

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

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In the Matter of Application 18692)
of Clyde E. Bushnell and Eleanor Bushnell)
to Appropriate from an Unnamed Spring) Decision No. D 953
and Zayante Creek in Santa Cruz County)
ADOPTED FEB 2 '60

DECISION APPROVING APPLICATION

Clyde E. Bushnell and Eleanor Bushnell having filed Application 18692 for a permit to appropriate unappropriated water; a protest having been received from the City of Santa Cruz; the applicants and protestant having stipulated to proceedings in lieu of a hearing as provided for under Section 737 of the California Administrative Code, Title 23, Waters; and an investigation having been held by the State Water Rights Board pursuant to said stipulation; the Board relying upon Application 18692 and all relevant information on file therewith, particularly the report of field investigation made on October 9, 1959; License 1553 (Application 4017), Permit 2738 (Application 5215), Permit 2859 (Application 5055); United States Geological Survey "Castle Rock Ridge" and "Felton" 7½-minute quadrangles, and "Santa Cruz" 5 by 11 minute quadrangle; and United States Geological Survey, Water Supply Papers, Part 11, "Pacific Slope Basins in California", finds as follows:

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1. Application 18692 is for a permit to appropriate 300 gallons per day by direct diversion, year-round, from an unnamed spring tributary to Zayante Creek, and one acre-foot per annum by storage to be collected between January 1 and April 30 of each year from Zayante Creek. The water is to be used for domestic and irrigation purposes within a 12.5-acre parcel of land on which the points of diversion are situated.

2. Zayante Creek flows about 10 miles to its confluence with San Lorenzo River from which point San Lorenzo River continues some 9 miles to the Pacific Ocean. The applicants' point of diversion from Zayante Creek is within the upper one mile of the Creek. The unnamed spring is about 700 feet to the west of the creek channel.

3. City of Santa Cruz diverts water from the San Lorenzo River at a point about 6.5 miles downstream from the confluence of Zayante Creek and said River, as authorized by its License 1553 (Application 4017) and Permit 2738 (Application 5215), which together authorize diversion of 31.2 cubic feet per second, year-round, for municipal and domestic purposes.

4. The maximum monthly diversion from the San Lorenzo River by the City of Santa Cruz during the period July 1949 through June 1959 was 246,610,000 gallons during August 1957, or an equivalent continuous flow of 12.7 cfs. Flow of San Lorenzo River at a point five miles upstream from the intake of the City of Santa Cruz during the 19 years of published record has averaged 147 cubic feet per second. During this period, the

daily average flow has been more than 13 cfs approximately 97 per cent of the time.

5. There is unappropriated water available to supply the applicants, and such water may be diverted and used in the manner and at the times proposed by the applicants without causing injury to any lawful user of water.

6. Applicants and their predecessors in title have, since about 1900, diverted and used water from the unnamed spring which is the proposed source of the applicants' direct diversion.

7. The intended use is beneficial.

From the foregoing findings the Board concludes that Application 18692 should be approved and that a permit should be issued to the applicants subject to the usual terms and conditions and to a special condition making it clear that the direct diversion hereby authorized is not in addition to but includes any existing right, riparian or appropriative, which applicants may already have to divert and use water beneficially from said unnamed spring.

ORDER

IT IS HEREBY ORDERED that Application 18692 be, and the same is, hereby approved and that a permit be issued to the applicants subject to vested rights and the following terms and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed

300 gallons per day by direct diversion, to be diverted from January 1 to December 31 of each year, and one acre-foot per annum by storage to be collected from about January 1 to about April 30 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before June 1, 1960, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1961.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1962.

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. Appropriation of water by direct diversion from the unnamed spring, as requested by Paragraph 2(a) of Application 18692 and as hereby authorized, is not in addition to

but is inclusive of any existing right applicants may have to divert and use water from said source.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on this day of , 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member