

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18927)
of Frank and Ann Cima to Appropri-)
ate from James Creek in Napa County)

Decision D 1021

ADOPTED JUL 19 '61

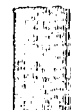
DECISION DENYING APPLICATION

Frank and Ann Cima having filed Application 18927 for a permit to appropriate unappropriated water; 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 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 18927 is for a permit to appropriate 0.5 cubic foot per second from James Creek in Napa County between March 1 and November 1 of each year for irrigation and stockwatering purposes within Section 6, T9N, R5W, MDB&M.

Diversion of an unspecified quantity is also made under claimed riparian right for use on lands contiguous to the named stream and described in the application as the proposed place of use.

2. James Creek is an intermittent stream which usually flows only during periods of precipitation. In most



years it commences to flow on approximately October 15 and ceases to flow entirely by approximately June 1 and, in some years, as early as April.

3. Protestant Zaidee A. Wallace, located on Pope Creek below its junction with James Creek at a point approximately $4\frac{1}{2}$ miles from the applicants' proposed point of diversion, makes beneficial use of the water in the stream channel under claimed riparian right for stockwatering.

4. All the water from the named source between approximately June 1 and October 15 of each year is required to satisfy prior vested rights on Pope Creek to which James Creek is tributary. Therefore, there is no unappropriated water available to supply the applicants which can be diverted and used in the manner proposed without causing substantial injury to lawful users of water.

From the foregoing findings, the Board concludes that Application 18927 should be denied. This order shall not be deemed to affect such riparian rights as the applicant may have.

The records, documents, and other data relied upon in determining the matter are: Application 18927 and all relevant information on file therewith, particularly the report of the field investigation made July 7, 1960; the inspection reports of License 4464 (Application 13597) September 17, 1954, Permit 6643 (Application 11235) October 15, 1957, Permit 9930 (Application 15934) June 29, 1954, and Permit 11170 (Application

16488) October 7, 1959; United States Geological Survey (USGS) St. Helena and Calistoga quadrangles 15-minute series dated 1942 and 1943 respectively; and United States Weather Bureau, "Climatological Data--California."

IT IS HEREBY ORDERED that Application 18927 be, and the same is, denied.

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 , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member