

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24925 of)
JACK L. BLACK AND PATRICIA BLACK)
Applicant)

Decision: 1576
Source: Russian River Underflow
County: Sonoma

DECISION APPROVING APPLICATION

BY THE BOARD:

Jack L. and Patricia Black having filed Application 24925 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 24925 is for a permit to appropriate 26,000 gallons per day by direct diversion from the Russian River underflow in Sonoma County from January 1 to December 31 of each year to be used for domestic purposes.

Applicants' Project

2. The applicant proposes to drill a well in the underflow of the Russian River near Asti to provide domestic service to six rental homes to be constructed on 180 acres. The proposed development is compatible with county zoning ordinances. Maximum annual use will not exceed 16.8 acre-feet per annum. The well will not be located on the applicant's property.

Protests

3. The application was protested by the California Department of Fish and Game, Philip Edinger, Gary Patterson, Donna Dibble, Joan Bathrick,

Keith Barnhart and Laurel Robinson and Lucretia Nelson. The protest by the Department of Fish and Game was dismissed upon the condition that any permit issued will contain the standard Russian River 150 cubic feet per second fish bypass term. The other six protests are from local residents and all allege unspecified adverse environmental effects. No additional information regarding specific environmental effects was presented at the field investigation.

4. Several protestants alleged that the proposed diversion would injure their riparian rights. However, protestants are located upstream from the proposed point of diversion.

Existence of Unappropriated Water

5. Decision 1030 as modified by Board Order WR 74-30 established a 10,000 acre-foot reservation from the Coyote Valley Project for future use within the Russian River Valley in Sonoma County. Unappropriated water is available under this reservation for diversion during the period sought and subject to suitable conditions can be used without causing substantial injury to any lawful user of water.

6. The intended use of water is beneficial.

Environmental Considerations

7. The State Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines, and the Board determines that there will be no significant effect on the environment as a result of the project.

Records

8. The records, documents, and other data relied upon in determining the matters are: Application 24925, Decision 1030, and Board Order WR 74-30.

ORDER

IT IS HEREBY ORDERED that Application 24925 be approved and that a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (6, 7, 10, 11, 12, and 13)^{1/} in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 26,000 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 16.8 acre-feet per year.

2. Actual construction work shall begin within two years of the date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

3. Said construction work shall be completed by December 1, 1984. Complete application of the water to the authorized use shall be made by December 1, 1985.

4. This permit shall not be construed as conferring upon the permittees' right of access to the point of diversion.

5. For the protection and preservation of fishlife and the maintenance of water related recreational uses, permittee shall divert only when the flow in the Russian River exceeds 150 cubic feet per second and only at a rate not exceeding said excess, ceasing all diversion when the flow in the river is 150 cubic feet per second or less. River flows shall be measured at the nearest U. S. Geological Survey gaging station on the river.

6. Availability of water for appropriation under this permit during the critical period of July 1 through October 31 is dependent upon water remaining available under the 10,000 acre-foot per annum allocation of water from Coyote Valley

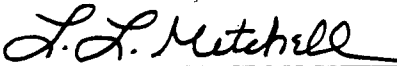
^{1/} The Board maintains a list of standard permit terms. Copies of these are available upon request.

Reservoir (Lake Mendocino) for use in the Russian River Valley in Sonoma County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

7. The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements of this term may be satisfied by permittee's compliance with any comprehensive water conservation program, approved by the State Water Resources Control Board, which may be imposed by a public agency.

Dated: July 16, 1981


Carla M. Bard, Chairwoman


L. L. Mitchell, Vice-Chairman


Jill B. Dunlap, Member


F. K. Aljibury, Member