

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 21853  
of William U. Hudson and Ruth H. Hudson  
to Appropriate from Anderson Creek  
in Mendocino County

Decision D 1281

DECISION APPROVING APPLICATION IN PART

William U. Hudson and Ruth H. Hudson having filed Application 21853 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 21853 is for a permit to appropriate 0.55 cubic foot per second (cfs) by direct diversion from May 1 to October 1 of each year for irrigation from Anderson Creek tributary to Navarro River in Mendocino County. The points of diversion are to be located within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, T14N, R14W, MDB&M.

2. Applicants own about 135 acres of land which borders on Anderson Creek, and they are in the process of developing apple orchards on a total of about 85 acres. Applicants hold Permit 10086, issued on Application 15986, which authorizes the appropriation of 0.75 cfs to be diverted from about May 1 to about October 1 for the irrigation of 63 acres. Application 21853 requests an additional 0.55 cfs for the irrigation of 31 acres, most of which are outside the place of use authorized by Permit 10086. The same two points of diversion authorized by Permit 10086 would be used for the additional acreage under the pending application. Applicants also claim a riparian right to water for use on the land they propose to irrigate.

3. Protestants Richard L. French and Joan W. French are located just downstream from the applicants. The Frenches hold License 7041, issued on Application 15425, which confirms the right to appropriate 0.2 cfs in the summer months for the irrigation of 31 acres.

4. The protestants stated that in August of 1964 they could pump for only three hours per day and then would have to wait overnight for the streamflow to build up and for the diversion sump to fill.

5. Because of the absence of records of flow in Anderson Creek, the staff of the Board made several stream measurements in 1966, a year with rainfall only slightly less

than the average for the seven years from 1960 through 1966. A test in August of applicants' sprinkler system showed that they were diverting water at the rate of 0.58 cfs. After allowing for the additional 0.17 cfs to which applicants are entitled under Permit 10086, and allowing for 0.2 cfs to which protestants French are entitled, it was calculated that, under average conditions, the amount of water required to fully satisfy Application 21853 would not be available in the source beyond June 25, and after about July 25 there would no longer be any water available for this application.

6. There is some unappropriated water available to supply the applicants until about July 31 of an average 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.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 21853 should be approved in part and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following order.

The records, documents, and other data relied upon in determining the matter are: Application 21853 and all relevant information on file therewith, particularly the report of the field investigation dated December 7, 1965, the engineering staff analysis dated April 21, 1967, and U. S. Department of Commerce "Climatological Data."

ORDER

IT IS HEREBY ORDERED that Application 21853 be, and it is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.55 cubic foot per second by direct diversion to be diverted from about May 1 to about July 31 of each 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.

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

3. Construction work shall be completed on or before December 1, 1970.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1971.

5. 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.

6. 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.

7. 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.

8. Upon a judicial determination that the place of use under this permit or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this permit shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

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

Dated: AUG 31 1967

/s/ George B. Maul  
George B. Maul, Chairman

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

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

