

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25367)
ALEX S. AND LOIS J. RUSSELL)
Applicants)
L. MARTIN GRIFFIN, JR.)
Protestant)

Decision: 1551
Source: Unnamed Stream
County: Sonoma

DECISION APPROVING APPLICATION 25367

BY THE BOARD:

Alex S. and Lois J. Russell having filed Application 25367 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 by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of the Application

1. Application 25367 is for 30 acre-feet per annum (afa) by storage to be collected from November 1 of each year to June 1 of the succeeding year for irrigation and stockwatering purposes from an unnamed stream tributary to Russian River in Sonoma County. The point of diversion is located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T8N, R9W, MDB&M.

Applicants' Project

2. The applicants seek a permit to store water in an onstream reservoir formed by a 12 foot-high earthfill dam with a surface area of approximately five acres and a capacity of about 30 acre-feet. The reservoir was built in 1977. It will provide water for irrigation of 20 acres

of pasture and for stockwatering of about 100 head of dairy cows. The dam has a 15 inch outlet pipe.

Protests

3. L. Martin Griffin, Jr., and the Department of Fish and Game filed protests against Application 25367. Fish and Game's protest was dismissed when the applicants agreed to inclusion of a permit term essentially as follows:

"For the protection of fish and wildlife, permittees shall bypass all inflow after the initial filling of the reservoir each season."

4. Protestant Griffin protested on the basis of injury to vested rights, environmental considerations, public interest and the appropriation being both contrary to law and not within the Board's jurisdiction.

The appropriation is to provide a legal basis for diversion of water and was filed in conformance with State law. Appropriation of water as contemplated in the application is within the Board's jurisdiction.

Protestant Griffin is located on the unnamed stream about one mile downstream from the applicant's dam. He holds licensed Application 3633 for direct diversion of 0.69 cubic foot per second (cfs) from May 1 to September 10 from the Russian River for the irrigation of 55 acres. He also holds permitted Application 25393 for direct diversion of 0.2 cfs from the Russian River from November 1 to August 30 and 20 afa by storage to be collected from November 1 to June 30. The total annual use under permitted Application 25393 is not to exceed 80 acre-feet per water year of October 1 to September 30. The water is to be used for fire protection, frost protection and irrigation. Protestant Griffin also has on file Statements of Water Diversion and Use S9291 through S9295. These statements cover riparian and pre-1914 water rights. Three statements

cover both Russian River flow and underflow. The remaining two statements are for claimed rights on the unnamed stream, downstream from the applicants' project. Protestant's total use from the stream is about 38 afa.

Availability of Unappropriated Water

5. The watershed above the applicants' dam contains about 490 acres. The flow of the unnamed stream is not recorded, so rainfall data has been used to estimate flows. The average annual rainfall during the diversion season for Healdsburg which is near the project, is 38.90 inches. Assuming a runoff factor of 50 percent which is common for measured streams in this area, the watershed above applicants' dam should yield an average of 795 acre-feet during each diversion season. The watershed of the source stream above protestants' property is about twice as large as the watershed above applicants' dam and should yield about twice as much water. Water requirements on the stream below applicants' dam are about 38 afa (Statements 9293 and 9295). Thus, ample unappropriated water is available in the stream during the diversion season specified in Application 25367. Runoff records of the U. S. Geological Survey at the Guerneville gaging station near the lower end of the Russian River show an average winter flow of more than 4,000 cfs. Unappropriated water is available for Application 25367 as against users on the Russian River.

6. The proposed use is beneficial.

Environmental Considerations

7. During the staff investigation of the project considerable erosion was observed near the dam and spillway and along a road leading to the dam which was constructed by a previous owner. The erosion problem had also been raised by protestant Griffin. The problem was referred to the Regional Water Quality Control Board. That Board investigated the problem and, at the request of the

investigator, the applicant removed waste materials near the dam, replaced a road culvert, rip-rapped the stream channel below the dam, and re-seeded the project area with native grasses, all to the satisfaction of the Regional Board.

The Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code Section 2100, et. seq.) and the State Guidelines. The Board Determines that the project as modified, will not cause further significant adverse effect on the environment.

Record in this Matter

8. The records, documents and other data relied upon to determine this matter are: the file of Application 25367 and all relevant information on file therewith including the Engineering Staff Analysis dated March 9, 1979; the files of permitted Application 25393 and licensed Application 3633; Statements of Diversion and Use S9291, S9292, S9293, S9294 and S9295; United States Department of Commerce, National Oceanic and Atmospheric Administration, Climatological Data for California; and, Topographic maps published by the U. S. Geological Survey covering the area under consideration.

Conclusions

9. From the foregoing findings, the Board concludes that Application 25367 should be approved and a permit issued to the applicants subject to the conditions in the order following.

ORDER

IT IS HEREBY ORDERED that Application 25367 be approved and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12 and 13)* in addition 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 30 acre-feet per annum to be collected from November 1 of each year to June 1 of the succeeding year.

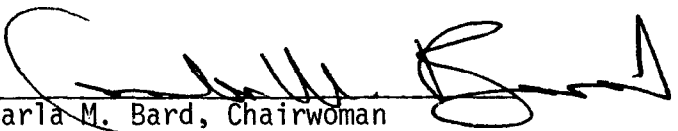
2. For the protection of fish and wildlife, permittees shall bypass all inflow after the intitial filling of the reservoir each season.

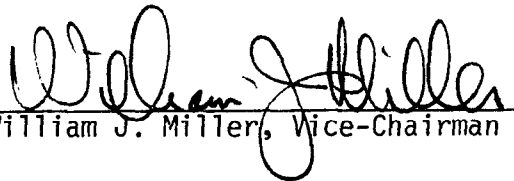
3. Complete application of the water to the proposed use shall be made on or before December 1, 1984.

4. Permittee shall maintain the existing 15 inch outlet pipe in his dam in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

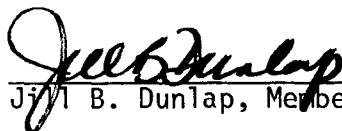
5. Permittee shall install and maintain in his reservoir a staff gage meeting the approval of the State Water Resources Control Board for the purpose of determining water levels in the reservoir.

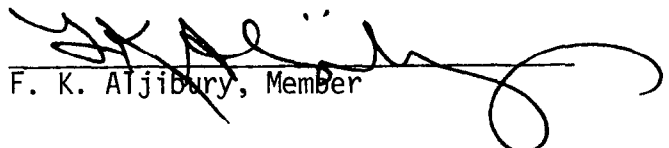
Dated: FEBRUARY 21 1980


Carla M. Bard, Chairwoman


William J. Miller, Vice-Chairman


L. L. Mitchell, Member


Jill B. Dunlap, Member


F. K. Atjibury, Member

*This Board maintains a list of standard permit terms.
Copies are available upon request.

