

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 17055)
of HOWARD E. THOMPSON to Appropriate)
from Wooden Valley Creek and)
Suisun Creek in Napa County)

Decision No. D 987

ADOPTED DEC 20'60

DECISION APPROVING APPLICATION

Howard E. Thompson having filed Application 17055 for a permit to appropriate unappropriated water; a protest having been received from California Department of Fish and Game; 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 17055 is for a permit to appropriate 24 acre-feet per annum by diversion to off-stream storage at a maximum rate equal to about 0.66 acre-feet per day (150 gpm) from Wooden Valley Creek and West Branch Suisun Creek in Napa County to be collected between January 1 and May 1 of each year for irrigation of 25 acres of orchard within the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of projected Section 36 and $S\frac{1}{2}$ of the $SE\frac{1}{4}$ and $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of projected Section 25, all in T6N, R3W, MDB&M.

2. The available records referred to hereinafter indicate that water is normally available in the named sources

during the period from January 1 to March 1 in excess of the quantity which the applicant seeks to divert.

3. Minimum flows in the streams of 3.0 cfs from January through March and 1.5 cfs through April are required to sustain fish life, and can be maintained without depriving applicant of water he requires.

4. At the rate of diversion proposed by the applicant, the full appropriation could be accomplished with reasonable convenience in 36 days or one-third of the requested diversion season.

5. It is in the public interest to require the applicant to regulate his diversion to those times when the stream flow passing his intake is in excess of the minimum requirements for fish life.

6. Applicant's diversion works were completed in 1956.

7. There is unappropriated water available to supply the applicant, 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 Application 17055 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 the matter are: Application 17055 and all relevant

information on file therewith, particularly the report of the field investigation made May 22, 1958; stream flow measurements made in 1958 and 1960; reports by C. E. Grunsky, Consulting Engineer, "City of Vallejo, Gordon Valley Water Supply Project, Runoff Measurements 1921-22" dated August 24, 1922; U. S. Weather Bureau Climatological Data; USGS Quadrangles "Mt. Vaca" of the 15-minute series, 1942 edition, and "Mt. George" of the 7 $\frac{1}{2}$ -minute series, 1951 edition.

IT IS HEREBY ORDERED that Application 17055 be, and the same is, 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 24 acre-feet per annum by off-stream storage to be diverted between about January 1 and about May 1 of each year at a rate not to exceed 150 gallons per minute.

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

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

4. Progress reports shall be filed promptly by the State Water Rights Board until license is issued.

5. 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.

6. Permittee shall by-pass 3.0 cubic feet per second, or the natural flow of the stream, whichever is less, from January 1 to March 31, and 1.5 cubic feet per second, or the natural flow of the stream, whichever is less, from April 1 to May 1, for the maintenance of fish life.

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

Ralph J. McGill, Member

Board Member W. P. Rowe dissented because, in his opinion, the evidence did not support a finding that "Minimum flows in the streams of 3.0 cfs from January through March and 1.5 cfs through April are required to sustain fish life".