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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24190)
of Sky L'Onda Mutual Water Company)
to Appropriate from La Honda Creek)
in San Mateo County.)

Decision 1454

DECISION DENYING APPLICATION

BY THE BOARD:

Sky L'Onda Mutual Water Company having filed Application 24190 for a permit to appropriate unappropriated water; protests having been received; the applicant 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 Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 24190 is for a permit to appropriate 0.3 cubic foot per second (cfs) by direct diversion from June 1 to December 15 of each year for domestic and fire protection purposes from La Honda Creek in San Mateo County. The point of diversion is to be located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, T6S, R4W, MDB&M.

Applicant's Project

2. Application 24190 proposes additional use of water by a mutual water company at an existing subdivision through an existing diversion system. The applicant presently serves approximately 160 residences and ultimately will serve 30 additional residences. The application was filed to obtain authority to divert from La Honda Creek during the summer season. Past decisions by the Board have denied the summer season to other applicants seeking to appropriate from the same stream system. The applicant also holds Licenses 5497 and 6606 and Permit 16424 covering the same place of use as described by Application 24190. The applicant has not constructed the storage reservoir contemplated by its Permit 16424 and does not have sufficient storage to carry it through the summer season.

Protests

3. Protests to Application 24190 were filed by Norma Francis, John M. McGhee and Manual V. Souza, Jr., who divert or plan to divert from San Gregorio Creek to which La Honda Creek is tributary. Their use or planned use of water is principally for irrigation and stockwatering purposes under claim of riparian and pre-1914 appropriative rights. They contend there is insufficient water to meet their needs during the summer months and the available water during that time is of poor quality.

4. Department of Fish and Game (Department) protested Application 24190 on the grounds that the proposed appropriation of water would reduce stream flows in the San Gregorio Creek

drainage area below that necessary for the upstream and downstream migration of adult and juvenile steelhead trout and silver salmon. The Department also claims that reduction of flow during critical low flow periods would adversely affect survival of juvenile steelhead and salmon, particularly during the summer nursery season. Since the filing of the protest the applicant has agreed to dismissal terms set forth by the Department.

Water Supply

5. In the year 1969 the U. S. Geological Survey installed a gauging station on lower San Gregorio Creek located approximately 1.5 miles upstream from the mouth of the creek and approximately ten miles below the point of diversion described by Application 24190. The applicant contends that the records of this station justify a reexamination of past Board decisions regarding summer diversions from the San Gregorio Creek stream system. For the period of record (1970-1973) the mean monthly discharges at the gauging station for the months of June through September were as follows: June, 4.8 cfs; July, 2.3 cfs; August, 1.3 cfs and September, 1.2 cfs. There are diverters and potential diverters below the San Gregorio gauge, and, therefore, flows at that location are not entirely surplus.

6. On August 3, 1971, when the flow of San Gregorio Creek at the USGS gauging station was 1.5 cfs, the flow of La Honda Creek at the applicant's point of diversion was only

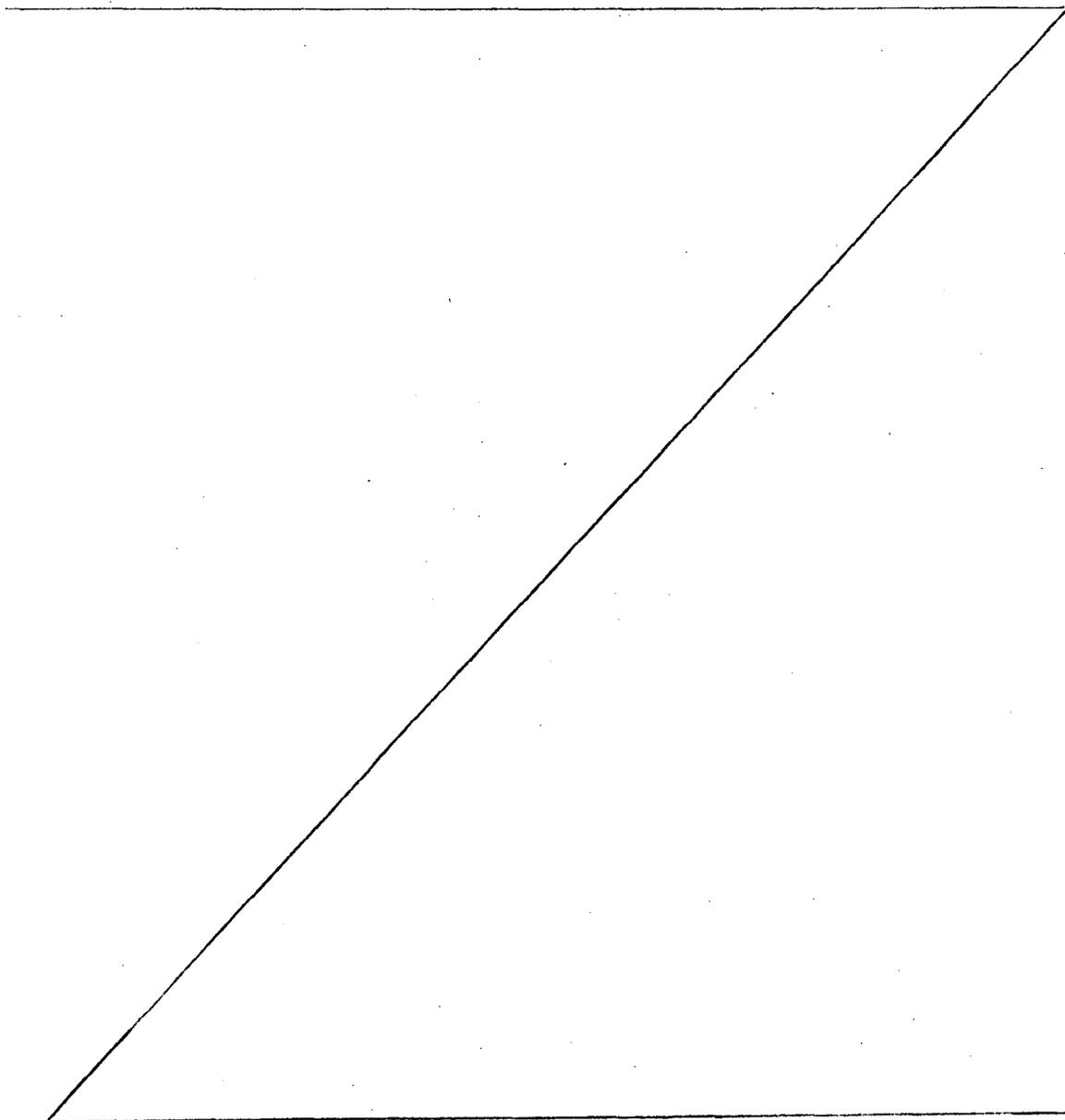
three gallons per minute or two percent of the quantity of water requested by Application 24190. The records of the gauging station show that the flow in lower San Gregorio Creek was less than 1.5 cfs during nine of the 26 months included in the proposed diversion season during the water years 1970-1973. The flows observed by the Division staff at the applicant's point of diversion between 1961 and 1971 have not exceeded 30 percent of the proposed diversion rate during the proposed diversion season.

7. The record of the San Gregorio Creek gauging station is of relatively short duration. There is a USGS gauging station on Pescadero Creek, the next watershed to the south, which has been maintained for over 20 years. By correlating the flows of San Gregorio Creek with those in Pescadero Creek a more extensive assessment of the availability of water in San Gregorio Creek can be made. San Gregorio Creek and Pescadero Creek have adjacent and similar watersheds. Such a correlation shows that the period 1969-1973 is not representative and on the average less water is available in San Gregorio Creek than would appear from the record for that period. In dry years the discrepancy is even more apparent.

Availability of Unappropriated Water

8. The additional information furnished by the applicant does not warrant a different conclusion as to existence of unappropriated water in the San Gregorio Creek drainage system from that expressed in previous Board decisions. While there may be water surplus to the needs of holders of vested

rights at times during the summer months, it does not occur in sufficient quantities and at sufficient times to justify the approval of an application to appropriate water, particularly by a municipal water company which must have a dependable supply. A permit to cover the few random months during the applicant's diversion season when ample surplus water is available would be of little or no value to the applicant.



From the foregoing findings, the Board concludes that Application 24190 should be denied.

The records, documents, and other data relied upon in determining the matter are: Applications 9678, 18161, 23729 and 24190 and all relevant information on file therewith, particularly the report of field investigation made on February 11 and 12, 1975, and records of discharge of USGS gauging stations "San Gregorio Creek at San Gregorio, California" and "Pescadero Creek near Pescadero, California".

ORDER

IT IS HEREBY ORDERED that Application 24190 be denied.

Dated: December 18, 1975

W. W. ADAMS

W. W. Adams, Chairman

W. DON MAUGHAN

W. Don Maughan, Vice Chairman

ROY E. DODSON

Roy E. Dodson, Member

JEAN AUER

Jean Auer, Member