

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

ADOPTED JUN 30 1964

In the Matter of Applications 20060,  
20061, 20695, 20781, 20876, 20877,  
21075, and 21157 to Appropriate from  
Various Streams within the Upper Putah  
Creek Watershed in Lake and Napa Counties

Decision D 1183

DECISION APPROVING APPLICATIONS

Applications 20060, 20061, 20695, 20781, 20876, 20877, 21075, and 21157 having been filed; protests having been received; a public hearing having been held before the State Water Rights Board in Sacramento, California, on July 10, 1963, conducted by Board Members Kent Silverthorne (Chairman), presiding, and William A. Alexander; applicants and protestants having appeared and presented evidence; the evidence at the hearing having been duly considered, the Board finds as follows:

The essential features of subject applications are set forth in Table 1.

1. They are for permits to appropriate water from various streams which are either directly or ultimately tributary to Putah Creek above Monticello Dam.

2. Water occurs in these sources during the diversion season specified in the applications in quantities sufficient to satisfy the applicants except as to the direct diversion portion

TABLE 1

Applications for Appropriation of Unappropriated Water  
From Various Streams Within the Upper Putah Creek Watershed

Applica- tion No.	Applicant	Source	Total Quantity (afa)	Season	Point of Diversion (1)	Purpose (2)
20060	California Leisure Lands, Inc., Dick Week, Curtis & Paula Pulver	2 unnamed streams trib. to and Pope Creek	500	11/1-7/1	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ ; & SW $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec. 9, T9N, R5W	I, S, R, D, & Ind.
20061	Dick Week	Pope Creek and unnamed tributary	500	11/1-4/30	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec. 10, T9N, R5W	I, S, R, D, & Ind.
20695	Robert J. Lassetter	Unnamed stream trib. to Pope Creek	20	11/1-6/15	SW $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec. 36, T10N, R6W	I, S, R, & FP
20781	Charles Sorenson	John Thomas Creek & 3 unnamed streams trib. to Putah Creek	20	10/1-6/1	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ , Sec. 5, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ , Sec. 8, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec. 8, & NE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec. 9, T11N, R5W	S
20876	Magoon Estate, Ltd.	Unnamed stream trib. Putah Creek, Routan Creek	2,600 (3)	9/15-6/30	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ & SW $\frac{1}{4}$ of NW $\frac{1}{4}$ , Sec. 8, T10N, R5W	I & S
20877	Magoon Estate, Ltd.	Bucksnot Creek, 3 unnamed tribs.	1,475 (4)	9/15-6/30	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ & NE $\frac{1}{4}$ of NE $\frac{1}{4}$ , Sec. 4; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ , Sec. 3; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec. 9, T10N, R6W	I & S

TABLE 1 (Contd.)

Applications for Appropriation of Unappropriated Water  
From Various Streams Within the Upper Putah Creek Watershed

Applica- tion No. :	Applicant :	Source :	Total Quantity (afa) :	Season :	Point of Diversion (1) :	Purpose (2)
21075	Loren L. Fallstead	Unnamed stream trib. to Soda Creek	5	10/1-6/1	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ , Sec. 11, T11N, R6W	S, FC, R, & WP
21157	Charles Sorenson	Same as Application 20781	25	10/1-6/1	Same as Application 20781	S, FC, R

(1) All references to township and range are from Mount Diablo Base and Meridian (MDB&M)  
Some sections are projected.

(2) I-Irrigation; S-Stockwatering; R-Recreation; D-Domestic; Ind-Industrial;  
FC-Fish Culture; WP-Wildlife Propagation; FP-Fire Protection

(3) Also direct diversion 3/1-10/31 at rate of 5.1 cfs.

(4) Also direct diversion 11/1-2/28 at rate of 0.033 cfs

of Application 20876 of Magoon Estate, Ltd. Exhibits submitted at the hearing by this applicant show that in only three out of twenty-three years would sufficient runoff occur to fill the upper Bohn Reservoir, the storage feature of Application 20876, and also provide water for direct diversion. In these three years the runoff occurring after the reservoir has filled would be in months of heavy rainfall at the place of use, and a permit to divert water directly would be of no value to the applicant. Application 20876 as it relates to direct diversion should be denied.

3. The projects described in Applications 20781, 21157, and 21075 have been completed.

4. Protestant United States Bureau of Reclamation (hereinafter referred to as the Bureau) holds Permits 10657, 10658, and 10659 to appropriate water from Putah Creek for its Solano Project, the principal features of which are Monticello Dam and Lake Berryessa, which is formed by the dam. It also holds Permit 14186 to store water in Lake Berryessa for use upon lands within the Putah Creek watershed in Napa County. Protestant Solano County Flood Control and Water Conservation District (hereinafter referred to as Solano) has contracted for the water conserved by the project.

5. The permits of the Bureau cover the capacity of Lake Berryessa plus direct diversion of 1,016 cubic feet per second. With releases which are required for flood control and to supply downstream rights, practically the entire flow of Putah Creek is controlled by the Bureau under said permits.

6. There would be no water subject to appropriation in the upper Putah Creek watershed but for a limitation that was included in the permits issued to the Bureau pursuant to Board's Decision D 869, which is as follows:

"14. The permits and all rights acquired or to be acquired thereunder are and shall remain subject to depletion of stream flow above Monticello Reservoir, not to exceed 33,000 acre-feet of water annually, by future appropriations of water for reasonable beneficial use within the watershed of Putah Creek above said reservoir, provided such future appropriations shall be initiated and consummated pursuant to law prior to full beneficial use of water within the project service area under these permits."

7. The maximum ultimate depletion by projects covered by applications filed subsequent to the Bureau's applications to and including Application 21157, the most recent of the subject applications, will be less than 33,000 acre-feet per annum.

8. Full use has not yet been made by Solano of the yield of the Solano Project, upon which event, by the terms of the Board's Decision D 869, no subsequent applications to appropriate water upstream from the project will be approved.

9. There is unappropriated water available to supply the applicants except as to the direct diversion portion of Application 20876, 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.

10. The intended uses are beneficial.

11. Fish culture should be included as a purpose of use under Applications 20060 and 20061 to conform with the applicants' plans as presented at the hearing.

12. The Bureau has requested that any permits issued upon the applications contain provisions to the effect that the permitted amounts may be reduced when depletions in the upper Putah Creek watershed reach 33,000 acre-feet, and that the permittees be required to install outlet pipes at the base of their dams and measuring devices to determine when the 33,000 acre-foot depletion is reached. As the total amount of water under these applications and the permits issued since Board's Decision D 869 is less than the upstream depletion provided for in the Bureau's permits, the suggested provisions are not warranted. However, as to the installation of outlet pipes, a provision requiring same should be contained in permits issued upon Applications 20060, 20061, 20876, and 20877 (Foley Dam No. 3) under the Board's established criteria.

From the foregoing findings, the Board concludes that Applications 20060, 20061, 20695, 20781, 20876 (in part), 20877, 21075, and 21157 should be approved, and that permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

#### ORDER

IT IS HEREBY ORDERED that Applications 20060, 20061, 20695, 20781, 20876 (in part), 20877, 21075, and 21157 be, and they are approved, subject to vested rights and the following limitations and conditions:

1. The amount of water appropriated pursuant to the permit issued on Application 20060 shall be limited to the amount which can be beneficially used and shall not exceed 500 acre-feet per annum by storage, with a maximum rate of diversion to offstream storage from Pope Creek of 2.25 cubic feet per second, to be collected from about November 1 of each year to about July 1 of the succeeding year.

2. The amount of water appropriated pursuant to the permit issued upon Application 20061 shall be limited to the amount which can be beneficially used and shall not exceed 500 acre-feet per annum, with a maximum rate of diversion to offstream storage from Pope Creek of 2.25 cubic feet per second, to be collected from about November 1 of each year to about April 30 of the succeeding year.

3. The amount of water appropriated pursuant to the permit issued upon Application 20695 shall be limited to the amount which can be beneficially used and shall not exceed 20 acre-feet per annum to be collected from about November 1 of each year to June 15 of the succeeding year.

4. The amount of water appropriated pursuant to the permit issued upon Application 20781 shall be limited to the amount which can be beneficially used and shall not exceed 5 acre-feet per annum at each reservoir for a total of 20 acre-feet per annum from about October 1 of each year to about June 1 of the succeeding year.

5. The amount of water appropriated pursuant to Application 20876 shall be limited to the amount which can be beneficially used and shall not exceed 2,600 acre-feet per annum to be collected from about September 15 of each year to about June 30 of the succeeding year.

6. The amount of water appropriated pursuant to permit issued upon Application 20877 shall be limited to the amount which can be beneficially used and shall not exceed a total of 0.033 cubic foot per second by direct diversion at any of the specified points of diversion, to be diverted from about November 1 of each year to about February 28 of the succeeding year and 500 acre-feet per annum at Foley No. 1 Reservoir, 200 acre-feet per annum at Foley No. 2 Reservoir, 495 acre-feet per annum at Foley No. 3 Reservoir, and 280 acre-feet per annum at Detert Reservoir, for a total of 1,475 acre-feet per annum by storage to be collected from about September 15 of each year to about June 30 of the succeeding year.

7. The amount of water appropriated pursuant to the permit issued upon Application 20175 shall be limited to the amount which can be beneficially used and shall not exceed 5 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

8. The amount of water appropriated pursuant to the permit issued upon Application 21157 shall be limited to the amount which can be beneficially used and shall not exceed 10 acre-feet per annum at the reservoir designated as No. 1 in Application 20781 and 15 acre-feet per annum at the reservoir



designated as No. 3 in the same application, for a total of 25 acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

9. The equivalent of such continuous allowance for irrigation use under Application 20877 for any 30-day period may be diverted in a shorter time if there be no interference with vested rights.

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

11. Actual construction work (under permits issued upon Applications 20060, 20061, 20695, 20876, and 20877) shall begin on or before December 1, 1964, and shall thereafter be prosecuted with reasonable diligence and if not so commenced and prosecuted, this permit may be revoked.

12. Construction work (under the aforesaid permits) shall be completed on or before December 1, 1966.

13. Complete application of the water to the proposed use (under all of the permits) shall be made on or before December 1, 1967.

14. 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.

15. 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.

16. 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.

17. These permits do not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Permits issued upon Applications 20060, 20061, 20876, and 20877 shall include the following additional terms:

18. Permittee shall install and maintain an outlet pipe in his dam of such size and at such locations as are specified by the State Department of Water Resources.

19. In accordance with requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees, and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes.

20. Construction of the dam shall not be commenced until the Department of Water Resources has approved plans and specifications.

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            , 1964.

/s/ Kent Silverthorne  
Kent Silverthorne, Chairman

/s/ Ralph J. McGill  
Ralph J. McGill, Member

/s/ W. A. Alexander  
W. A. Alexander, Member