

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25372)	
BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT)	Decision: 1550
Applicant)	Source: Unnamed Stream
MESA RANCH, PARTNERSHIP)	County: Marin
Protestant)	

DECISION APPROVING APPLICATION 25372

BY THE BOARD:

Bolinas Community Public Utility District (Bolinas) having filed Application 25372 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 by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of Application

1. Application 25372 is for a permit to appropriate 30 acre-feet per annum (afa) by storage from October 15 to April 15 for municipal use from an unnamed stream tributary to the Pacific Ocean. The point of diversion is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 23, T1N, R8W, MDB&M.

Applicant's Project

2. In 1977 Bolinas constructed an earth dam 24 feet high and 455 feet long, forming a reservoir called Woodrat No. 1. The reservoir has a maximum water surface area of about three acres and a capacity of about 30 acre-feet (af), much of it provided by excavation. The water stored in Woodrat No. 1 is used to supplement municipal use within Bolinas and will be distributed through the existing system. During the 1976-1977 drought, Bolinas suffered water shortages, and is attempting to develop a dependable water supply.

Protests

3. Mesa Ranch Partnership protested the application on the basis of injury to its riparian rights. Protestant claims the unnamed stream is the only dependable source of water for livestock on its property. Mesa Ranch has filed Statement of Water Diversion and Use S9413 in support of its claim. It claims to use water from the unnamed stream for watering 200 head of cattle. However, no cattle were on the property during the field investigation, nor was there any evidence of cattle having used the property recently. From these observations and the nature of the watershed, it is unlikely that the stream could support the use claimed.

4. Mesa Ranch agreed to withdraw its protest if Bolinas would guarantee an annual flow of water approximating the normal flow in the stream. In response, Bolinas requested Mesa Ranch to define specifically what it considers to be normal flow. In addition, Bolinas offered to annex the Mesa Ranch or any part of it and to provide stockwater to it. However, Mesa Ranch is unwilling to make a commitment as to its needs and has not responded to Bolinas's offer to provide stockwater. It also should be pointed out that Board policy is not to deny an appropriation simply because of a protest by a downstream riparian owner who is not exercising his right. Additionally, other streams are available to Mesa Ranch. The Point Reyes National Seashore is currently in litigation with Mesa Ranch over acquisition of the property.

Availability of Unappropriated Water

5. The watershed contributing to the reservoir consists of about 80 acres at an average elevation of about 400 feet. The runoff is derived entirely from rainfall, which averages 30 inches per year. Most of the runoff occurs during the winter and spring. Because of the limited size of the drainage area and the length of the water course, the runoff generated by storms passing over the area would be of short duration. During non-storm periods the stream is dry.

6. Unappropriated water is available to supply the applicants during the season requested 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.

Environmental Considerations

8. This Board decision authorizes the following activity: collection and storage of water in an existing reservoir for municipal purposes. Such activity constitutes only a minor modification to land, and such activity is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Record in This Matter

9. The records, documents, and other data relied upon in determining the matter are: Application 25372 and all relevant information on file therewith, particularly the Engineering Staff Analysis dated August 30, 1979; licensed Applications 4881 and 9745; permitted Applications 19571 and 22748; Applications 25648 and 25772; Statement of Water Diversion and Use S9413; topographic maps published by the U. S. Geological Survey.

Conclusions

10. From the foregoing findings, the Board concludes that Application 25372 should be approved and a permit issued to the applicant subject to the conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 25372 be approved and a permit issued to the applicant subject to vested rights. The permit shall

contain all applicable standard terms (5i, 6, 10, 11, 12 and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 30 acre-feet per annum to be collected from October 15 of each year to April 15 of the succeeding year.

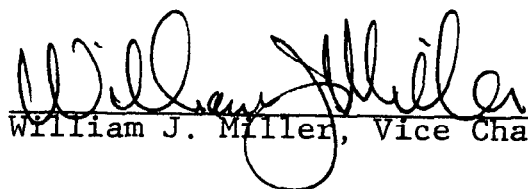
2. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

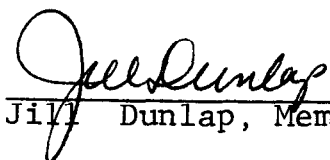
3. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in its dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order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

Dated: JAN 24 1980


Carla M. Bard, Chairwoman


L. L. Mitchell, Member


William J. Miller, Vice Chairman


Jill Dunlap, Member


F.K. Aljibury, Member

*The Board maintains a list of standard terms. Copies may be obtained upon request.