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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24313)	
of Mesa Ranch Partnership to Appro-)	
priate from Unnamed Stream in Marin)	Decision 1453
County. Paul Kayfetz, Protestant.)	

DECISION DENYING APPLICATION

BY BOARD CHAIRMAN ADAMS AND BOARD MEMBER AUER:

Mesa Ranch Partnership having filed Application 24313 for a permit to appropriate unappropriated water; a protest having been received; a public hearing having been held before the State Water Resources Control Board on June 2, 1975; applicant and protestant having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

Substance of Application

1. Application 24313 is for a permit to appropriate 40 acre-feet per annum (afa) by storage to be collected from October 1 of each year to April 30 of the succeeding year for stockwatering, recreational and fish and wildlife enhancement purposes from an unnamed stream tributary to the Pacific Ocean in Marin County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 26, T1N, R8W, MDB&M.

Applicant's Project

2. The subject application proposes an on-stream earthen dam, 24.5 feet in height, creating a reservoir on an

unnamed stream at a point approximately 1,000 feet upstream from its debouchment into the Pacific Ocean. The application proposes that the reservoir be used for recreation, fish and wildlife enhancement, and stockwatering.

Protestant and Interested Parties

3. Protestant Paul Kayfetz entered an appearance at the hearing, as did 14 organizations and individuals as interested parties.

Water Supply and Availability of Unappropriated Water

4. Applicant presented no evidence as to the water supply in, and availability of unappropriated water from, the source. It cannot be found that unappropriated water is available to supply the applicant.

Beneficial Use

5. While the uses specified in its application are beneficial, applicant presented no substantial evidence upon which the Board could base a judgment as to the reasonableness of such uses. Applicant's own testimony cast doubt on its intention to use the proposed reservoir for stockwatering (RT 9, 10). It cannot be found that applicant's proposed beneficial uses are reasonable.

Application to Beneficial Use

6. Applicant presented no substantial evidence as to the periods of time within which it would construct the proposed works and apply the water proposed for appropriation to beneficial use. On the contrary, applicant's

own testimony cast doubt on its intention to construct the proposed works at all (RT 19, 27).

From the foregoing findings, the Board concludes that Application 24313 should be denied.

ORDER

IT IS HEREBY ORDERED that Application 24313 be denied.

Dated: November 20, 1975

WE CONCUR:

ABSENT

W. W. Adams, Chairman

W. DON MAUGHAN

W. Don Maughan, Vice Chairman

JEAN AUER

Jean Auer, Member

ROY E. DODSON

Roy E. Dodson, Member