

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19127 of
Donald N. Duvall and Norman K. Blanchard
to Appropriate from an Unnamed Stream in
Napa County

Decision D 1026

ADOPTED JUL 19 '61

DECISION APPROVING APPLICATION

Donald N. Duvall and Norman K. Blanchard having filed Application 19127 for a permit to appropriate unappropriated water; 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 19127 is for a permit to appropriate 200 acre-feet per annum by storage from November 1 of each year to May 1 of the succeeding year for irrigation, stockwatering, domestic, and recreational purposes from an unnamed stream in Napa County. The point of diversion is within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18, T9N, R5W, MDB&M.

2. The average annual rainfall for the area under consideration is 32 inches. The stream from which the proposed diversion would be made flows only during the rainy season, being completely dry in most years from late spring until the rains begin in the fall. Protestants claim

pre-1914 appropriative and riparian rights but are making no use of water at the present time. At such future time as the protestants carry out plans for planting part of the land to walnuts, little if any irrigation would be required between November 1 and May 1; when applicants propose collection to storage.

3. There is unappropriated water available at times to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed during those times without causing substantial injury to any lawful user of water.

4. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19127 should be approved 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 19127 and all relevant information on file therewith, particularly the report of the field investigation made September 28, 1960; Division of Water Resources "Report to the California State Legislature on Putah Creek Cone Investigation," dated December 1955; USGS quadrangle "St. Helena, California" of the 7½-minute series, dated 1942.

IT IS HEREBY ORDERED that Application 19127 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 200 acre-

feet per annum by storage to be collected from about November 1 of each year to about May 1 of the succeeding year.

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

3. Actual construction work shall begin on or before June 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1962.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

6. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights 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 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.

8. The permittees shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

9. A separate application for the approval of plans and specifications for construction of the dam shall be filed with, and approved

by the Department of Water Resources prior to commencement of construction of the dam described under this approved water right application.

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