

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18350)
of Mitchell V. Knego to Appropriate)
from an unnamed stream in Santa)
Cruz County)

Decision No. D 952

ADOPTED MAR 22 '60

DECISION APPROVING APPLICATION

Mitchell V. Knego having filed Application 18350 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for under Section 737 of the California Administrative Code, Title 23, Waters, and an investigation having been made by the State Water Rights Board pursuant to said stipulations; the Board now being fully informed in the premises finds as follows:

1. Application 18350 is for a permit to appropriate 4.5 acre-feet per annum by storage from an unnamed stream in Santa Cruz County to be collected from November 1 of each year to May 1 of the succeeding year for irrigation use within Section 8, T11S, R2E, MDB&M.

2. Applicant proposes to build a new dam downstream from the present dam covered under License 4459 and, upon completion, proposes to abandon the present dam and reservoir

so that the maximum annual amount of water to be impounded under both of the applicant's filings would be 4.5 acre-feet.

3. There is sufficient water in most years to meet the requirements of the protestant Wirtz and to fill the reservoir of the protestant Hackamack so that the additional appropriation proposed by the applicant will not impair their prior rights.

4. There is unappropriated water available to supply the applicant during years of normal run-off. However, during years of below-normal run-off, it will be necessary to by-pass sufficient amounts of water each year, in excess of the 2.92 acre-feet per annum to which the applicant is entitled under License 4459, to assure protection of the prior vested rights of protestant Wirtz.

5. The intended use is beneficial.

6. The source named is a natural watercourse.

From the foregoing findings the Board concludes that Application 18350 should be approved and that a permit should be issued to the applicant subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining this matter are: Application 18350 and all relevant information on file therewith, particularly the report of the field investigation made May 13, 1959; License 4459 of Knego, License 4488 of Wirtz, and License 5594 of Hackamack; United States Geological Survey quadrangles, "Watsonville West" and "Watsonville East," both of the 7.5 minute series.

IT IS HEREBY ORDERED that Application 18350 be, and the same is, hereby approved, and that a permit be issued to the applicant subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 4.5 acre-feet per annum by storage to be collected from about November 1 of each year to about May 1 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Actual construction shall begin on or before September 1, 1960, and shall thereafter be prosecuted with reasonable diligence and, if not so commenced and prosecuted, this permit may be revoked.

4. Said construction shall be completed on or before December 1, 1962.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights 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 Rights 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 total amount of water to be appropriated under this permit and under License 4459 (Application 13760) shall not exceed 4.5 acre-feet per annum.

9. Permittee shall by-pass such water as is required to completely fill the downstream reservoir to the extent allowed under License 4488 (Application 13977) before water is collected to storage under this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on this _____ day of _____, 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member