

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 19137 of )  
A. C. and I. Esther Matthiesen to )  
Appropriate from an Unnamed Spring )  
Tributary to San Lorenzo River in )  
Santa Cruz County )

Decision D 1027

ADOPTED JUL 19 1961

DECISION APPROVING APPLICATION

A. C. and I. Esther Matthiesen having filed Application 19137 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 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 19137 is for a permit to appropriate 1,000 gallons per day by direct diversion from January 1 to December 31 of each year from an unnamed spring tributary to San Lorenzo River in Santa Cruz County. The point of diversion is to be located within the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 19, T9S, R2W, MDB&M.

2. The unnamed spring which is the source specified in subject application is located on a steep hillside within a few hundred feet of the San Lorenzo River. The father of applicant A. C. Matthiesen in 1914 dug into a wet area on the hillside and developed a substantial part of

the water produced by the spring. The Matthiesen family has continuously used water from the spring since 1914 on about one acre now occupied by two houses and three persons. The spring now flows at the rate of about two gallons a minute except in the late summer when the flow is at about half that rate. Water in excess of the applicants' needs flows down along the edge of applicants' property to the San Lorenzo River.

3. The protest of the City of Santa Cruz is based on License 1553 (Application 4017) and Permit 2738 (Application 5215) which collectively authorize the appropriation of 31.2 cubic feet per second, year-round, downstream from the applicants' point of diversion.

4. The records of the flows of San Lorenzo River, as recorded by a gaging station located approximately 5 miles upstream from the protestant's point of diversion, show that for the period 1937 through 1960 there was sufficient unappropriated water to satisfy Application 19137 except for three years, during which the runoff contributing to the river was only from 22 per cent to 28 per cent normal.

5. The protestant has nearly completed construction of its Newell Creek Project in another watershed. This addition to its water system will result in surplus water of the San Lorenzo River flowing past the City's intake for a period of approximately 15 years.

6. The information indicates, and the Board finds, that unappropriated water exists in substantial quantities during most years in the source from which the applicants seek to appropriate, 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.

7. The full flow of the San Lorenzo River during the critical summer months will be required eventually to satisfy the requirements of the protestant, even with the Newell Project in operation. Applicants are placed on notice that the vested rights, to which this application and the permit issued thereon are subject, include said prior appropriative rights of the City of Santa Cruz. This notice of subordination of appropriative rights is not intended to relate to such riparian or other rights, if any, as applicants may have to the use of the waters of the source named in this application.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19137 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 19137 and all relevant information on file therewith, particularly the report dated June 15, 1960, of the field investigation made May 25, 1960; the files of License 5144 (Application 15488), Permit 12795 (Application 19084), and Permit 2738 (Application 5215); U. S. Geological Survey, "Big Basin" and "Santa Cruz" quadrangles, 7.5-minute series, dated 1955 and 1954, respectively; U. S. Department of the Interior, Geological Survey, Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California."

IT IS HEREBY ORDERED that Application 19137 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 1,000 gallons per day by direct diversion to be diverted between January 1 and December 31 of each year for domestic use.

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

3. All rights acquired under this permit shall be inclusive of and not in addition to whatever rights, if any, the permittees may already have to use water from the source and at the place of use designated in Application 19137.

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

5. 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.

6. 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.

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.

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Kent Silverthorne, Chairman

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Ralph J. McGill, Member

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W. A. Alexander, Member

