

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23331
of Paul R. Hanna, et al, to Appro-
priate from South Fork Gazos Creek
in San Mateo County

Decision 1372

DECISION APPROVING APPLICATION IN PART

Paul R. Hanna, et al, having filed Application 23331 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of Application

1. Application 23331, as amended, is for a permit to appropriate eight acre-feet per annum by storage in an offstream reservoir from January 1 to December 31 of each year for recreational and fire protection purposes from South Fork Gazos Creek in San Mateo County. The maximum rate of diversion to storage will be 0.8 cubic foot per second. The point of diversion is to be located within NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T8S, R4W, MDB&M.

Source and Water Supply

2. South Fork Gazos Creek has a watershed of about 1-1/4 square miles while the total watershed for Gazos Creek above its mouth near where the protestants divert water is about 15 square miles. There is no recorded flow data for Gazos Creek; however, information developed for Decision D 818 on Application 15303 indicates that the watershed produces about 13,000 acre-feet of water annually. Estimated flow of Gazos Creek was as follows:

Monthly mean flow in cubic feet per second

January	79.7	July	1.9
February	70.5	August	1.5
March	27.7	September	1.3
April	9.5	October	2.5
May	4.8	November	2.8
June	3.3	December	11.1

Applicants' Project

3. The applicants own a large area that is operated as a tree farm. They practice selective logging, forest management and stream enhancement. A permanent youth camp (Mountain Camp) is leased and accommodates about 125 staff members and children during the summer months. Water needs of the camp are satisfied by direct diversion from South Fork Gazos Creek.

A reservoir was built during the early part of the century for a small sawmill. In recent years, it has been improved for water sports and trout fishing, as part of the camp facilities. The offstream reservoir is filled in the early spring and drained in the fall, after the fire season has ended. Water

from South Fork Gazos Creek is diverted into the reservoir and then overflows into Gazos Creek. The application is for the water that is used to fill the reservoir.

The reservoir has an area of about one acre and contains about eight acre-feet of water. Any seepage from the reservoir drains directly into Gazos Creek.

Protests

4. As originally filed, the application included direct diversion of 6,250 gallons per day, year-round. Protests were filed by the Campbell Soup Company, Domenic Muzzi and Frank and Jean Latta based upon the lack of available water for irrigation along the lower reaches of Gazos Creek during the dry season. The applicants subsequently amended the application by deleting the direct diversion feature. As a result, the protest by Campbell Soup Company was withdrawn.

Mr. and Mrs. Latta also based their protest upon the ground that overflow from the applicants' reservoir would pollute the stream which is the source named in their prior Applications 15303 and 20327 upon which permits have been issued. The projects covered by their permits have not been completed and are not yet licensed. Their protest is based upon future needs for irrigation and domestic purposes. Their point of diversion is about six miles downstream from the reservoir. The Lattas do not divert water from Gazos Creek for domestic use and have not done so in the past. Domestic water is obtained from a spring.

Based upon these facts it is concluded that applicants' project has no significant effect on the quality of water available to the Lattas.

Season of Diversion

5. The application, as amended, is for storage only. Estimated stream flow indicates that the storage season should extend from about December 1 to about May 1. Collection of water to storage in the reservoir during the wet season will not adversely affect quantities available to downstream water users. Therefore, Application 23331 should be approved for the full amount of storage during the season December 1 to the succeeding May 1 subject to the usual terms and conditions.

Availability of Unappropriated Water

6. Unappropriated water is available 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 23331 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 order following.

The records, documents, and other data relied upon in determining the matter are: Application 23331 and all relevant information on file therewith, particularly the report of field investigation made May 19, 1970.

ORDER

IT IS HEREBY ORDERED that Application 23331, as amended, be, and it 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 water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed eight acre-feet per annum by storage to be collected from December 1 of each year to May 1 of the succeeding year.

2. The maximum rate of diversion to offstream storage shall not exceed 0.8 cubic foot per second.

3. 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.

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

5. Complete application of the water to the proposed use shall be made on or before December 1, 1974.

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

7. 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.

8. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

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.

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

Dated: February 18, 1971

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

E. F. DIBBLE
E. F. Dibble, Vice Chairman

NORMAN B. HUME
Norman B. Hume, Member

RONALD B. ROBIE
Ronald B. Robie, Member

W. W. ADAMS
W. W. Adams, Member