

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23626)
MARTIN C. and MARTHA K. BROWN)
to Appropriate from Diablo Canyon)
and Three Unnamed Streams)
Tributary to Shingle Mill Gulch)
in Santa Cruz County.)

Decision 1386

DECISION APPROVING APPLICATION

Martin C. and Martha K. Brown having filed Application 23626 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant 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 Resources Control Board pursuant to said stipulation, the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 23626 is for a permit to appropriate four acre-feet per annum (afa) from Diablo Canyon and an unnamed stream tributary to Shingle Mill Gulch, and 0.5 afa from each of two unnamed streams tributary to Shingle Mill Gulch, by storage from November 1 of each year to April 1 of the succeeding year for irrigation, stockwatering, fire protection and recreational purposes.

The points of diversion are to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, T10S, R1E, MDB&M, in Santa Cruz County.

Applicants' Project

2. Diablo Canyon and Shingle Mill Gulch both flow into Corralitos Creek on roughly parallel courses. Three unnamed streams originate on applicants' property and flow into Shingle Mill Gulch. The applicants have constructed a reservoir on each of the three unnamed streams. Two of the reservoirs hold about one-half acre-foot each and the third has a capacity of four to five acre-feet. Applicants propose to store in the largest reservoir up to four acre-feet annually, consisting of water diverted from Diablo Canyon and local runoff.

Protests

3. The City of Watsonville protested the application on the ground that the proposed diversion would interfere with appropriative, riparian and prescriptive rights held by the city. The city's intake is located on Corralitos Creek approximately three miles downstream from the confluence of Diablo Canyon and two and one-half miles downstream from the confluence of Shingle Mill Gulch. From records kept at the city's filtration plant, the maximum diversion by the city has been about 2,400,000 gallons per day or 3.7 cubic feet per second (cfs).

Water Supply

4. There are two USGS gaging stations located on Corralitos Creek, one about one-half mile downstream and the

other two and one-half miles downstream from the intake of the City of Watsonville.

The period of record for the upper station is from October 1957 and shows a 12-year average discharge of 9.07 cfs, equivalent to 6,590 afa. The lower station record is from October 1956 and the 13-year average discharge is 10,140 afa. The distribution of flow at the upper station is indicated by the mean monthly flows during 1968-1969 which were as follows:

December	4.82 cfs	June	1.65 cfs
January	70.6	July	.45
February	77.2	August	.22
March	29.8	September	.18
April	10.4	October	.087
May	3.57	November	.96

Availability of Unappropriated Water

5. In view of the magnitude of the flows beyond protestant's point of diversion during applicants' proposed season of diversion, the maximum historic diversion by protestant, and the comparatively small quantity of water requested by applicants, it is unnecessary to determine precisely the quantity of water to which protestant is entitled and the total quantity of unappropriated water available.

6. Unappropriated water is available to supply the applicants, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 23626 should be approved and that a permit should be

issued to the applicants subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Application 23626 and all relevant information on file therewith, particularly the report of investigation made August 5, 1971.

ORDER

IT IS HEREBY ORDERED that Application 23626 be, and it is, approved, and that a permit be issued to the applicant 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 five acre-feet per annum by storage to be collected from November 1 of each year to April 1 of the succeeding year.

2. The maximum rate of diversion to offstream storage shall not exceed 0.1 cubic foot per second.

3. This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

5. Complete application of the water to the proposed use shall be made on or before December 1, 1973.

6. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control 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 Resources Control 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. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

9. Permittee shall allow representatives of the State Water Resources Control 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.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at San Diego, California.

Dated: December 2, 1971

KERRY W. MULLIGAN

Kerry W. Mulligan, Chairman

E. F. DIBBLE

E. F. Dibble, Vice Chairman

NORMAN B. HUME

Norman B. Hume, Member

RONALD B. ROBIE

Ronald B. Robie, Member

W. W. ADAMS

W. W. Adams, Member