

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of)
Application 17230 of Wilfred H. Steele,)
Rufus C. Steele, Ella Steele Allen,)
and Bernice Steele Taylor,)
Applications 17568, 17569 of)
Catherine B. Steele,)
Applications 17573, 17574 of)
Worden W. and Betty May Steele,)
to Appropriate from Green Oaks Creek)
in San Mateo County)

Decision No. D 971

ADOPTED JUN 30 '60

DECISION APPROVING APPLICATIONS

The above parties having filed the above applications for permits 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 Rights Board pursuant to said stipulation; the Board having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 17230 of Wilfred H. Steele et al., filed August 10, 1956, as amended, is for a permit to appropriate 177 acre-feet per annum by storage from Green Oaks Creek

in San Mateo County between December 1 and April 1 of each year for irrigation purposes within projected Sections 28 and 29, T9S, R4W, MDB&M.

Application 17568 of Catherine B. Steele, filed April 24, 1957, as amended, is for a permit to appropriate 0.5 cubic foot per second by direct diversion, year-round, and 15 acre-feet per annum by storage between November 1 and April 30 from Green Oaks Creek in San Mateo County for irrigation and domestic purposes within projected Sections 20, 21, 28, and 29, T9S, R4W. MDB&M.

Application 17569 of Catherine B. Steele, filed April 24, 1957, as amended, is for a permit to appropriate 73 acre-feet per annum by storage from Green Oaks Creek in San Mateo County between November 1 and April 30 of each year for irrigation purposes within projected Section 29, T9S, R4W, MDB&M.

Application 17573 of Worden W. and Betty May Steele, filed April 26, 1957, as amended, is for a permit to appropriate 0.5 cubic foot per second between February 1 and November 30 of each year and 15 acre-feet between November 1 and April 30 of each year, from Green Oaks Creek, San Mateo County, for irrigation purposes within the projected Sections 21 and 28, T9S, R4W, MDB&M.

Application 17574 of Worden W. and Betty May Steele, filed April 26, 1957, as amended, is for a permit to appropriate 73 acre-feet from Green Oaks Creek in San Mateo County between

November 1 and April 30 of each year for irrigation purposes within projected Sections 20, 21, 28, and 29, T9S, R4W, MDB&M.

2. The water applied for under the storage features of the applications is to be stored in existing reservoirs. Since their construction, there has always been sufficient water available each year from Green Oaks Creek to fill them.

3. In a year of average precipitation, the flow of Green Oaks Creek will exceed 1500 acre-feet, over 80 per cent of which occurs between November and March.

4. There are no records available of the flows of Green Oaks Creek from April through October, the irrigation season, to aid in the determination of the availability of unappropriated water to satisfy the direct diversion requests in Applications 17568 and 17573. During a field investigation by a member of the Board's engineering staff on May 14, 1959, the flow of the creek was estimated to be 0.033 cfs. Estimates based on rainfall and runoff distribution studies for an average year show a maximum of 0.26 cfs for the month of April and a minimum of 0.03 cfs for the month of September. Protestants to these applications have agreed to have their protest disregarded if Application 17230 is approved.

5. Applications 17568 and 17573 are for the same project, and the applicants have stipulated to receiving permits limiting the total amount of water thereunder to the quantity requested in either application. The same is true with respect to Applications 17569 and 17574. There has been a further stipulation between the applicants that the

applications, together with unprotested Applications 17570 and 17572, be considered as having been filed simultaneously, and they have requested the Board that any permits that may be issued under the applications be of equal priority.

6. An agreement of May 2, 1926, recorded in Vol. 242, page 144 of the Official Records of San Mateo County, referred to as the "Green Oaks Agreement", purports to bind the parties as to the impounding and use of flood waters of Green Oaks Creek, and the parties consider themselves presently bound under such agreement and have requested that permits issued state that they are subject to said agreement.

7. There is unappropriated water available to supply all of 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 17230, 17568, 17569, 17573, and 17574 should be approved and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Applications 17230, 17568, 17569, 17573, 17574, and all relevant information on file therewith, particularly the report of the field investigations made April 2, 1958, and May 14, 1959, Bulletin No. 1, State Water

Resources Board, "Water Resources of California", dated 1951; Bulletin No. 5, Department of Public Works, "Flow in California Streams", dated 1923; University of California, Agricultural Extension Service, "Agriculture, Population Increase, and Water Problems in San Mateo County", dated January, 1956; United States Geological Survey "Ano Nuevo" and "Franklin Point" Quadrangles, 7.5-minute series.

IT IS HEREBY ORDERED that Applications 17230, 17568, 17569, 17573, 17574 be, and the same are, approved, and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated under permit issued pursuant to Application 17230 shall be limited to the amount which can be beneficially used and shall not exceed 177 acre-feet per annum by storage to be collected from about December 1 of each year to about April 1 of the succeeding year.

2. The amount of water to be appropriated under permit issued pursuant to Application 17568 shall be limited to the amount which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year and 15 acre-feet per annum by offstream storage to be collected from about November 1 of each year to about April 30 of the succeeding year. The maximum rate of diversion to offstream storage shall not exceed 0.5 cubic foot per second.

3. The amount of water to be appropriated under permit issued pursuant to Application 17569 shall be limited to the amount which can be beneficially used and shall not exceed 73 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

4. The amount of water to be appropriated under permit issued pursuant to Application 17573 shall be limited to the amount which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion to be diverted from about February 1 to about November 30 of each year and 15 acre-feet per annum by offstream storage to be collected from about November 1 of each year to about April 30 of the succeeding year. The maximum rate of diversion to offstream storage shall not exceed 0.5 cubic foot per second.

5. The amount of water to be appropriated under permit issued pursuant to Application 17574 shall be limited to the amount which can be beneficially used and shall not exceed 73 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

6. The total combined amount diverted under permits issued on Applications 17568 and 17573 shall not exceed 0.5 cubic foot per second by direct diversion and 15 acre-feet per annum by storage.

7. The total combined amount diverted under permits issued on Applications 17569 and 17574 shall not exceed 73 acre-feet per annum by storage.

8. Permits issued on Applications 17568, 17569, 17573, and 17574 shall have equal priority as of April 24, 1957.

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

10. Complete application of the water to the proposed use shall be made on or before December 1, 1961.

11. 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.

12. These permits are subject to the so-called "Green Oaks Agreement" dated May 2, 1926, and recorded in Volume 142, page 144, of the Official Records of San Mateo County, California.

13. All rights and privileges under these permits, 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.

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

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member