

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

ADOPTED FEB 21 1963

In the Matter of Application 19948
of Alan C. and Dena Draper Taft
to Appropriate from Reynolds Creek
in Mendocino County

Decision D 1107

DECISION DENYING APPLICATION

Alan C. and Dena Draper Taft having filed Application 19948 for a permit to appropriate unappropriated water; protests having been received; the applicants 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 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 19948 is for a permit to appropriate 7,790 gallons per day (gpd) by direct diversion, year-round, for irrigation and domestic purposes from Reynolds Creek in Mendocino County. The point of diversion is to be located within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T16N, R17W, MDB&M.

2. Reynolds Creek rises in a marshy area at the westerly toe of the coastal mountains along the Mendocino County coast line at an approximate elevation of 300 feet and

from that point trends in a southwesterly direction approximately one-half mile to the Pacific Ocean. The applicants' project is, for the most part, completed, and they have been diverting from the creek for a number of years at a point approximately one-quarter mile above the nearest protestant for the irrigation of one-half acre and domestic use under claim of riparian right.

3. Protestants Parker, Blanchard, St. Hill, and Rabitte divert either directly from Reynolds Creek or from its underflow by means of under drains or wells for domestic purposes under claimed riparian rights.

4. The maximum amount of water observed at the applicants' point of diversion during the summer months in 1961 and 1962 was 1,420 gpd, on November 16, 1961, it was 1,190 gpd and on March 7, 1962, during the rainy season, it was 2,160 gpd, or approximately 18 per cent of the amount requested by Application 19948.

5. The flow of Reynolds Creek at a point immediately below the applicants' point of diversion on November 16, 1961, was 250 to 300 gpd, and on March 7, 1962, there was no flow passing that point. The flow of the creek at the State Highway No. 1 crossing, located between the applicants' point of diversion and the point of diversion of the nearest protestant, on August 17, 1962, was 1,400 gpd. The years 1961 and 1962 were years of average rainfall.

6. During the summer and early fall there is insufficient water in Reynolds Creek to satisfy the existing uses of

the protestants. According to the application, the irrigation season extends from May 1 to October 30. A permit for predominately irrigation purposes during the relatively small portion of the irrigation season when unappropriated water is available would be of little or no value to the applicants. They must necessarily rely on riparian rights to divert during the major part of the irrigation season.

7. There is not sufficient unappropriated water available in the source to justify approval of the application.

From the foregoing findings, the Board concludes that Application 19948 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 19948 and all relevant information on file therewith, particularly the report of the field investigation made November 16, 1961, and United States Geological Survey Navarro 15-minute, Elk 7 $\frac{1}{2}$ -minute, Albion 7 $\frac{1}{2}$ -minute, and Mendocino 7 $\frac{1}{2}$ -minute quadrangles.

IT IS HEREBY ORDERED that Application 19948 be, and the same 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 , 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member