

up by a retention dam of the Santa Clara Water Conservation District (hereinafter referred to as District) and flows into the applicant's gravel pits. The water is pumped from the gravel pits through an 8-inch pipe at the rate of approximately 1,000 gallons per minute to the gravel plant which is approximately one-quarter mile downstream. Water is used at the plant principally for washing gravel. After use at the plant, the water enters a sump from which it is pumped into a settling pond and then reused. The entire operation results in a net loss of an estimated 15 to 18 percent of the water diverted from the creek.

Protestant

3. The District holds Licenses 2205 (Application 7141), 2208 (Application 8098), 2209 (Application 8099) and 6943 (Application 5653 and pending Application 23382 for a total of 36,302 acre-feet of water per annum from Alamitos Creek for irrigation, domestic, industrial and recreational uses. The season of diversion is from December 1 to April 30 under the licenses and from November 15 to May 1 under the application. The District collects water at Almaden Reservoir on Alamitos Creek and at Calero Reservoir on Calero Creek, a tributary of Alamitos Creek. Both of the reservoirs are upstream from the applicant's gravel pits. Water is released from the reservoirs and collected again along with natural flow at the District's retention dam for percolation into the groundwater system. The water is then pumped from wells by the District's customers. The District contends



that other than under rare conditions of water supply there is no unappropriated water in Alamitos Creek to satisfy Application 23825.

Availability of Unappropriated Water

4. Board Decision D-1153 denying Application 20725 to appropriate water from Arroyo Calero held that after the rights of the District and other parties are satisfied there is no unappropriated water in the Alamitos Creek system during the months of June through November in most years. The decision was adopted on December 19, 1963 and there has been no change in circumstances since that time that would justify a finding that there is unappropriated water available in Alamitos Creek during those months at the present time.

5. Records of the flows of Alamitos Creek were recorded at a USGS gaging station "near Edenvale" between the applicant's gravel pits and the Calero Creek-Los Alamitos Creek junction from January 1930 through March 1958. Since that time the flows of the creek have been recorded at a USGS gaging station "near New Almaden" approximately one and three-quarters mile upstream. A water supply study based on these records covering the months of December through May for the years 1955 through 1970 has been made by the Board's staff. It shows that in 10 of the 15 years covered by the study the supply of water was not sufficient to satisfy the 15,302 annual acre-feet authorized by the District's licenses. If Application 23382 is taken into consideration, the supply exceeds the District's demands in only 2 of the 15 years.

Further, in those few years when the supply exceeds the diversion authorized by the District's licenses and the quantity applied for under Application 23382 at least a portion of the excess would be required to satisfy downstream rights other than those of the District.

6. There is no unappropriated water available to supply the applicant.

From the foregoing findings, the Board concludes that Application 23825 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 23825 and all relevant information on file therewith, particularly the report of field investigation made September 15, 1972.

ORDER

IT IS HEREBY ORDERED that Application 23825 be denied.

Dated: October 18, 1973

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

ROY E. DODSON
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER
Mrs. Carl H. (Jean) Auer, Member

ABSENT
W. Don Maughan, Member