

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25065)

CLARENCE E. AND NANCY R. WRIGHT)

Applicants)

GRAYDON AND EVELYN BLUE)

Protestants)

Decision: 1542

Source: Unnamed Stream

County: Sonoma

DECISION APPROVING APPLICATION 25065

BY THE BOARD:

Clarence E. and Nancy R. Wright having filed Application 25065 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided by Section 733 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of the Application

1. Application 25065 is for five acre-feet per annum (afa) by storage to be collected from November 1 of each year to April 1 of the succeeding year for stockwatering purposes from an unnamed stream tributary to Pool Creek in Sonoma County. The proposed point of diversion is to be located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, T8N, R8W, MDB&M. Pool Creek is tributary to the Russian River via Windsor and Mark West Creeks.

Applicants' Project

2. The applicants seek to store water in an on-stream reservoir formed by a 25 foot-high earthfill dam with a surface area of approximately

one-half acre and a capacity of about five acre-feet. The proposed reservoir will provide water for about 30 head of beef cattle. The dam has not yet been constructed.

Protest

3. Graydon K. and Evelyn C. Blue protested Application 25065 on the basis of alleged injury to licensed Application 19891 and riparian rights. The license authorizes collection to storage of 11 afa between October 1 and April 30. The water is used for stockwatering, recreation, and fire protection at the reservoir site. Protestants' dam is about a quarter-mile downstream from the applicants' dam. In correspondence subsequent to the field investigation, Mr. Blue expressed concerns regarding the safety of the proposed dam, and stated his firm opposition to its construction.

Availability of Unappropriated Water

4. The watershed above the protestants' reservoir is about 73 acres, and that portion above the applicants' proposed dam is about 20 acres. The unnamed stream is not gaged so rainfall data has been used to estimate flows. An average yield of about 104 afa can be expected from the 73 acres of watershed and a corresponding 28 afa would be the approximate yield of the upper 20 acres of watershed. In addition, the protestants' reservoir spilled every year from 1962 through 1972 according to permit and license reports in the protestants' water right file. Flow in the stream ceases within a few days after a storm.

5. The United States Geological Survey records of flow in the Russian River at Guerneville, which is downstream of most diversions, indicates that the monthly mean discharge for the 21-year period from 1940 through 1960 exceeded

4,000 cubic feet per second for the months of December, January, February, and March. The mean November flow for this period was 693 cfs. The total demand under prior rights is less than these amounts. Thus, unappropriated water is available during the diversion season to be approved for Application 25065 as against users on the Russian River.

6. The proposed use is beneficial.

Environmental Considerations

7. The Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines. The Board determines that there will be no significant effect on the environment as a result of the project.

Public Interest

8. The matter of dam safety, raised by Protestant Blue, has been considered to the extent consistent with the Board's jurisdiction. The applicants' dam was originally designed by the U. S. Department of Agriculture, Soil Conservation Service (SCS). The SCS, however, declared the plans null and void after it discovered the presence of Protestant Blue's reservoir and house in the flood plain of the dam. The SCS said that this new information placed the project into a higher hazard classification which would require that the applicants' dam be designed by a California Registered Civil Engineer. The SCS does not provide that service. A Sonoma County ordinance requires that plans and specifications for dams such as the one under Application 25065 be prepared by a Registered Civil Engineer unless the project is under federal, state or local government sponsorship. A term will be included in the permit requiring compliance with the appropriate Sonoma County ordinance.

Record in this Matter

9. The record, documents, and other data relied upon in determining the matter are: Application 25065 and all relevant information on file therewith, particularly the Engineering Staff Analysis dated March 23, 1978; the files of licensed Application 19891; United States Department of Commerce, National Oceanic and Atmospheric Administration, Climatological Data for California; Topographic maps published by the United States Geological Survey covering the area under consideration; Prior Board Decisions 1030 and 1110; and United States Department of Agriculture Forest Service and Soil Conservation Service, Soil Survey, Sonoma County, California, May 1972.

Conclusions

10. From the foregoing findings the Board concludes that Application 15065 should be approved and a permit issued to the applicants subject to the conditions in the order following.

ORDER

IT IS HEREBY ORDERED that Application 15065 be approved and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (6, 10, 11, 12, and 13)* in addition 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 a total of five acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

* The Board maintains a list of standard terms.
Copies are available upon request

2. Construction of the project shall be completed on or before December 1, 1982, and complete application of the water to the proposed use shall be made on or before December 1, 1983.


3. Permittees shall install and maintain an outlet pipe of adequate capacity in the 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.


4. After the initial filling of the storage reservoir, permittees' right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance of repair. Such right shall be exercised only during the authorized diversion season.

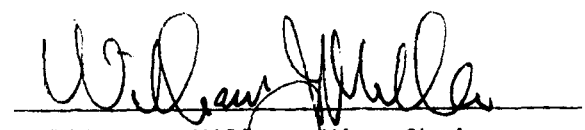
5. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittees shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional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

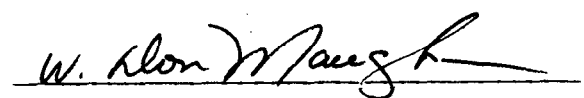
6. Prior to commencement of construction, permittees shall comply with the Sonoma County Channel Obstruction Ordinance which requires that plans and specification of the dam be prepared by a Registered Civil Engineer. Violation of this term will result in automatic revocation of the permit without further Board action.

Dated: OCT 18 1979


Carla M. Bard, Chairwoman


L. L. Mitchell, Member


William J. Miller, Vice Chairman


W. Don Maughan, Member