

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

*Decision
file*

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IN THE MATTER OF PETITION TO CHANGE POINT OF DIVERSION
UNDER APPLICATION NO. 703, PERMIT NO. 347, LICENSE NO.
262, of JOHN W. MARSH TO APPROPRIATE WATER FROM SPRINGS
IN RIVERSIDE COUNTY FOR AGRICULTURAL PURPOSES.

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DECISION NO. 703 D 93

Decided February 20, 1926

APPEARANCES AT HEARING HELD JANUARY 22, 1926.

For Applicant	No appearance
For Protestant, J.J. Belardes,	" "

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O P I N I O N

On May 27, 1917, John W. Marsh filed his application No. 703 to appropriate water from springs in Riverside County. Thereafter permit was issued thereon for an amount of 1/10 of a second foot and in due course, it having been determined that beneficial use had been made of the water, a license was issued confirming his right to the use of 0.045 cubic feet per second for the irrigation of 1 1/2 acres from about April 1st to about November 30th of each season and as required for domestic purposes throughout the balance of the year. Thereafter to-wit on July 24, 1925, licensee filed a petition to change the point of diversion to a point 1200' East of the original point stating that the new point is in the same canyon and taps the same water as that available at the original point.

This petition was advertised and being protested by J.J. Belardes in due course became the subject of a hearing set for January 22, 1926. Although applicant and protestant received due notice of this hearing, no appearance was made by either.

E.N.B. JAN 30 1926

The protest of J.J. Belardes recites that through his predecessor in interest he has a right to the use of water from the source and has diverted therefrom for stock watering purposes at approximately the same point from which Marsh now desires to divert, said point being within Cleveland National Forest.

Mr. J. E. Elliott, Forest Supervisor, has made a careful investigation in this matter and advises that in 1914 Belardes posted a notice of appropriation and thereafter used the water in question in connection with a dipping vat but that this use has been abandoned for several years and of late his only use has been for stock watering for which purpose 500 gallons per day is sufficient for Belardes. He further states his opinion that even this use by Belardes must soon cease as the Forest Service expects to establish a summer homesite area at that point and exclude all stock therefrom. Belardes himself estimates the flow at the proposed point of diversion as 10,000 gallons per day.

Although the original point of diversion is designated as springs and the proposed point is a spring some 1200' distant from and approximately 75' higher than the original, no reason has been adduced for not accepting applicant's statement that they are on the same vein of water and the same water is available to satisfy his appropriation at either point of diversion. There has been no showing that any other legal user of water will be injured by the change.

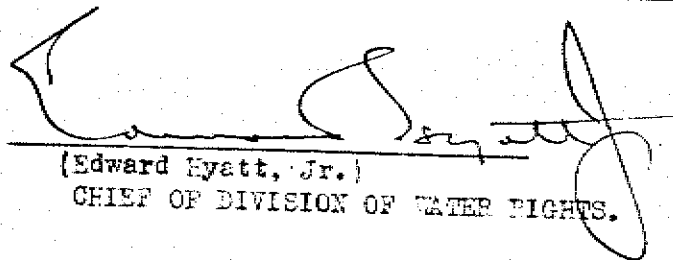
O R D E R

A petition for change in point of diversion under application No. 703, Permit 547, License 362, having been filed with the Division of Water Rights as above stated, a protest having been filed, a public hearing having been held and the Division of Water Rights now being

fully informed in the premises.

It is hereby ordered that the said petition of John W. Marsh
for change in point of diversion under Application 703, Permit 347,
License 262 be approved.

Dated at Sacramento, California this 20th day of February
1926.



(Edward Wyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS.

JCF:R.