

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

ADOPTED FEB 21 1963

In the Matter of Application 17232 of
Willow County Water District and
Application 17587 of Millview County
Water District to Appropriate from
Russian River (Underflow) in
Mendocino County

Decision D 1110

1110

DECISION APPROVING APPLICATIONS IN PART

Willow County Water District and Millview County Water District having filed Applications 17232 and 17587, respectively, for permits to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board on February 6, 1962, in Ukiah, California, before Kent Silverthorne, Chairman, and William A. Alexander, Member, the applicants and protestants having been duly notified of said hearing; all evidence received at said hearing having been duly considered, the Board finds as follows:

1. Application 17587 of Millview County Water District is for a permit to appropriate 3.0 cubic feet per second (cfs) by direct diversion, year-round, for domestic use from the Russian River (underflow) in Mendocino County.

The original application designated two proposed wells, one within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, and the other within

the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, both in T15N, R12W, MDB&M. On February 29, 1960, a petition in the form of an amended application was filed to change the purpose of use to include municipal use and to change the point of diversion to a single existing well located within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T15N, R12W, MDB&M. This well is located approximately 312 feet upstream from the confluence of the East and West Forks of the Russian River, hereinafter referred to as "the Forks," and 228 feet west of the westerly bank of the West Fork Russian River. Its source is believed to be principally from the Ukiah ground water basin. The remainder of the supply to the well is derived from the underflow of the West Fork Russian River through gravels underlying the stream, and it is to this extent only that the appropriation is within the Board's jurisdiction.

The applicant is also diverting from another well located nearby which is not included in the application. At the time of the hearing the applicant stated that it wished to have this well considered and that a petition to amend the application to include it would be filed. However, it appears that this well draws from the Ukiah ground water basin exclusively, and use of water from this source is not within the Board's jurisdiction.

2. Millview County Water District contains approximately 3,500 acres located immediately north of the City of Ukiah. It had 185 active customers on February 6, 1962, and it was anticipated that the number of active customers would increase substantially within the next two years.

3. Application 17587 was protested by the Department of Fish and Game. The petitions for change in point of diversion and character of use were protested by the City of Ukiah, Masonite Corporation, and Sonoma County Flood Control and Water Conservation District, hereinafter referred to as "Sonoma District."

4. A flow of 26 cfs will be required to satisfy diversions by the City of Ukiah and Masonite Corporation under claim of prior rights when fully exercised. The total surface and underflow of the West Fork of the river will be required to satisfy these rights during the months of July, August, September, and October.

5. Application 17232 of Willow County Water District is for a permit to appropriate 3.0 cfs by direct diversion, year-round, for domestic use from the Russian River (underflow) in Mendocino County. The points of diversion are at three existing wells located south of the City of Ukiah within 100 feet of the river and within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of projected Section 33, T15N, R12W, MDB&M.

6. Willow County Water District contains an urban area south of the City of Ukiah and west of the Russian River, having a present population of approximately 2,300 with an anticipated population of 4,820 by the year 2010. Its maximum pumping rate of record occurred during the month of August of 1960 when it averaged 1.2 cfs.

7. Protests to Application 17232 were filed by the Department of Fish and Game, and Mendocino County Russian River Flood Control and Water Conservation Improvement District, hereinafter referred to as "Mendocino District."

8. Board Decision D 1030 approved Application 12919A and others of the Mendocino and Sonoma Districts covering appropriation of Russian River water for the Coyote Valley project. This decision required that permits issued pursuant to the applications be subject to a stipulation between the Sonoma District and the California Department of Fish and Game dated August 21, 1959, which provides for maintenance of certain flows in the Russian River for the protection of fishlife and for recreational use, including a flow of 150 cfs at the Forks and 125 cfs at Guerneville. The Board determined that these flows were necessary for the preservation of fishlife in the Russian River and for recreational purposes and that use of water for these purposes would be a reasonable and beneficial use and in the public interest. In most years the maintenance of these flows will not only require all the supply that would be available without the Coyote Valley project during the months of July, August, September, and October but will also require release of project water from storage.

9. The Russian River is one of the more important recreational areas of the State, and the maintenance of existing fishing and recreational facilities is a matter of widespread concern. An important established economy is dependent upon continuation of those facilities.

10. Willow County and Millview County Water Districts lie within the the Mendocino District which, through its participation in the financing of the Coyote project, has a commitment for the use of 8,000 acre-feet per annum of project water within its boundaries. The Mendocino District is willing to sell water to the two districts which would allow them to firm up their water supply during the months when water will not otherwise be available to them.

11. In view of the need for all nonproject water during the months of July through October in most years to maintain fishlife and for recreational purposes and to satisfy prior vested rights, and since the applicants have an adequate supply of water available by contract with the Mendocino District, approval of the applications for that period of the year would not best conserve the public interest.

12. There is unappropriated water to supply both of the applicants from November 1 of each year to July 1 of the succeeding year, 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.

13. The intended uses are beneficial.

14. The permit issued pursuant to Application 17232 should contain a special term requiring the permittee to bypass at its point of diversion 150 cubic feet per second, or the flow of the stream whenever it is less than 150 cubic feet per second, for the preservation of fishlife and for recreational purposes.

15. The changes in the point of diversion and character of use under Application 17587 set forth in the applicant's petition will not result in injury to any lawful user of water and should be approved.

From the foregoing findings, the Board concludes that Applications 17232 and 17587 should be approved in part and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Applications 17232 and 17587 be, and the same are, approved in part and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated pursuant to Applications 17232 and 17587 shall be limited to the amount which can be beneficially used and shall not exceed 3.0 cubic feet per second, each, by direct diversion to be diverted from about November 1 of each year to about July 1 of the succeeding year.

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

3. Complete application of the water to the proposed uses shall be made on or before December 1, 1975.

4. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under these permits, including method of diversion, methods of use, and quantities 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.

6. Permittees 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 these permits.

7. Permittee, under the permit issued pursuant to Application 17232, shall at all times bypass at its point of diversion a minimum of 150 cubic feet per second, or the flow of the stream whenever it is less than 150 cubic feet per second, for the preservation of fishlife and for recreational purposes.

IT IS FURTHER ORDERED that the petition, in the form of an amended application, to change the point of diversion to a well located within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T15N, R12W, MDB&M, and the purpose of use to include municipal use under Application 17587 be, and the same is, hereby granted and the amended application is accepted and approved except that reference to East Branch Russian River in Paragraph 1 thereof is ordered to be deleted.

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