

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21477)
of Holm Timber Industries, a partnership)
consisting of Richard F. Holm,)
Janet E. Ramsay, and Fred A. Holm,)
to Appropriate from Slick Rock Creek)
in Mendocino County)

Decision D 1215

ADOPTED MAR 24 1965

DECISION APPROVING APPLICATION IN PART

Holm Timber Industries, a partnership consisting of Richard F. Holm, Janet E. Ramsay, and Fred A. Holm, having filed Application 21477 for a permit to appropriate unappropriated water; a protest having been received; the applicant 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 21477 is for a permit to appropriate 0.5 cubic foot per second (cfs) by direct diversion year-round for domestic, municipal, and recreational purposes from Slick Rock Creek in Mendocino County. The point of diversion is to be located within Lot 8 of Section 1, T11N, R16W, MDB&M.

2. Slick Rock Creek heads at an elevation of approximately 1,300 feet and flows in a westerly direction approximately 3 miles to the Pacific Ocean. The applicant proposes to divert from the creek

through a pipeline to a 100,000-gallon storage tank which will supply a subdivision consisting of approximately 20 homesites.

3. Protestants John P. Ratcliff, Walter H. Ratcliff, and Muriel Ratcliff divert directly from the creek and into two 2,000-gallon regulatory storage tanks at two points within one-half mile from the creek's mouth. The water is used under claim of riparian right at two homes, a swimming pool, and at a pond with a capacity of approximately one acre-foot. During the summer low flow season there has not been sufficient water in the creek to fill the storage tanks and to properly maintain the swimming pool.

4. Flows of Slick Rock Creek near the protestants' lower point of diversion during the summer of 1964 were as follows: August 13, 11 gallons per minute (gpm); September 1, 3 gpm; September 24, no flow; October 1, 1 gpm. These measurements and the records (1958-63) of precipitation at the Point Arena Weather Station, approximately 6 miles northeast of the mouth of Slick Rock Creek, show that there is no water surplus to the needs of the protestants during the months of July through October. Water is available to supply the applicant during the remainder of the year.

5. There is unappropriated water available to supply the applicant from about November 1 of each year to about June 30 of the succeeding year, 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.

6. The intended use is beneficial.

7. Applicant's land is contiguous to the source, and it claims a riparian right to the use of water thereon, but said claimed right has not been established by court decree. The permit should

provide that upon a judicial determination that the land, or a portion thereof, is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

From the foregoing findings, the Board concludes that Application 21477 should be approved in part and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 21477 and all relevant information on file therewith, particularly the report of the field investigation made August 13, 1964, United States Weather Bureau, "Climatological Data in California," for the years 1958 through 1963, and U. S. Geological Survey 7.5-minute quadrangles, "Gualala" and "Point Arena."

ORDER

IT IS HEREBY ORDERED that Application 21477 be, and it is, approved in part, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion to be diverted from about November 1 of each year to about June 30 of each succeeding year.

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

3. Actual construction work shall begin on or before September 1, 1965, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1967.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1968.

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. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

9. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right

acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1965.

~~/s/ Kent Silverthorne~~
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member

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