

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21567
of Richard M. and Michael W. Day,
Homer H. Henrie, and Kellogg Moseley
to Appropriate from Dip Creek
in San Luis Obispo County

Decision D 1220

ADOPTED MAY 28 1965

DECISION DENYING APPLICATION

Richard M. and Michael W. Day, Homer H. Henrie, and Kellogg Moseley having filed Application 21567 for a permit to appropriate unappropriated water; a protest having been received; the applicants 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 21567 is for a permit to appropriate 20 acre-feet per annum (afa) by storage from September 15 of each year to June 15 of the succeeding year for stockwatering, domestic, fire protection, recreational, wildlife propagation, and fish culture purposes from Dip Creek in San Luis Obispo County. The point of diversion is to be located within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 11, T26S, R10E, MDB&M.

2. Dip Creek heads at an elevation of approximately 1,700 feet and courses in a northeasterly direction approximately 1 mile to the site of the applicants' proposed reservoir and continues approximately 10 miles to the Nacimiento River. The reservoir will have a capacity of approximately 20 acre-feet. The water will be used primarily for recreational purposes at a lodge, possibly at a trailer court, and for watering approximately 25 cows.

3. Protestant Don Bonnheim, located on Dip Creek approximately 2.5 miles below the applicants, holds Licenses 6196 and 6197 for the storage of 34.5 afa from October 31 of each year to April 30 of the succeeding year for stockwatering purposes for approximately 100 head. The reservoir is also used for recreational purposes by his lessees. He claims that the supply of the creek is not sufficient to satisfy his prior rights and the storage proposed by the applicants.

4. There are no streamflow records for Dip Creek. However, records are available of the precipitation at the Edgar Guest Ranch near the watershed of Dip Creek. In the 1959 season when there was an annual rainfall of 19.58 inches at the Edgar Guest Ranch, there was insufficient water to fill protestant's reservoir. It is concluded then that rainfall in excess of this amount at the Edgar Guest Ranch is required before there is any water to supply the applicants. This has occurred in only 5 of the past 17 years. Protestant's reservoir has filled in only 2 years since its construction in 1958.

5. There is no unappropriated water available to supply the applicants.

From the foregoing findings, the Board concludes that Application 21567 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 21567 and all relevant information on file therewith, particularly the report of the field investigation made on September 30, 1964; files of Applications 16811 and 17981; U. S. Weather Bureau, "Climatological Data, in California," 1925 through 1963; State Water Rights Board "Evaporation Stations in California," dated March 1963; U. S. Geological Survey Water Supply Papers, "Pacific Slope Basins in California," 1949-50 through 1962-63; "Elements of Applied Hydrology" by Johnstone and William P. Cross; and U. S. Geological Survey "Adelaida" and "Lime Mountain" 7½-minute quadrangles and "Adelaida" 15-minute quadrangle.

ORDER

IT IS HEREBY ORDERED that Application 21567 be, and it is, denied.

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