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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 24074)
and 24075 of Rollin Reeves and)
Arline A. Reeves to Appropriate from) Decision 1455
Swamp Creek and Unnamed Streams)
in Monterey County.)
_____)

DECISION APPROVING APPLICATIONS

BY THE BOARD:

Rollin and Arline A. Reeves having filed Applications 24074 and 24075 for permits to appropriate unappropriated water; protests 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of Applications

1. Application 24074 is for a permit to appropriate 59.4 acre-feet per annum (afa) by storage to be collected from November 1 of each year to April 30 of the succeeding year for irrigation, recreation and stockwatering purposes from Swamp Creek and an unnamed stream in Monterey County. The points of diversion are to be located within the NW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6; and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6 all in T14S, R5E, MDB&M.

Application 24075 is for a permit to appropriate 18.6 afa by storage to be collected from November 1 of each year to April 30 of the succeeding year for recreation and stockwatering purposes from Swamp Creek and an unnamed stream in Monterey County. The points of diversion are to be located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, all in Section 7, T14S, R5E, MDB&M.

Applicants' Project

Application 24074

2. This application is a supplement to Application 21588 which was filed by the Reeves on January 3, 1964, and Permit 15372 issued on April 12, 1967, which covers four reservoirs constructed prior to 1950. Reservoirs 5 and 6 are on Swamp Creek and Reservoirs 8 and 9 are on an unnamed tributary to Swamp Creek. The actual capacity of each reservoir is greater than the amounts covered by Application 21588 and Permit 15372. Application 24074 is for the additional water as follows:

<u>Reservoir</u>	<u>Actual Capacity acre-feet (af)</u>	<u>Permit 15372(af)</u>	<u>Application 24074(af)</u>
No.5 House Lake	44.5	15.6	28.9
No.6 Laurel Tree Lake	33.0	13.0	20.0
No.8 Swimming Pool Lake	8.5	1.8	6.7
No.9 Quanset Hut Lake	<u>4.8</u>	<u>1.0</u>	<u>3.8</u>
Totals	90.8	31.4	59.4

The water from Reservoirs 5 and 6 will be used to irrigate 22 acres of pasture and all four reservoirs are used for recreation and stockwatering.

Application 24075

3. This application is supplemental to Application 21587 and Permit 15371 and is the same situation as described above for four other reservoirs. Reservoirs 1, 3 and 4 are on Swamp Creek and Reservoir 2 is on an unnamed tributary to Swamp Creek. Application 24075 is for the additional water as follows:

<u>Reservoir</u>	<u>Actual Capacity(af)</u>	<u>Permit 15371(af)</u>	<u>Application 24075(af)</u>
No.1 Catfish Lake	17.7	6.6	11.1
No.2 Bull Field Pond	1.3	0.6	0.7
No.3 Pear Tree Lake	3.2	0.9	2.3
No.4 Upper House Lake	<u>7.6</u>	<u>3.1</u>	<u>4.5</u>
Totals	29.8	11.2	18.6

The reservoirs are used for recreation and stockwatering.

Protestants' Projects

4. Protestants Agostini, et al., Elliott, Christensen, Bardin, Purrier, and Vierra own or lease lands bordering Gabilan Creek extending from immediately below the applicants' property to just above Carr Lake. They divert directly from Gabilan Creek and pump from wells located along the creek. The water from the creek is used for irrigation, stockwatering, and domestic uses under claimed pre-1914 and riparian rights. Their supply has

been diminishing in recent years. There is not sufficient water to irrigate lands that were formerly irrigated and the quality of water for domestic use has deteriorated.

Protestants Bardin and Christensen also irrigate from wells in the Salinas groundwater basin (Eastside subarea) to which they claim overlying rights. They claim that water from the Gabilan Creek area supplies this groundwater basin and that it is in a state of overdraft.

Availability of Unappropriated Water

5. Gabilan Creek, of which Swamp Creek is a tributary, heads to the east of Fremont Peak State Park at the drainage divide between San Benito and Monterey counties. The main tributaries are Swamp Creek and Beartree Creek. Gabilan, Swamp and Beartree Creeks join at what is called the "hub" and flow, as Gabilan Creek, in a westerly direction about three miles thence in a northwesterly direction about five miles to the junction with Mud Creek. The protestants divert water directly from Gabilan Creek below or near this junction. The total watershed above this junction is 10,180 acres.

The area contributing to the reservoirs on the Reeves' ranch is about 1,058 acres. The average annual rainfall in the Gabilan Creek watershed is about 20 inches which would produce 16,900 af. Based on a 20 percent runoff factor, the average annual runoff of Gabilan Creek at the "hub" would be 3,380 af, of which Swamp Creek would produce about ten percent. About 90 percent of the precipitation and runoff occurs between November 1 and April 30.

6. The Board has previously held in Decision D 1264 that portions of the salinas groundwater basin are in a condition of overdraft and that there would be no unappropriated water available to satisfy the applicants in most years except for water which the applicants have salvaged through a range management program. The applicants have cleared over 200 acres of brush and trees. The trees have been replaced with shallow-rooted grass. The applicants also have cleared and drained about 70 acres of swampland. The total net salvage of water due to the range management and swamp clearing is about 120 afa. The total water salvaged is sufficient to meet the requirement which was a basis for the Board approving Applications 21857 and 21858 in Decision 1264, as well as the requirement for the additional storage now requested.

7. The protestants have no storage facilities and during the period of diversion to storage by the applicants from November 1 to April 30 there is sufficient water in Gabilan Creek for the protestants to divert for domestic use and stock-watering. The diversion to storage by applicants of 120 af during the winter months has no appreciable effect on the flow of the creek during the summer months.

8. Provided the range management program described above is continued, 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 substantial injury to any lawful user of water.

9. The intended use is beneficial.

10. All environmental reviews required in compliance with California Environmental Quality Act of 1970 have been completed.

From the foregoing findings, the Board concludes that Applications 24074 and 24075 should be approved and that permits

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: Applications 24074 and 24075, Decision 1264, and all relevant information on file therewith, particularly the report of field investigation made on September 27, 1972 dated January 16, 1973.

ORDER

IT IS HEREBY ORDERED that Applications 24074 and 24075 be, and they are, approved, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. (a) The water appropriated pursuant to Application 24074 shall be limited to the quantity which can be beneficially used and shall not exceed a total of 59.4 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows:

(1) 28.9 acre-feet per annum at Reservoir No. 5 House Lake;

(2) 20.0 acre-feet per annum at Reservoir No. 6 Laurel Tree Lake;

(3) 6.7 acre-feet per annum at Reservoir No. 8 Swimming Pool Lake; and

(4) 3.8 acre-feet per annum at Reservoir No. 9 Quanset Hut Lake.

(b) The water appropriated pursuant to Application 24075 shall be limited to the quantity which can be beneficially used and shall not exceed 18.6 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows:

(1) 11.1 acre-feet per annum at Reservoir No. 1
Catfish Lake;

(2) 0.7 acre-feet per annum at Reservoir No. 2
Bull Field Pond;

(3) 2.3 acre-feet per annum at Reservoir No. 3
Pear Tree Lake; and

(4) 4.5 acre-feet per annum at Reservoir No. 4
Upper House Lake.

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

3. The amount authorized for appropriation may be reduced in the license if investigation warrants.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1977.

5. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

6. Pursuant to Water Code Section 100, all rights and privileges under this permit and under any license issued pursuant thereto, 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.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained

in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

7. This permit is subject to the continuation of a range management program within the watershed of the reservoirs under this permit which will control the growth of brush to the extent to which the growth of brush was controlled in such watershed under the applicant's range management program in 1972, and shall consist of a periodic removal of brush for approximately 200 acres within Sections 6 and 7, T14S, R5E, MDB&M. Permittee shall provide to the Board, at regular intervals not to exceed five years, satisfactory evidence of compliance with this paragraph.

8. 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.

9. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

10. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

11. 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.

Dated: January 22, 1976

W. W. ADAMS
W. W. Adams, Chairman

W. DON MAUGHAN
W. Don Maughan, Vice Chairman

ROY E. DODSON
Roy E. Dodson, Member

JEAN AUER
Jean Auer, Member