

BEFORE THE DIVISION OF WATER RESOURCES
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the matter of Application 10734 of Francis and M. H. Fultz to appropriate from an unnamed stream tributary to San Jose Creek in Santa Barbara County for irrigation and domestic purposes.

appl 10734 oOo
Decision D-578

Decided March 11, 1948

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Appearances at the Field Investigation of June 24, 1944, made under the provisions of Article 13, Section 733 b of the California Administrative Code.

For Applicants

Francis and M. H. Fultz

Francis Fultz and his son.

For Protestants

Angelo and Frances Bosio

In person

A. C. Postel, Attorney at Law

For the State Engineer

Biscoe Kibbey, Associate Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

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OPINION

Application 10734 having been filed with the Division of Water Resources, a protest against approval of the application having been received and applicants and protestants having signed stipulations to submit the matter for decision a field investigation was made of which

applicants and protestants were duly notified.

Applicants' Project

Applicants propose to divert 1,000 gallons per day and store 3,000 gallons per annum from an unnamed stream for domestic use and the irrigation of one acre. The season of diversion is throughout the year. The appropriation is to supplement diversion of 500 gallons per day licensed under Application 10055 for the same project.

Protestants' Project

The Boso property lies on San Jose Creek some $2\frac{1}{2}$ miles below applicants' point of diversion. There 18 acres of lemons and 2 acres of walnuts ~~are~~^{are} irrigated under riparian claim and there is also use for domestic purposes and stockwatering. It is alleged that any further depletion of the supply during the dry season will deprive protestants of water required for the above uses and to which they are entitled.

Records Relied Upon

Application 10734 and all data, maps and reports filed with it.

Discussion

Field investigation of the respective projects disclosed the following facts:

Applicants' source, which is fed by springs, has a fairly well sustained yield of .065 c.f.s. and contributes materially to the summer flow at protestants' points of diversion. The intermediate channel being steep and rocky with little retentive properties, diversions above would probably be felt by protestants within a matter of hours.

Protestants irrigate 18 acres of lemons and 2 acres of walnuts and also use water of San Jose Creek for domestic purposes and stockwatering

The channel on the property is underlaid with cobbles and loose material washed down from the hills, affording some underground storage space. Summer surface flow is diverted when available; it has been found necessary, however, to sink wells and utilize the underground supply. According to Mr. Bosio in normal years there is ample water up to about June but thereafter and into December there is little surplus and frequently none. In years such as 1942 protestants were unable to secure the amount the trees required even by draining completely the underground supply.

At a constriction of the channel a short distance below the Bosio property there is a U.S.G.S. gaging station, but this had only been in operation for the past 3 years. During that time precipitation was either far above or far below normal and little could be deduced from the records. Later, with records extending from January 1, 1941, to May 31, 1946, at hand, it was found that during the 1944-1945 season, where rainfall was only slightly below normal, flow at the station decreased to June 11th when it ceased, and thereafter the stream was dry 97 out of the following 142 days. The inference was that during the said 97 days protestants, who irrigate continuously, had only sufficient water for their needs, or not enough, and that any further diversions above would have aggravated the situation more or less to the extent of such diversions.


It was therefore concluded that normally there is no water subject to appropriation from about June 1 to about November 1. Applicant Fultz was notified to that effect and the suggestion was made that he withdraw the application unless a permit for the winter season was desired. On January 9, 1948, request that Application 10734 be cancelled, signed by Francis and Mildred H. Fultz, was received.

ORDER

Application 10734 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733b of the California Administrative Code and Applicants having authorized cancellation of the application:

IT IS HEREBY ORDERED that Application 10734 be cancelled without prejudice on the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California this *14th* day of March, 1948.



Edward Hyatt, State Engineer

