

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

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In the Matter of Application 4143 of Dr. F. K. Strasser and
Mary Lenore Blackburn to appropriate from Bautista
Canyon, Tributary to San Jacinto River in
Riverside County for Domestic and
Irrigation Purposes

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DECISION A 4143

D-304

Decided

January 8, 1932

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APPEARANCE AT HEARING HELD AT RIVERSIDE DECEMBER 3, 1931

For Applicant

Dr. F. K. Strasser & Mrs. F. K. Strasser (nee Mary L. Blackburn)
In Propria Persona

For Protestant

Hemet Valley Well Owners Organization	J. N. Dilworth
Tahquitz Mutual Water Co.	No appearance
Fruitvale Mutual Water Co.	No appearance

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights,
Division of Water Resources, Department of Public Works,
State of California.

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OPINION

GENERAL FEATURES OF APPLICATION

Application 4143 was filed on August 5, 1924 by Dr. F. K. Strasser.
On November 7, 1924 a 77/155 interest in the application was assigned to Mary
Lenore Blackburn who has since married Dr. Strasser.

Application 4143 proposes an appropriation of 1.93 cubic feet per second throughout the entire year from Bautista Canyon tributary to San Jacinto River for domestic and irrigation purposes on 155 acres of land of which it was stated 75 acres were owned by Mary Lenore Blackburn. The point of diversion is within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T. 6 S., R. 1 E., S.B.B. & M. The application was protested by Tahquitz Mutual Water Company, Hemet Valley Well Owners Organization and Fruitvale Mutual Water Company.

PROTESTS

The Hemet Valley Well Owners Organization and Tahquitz Mutual Water Company, of which it is a member, divert from wells located in the vicinity of Bautista Wash below applicant's proposed point of diversion. They allege in effect that the proposed diversion would result in diminishing their already insufficient water supply.

The Fruitvale Mutual Water Company diverts from San Jacinto River just below the junction of Bautista Canyon and the San Jacinto River. It alleges that in every year except years of heavy runoff the amount of water to which it is entitled and would put to beneficial use will be decreased to the extent of the diversion made by applicants under Application 4143.

HEARING HELD IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Application 4143 was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources and being protested was set for a public hearing in accordance with Section 1a of the Water Commission Act of December 3, 1931 at 10:00 o'clock A. M. in Council Chamber, City Hall, Riverside, California. Of this hearing applicants and protestants were duly notified.

HYDROGRAPHY AND PHYSIOGRAPHY

Bautista Creek, the source of the proposed appropriation, rises in

the vicinity of Coahuila and Thomas mountains and flows northwesterly, paralleling the direction of the San Jacinto Mountain Range to its junction with the San Jacinto River at a point about one and a half miles northwest of the town of Vallevista. The watershed comprises some fifty-eight square miles of which about thirty-two square miles is above the proposed diversion point of the applicant and is generally of low elevation. While there are no direct records of runoff available, the flow is small and intermittent except during heavy storms. Mr. S. T. Harding in his Report on San Jacinto River Hydrographic Investigation estimates the seasonal runoff of Bautista Creek at fifty-seven acre feet per square mile of watershed.

Bautista Creek drains an area consisting largely of the older alluvium. The surface runoff is small and Mr. Harding states that it is probable that there may be absorption into the alluvium along Bautista Creek which eventually joins the ground water in the main valley areas. The runoff reaching the main valley area is largely ground water as the surface flow occurs only occasionally. Bautista Creek has eroded a channel into the older alluvium for some distance along its course and such channel appears to be sufficient to absorb the usual runoff. Mr. Harding states that if such ground water remains in the more recent surface material along the channel, its direction of movement is more probably to the east of Pack Hill, but if the absorption enters the underlying older alluvium, its direction of movement is uncertain, but may be more largely to the west of Pack Hill. He states that the ground water contours indicate a probable movement of ground water in the direction of flow of Bautista Creek into the area south of Park Hill, such water being possibly derived either from the Bautista Creek drainage area or from water entering the older alluvium along San Jacinto River above the spreading areas.

DISCUSSION

Some twenty three years ago Mr. Fred Blackburn, former husband of Mrs. F. K. Strasser initiated an appropriative right to develop 90 miner's inches of water in Bautista Canyon. About 30 or 35 miner's inches were developed by means of tunnels and the water was conveyed by pipe line to about 100 acres of orchard. In 1913 there was a severe earthquake which shattered the timbers of the tunnel and destroyed a portion of the pipe line. An attempt was made to repair the damage without success and it was decided to develop a water supply at a point upstream and Application 4143 was consequently filed on August 5, 1924. A year later 40 miner's inches of water was developed and has been used on the Blackburn ranch. No further development at the proposed point of diversion is contemplated.

It is applicants' opinion, apparently that the waters which he seeks to divert are percolating waters, but in view of the testimony presented at the hearing to the effect that the diversion was made in a narrow canyon in which at times the water flowed on the surface, it would appear that the source of appropriation was a definite underground channel, the flow therein being subject to appropriation under the Water Commission Act.

Applicants contend that they are using the same water to which right was originally initiated but at a different point of diversion and that they are riparian to the stream.

The protestant Hemet Valley Well Owners Organization was the only protestant represented at the hearing. This protestant does not object to the use by the applicants of any water to which they may have already acquired a right but objects seriously to the initiation of a new right.

This office is not sufficiently advised as to the validity of applicants' former right to venture an opinion thereon but unless such right has been lost

by abandonment or non-user, it would appear that applicants would be entitled to the use of the water now being diverted and that the point of diversion may be changed provided that prior rights are not interfered with. Certainly the old right could not be confirmed or strengthened by the filing of an application with this office.

The members of Hemet Well Owners Organization are dependent upon water pumped from wells in the area south of Park Hill and consider that Bautista Canyon is the principal source of replenishment of the underground supply. They claim that the amount of water pumped from the underground basin has for many years exceeded the estimated absorption and that on account of the large investment required to lift the water from the lowering water plane, adjoining ranch owners in Hemet Valley have associated in mutual water companies and have sunk wells and installed pumps costing upwards of five thousand dollars each. These mutual water companies, protestant alleges, had put all this water to beneficial use prior to the filing of Application 4143, heavy over-drafts are made on the underground storage, and any diversion from Bautista Creek would deprive existing users of water to which they are entitled.

In support of this allegation protestants cite the "Report on San Jacinto River Hydrographic Investigation 1922" by S. T. Harding. This report was prepared under the direction of this office after a comprehensive investigation of water resources of the drainage area of San Jacinto River and their utilization during the years 1921 and 1922. On page 90 of that report Mr. Harding indicates that the entire average runoff of Bautista Creek has been used and there is no surplus water subject to appropriation.

In view of these facts it is the opinion of this office that Application 4143 should be rejected on the grounds of lack of unappropriated water in Bautista Canyon.

ORDER

Application 4143 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 4143 be rejected and cancelled upon 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 8th day of January 1932

EDWARD HYATT, State Engineer

By Harold Corbly
Deputy

WES:MM

Prepared on December 31, 1931
Typed on January 7, 1932

