

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12526 by San Luis Obispo County
Waterworks District No. 5 to Appropriate Water from Salinas
River in San Luis Obispo County for Municipal and Domestic
Purposes and Fire Protection.

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Decision A. 12526 D. 739

Decided April 14, 1952

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In Attendance at Investigation Conducted by the Division of
Water Resources at Templeton on June 19, 1951:

M. F. Gates	Member of Applicant's Board of Directors
H. T. Johnson	Deputy County Road Commissioner
John Ruskovich	County Supervisor
Duane R. Hall	Protestant
Charles W. Hunter	Protestant
A. S. Wheeler	Senior Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer

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OPINION

General Description of the Project

The applicant seeks to appropriate from Salinas River $1\frac{1}{2}$ cubic feet per second, year-round, for diversion for direct application without storage, and 200 acre-feet per annum to be collected in temporary storage between October 1 and April 1 of each season and later applied to beneficial use. The water is wanted for municipal and domestic purposes

at the town of Templeton, stated population 700. According to the application the storage dam (Salinas Dam) is a concrete structure 101 feet high and 100 feet long, the dam creating a reservoir 1000 acres in surface area and 45000 acre-feet in capacity. The project includes an existing 24 inch concrete pipeline 36200 feet long and a contemplated 73920 foot extension, the latter to be a 12 inch diameter pipeline of 14 gage riveted steel. Salinas Dam, described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T30S R14E, is designated as the proposed point of diversion.

Protests

Duane R. Hall protests the application, asserting that to the best of his information and belief the proposed appropriation will so lower the water level in the river bed that it will be impracticable for him to continue to irrigate without deepening his well and installing heavier pumping equipment. He states:

"The water level is at present so low that it has been necessary to shut down my pump part of the time for the last 60 days, due to the Pozo dam holding back the natural flow - - -"

Protestant Hall claims a water right under Permit 2267 (Application 4421, License 847). He states that he uses 0.55 cubic foot per second, for agricultural purposes, from about March 1 to about November 1 of each season and also uses water for domestic purposes, year-round. He states that his diversion heads within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T27S R12E, MEB&M. He states that his protest may be disregarded and dismissed if the applicant will deliver 0.55 cubic foot per second without additional cost to him (the protestant), at his point of distribution.

Charles W. Hunter protests that the proposed appropriation will so reduce his irrigation supply that his irrigated crops will die. He claims a riparian right, an ancient appropriative right and a recent appropriative right, the latter under Application 12285 (Permit 7287). He states that his protest may be disregarded and dismissed if the applicant will deliver 2000 gallons per minute to a designated point on his (Protestant Hunter's) ranch, without added cost. He states that his ranch is 2000 acres in extent and borders on Salinas River; also that he currently pumps 500 gallons per minute from a well on the river bottom about 3 miles north of the applicant's proposed place of use. He states that at one time he used 2000 gallons per minute and that he may wish to do so again.

Answers

The applicant answers Protestant Hall by denying that the Salinas Dam holds back any natural flow of the river and asserting that inflow into Salinas Reservoir is measured periodically and that releases equal inflow. It argues that effects attributed to the dam are mainly due to the deficient rainfall of recent years. It asserts that it would be impractical and financially impossible to meet the condition suggested by Protestant Hall, viz. the delivery of a specified amount of water to him, without cost. It asserts that Protestant Hall's supply comes not only from Salinas River but also from tributaries entering that stream below the applicant's proposed intake.

The applicant answers Protestant Hunter in effect that most of the protestant's supply comes from tributaries entering Salinas River below Salinas Dam and that it would be impractical and financially impossible to meet the conditions under which the protestant agrees to the withdrawal of his protest, because in so doing a pipe line of 3 times the capacity otherwise necessary would have to be provided.

Field Investigation

The applicant and the protestants having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was scheduled and a conference was held at the applicant's office at Templeton on June 19, 1951. The applicant and the protestants were present or represented at the conference. The results of the conference, at which an engineer of the Division was also present, made a field investigation unnecessary.

Records Relied Upon

Application 12526 and all data and information on file therewith.

Discussion

The flow of Salinas River is regulated by a dam generally referred to as Salinas Dam and located within Section 8, T30S R14 E, MDB&M. The usable capacity of the resultant reservoir (Salinas Reservoir), according to USGS Water Supply Paper 1121, is 26000 acre-feet. According to the same authority the tributary watershed above Salinas Dam is 111 square miles in extent. The outlet of the dam is reported to have been closed on December 6, 1941, since which date, according to the Water Supply Papers and unpublished USGS records, maximum amounts stored, by water years (October to September), have been as follows:

<u>Water-year</u>	<u>Maximum Contents During Year (acre-feet)</u>
1941-42	17590
42-43	20480
43-44	17170
44-45	24120
45-46	19290
46-47	13900
47-48	8220
48-49	8460
1949-50	12000

In addition to the record of quantities stored at Salinas Reservoir, the USGS Water Supply Papers contain records of the flow of Salinas River at the following locations:

<u>Station Designation</u>	<u>Location with Reference to Salinas Dam</u>	<u>Area of Tributary Watershed(sq. mi.)</u>
Salinas River near Pozo	7 miles above Dam	72.5
Salinas River above Pilitas Creek	2 miles below Dam	125.0
Salinas River near Santa Margarita	9 miles below Dam	148.0
Salinas River at Paso Robles	31 miles below Dam	389.0

Monthly mean flows of Salinas River near Pozo and Salinas River at Paso Robles are of especial interest in connection with Application 12526. According to the USGS records such flows, since the water-year 1941-42, have been as set forth in the 2 following tabulations.

Sellinas River near Pozo

	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47	1947-48	1948-49	1949-50
October	1.47	1.72	1.70	1.10	.89	0.72	.53	0.19	0.40
November	2.34	2.29	2.52	2.52	1.38	22.6	.97	0.55	1.01
December	2.73	3.56	2.56	2.56	4.81	10.9	1.17	1.83	1.50
January	266.	2.79	2.59	2.59	3.08	5.14	1.10	1.13	3.27
February	47.6	68.4	87.9	87.9	3.24	3.74	1.39	1.81	46.4
March	227.	53.7	51.4	51.4	50.6	3.13	1.78	38.6	5.74
April	21.8	6.04	10.7	10.7	18.0	2.39	3.53	3.06	14.8
May	5.33	4.34	3.55	3.55	2.69	1.52	1.45	1.79	2.54
June	3.01	2.76	2.21	2.21	1.64	.96	.90	1.04	1.34
July	1.92	2.24	1.80	.99	.80	.43	.33	.41	0.66
August	1.42	1.54	1.08	.56	.55	.29	.15	.36	0.45
September	1.34	1.34	1.01	.73	.32	.37	.10	.20	0.37
Mean (c.f.s.)	49.0	12.3	13.4	7.39	4.33	1.11	4.30	6.24	
Total (Ac. Ft.)	35480.	8900.	9720.	5350.	3130.	808.	3110.	4520.	

Salinas River at Paso Robles

	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47	1947-48	1948-49	1949-50
October	1.56	117.	0.	0.	19.7	0.	0.	0.	0.
November	5.74	28.9	0.	0.	14.8	49.8	0.	0.	0.
December	288.	13.1	6.17	9.32	103.	38.3	0.	0.	0.
January	302.	847.	12.2	12.2	39.1	29.3	0.	0.	13.7
February	215.	739.	364.	347.	42.8	32.3	0.	14.4	287.
March	189.	1564.	452.	332.	120.	21.0	11.9	205.	81.5
April	296.	181.	46.1	100.	111.	12.5	108.	29.1	76.5
May	70.7	46.8	21.0	12.9	7.49	.27	6.36	1.15	4.41
June	13.4	9.33	5.19	1.44	.13	0.	.35	0.	.17
July	.37	.37	0.	0.	0.	0.	0.	0.	0.
August	1.91	0.	0.	0.	0.	0.	0.	0.	0.
September	41.0	0.	0.	6.4	0.	0.	0.	0.	0.
Mean (c.f.s.)	118.	297.	74.6	66.6	38.2	15.1	10.4	21.	36.8
Total (Ac. Ft.)	85610.	215000.	54170.	48220.	27630.	10970.	7570.	15220.	26600.

Rainfall at Paso Robles, according to U. S. Weather Bureau records, has averaged 16.09 inches over a 63 year period. During the seasons corresponding to the water years considered in the above flow tabulations rainfall is reported to have been as follows:

<u>Season</u>	<u>Inches</u>	<u>Percentage of 63 Year Mean</u>
1941-42	15.30	95.2
42-43	17.21	106.8
43-44	12.30	76.4
44-45	12.00	74.6
45-46	11.20	69.7
46-47	10.27	63.8
47-48	10.47	65.1
48-49	9.65	59.8
1949-50	11.29	70.2

In approaching a decision as to action to be taken upon Application 12526 the relative locations of the parties' points of diversion and the records of flow of Salinas River at Poso and at Paso Robles warrant especial consideration. The river distance from Salinas Dam to the gaging station at Paso Robles, as earlier stated, scales roughly 31 miles. Protestant Hall scales about 2 miles upstream from the gaging station at Paso Robles and Protestant Hunter about 1 mile upstream from Protestant Hall. Templeton (the applicant's proposed place of use) scales about 4 miles upstream from Protestant Hunter.

Protestants Hunter and Hall contend that the proposed appropriation will lower the water table in the reach from which they pump. Obviously after the surface flow of an intermittent stream ceases, as the flow of Salinas River (at Paso Robles) usually does in early summer, pumping from the gravels tends to lower ground water levels. However it is an accepted principle that such lowering of ground water levels is not a bar to the approval of an application to appropriate when it appears that the resultant lowering will be slight and will not materially interfere with the exercise of prior rights.

The amount which the applicant seeks to appropriate (1.5 cubic feet per second, year-round, plus 200 acre-feet per annum, equivalent altogether to about 1280 acre-feet per annum) is small in comparison with the surface flow which passes the protestants and is measured at Paso Robles. According to the record of flows at Paso Robles (tabulated in an earlier paragraph) annual flows passing that gaging station have recently ranged from 7560 to 215000 acre-feet. According to the map no tributary of consequence enters Salinas River between either of the protestants' lands and Paso Robles. It is noteworthy that the seasons of the period covered, except the season of 1942-43, were seasons of subnormal rainfall.

From the facts just set forth it is at once apparent that the applicant's proposed diversion of 200 acre-feet to be collected between October 1 and April 1 of each season may be made without substantial injury to the protestants. The same facts, considered in connection with the record of discharges at Paso Robles and the relative locations of the parties points of diversion, actual or proposed, indicate that when the surface flow at Paso Robles is substantial, a condition that apparently obtains half or more of the time, the direct diversion of 1.5 cubic feet per second, as also proposed by the applicant, may be made without material injury to the protestants. When surface flow fails at Paso Robles sub-surface flow may or may not fail also - this is a point that the data do not cover. Should sub-surface flow fail, Protestants Hall and Hunter would be dependent upon underground storage, the extent of which also is unknown. The only times, conceivably, that the protestants could be

injured by a diversion of up to 1.5 cubic foot per second by the applicant would be when the effect of that diversion is felt at the protestants' intakes, or either of them. Since the river distance from Salinas Dam to the protestants' intakes is some 28 miles, an unknown but probably appreciable part of that distance is often dry in summer and fall, and the rate of travel of water underground is slow, it would probably be a matter of months, after the intermittent flow of the stream ceases, before the diversion proposed by the applicant would be felt by either protestant. Should the application be approved and diversion thereunder occasion substantial lowering of ground water levels at either protestant's intake it would be incumbent upon the applicant to temporarily cease diverting. The protestants' rights in such event would be sufficiently protected by the wording contained in every permit, limiting diversions thereunder to diversions not in conflict with prior rights. The protestants' apprehension that injury will result from the proposed appropriation therefore appears unwarranted and the protests insufficient.

The "Salinas Reservoir System in San Luis Obispo County, California" is the title of a report prepared by the Division of Water Resources and released in March, 1947. The report is based upon a study of relevant data in the files of the Los Angeles District office and the San Francisco Division office of the Corps of Engineers, U.S. Army, upon a review of relevant water right information in the files of the Division of Water Resources and upon a field inspection made in January, 1947. According to statements contained in that report the Salinas Reservoir system, constructed in 1941 by the War Department as a war measure to supply Camp San Luis Obispo with water, includes Salinas Dam and Reservoir,

a water transmission system including 15 miles of pipe line (capacity 12.4 cubic feet per second), 2 pumping plants, 2 regulating reservoirs with appurtenances, a 5327 foot tunnel and, at Camp San Luis Obispo, a filtration plant; the capacity of the reservoir is 26000 acre-feet; and the estimated safe yield from the reservoir is 6000 acre-feet per annum, after due allowance for prior downstream rights. The report among other conclusions and recommendations sets forth the following:

"Approximate storage capacities of 3400 and 6500 acre-feet are respectively required in the Salinas Reservoir to insure annual yields of 1600 and 2400 acre-feet of water to supply present and estimated ultimate demands of prior rights of the City of San Luis Obispo.

"Prior rights together with appropriations sought under pending applications filed for rights in and to waters stored in the Salinas Reservoir are in excess of safe annual water yield - - -.

"Control and operation of the Salinas Reservoir system by a responsible public agency close and responsive to present and prospective water users would result in the maximum benefit from the system."

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"Applications should be filed under the provisions of the State Water Code by the towns of Atascadero and San Miguel, and by the San Luis Obispo County Water District No. 5 for the town of Templeton for supplemental water from the Salinas Reservoir to meet the respective water requirements of the municipalities or the inhabitants thereof for domestic purposes.

"The Salinas Reservoir should be operated in such a manner that municipalities having permits issued by the State for use of water stored therein for the municipalities or the inhabitants thereof for domestic purposes shall receive the preference for such purposes as set forth in Section 1460 of the Water Code."

The record of monthly mean flows of Salinas River near Pozo, tabulated on an earlier page, indicates that in only 1 of the 8 complete

water-years of record was the total inflow into Salinas Reservoir sufficient to fill that reservoir. In that 1 water-year however, which was the only water-year within the period considered when rainfall (at Paso Robles) was above normal, excess of inflow over capacity was large. The same record indicates that monthly mean flows entering the reservoir during summer and fall months, including the summer and fall months of the single year of above-normal rainfall, were too meager to warrant the assumption that unappropriated water exists during those months; but that the monthly mean flows during the winter and spring months were often substantial. The data point to the probable occurrence of unappropriated water in amounts sufficient to satisfy in most years that portion of the application relating to the diversion to storage of 200 acre-feet annually, collected between October 1 and April 1; and, during rainy seasons of wet years, sufficient to satisfy, at least in part, the direct diversion feature of the application.

Summary and Conclusion

The circumstances above outlined indicate that unappropriated water probably exists in the source from which appropriation is sought under Application 12526, at Salinas Dam, from about October 1 to about April 1, in amounts sufficient to support, in most seasons, diversions of 200 acre-feet per annum and to support, in seasons of above normal rainfall, a direct diversion of 1.5 cubic feet per second. The circumstances indicate that such unappropriated water may be taken and used beneficially in the manner proposed by the applicant, without injury to other users on Salinas River. It is the opinion of this office therefore that Application 12526 should be approved, subject to the usual terms and conditions, with diversions thereunder limited to periods extending from about October 1 to about April 1.

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ORDER

Application 12526 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a stipulated hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12526 insofar as it relates to diversion from about October 1 to about April 1 be approved and that a permit be issued subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that authorization to divert under Application 12526 from about April 1 to about October 1 be denied.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 14th day of April 1952.



A. D. Edmonston

A. D. Edmonston
State Engineer