

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 18480)
and 18580 of)
The Estate of D. Grossi, Sr., Deceased,)
to Appropriate from Unnamed Streams)
Tributary to Novato Creek in)
Marin County)

Decision No. D 973

ADOPTED JUN 30 '60

DECISION APPROVING APPLICATION

The Estate of D. Grossi, Sr., having filed Applications 18480 and 18580 for permits to appropriate unappropriated water; a protest having been received; the applicant and protestant 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 18480 is for a permit to appropriate 12 acre-feet per annum by storage from an unnamed stream tributary to Novato Creek in Marin County between November 1 of each year and April 30 of the succeeding year for stockwatering and recreational purposes within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, all in projected Section 8, T3N, R7W, MDB&M.
2. Application 18580 is for a permit to appropriate 8 acre-feet per annum by storage from an unnamed stream tributary to Novato Creek in Marin County between November 1 of each year

and April 30 of the succeeding year for stockwatering purposes within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 7, T3N, R7W, MDB&M.

3. The protestant, North Marin County Water District, is authorized by Permit 7971 (Application 13599) to divert not to exceed 7 cfs year-round and 4,430 acre-feet per annum by storage from Novato Creek. Protestant has been allowed until December 1, 1970, to complete beneficial use of water. The amount beneficially used by the protestant for municipal purposes has been increasing annually since 1954. The maximum amount of water used was approximately 2,367 acre-feet in 1959.

4. During the period 1946-57, the calculated mean natural flow of Novato Creek at Lake Stafford (protestant's reservoir) was 3,869 acre-feet per annum.

5. There is unappropriated water available to supply the applicant and will continue to be in most years until ~~protestant's use of water reaches or approaches the full amount~~ authorized by its permit. Thereafter there will be unappropriated water available to supply applicant only in years of heavy runoff. Subject to suitable conditions, such unappropriated water may be diverted and used by applicant in the manner proposed without causing substantial injury to any lawful user.

6. The applicant's projects are completed, and the intended use is beneficial.

7. The sources named are natural water courses.

From the foregoing findings, the Board concludes that Applications 18480 and 18580 should be approved and that permits

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 the matter are: Applications 18480 and 18580 and all relevant information on file therewith, particularly the report of the field investigation made February 10, 1960; United States Geological Survey quadrangles "San Geronimo" of the 7.5 minute series, "Petaluma" of the 15 minute series, both dated 1954; United States Geological Survey, Water Supply Papers, Part 11, "Pacific Slope Basins in California"; Permit 7971 (Application 13599).

IT IS HEREBY ORDERED that Applications 18480 and 18580 be, and the same are, approved, and that permits be issued to the applicant subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated under the permit issued pursuant to Application 18480 shall be limited to the amount which can be beneficially used and shall not exceed 12 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

2. The amount of water to be appropriated under permit issued pursuant to Application 18580 shall be limited to the amount which can be beneficially used and shall not exceed 8 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the succeeding year.

3. The maximum amount herein stated may be reduced in the license if investigation warrants. Interim use hereunder may be reduced or terminated after hearing by the State Water Rights Board upon a showing that the water is needed to satisfy the requirements of North Marin County Water District pursuant to Permit 7971.

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

5. 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.

6. 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