

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22689)
of Occidental Community Services)
District of Sonoma County to Appro-)
priate from Salmon Creek in Sonoma)
County)

Decision 1314

DECISION APPROVING APPLICATION

Occidental Community Services District of Sonoma County having filed Application 22689 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants Stanley M. and Jean A. Pacheco 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22689 is for a permit to appropriate 8,000 gallons per day by direct diversion from January 1 to December 31 of each year for municipal purposes

from Salmon Creek in Sonoma County. The point of diversion is to be located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T7N, R10W, MDB&M.

2. The applicant's project is complete. It diverts water from the underflow of Salmon Creek by pumping from two wells about 15 feet deep located adjacent to the stream. These wells penetrate the recent stream-bed sands and gravels which are confined to a width of approximately 30 feet and a depth of between 10 feet and 15 feet by nonwater-bearing rocks of the Franciscan formation.

3. The application was protested by the California Department of Fish and Game, Ed Welling, and Stanley M. and Jean A. Pacheco; each protestant claimed the proposed appropriation would result in injury as it would further deplete the already inadequate flow during the dry season. The Department of Fish and Game and Ed Welling agreed that their respective protests could be dismissed provided the permit include a term which would require the applicant to bypass 30 gallons per minute (gpm) or the natural flow, whichever is less, for the protection and preservation of fishlife and for the benefit of lower riparian owners. The applicant agreed to the inclusion of such a term in its permit.

4. Protestants Pacheco pump water from Salmon Creek year-round to a storage tank and use it for stock-watering and domestic (excluding drinking) purposes. These protestants claim that the surface flow of Salmon Creek ceases for several months, usually from the middle of July until after the first good rains in November, when water occurs only in potholes, and that the proposed diversion would interfere with their right by causing the surface flow of the creek to cease at an earlier date and by depleting the quantity of water available in the potholes. Observations made during the field investigation indicate that when 30 gpm or more is passing the applicant's point of diversion there will be surface flow below the Pachecos' point of diversion. Therefore, diversion by applicant only at such times as 30 gpm or more is passing its point of diversion will not cause the surface flow at these protestants' point of diversion to cease at an earlier date or deprive them of water required to satisfy their needs.

5. Data are not available to provide a basis for a finding as to the season during which the flow of Salmon Creek exceeds 30 gpm at applicant's point of diversion. However, correlation of the limited streamflow data available with precipitation records for the area leads to the conclusion that there are relatively few days in

the dry summer months of July through October when the flow at applicant's point of diversion exceeds 30 gpm. Therefore, operation of the project strictly in accordance with the 30-gpm minimum flow restriction, which the applicant will be required to do, will provide an unreliable, inadequate water supply during the summer months when the needs of the applicant are greatest. However, the responsible officials of the applicant district are cognizant of these facts and, it must be assumed, intend to divert and put to beneficial use such water as is available under the terms of the permit to satisfy in part the needs of the district.

6. Unappropriated water is available at times to supply the applicant, 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 use is beneficial.

From the foregoing findings, the Board concludes that Application 22689 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are:

- a) Applications 13507, 15960 and 22689 and all relevant information on file therewith, particularly the report of the field investigation made October 26, 1967.
- b) United States Department of the Interior, Geological Survey -- Water Resources Division, "Surface Water Records of California - Volume 1: Colorado River Basin, Southern Great Basin and Pacific Slope Basins Excluding Central Valley" 1961 through 1964.
- c) United States Department of the Interior, Geological Survey -- Water Resources Division, "Water Resources Data for California, Part 1. Surface Water Records - Volume 1: Colorado River Basin, Southern Great Basin and Pacific Slope Basins Excluding Central Valley" for the period of published record (1965 -).
- d) Topographic maps published by the United States Geological Survey covering the area under consideration.

ORDER

IT IS HEREBY ORDERED that Application 22689 be, and it is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 8,000 gallons per day by direct diversion to be diverted from January 1 to December 31 of each year.

2. For the protection and preservation of fishlife and for the benefit of lower riparian owners,

the permittee shall divert water only when the natural surface flow of Salmon Creek exceeds 30 gpm at the county road crossing immediately downstream from permittee's point of diversion.

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

4. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

5. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

6. 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 Resources Control 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.

7. Permittee shall allow representatives of the State Water Resources Control 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.

8. Permittee shall install and maintain a suitable measuring device below his point of diversion in order that accurate measurement can be made of the quantity of water flowing beyond that point.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Monterey, California.

Dated: SEP 19 1968

/s/ George B. Maul
George B. Maul, Chairman

/s/ W. A. Alexander
W. A. Alexander, Vice Chairman

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

/s/ Norman B. Hume
Norman B. Hume, Member

/s/ E. F. Dibble, Member
E. F. Dibble, Member