

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 22680  
and 22681 of Coastside County Water  
District to appropriate from San  
Vicente and Denniston Creeks in San  
Mateo County

Decision 1341

DECISION APPROVING APPLICATIONS

Coastside County Water District having filed Applications 22680 and 22681 for permits to appropriate unappropriated water; a protest having been received; the applicant 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22680 is for a permit to appropriate 2 cubic feet per second (cfs) from San Vicente Creek and 2 cfs from Denniston Creek by direct diversion, year-round, for municipal purposes in San Mateo County. The points of diversion are to be located within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected

Section 35, T4S, R6W, MDB&M, and within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 2, T5S, R6W, MDB&M.

2. Application 22681 is for a permit to appropriate 2.4 cfs by direct diversion, year-round, and 5,580 acre-feet per annum by storage from October 1 of each year to May 31 of the succeeding year for municipal purposes from the same sources and at the same points of diversion.

3. The applicant's project is part of a comprehensive water resources development plan to meet the water requirements of the coastal area of San Mateo County. The main feature of the project is a reservoir to be constructed on Denniston Creek which will have a capacity of 5,900 acre-feet. Water from San Vicente Creek, which flows on a parallel course with Denniston Creek within a mile to the north, will be diverted to Denniston Creek for off-stream storage in the proposed reservoir.

4. Protestants Emil N. Torello and family irrigate approximately 50 acres of land below the applicant's proposed point of diversion on San Vicente Creek under claim of riparian right.

There are no protests to the applicant's project as it relates to the appropriation of water from Denniston Creek.

5. On November 21, 1968, the time of the field investigation, Denniston and San Vicente Creeks were discharging into the Pacific Ocean at the rates of 1.13 cfs and 1.50 cfs, respectively. At the same time there was a flow of 0.5 cfs in San Vicente Creek just below the protestants' ranch.

6. During most years there is water in San Vicente Creek in excess of the protestants' requirements under their claimed riparian rights.

7. Unappropriated water is available 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.

8. The intended use is beneficial.

9. In order to protect the protestants during years of less-than-normal supply, the permits should contain a term limiting diversions from San Vicente Creek during the irrigation season (June 1 to October 1) to times when there is a surface flow passing the southerly boundary of the Torello Ranch.

From the foregoing findings, the Board concludes that Applications 22680 and 22681 should be approved and that permits 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: Applications 22680 and 22681 and all relevant information on file therewith, particularly the report of field investigation made on November 21, 1968; Department of Water Resources Bulletin No. 138, "San Mateo County Investigation, Coastal," dated March, 1966; and U.S.G.S. topographic maps covering the area in question.

#### ORDER

IT IS HEREBY ORDERED that Applications 22680 and 22681 be, and they are, approved, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated pursuant to Application 22680 shall be limited to the quantity which can be beneficially used and shall not exceed 2 cubic feet per second (cfs) from San Vicente Creek and 2 cfs from Denniston Creek (total 4 cfs), year-round.

2. The water appropriated pursuant to Application 22681 shall be limited to the quantity which can be beneficially used and shall not exceed 2.4 cubic feet per second by direct diversion, year-round, and 5,580 acre-feet per annum by storage to be collected from about October 1 of each year to about May 31 of the succeeding year. Maximum rate of diversion to off-stream storage shall be 25 cfs.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

4. Actual construction work shall begin on or before December 1, 1969, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

5. Said construction work shall be completed on or before December 1, 1971.

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

7. 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.

8. 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 and to carry out legally established water quality objectives.

9. 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.

10. No water will be diverted from San Vicente Creek under this permit between about June 1 and about October 1 of each year unless there is a surface flow passing the southerly boundary of the Torello Ranch located within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 2, T5S, R6W, MDB&M.

11. This permit shall not be construed as conferring upon the permittee right of access to the points of diversion.

The permit issued pursuant to Application 22681 shall contain the following additional terms:

12. 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.

Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Resources Control Board to comply with the preceding paragraph.

13. 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.

14. Construction of the dam shall not be commenced until the Department of Water Resources has approved plans and specifications.

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

Dated: June 19, 1969

KERRY W. MULLIGAN  
Kerry W. Mulligan, Chairman

W. A. ALEXANDER  
W. A. Alexander, Vice Chairman

NORMAN B. HUME  
Norman B. Hume, Member

E. F. DIBBLE  
E. F. Dibble, Member

RONALD B. ROBIE  
Ronald B. Robie, Member