

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

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In the matter of Application 5731 by U. S. Forest Service,  
San Bernardino National Forest, to appropriate from  
3 springs in the Santa Ana River watershed for  
domestic purposes.

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DECISION No. 5731. D 212

Decided January 7, 1929.

APPEARANCES AT HEARING HELD NOVEMBER 8, 1928 AT SAN BERNARDINO.

For Applicant H. P. Dechant, Asst. to Solicitor,  
U. S. Forest Service.

For Protestant Howard Surr of Leonard, Surr and  
Hellyer, Attys.

EXAMINER: Harold Conkling, Chief of the Division of Water Rights.

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O P I N I O N

This is an application to appropriate a total of 0.036 cubic foot per second from three springs in the drainage of a tributary of Santa Ana River for the domestic benefit of a group of 80 cabin sites in Round Cienega Tract of which some 12 are now in use. A protest was filed by Bear Valley Mutual Water Company.

This application was filed October 22, 1927, completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and, being protested, was set for a public hearing in the Council Chamber of the City Hall at San Bernardino at 10:30 o'clock A.M., on Thursday, November 8, 1928. Of this hearing applicant and protestant were duly

notified and appearances thereat were made on behalf of each party.

The protest by Bear Valley Mutual Water Company alleges that water from these springs flows into Santa Ana River the entire flow of which is beneficially used by protestant and that any diversion therefrom would be in derogation of the right claimed by protestant.

A protest by Southern California Edison Company was withdrawn in view of character and nature of the proposed use.

Information developed at the hearing shows that the springs are some two miles from the river channel and that any water therefrom which reaches the river in summer does so in the form of subsurface flow through the detritus in the ravines and in Hathaway Creek, there being no surface flow except during the period when melted snow runs off. The rate of such subsurface flow under existing conditions as estimated by protestant's engineer would be from 300 to 1000 feet per month. While it was not denied that water from the source reaches the river it was shown that much thereof is consumed in plant transpiration after leaving the spring.

Applicant's period of use would be from May 1st to November 30th and any interference with the flow of the river resulting from diversion from the springs could not be felt for a least ten months even if the fastest rate of progress indicated by protestant's engineer is accepted. During any such ten month period any portion of the subterranean channel dried out as a result of interference with the springs would be recharged by precipitation and surface runoff naturally gravitating to the troughs of the ravines. Furthermore, there are a great number of springs contributing to the flow of the river and the probability that such flow can be

appreciably affected by the diversion of a maximum of 0.036 from three springs two miles from the river for domestic use within the watershed appears too remote to justify denial of the application. In taking this attitude the Division of Water Rights notes that part of the natural flow from the springs is admittedly consumed in evaporation and plant transpiration.

The use proposed is a beneficial one and the application will be approved.

O R D E R

Application 5731 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests 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 said Application 5731 be approved and that a permit be granted to applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 7 day of Jan 1928  
1929.

*Harold Conkling*  
(Harold Conkling)  
CHIEF OF DIVISION OF WATER RIGHTS.