

BEFORE THE DIVISION OF WATER RESOURCES  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

c0o

In the Matter of Application 11119 of Alex Young  
to Appropriate Water from Maacama Creek,  
Tributary to Russian River in Sonoma County for  
Irrigation and Stock Watering Purposes.

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Decision A 11119 D 557  
Decided August 26, 1947

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APPEARANCES AT INVESTIGATION CONDUCTED BY THE  
DIVISION OF WATER RESOURCES AT THE SITE OF THE  
PROPOSED APPROPRIATION ON MAY 16, 1947.

For Applicant

Alex Young

J. LeRoy Wehr

For Protestants

John R. Russell )  
Pete Barrett )  
E. Puccinelli )

E. T. Koford

James H. Caples

J. Stulzel

William M. Taylor )  
V. G. Newfield )  
A. L. Goodhue )

In propria persona

For Division of Water Resources

S. C. Whipple, Associate Hydraulic Engineer for  
Edward Hyatt, State Engineer,  
Division of Water Resources, Department of Public Works,  
State of California.

Also in attendance were the applicant, protestants John R. Russell  
and E. Puccinelli, the latter's brother R. Puccinelli and R. Cook, an employee  
of protestant Russell.

OPINIONGeneral Description of Project

The application was filed with the Division of Water Resources by Mr. Alex Young on July 26, 1945. It envisions an appropriation of 0.31 cubic foot per second by pumping from Maacama Creek from April 1 to December 1 of each season, for irrigation and stock watering purposes, the point of diversion and place of use both being on the applicant's land, the irrigation to include some 15 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and some 10 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, T. 9 N., R. 8 W., M.D.B. and M., the stock watered to be mainly poultry. The project is already in operation but irrigation has not yet expanded to the extent proposed.

Protests

The objections of the several protestants are based on alleged insufficiency of summer flow. They believe that any increase in quantities diverted will cause the stream to go dry sooner and remain dry longer, and to cause recession of the water table from which they derive their supply when the surface flow fails.

William M. Taylor apprehends that diminution of supply during periods of drouth will cause concentration of sewage with resultant contamination of drinking water.

John R. Russell argues that further reduction of supply during drouth periods will destroy the natural subirrigation which the lower users now enjoy.

James H. Caples, Jr. objects to the increased pumping lift that would result from increased upstream diversions.

E. Puccinelli and Pete Barretti object to further lowering of the ground water level during the dry season because of the adverse effect it

would have upon subirrigation.

A. L. Goodhue apprehends that increased diversion of water upstream will cause his well to go dry and will deny his chickens a place to drink.

#### Field Investigation

Application 11119 having been filed and protests against approval thereof having been received was regularly set for a field investigation of which the applicant and record protestants were duly notified and did agree by signed stipulations to abide by the report and subsequent findings of such investigation. At the investigation the protests of V. G. Newfield and A. L. Goodhue were also considered; these individuals claimed lack of earlier notification and signed and submitted protests and stipulations on the spot.

#### Records Relied Upon

Application 11119 and all data and information on file therewith.

#### Discussion

The report of the investigation made on May 16, 1947, indicates that the surface flow of Maacama Creek, which measured 9 cubic feet per second on date of investigation, usually diminishes to nothing by mid-June, and reappears after the first Fall rain, which ordinarily occurs in September; the creek channel normally being dry throughout July and August, all users at that season becoming dependent upon underflow.

The report also indicates that the lands involved are all riparian, and disposed along the reach of Maacama Creek extending from the applicant's point of diversion to the junction of Maacama and Franz Creeks, a distance of about  $1\frac{1}{2}$  miles; that total present use by all parties concerned, including the applicant, approximates 195 gallons per minute; that diversions by the parties are effected by pumping, either from sumps in the creek-bed or

from closely adjacent wells both dependent, apparently, upon the underflow of Maacama Creek when the surface flow fails; and that the proposed expansion of the applicant's project would amount to an increase of total demands upon the stream (within the reach considered) of 83 gallons per minute or some 43% of present, total use.


From the information above adduced it is apparent that of the 8 months through which the applicant desires to divert, a surplus of surface flow exists, normally, during April, May, October, November and a part of June and September; that during July, August, late June and early September, a supply from underflow has been available thus far although at an increased cost for pumping. Additional pumping during the low water months will tend to increase pumping costs somewhat. The amount of such increase due to the diversion proposed by applicant Young is not closely predictable but information at hand does not indicate that it would be excessive. In this connection it has become the well established policy of the Division that protestants have no right to insist upon maintenance of water level for the sole purpose of facilitating pumping but must yield to the public policy and welfare declared in Section 100 of the State Water Code. The uses to which the applicant proposes to put the waters sought are beneficial ones. No bar is apparent to the approval of the application, which, in our opinion should be approved, subject to the usual terms and conditions.

#### Order

Application 11119 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733b of the Administrative Code and the State Engineer now being full informed in the premises:

IT IS HEREBY ORDERED that Application 11119 be approved and that a permit be issued to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this *26<sup>th</sup>* day of *August*, 1947.

  
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State Engineer

