

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 21469  
and 21470 of John Throckmorton to  
Appropriate from Kingston Creek and  
an Unnamed Stream in San Mateo County

Decision D 1217

**ADOPTED MAR 24 1965**

DECISION APPROVING APPLICATIONS IN PART

John Throckmorton having filed Applications 21469 and 21470 for permits to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board, conducted by Chairman Kent Silverthorne and Member Ralph J. McGill, on October 6, 1964, in Conference Room 101, Government Center Building, Redwood City, California; the applicant and protestants having appeared and offered evidence; the Board, having considered all of the evidence and now being fully informed in the premises, finds as follows:

1. Application 21469 is for a permit to appropriate 0.3 cubic foot per second (cfs) by direct diversion, year-round, and 50 acre-feet per annum (afa) by storage from October 1 of each year to June 1 of the succeeding year for irrigation, domestic, recreational, fish culture, fire protection, and stockwatering purposes from Kingston Creek in San Mateo County. The point of diversion is to be located within the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 20, T7S, R4W, MDB&M.\*

\* Mount Diablo Base & Meridian.

2. Application 21470 is for a permit to appropriate 0.6 cfs by direct diversion, year-round, and 50 afa by storage from October 1 of each year to June 1 of the succeeding year for the same purposes as previously described. The source is an unnamed stream in San Mateo County. The point of diversion is to be located within the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 21, T7S, R4W, MDB&M.

3. The projects are unrelated, either as to source or place of use, and would be operated independently of each other. The Kingston Creek project will provide water for irrigation of permanent pasture and stockwatering with incidental domestic, fish culture, and recreational uses. Water from the project on the unnamed stream will be used in connection with a girls' camp which will accommodate about 60 to 100 persons. About 38 acres of permanent pasture will be irrigated for livestock. Additional uses include domestic, fire protection, recreation and fish culture.

4. No direct diversion is intended after June 1 or before October 1, which is the season of normal low summer flow, and the applicant has voluntarily reduced the season of direct diversion accordingly.

5. Those protestants who appeared have no objection to the storage of winter and spring flows and requested that any permits issued be conditioned to require bypass of the normal summer flows.

6. While there are no records of runoff at either damsite or in the immediate vicinity, spot measurements of

San Gregorio Creek made by the Board's staff in connection with Application 20266 indicate that there have been serious shortages of water only during the summer months of July, August, and September. At other times, during most years, there is unappropriated water to supply the applicant, 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 21469 and 21470 should be approved in part and that permits should be issued to the applicant subject to limitations and conditions set forth in the following Order.

#### ORDER

IT IS HEREBY ORDERED that Applications 21469 and 21470 be, and they are, approved in part, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1-a. The water appropriated pursuant to Application 21469 shall be limited to the quantity which can be beneficially used and shall not exceed 0.3 cubic foot per second by direct diversion and 50 acre-feet per annum by storage to be diverted or collected from about October 1 of each year to about May 31 of the succeeding year.

b. The water appropriated pursuant to Application 21470 shall be limited to the quantity which can be beneficially used

and shall not exceed 0.6 cubic foot per second by direct diversion and 50 acre-feet per annum by storage, to be diverted or collected from about October 1 of each year to about May 31 of the succeeding year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

This permit does not authorize collection of water to storage during the period from about June 1 to about September 30 of each season to offset evaporation and seepage losses or for any other purpose.

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

3. Actual construction work shall begin on or before September 1, 1965, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1967.

5. Complete application of water to the proposed use shall be made on or before December 1, 1968.

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. 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.

9. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit. Permittee shall install and maintain an outlet pipe of such size and at such location as is specified by the Department of Water Resources to comply with this paragraph.

10. Permittee shall install and maintain suitable measuring devices (a) upstream from the high-water elevation of his reservoir and (b) immediately below his storage dam in order that accurate measurement can be made of the quantity of water flowing into and out of said reservoir.

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

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

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            , 1965.

~~/s/ Kent Silverthorne~~  
Kent Silverthorne, Chairman

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

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