

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 22741  
of Reuben Peterson to Appropriate  
from Union Creek in Solano County

Decision D 1289

DECISION DENYING APPLICATION

Reuben Peterson having filed Application 22741 for a permit 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 22741 is for a permit to appropriate 1.33 cubic feet per second (cfs) by direct diversion from March 1 to December 31 of each year for irrigation purposes from Union Creek in Solano County. The point of diversion is to be located within the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 34, T5N, R1W, MDB&M.

2. Union Creek heads approximately 5 miles northwest of the Travis Air Force Base sewage treatment plant. It flows past the sewage treatment plant and continues approximately 1-3/4 miles in a general southwesterly direction to

the applicant's land. It continues from the applicant's land in a general westerly direction to the area of Hill Slough. Hill Slough enters Suisun Slough, which empties into Suisun Bay.

3. During the summer months, water in Union Creek is principally sewage effluent from the Travis Air Force Base sewage treatment plant. A small amount of waste water from irrigation enters the creek above the sewage treatment plant. Water used in the sewage treatment plant comes from nearby wells.

4. The applicant proposes to pump from Union Creek at a diversion sump to obtain a supply of water for the irrigation of 71 acres of permanent pasture which is to be developed. Local ground water is available at a relatively shallow depth but is of inferior quality and not suitable for irrigation.

5. Protestant Tony Garcia diverts from Union Creek approximately 1/4 mile below the applicant's proposed point of diversion. He holds Permit 14709 (Application 21995) for diversion of 3 cfs from March 1 to October 31 for irrigation of 296 acres of permanent pasture. He has been diverting virtually all available water from the creek during the irrigation season. Lack of water has forced him to restrict his

irrigation to approximately 270 acres. On September 6, 1967, at the time of the field investigation, he was diverting 2.23 cfs, which was the entire flow of the creek, along with some drawdown of channel storage.

6. Travis Air Force Base proposes to increase the capacity of its sewage treatment plant. However, the effect of such an increase on the flow of effluent depends considerably on the capacity and area of settling ponds to be constructed as part of the plant expansion. It cannot now be determined if an increase in the capacity of the plant will increase the discharge of sewage effluent and, if so, whether any increase will cause the flow in the creek to exceed the flow necessary to satisfy the rights of the protestant under his Permit 14709.

7. No unappropriated water is available to supply the applicant.

From the foregoing findings, the Board concludes that Application 22741 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 22741 and all relevant information on file therewith, particularly the report of the field investigation made September 6, 1967.

ORDER

IT IS HEREBY ORDERED that Application 22741 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.

Dated: NOV 30 1967

/s/ George B. Maul  
George B. Maul, Chairman

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

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