

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12198 of Annabel Lagomarsino to Appropriate Water from Laguna de Santa Rosa, Tributary to Russian River in Sonoma County for Irrigation Purposes.

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Decision A. 12198 D. 618

Decided September 16, 1949

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON OCTOBER 29, 1948:

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| Annabel Lagomarsino | Applicant |
| Mr. Lagomarsino | Applicant's husband |
| Ruth W. Finley | Protestant |
| E. Briggs | Protestant's tenant |
| Everett Pierson | Protestant's son-in-law |
| W. W. Godward | Protestant's attorney |
| Emma E. Baker | Lower applicant |
| H. Neles and Mr. Williams | Lower applicant's tenants |
| A. S. Wheeler | Associate Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer |

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O P I N I O N

General Description of the Project

The application was filed with the Division of Water Resources by Annabel Lagomarsino on December 17, 1947. It contemplates a diversion of 1.0 cubic foot per second from Laguna de Santa Rosa, tributary to Russian River in Sonoma County. The water is to be diverted by means of a pump of 600 gallons per minute capacity, the point of diversion being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T 6 N, R 9 W, M.D.M. The water is to be delivered through 1000 feet of 3 inch diameter sprinkler pipe and used for the irrigation of an 80 acre pasture lying within the NW $\frac{1}{4}$ of the same Section 1. Diversion is to extend from April 15 to November 15 of each season. The applicant asserts ownership of the diversion site and of the place of use.

Protest

Ruth W. Finley protests the application, asserting in substance that there is not sufficient water in the source to supply the proposed development in addition to satisfying rights, including her own, that already exist. She represents that the approval of the application will cause misunderstanding and confusion among the interested parties inasmuch as all of the water in question is already in use. She bases her claim of a water right upon Application 11769 and upon prior appropriation and use as a riparian owner, beginning in 1928, to the extent of 1 cubic foot per second. She states that such water has been used annually from May to November inclusive to irrigate 89 acres of orchard and pasture adjacent to the Laguna; her points of diversion being some 2 miles down stream from the applicant's.

In answer to the protest the applicant denies that there is insufficient water in the source to supply her proposed appropriation in addition to satisfying earlier rights. She asserts on the contrary that her tenants have been pumping from the Laguna for approximately 9 years last past and that such pumping has neither lowered the water surface in the pool from which the protestant pumps nor elicited any objections from lower users. She states further that during the irrigation season the channel of the Laguna between her point of diversion and the protestant's dries up, and that for that reason the pumping proposed in her application can not affect the protestant.

Field Investigation

The applicant and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on October 29, 1948 by an engineer of the Division. The applicant and the protestant were both present during that investigation.

Records Relied Upon

Application 12198 and all data and information on file therewith.

Discussion

Under Application 11769, the application referred to in the protest as one of the bases of the protestant's water right, an appropriation was initiated in the amount of 1.0 cubic foot per second, to be diverted from April 15 to November 1 of each season, for the purpose of irrigation. The source named was Laguna de Santa Rosa and 3 points of diversion were described, lying respectively within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T 7 N, R 9 W, M.D.B. & M. Application 11769 was approved and, thereunder, Permit 6883 was issued.

From the report of investigation it appears that some 0.5 cubic foot per second was flowing in Laguna de Santa Rosa on the applicant's property at the time of the investigation, that there was no surface flow immediately below that location, that at and near the City of Sebastopol accretions occur which enter the Laguna down stream from the applicant and are sufficient in their aggregate to meet the protestant's requirements. In view of these circumstances the protestant conceded that little or no interference can result from the applicant's project, and stated that she would consent to the withdrawal of her protest. Such withdrawal was later made effective by a letter from the protestant's attorney, dated November 8, 1948.

Inasmuch as the application is now unopposed and a surplus of unappropriated water appears ordinarily to exist which may be taken and used in the manner proposed by the applicant without injury to the protestant, the application should be approved.

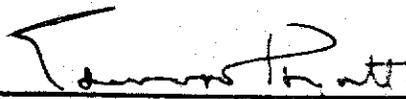
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ORDER

Application 12198 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12198 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 16th day of Sept., 1949.


Edward Hyatt, State Engineer