

BEFORE THE DIVISION OF WATER RIGHTS  
Department of Public Works  
State of California

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IN THE MATTER OF APPLICATION NUMBER 2888 OF STUART D. ALLEN TO APPROPRIATE  
FROM WHITEWATER RIVER, IN RIVERSIDE COUNTY, FOR AGRICULTURAL PURPOSES

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DECISION No. 2888. D-9  
Decided May 14, 1924  
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APPEARANCES AT HEARING MARCH 17, 1924.-

For Applicant: Stuart D. Allen, per se  
For Protestants: Oliver P. Morton, Special Assistant U. S.  
Attorney General,  
H. K. Palmer, Engineer and  
C. L. Ellis, Superintendent of Mission Indian  
Agency, for United States Indian Service.  
Carmahan and Clark, Attys., by H. L. Carmahan  
A. L. Sonderegger and W. P. Rowe, Engineers for  
Coachella Valley County Water District.  
For Division of Water Rights: Gordon Lander, Hydraulic Engineer.  
Examiner: Edward Hyatt, Jr., Acting Chief of Division of Water Rights

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**O P I N I O N**

Application No. 2888 was filed June 19, 1922 for five cubic feet per second (which was subsequently reduced to two cubic feet per second) of unappropriated water from Whitewater River to be used on one hundred sixty acres of land. Protests were subsequently filed by the United States Indian Service and the Coachella Valley County Water District. In due course a hearing was held on the application.

The United States Indian Service alleged in its protest that the consummation of this appropriation would reduce the level of the underground water plane, to which it is tributary and from which the Indian Service derives water for irrigation to a point such that pumping therefrom would become uneconomical.

In its protest the Coachella Valley County Water District alleged, first; that there is no unappropriated water flowing in the Whitewater River and in the underground basin to which it is tributary, and second; that under the permit for which applicant had applied, the water could not or would not be put to the highest beneficial use as compared to use by protestant.

At the time of the hearing held in Riverside on March 17, 1924, the protests were very thoroughly discussed and a compromise was finally reached whereby applicant agreed to reduce the appropriation sought to five-tenths (0.5) cubic foot per second to be used on forty (40) acres, the location of which area was also specified. Each protestant in turn agreed to withdraw its protest under the above named condition. (For reference see pages 88 and 89 of Transcript of Hearing filed in folder No. 3 herewith).

**O R D E R**

Application Number 2668 for a permit having been regularly filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, a compromise having been effected at the hearing whereby protests were withdrawn, and the Division of Water Rights being fully cognizant thereof,

IT IS HEREBY ORDERED that Application Number 2668 be approved and permit issued subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 14th day of May, 1924.

ACTING CHIEF OF DIVISION OF WATER RIGHTS  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA