

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 13330 by Alfred Santell to Appropriate Water from Santa Rosa Creek Tributary via Laguna de Santa Rosa to Mark West Creek in Sonoma County for Irrigation Purposes.

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Decision A. 13330 D. 691

Decided February 5, 1951

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In Attendance at Investigation Conducted by the Division of Water Resources at the Site of the Proposed Appropriation on June 19, 1950:

Alfred Santell	Applicant
Russell L. Denner	Protestant
Ed. Nelson	Representing Louise K. Nelson, an interested party.
L. C. Jopson	Supervising Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer.
F. M. Kuchta	Assistant Hydraulic Engineer, Division of Water Resources.

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OPINION

General Description of the Project

The application proposes the appropriation of 1 cubic foot per second from Santa Rosa Creek in Sonoma County, the water to be diverted at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of projected Section 13, T 7 N, R 9 W,

M.D.B. & M. and used for the irrigation of 80 acres of pasture in the SE $\frac{1}{4}$ of the same section. Diversion is to be effected by means of a flashboard dam and a 450 gallon per minute pumping plant. Irrigation is to extend from April 15 until October 15. The applicant claims also a riparian right.

Protest and Answer

Russell L. Denner protests the application, representing that the diversion proposed thereunder will interfere with his right under Application 12510, Permit 7406 to divert 1.25 cubic feet per second from Laguna de Santa Rosa, at a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T 7 N, R 9 W, M.D.B. & M., from April 15 to October 15, for irrigation. Protestant Denner states that during the summer months Santa Rosa Creek is the only stream contributing to Laguna de Santa Rosa, and that even that stream is completely used during two of the summer months, which period of deficiency would be lengthened if additional appropriation from Santa Rosa Creek is allowed.

In answer the applicant states that in his opinion sources other than Santa Rosa Creek supply sufficient water for the protestant's operations, that he (the applicant) has used for 16 years the water which he is now seeking to appropriate, without damage to the protestant, and that when the protestant suffers a water shortage the supply is deficient at his place also. He remarks that Santa Rosa Creek traverses some six ranches before reaching the protestant's property, yet the owners of those properties have not protested.

Field Investigation

The parties having stipulated to an informal hearing as provided

for in Section 733(b) of the California Administrative Code a conference was conducted at the site of the proposed appropriation on June 19, 1950 by an engineer of the Division. The applicant and the protestant were present at that investigation.

Records Relied Upon

Applications 1029, 2814, 12510, 13330 and 13506 and all data and information on file therein; also U.S.G.S. Water Supply Papers 901 and 931.

Discussion

U. S. Geological Survey records of the flow of Santa Rosa Creek at Santa Rosa are available for the period from December 1939 to September 1941. Monthly mean discharges in cubic feet per second during the spring and summer months of 1940 and 1941, are reported to have been as follows:

<u>Month</u>	<u>1940</u>	<u>1941</u>
April	69.5	292.
May	9.45	22.8
June	2.26	4.61
July	.65	1.28
August	.25	.56
September	.20	.26

Some 0.6 mile downstream from the point of measurement are the points of diversion of Applications 1029 and 2814 which are licensed in the amounts of 0.3125 and 0.22 cubic foot per second respectively. Some 4.5 miles farther down stream is the point at which appropriation

is sought under Application 13330. No important tributaries enter Santa Rosa Creek from the point of stream flow measurement to the applicant's point of diversion and it is therefore evident that in months such as August and September of 1940 and 1941 natural stream-flow at that point of diversion is insufficient to satisfy Application 13330.

The applicant admitted (in his answer to the protest) that the supply reaching him is sometimes deficient. He attributed that shortage to the impounding of waters of Santa Rosa Creek by hop growers to the east (upstream). He also intimated in his answer that neighbors below him on Santa Rosa Creek also divert water therefrom, although those users have not protested his application.

Applicant Santell appears to rely mainly upon augmentation of the flow of Santa Rosa Creek by effluent sewage from the so-called Santa Rosa Sewer Farm. That sewage, the City Engineer (of Santa Rosa) is quoted as stating, averages 3,000,000 gallons per day (4.64 cubic feet per second) and reaches a summer peak of 5,000,000 gallons per day (7.75 cubic feet per second).

Santa Rosa Creek thus consists, in the reach below Santa Rosa, of the flow at Santa Rosa, diminished by the diversions of two known (and probably other) appropriators, increased by the effluent from the sewage farm, diminished by the diversion which the applicant professes to have made for 16 years and diminished by the diversions probably made by his downstream, non-protestant neighbors. The resultant of these several elements is the outflow of Santa Rosa Creek into Laguna de Santa Rosa.

According to the report of the investigation of June 19, 1950 little of the summer flow in Santa Rosa Creek below Santa Rosa is natural flow, the creek bed above Santa Rosa was completely dry on the date of the investigation, .05 cubic foot per second (estimated) was flowing at about the center of the city and about 0.1 cubic foot per second at the applicant's point of diversion, there is considerable irrigation, principally hops, between Santa Rosa and the applicant's land, the irrigators contract for water with the Sewer Farm, and some of the irrigation water escapes and eventually reaches the applicant's intake. The report further states that before June 15 and after August 15 the contract holders use little water which therefore flows down stream; that before June 15 therefore no deficiency exists and that after August 15 water is available, in limited quantities, at both of the parties' intakes.

There are several filings on the reach of Laguna de Santa Rosa extending from the mouth of Santa Rosa Creek to the vicinity of Sebastopol. It does not appear that the initiators of such filings will be affected by the proposed diversion under Application 13330. They are upstream from the mouth of Santa Rosa Creek and none of them have protested Application 13330. The initiator of Application 13506, by letter dated April 7, 1950, described the situation on that reach as follows:

".....at the point of diversion adjacent to my property (some 3 miles above the mouth of Santa Rosa Creek) there is a natural reservoir for a distance of 1 mile, of variable width from 100 to 400 feet, with an average depth of 14 feet. We have in this area a large amount of runoff water, coming from the Sebastopol Township Sewerage System, which during last year - a dry year - along with natural seepage, kept

the Laguna at this point full of water at all times, with it dropping $1\frac{1}{2}$ feet during a peak pumping period. Even with this situation of an abundance of water, investigation shows that only seepage can be seen during the irrigation season, at a point two miles below my diversion area."

In connection with the same reach an engineer of the Division in investigating (on July 26, 1950) a complaint that junior appropriators were diverting too much water, reported in part as follows:

"Several years ago the outlet of the Laguna (actually meaning the outlet of that reach of the Laguna) was cut down to drain adjoining land which probably eliminated from 3 to 4 feet of depth from the pool. It was agreed by all parties to get the S. C. S. to survey and plan a check structure in the outlet which could be closed toward the end of the runoff season and hold the Laguna full as of that time. It is believed that enough water can be held to permit the present use throughout the summer without serious shortage."

Summary and Conclusion

The U. S. G. S. streamflow records indicate that the natural flow of Santa Rosa Creek is probably enough to meet the applicant's wants until mid-June but not thereafter. The natural flow of the creek is augmented by sewage effluent from Santa Rosa Sewer Farm which supply however is utilized in large part from mid-June until mid-August by users upstream from the applicant. Laguna de Santa Rosa above the mouth of Santa Rosa Creek contributes little if anything, in summer time, to the flow of that stream below the mouth of Santa Rosa Creek. The protestant's diversion heads on Laguna de Santa Rosa, approximately 1.5 miles below the mouth of Santa Rosa Creek. After mid-June the protestant's supply, obtained from natural, channel storage, augmented by contributions from Santa Rosa Creek, becomes

limited. Any increase in the total of diversions from Santa Rosa Creek would reduce that supply still further to the detriment of the protestant's project. Surpluses which occur at the applicant's point of diversion after June 15 are too limited in amount and too uncertain as to occurrence to warrant the approval of an application for their appropriation. In view of the apparent existence of unappropriated water until mid-June but not thereafter the application should be approved and a permit issued subject to the usual terms and conditions for diversion and use from about April 15 to about June 15 of each season.

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ORDER

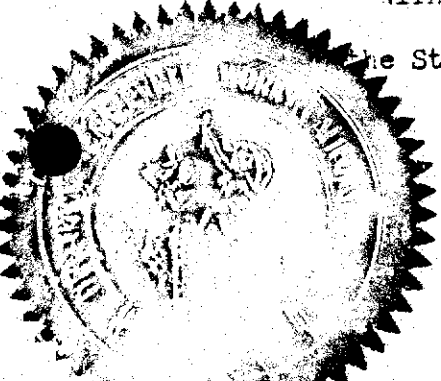
Application 13330 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13330 be approved for 1.00 cubic foot per second from about April 15 to about June 15 of each season and that a permit be issued subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that diversion throughout the remainder of the season applied for be denied.

WITNESS my hand and the seal of the Department of Public Works

the State of California this 5th day of February 1951.

A circular seal with a serrated edge. Inside the circle, there is a depiction of a person on horseback, possibly a soldier or explorer, facing right. The text "DEPARTMENT OF PUBLIC WORKS" is written around the inner circle, and "STATE OF CALIFORNIA" is written around the outer circle.
A. D. Edmonston
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State Engineer