or pending application, whether constructed or not, annual depletion equals total reservoir capacity less dead storage. If dead storage is not known or not stated in the application, it is assumed to be 10 per cent of the total reservoir capacity, until determined by investigation.

c. For direct diversion appropriations, a generalized availability of streamflow is assumed. To reflect the varying types of water use specified in the application, monthly percentages are applied to the diversion rates authorized in accordance with the following major use categories:

(1) For direct diversion appropriations primarily for irrigation use:

<u>1st Month</u>	<u>2nd Month</u>	<u>3rd Month</u>
100%	75%	50%

No further depletion is assumed for other months of possible irrigation use or any other subordinate uses.

(2) For direct diversion appropriations primarily for domestic use:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>
10%	10%	15%	40%	70%	90%
<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
100%	100%	60%	20%	10%	10%

(3) For direct diversion appropriations primarily for industrial use:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>
20%	20%	25%	40%	65%	85%
<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
100%	95%	80%	50%	30%	20%

d. Special depletion criteria are utilized for appropriations involving more complex considerations such as the following:

(1) An unusually slow buildup in water use.

(2) Water use also under prior appropriative or riparian claims.

(3) Rates or quantities in excess of available water supply.

(4) Proposed storage developments with overlapping service areas and/or water supplies.

(5) Direct diversion and storage quantities that are not additive.

(6) Multiple filings covering a single reservoir development, each of which represents a portion of total storage. Depletions are based on either known dead storage as computed in paragraph a, or if not known, assumed to be 10 per cent of the reservoir capacity as stated in the initial filing.

7. Using the above criteria, the total estimated depletion for the subject applications is 467.2 acre-feet per annum. The total estimated depletions covering filings from October 29, 1945, to and including the subject applications, is 23,216.4 acre-feet per annum. This leaves approximately 9,784 acre-feet of the 33,000 acre-foot reservation, provided this quantity is appropriated and placed to beneficial use prior to full beneficial use of water within the Solano Project service area under the Bureau's permits, as required by Condition 14 of Decision D 869.

8. There is unappropriated water available in most years to supply the applicants, 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 intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 20772, 21160, 21193, 21195, 21242, 21276, and 21279 should be approved and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

ORDER

1a. The water appropriated under the permit issued pursuant to Application 20772 shall be limited to the quantity which can be beneficially used and shall not exceed 313.6 acre-feet per annum by storage to be collected from about October 1 of each year to about May 1 of the succeeding year.

b. The water appropriated under the permit issued pursuant to Application 21160 shall be limited to the quantity which can be beneficially used and shall not exceed 16 acre-feet per annum by storage to be collected from about October 1 of each year to about June 1 of the succeeding year.

c. The water appropriated under the permit issued pursuant to Application 21193 shall be limited to the quantity which can be beneficially used and shall not exceed 40 acre-feet per annum by storage to be collected from about November 1 of each year to about April 15 of the succeeding year.

d. The water appropriated under the permit issued pursuant to Application 21195 shall be limited to the quantity which can be beneficially used and shall not exceed 50 acre-feet per annum by storage to be collected from about November 1 of each year to about May 15 of the succeeding year.

e. The water appropriated under the permit issued pursuant to Application 21242 shall be limited to the quantity which can be beneficially used and shall not exceed 22 acre-feet per annum by storage to be collected from about October 1 of each year to about April 1 of the succeeding year.

f. The water appropriated under the permit issued pursuant to Application 21276 shall be limited to the quantity which can be beneficially used and shall not exceed 24 acre-feet per annum by storage to be collected from about November 1 of each year to about June 1 of the succeeding year.

g. The water appropriated under the permit issued pursuant to Application 21279 shall be limited to the quantity which can be beneficially used and shall not exceed 48 acre-feet per annum by storage to be collected from about October 1 of each year to about May 1 of the succeeding year.

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

3. This permit does not authorize collection of water to storage during the off-season period to offset evaporation and seepage losses or for any other purpose.

4. Permittee shall accurately determine the elevation of the water surface in his reservoir at intervals of 30 days or less until license is issued. Reports of the measurements shall be included in each annual progress report as required by Condition 8.

5. Actual construction work (under Applications 20772, 21195, 21276 and 21279) shall begin on or before September 1, 1965, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

6. Said construction work (under Applications 20772, 21195, 21276 and 21279) shall be completed on or before December 1, 1967.



7. Complete application of the water to the proposed use (under all applications) shall be made on or before December 1, 1968.

8. 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.

9. 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.

10. 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.

Permits issued upon Applications 21160, 21193, 21242, 21276 and 21279 shall include the following additional term:

11. Water entering the reservoir or collected in the reservoir during and after the current storage season shall 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. 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 to comply with this paragraph.

Permits issued upon Applications 21195 and 20772 shall include the following additional terms:

12. A separate application for approval of plans and specifications for construction of the dam described in this approved water right application shall be filed with and approved by the Department of Water Resources prior to commencement of construction of the dam.

13. Water entering the reservoir or collected in the reservoir during and after the current storage season shall 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. Permittee shall install and maintain an outlet pipe of such size and at such location as is specified by the State Department of Water Resources to comply with this paragraph.

14. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, the            day of            , 1965.

/s/ Kent Silverthorne  
Kent Silverthorne, Chairman

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

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