

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20906
of Bill Barboni, Rosemarie Barboni,
Charles Barboni and Effie Barboni
to Appropriate from an Unnamed Stream
in Marin County

Decision D 1212

ADOPTED FEB 17 1965

DECISION APPROVING APPLICATION

Bill Barboni, Rosemarie Barboni, Charles Barboni and Effie Barboni having filed Application 20906 for a permit 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 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 20906 is for a permit to appropriate 420 acre-feet per annum (afa) by storage from September 1 of each year to May 1 of the succeeding year for irrigation purposes from an unnamed stream in Marin County. The point of diversion is to be located in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T3N, R8W, MDB&M.

2. Lindo Berri Farm, owned by the protestants, adjoins the applicants' place of use. Water diverted under a claim of

right initiated prior to 1914, as well as riparian right, is used for irrigation and stockwatering. There are approximately 40 acres of irrigable land and a maximum of 350 head of cattle. Although the amount of water used is unknown, the protestants have never been without sufficient water for their needs.

3. Applicants propose to construct a dam approximately 55 feet high and 250 feet long, forming a reservoir with a surface area of 12 acres. Water is to be used for sprinkler irrigation of 116.3 acres. The project will control the winter runoff from about 7 per cent of the watershed available to the protestants, Berri and others. Most of the flow available to the protestants originates from 93 per cent of the watershed unaffected by the applicants' project. When water is available at the applicants' proposed point of diversion, there is sufficient water available from the remaining watershed to supply the needs of the protestants.

4. There is unappropriated water 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.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20906 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 20906 and all relevant information on file therewith, particularly the report of the field investigation made February 7, 1964.

ORDER

IT IS HEREBY ORDERED that Application 20906 be, and it is, approved, and that a permit be issued to the applicants, 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 420 acre-feet per annum by storage to be collected from about September 1 of each year to about May 1 of the succeeding year.
2. The maximum quantity herein stated may be reduced in the license if investigation warrants.
3. Actual construction work shall begin on or before June 1, 1965, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.
4. Construction work shall be completed on or before December 1, 1967.
5. Complete application of the water to the proposed use shall be made on or before December 1, 1968.
6. Progress reports shall be filed promptly by permittee 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. Permittees shall allow representatives of the State Water Rights 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. This permit does not authorize collection of water to storage during the period from about May 1 to about September 1 of each season to offset evaporation and seepage losses or for any other purpose.

10. Permittees shall install and maintain an outlet pipe through the dam of such size and at such location as is specified by the Department of Water Resources.

11. In accordance with the requirements of Water Code Section 1393, 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.

12. A separate application for approval of plans and specifications for construction of the dam described in this

approved water right application shall be filed with and approved by the Department of Water Resources prior to commencement of construction of the dam.

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 , 1965.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member