

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23729)
)
of SKY-L'ONDA MUTUAL WATER COMPANY)
)
to Appropriate From La Honda Creek) Decision 1399
)
in San Mateo County.)
_____)

DECISION APPROVING APPLICATION

Sky-L'Onda Mutual Water Company having filed Application 23729 for a permit to appropriate unappropriated water; protests 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 23729 is for a permit to appropriate 0.3 cubic foot per second (cfs) by direct diversion and 49 acre-feet per annum by storage from December 15 of each year to June 1 of the succeeding year for domestic and fire protection purposes from La Honda Creek in San Mateo County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, T6S, R4W, MDB&M.

Applicant's Project

2. Application 23729 is to obtain additional water for the applicant's existing system which serves water to approximately 200 residences under authority of Licenses 5497 (Application 9678) and 6606 (Application 18161). At the time of the field investigation on April 3, 1971, the applicant's reservoir required for the storage feature of Application 23729 had not been constructed.

Protestants

3. Protestants Norris and Alice Robinson and the Tichenor family divert from San Gregorio Creek, to which La Honda Creek is tributary, approximately 10 miles and 9 miles, respectively, below the applicant. The water is used for irrigation, stockwatering, domestic and recreational purposes under claimed riparian and pre-1914 appropriative rights.

Water Supply

4. On August 3, 1971, La Honda Creek was flowing at the rate of three gallons per minute at the applicant's point of diversion approximately 15 miles above the mouth of San Gregorio Creek. The same day the flow of San Gregorio Creek at a USGS gaging station just above the mouth of the creek was 1.5 cfs. As there is very little use of water below the gaging station, the flow at that point represents water mostly going to waste.

Measurements of the flows of San Gregorio Creek below the protestants' points of diversion made in certain months during the years 1969 and 1970 are as follows:

<u>Month</u>	<u>1969 (cfs)</u>	<u>1970 (cfs)</u>
April	NR	14.7
May	17.8	9.3
June	12.2	4.8
July	7.5	2.8
August	4.1	1.5
September	2.8	0.9

5. The La Honda Creek watershed tributary to the point of diversion is only a small portion of the total watershed supplying San Gregorio Creek. The diversions proposed by the applicant would not have a significant effect upon users of water from that stream. Previous decisions by this board and its predecessor found unappropriated water available in tributaries of San Gregorio Creek during the applicant's diversion season and no information is available which would justify a contrary conclusion at this time (Decisions D 1137, 1217 and 1324).

Existence of Unappropriated Water

6. Unappropriated water is 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 23729 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Applications 23729, 5720, 9678, 18161, 20266, 21469, 22782 and 22899 and all relevant information on file therewith, particularly the report of field investigation made August 3, 1971 on Application 23729.

ORDER

IT IS HEREBY ORDERED that Application 23729 be, and it is, approved, 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 0.3 cubic foot per second by direct diversion and 49 acre-feet per annum by storage to be diverted and collected from December 15 of each year to June 1 of the succeeding year. The total amount of water to be taken from the source under License 5497 (Application 9678), License 6606 (Application 18161), and this permit shall not exceed 80 acre-feet per water year of October 1 to September 30.

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

3. Actual construction work shall begin on or before nine months from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1974.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1982.

6. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control 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 Resources Control 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. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant

to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

9. In order to prevent degradation of the quality of water during and after construction of the project, permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Coast Region, or by the State Water Resources Control Board.

10. Permittee shall allow representatives of the State Water Resources Control 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.

11. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Seaside, California.

Dated: April 6, 1972

W. W. ADAMS
W. W. Adams, Chairman

E. F. DIBBLE
E. F. Dibble, Vice Chairman

NORMAN B. HUME
Norman B. Hume, Member

RONALD B. ROBIE
Ronald B. Robie, Member