

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19022 of)
First Congregational Church of Los Angeles)
to Appropriate from an Unnamed Spring in)
San Bernardino County)

Decision D 1025

ADOPTED JUL 19 '61

1025

DECISION APPROVING APPLICATION

The First Congregational Church of Los Angeles having filed Application 19022 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held in Los Angeles on November 1, 1960, before the State Water Rights Board, Chairman Kent Silverthorne presiding; the applicant and protestants having been duly notified of said hearing; evidence having been offered and received at said hearing; the Board, having considered the evidence finds as follows:

1. Application 19022 is for a permit to appropriate 0.0385 cubic foot per second (cfs) by direct diversion from November 15 of each year to May 1 of the succeeding year for domestic, fire protection, and recreational purposes from an unnamed spring in San Bernardino County. The point of diversion is located within the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, Township 2 North, Range 1 West, SBB&M. The applicant already holds License 6114 (Application 12417), which covers direct diversion and use of the same quantity of water from the same source and point of diversion, for the same purposes of use, and by the same diversion facilities but limited to the period between May 1 and November 15 of each year.

2. The unnamed spring which is the source designated by Applications 12417 and 19022 is at the upper end of a cienega on a mountainside located about a mile south of Big Bear Lake. The map filed with Application 12417 indicates that one finger of the cienega area is tributary to Seeley Creek which flows into Big Bear Lake. However, the evidence indicates and the Board finds that very little if any of the water of the source would naturally flow into Seeley Creek, that most of the natural drainage is towards the applicant's place of use, but that nearly all of the water from said source is or has been consumed in the cienega by trees, shrubs, and grass.

3. Domestic use by applicant is at an established camp ground, with water in excess of domestic needs going into a small lake where it is used for recreation and fire protection.

4. Protestants located downstream from Big Bear Lake offered no testimony and showed no prejudice to their established rights. Their protests may therefore be disregarded.

5. Protestants Seccombe and Miller rely on License 612 (Application 2331), which recognizes a year-round right to divert and use not in excess of 500 gallons per day from Seeley Creek for domestic purposes. These protestants failed to show prejudice to their rights and their protest may be disregarded for two reasons: (1) The unnamed spring which is the source specified in Application 19022 contributes only a negligible quantity of water to Seeley Creek, and (2) recent license reports of these protestants filed by them with License 612 shows usage of water under their license principally during summer months and only up to about November of each year. Official notice is taken of said reports.

6. There is unappropriated water available to supply the applicant and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19022 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 19022 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.0385 cubic foot per second by direct diversion to be diverted between about November 15 of each year and about May 1 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1964.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in

accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member