

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 22297)
of Peter and Jane V. Hunt to Appro-)
priate from East Fork Tunitas Creek) Decision D 1271
in San Mateo County)

DECISION APPROVING APPLICATION

Peter and Jane V. Hunt having filed Application 22297 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 22297 is for a permit to appropriate 18.2 acre-feet per annum by storage from November 1 of each year to May 1 of the succeeding year for irrigation and domestic purposes from East Fork Tunitas Creek in San Mateo County. The point of diversion is to be located within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, T6S, R5W, MDB&M.

2. East Fork Tunitas Creek rises southeast of Durham Ridge at an approximate elevation of 1,600 feet and

flows in a general southwesterly direction approximately 2.7 miles to join Tunitas Creek. Tunitas Creek continues from this junction approximately 2.5 miles in the same direction to empty into the Pacific Ocean. Dry Creek enters Tunitas Creek from the west approximately one-half mile above the mouth of Tunitas Creek.

3. Applicants plan to construct a dam on East Fork Tunitas Creek approximately 1.3 miles upstream from the East Fork Tunitas Creek junction. It will form a reservoir which will have a capacity of 18.2 acre-feet. Water stored in the reservoir will be conveyed through 2,640 feet of pipe for use at a residence and for the irrigation of 8 acres of orchard and 23 acres of pasture.

4. Protestant George Chalfant is located on Tunitas Creek approximately one-quarter mile above the Tunitas Creek-Dry Creek junction. He claims riparian and pre-1914 appropriative rights to the use of water from Tunitas Creek on approximately 190 acres for stockwatering, irrigation, fire control, and support of wildlife. Protestant Robert G. Shephard is located just above the mouth of Tunitas Creek. He claims a riparian right to the use of water from the creek at 20 cabins. Arthur G. Manzo and Martin J. Sweeney are located just below the confluence of Tunitas Creek and Dry Creek. They hold Permit 14872 (Application 20568) to appropriate 220 acre-feet from Tunitas and Dry Creeks for storage on Dry Creek from about November 1 of each year to about

May 1 of the succeeding year. They appeared at the investigation as interested parties and requested that their rights under this permit be respected.

5. There are no records of the flows of Tunitas, East Fork Tunitas, and Dry Creeks. However, since October 1958, the U.S.G.S. has maintained records of the flows of Purisima Creek, which discharges into the Pacific Ocean approximately three miles north of the mouth of Tunitas Creek. Except for their size, the watersheds of Purisima Creek and Tunitas Creek are similar. The watershed of Purisima Creek above the U.S.G.S. gaging station is approximately 3,100 acres, and the watershed area at Tunitas Creek above Dry Creek is approximately 5,360 acres. A study of the flows of Tunitas Creek, based on the records of Purisima Creek and adjusted for the difference in size of the two watersheds, shows that the runoff of Tunitas Creek varies from a low during the year 1960-61, an extremely dry year, of 1,100 acre-feet to a high of 6,830 acre-feet during the year 1964-65. The total annual requirements of the applicants, protestants, and the holders of Permit 14872 total approximately 252 acre-feet. There is ample water available on an annual basis for the storage proposed by the applicants.

6. Protestant Chalfant questions the availability of surplus water to satisfy Application 22297 during the months of April and November. A refinement of the study referred to above shows that there was sufficient water developed below the applicants' point of diversion to supply protestants

Chalfant and Shephard with their entire annual requirements during every November and during every April since November of 1958.

7. Unappropriated water is available to supply the applicants, 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.

8. The intended use is beneficial.

9. In order to protect protestants and other holders of downstream prior rights in years when there is not sufficient water to satisfy those rights, the permit issued on Application 22297 should contain a term providing for release of water from the applicants' reservoir.

From the foregoing findings, the Board concludes that Application 22297 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 22297 and all relevant information on file therewith, particularly the report of the field investigation made on July 7, 1966.

ORDER

IT IS HEREBY ORDERED that Application 22297 be, and it is, approved and that a permit be issued to the applicants 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 18.2 acre-feet per annum by storage to be collected from about November 1 of each year to about May 1 of the succeeding year.

This permit does not authorize collection of water to storage outside of 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 December 1, 1967, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1969.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights 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 Rights 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. Permittee shall allow representatives of the State Water Rights 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.

9. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit. 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 Rights Board to comply with this paragraph.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California.

Dated: **MAY 11 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