

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 19240
and 19734 of Ribbonwood Estates, Inc.,
to Appropriate from Unnamed Springs
Tributary to Omstott Creek and Palm
Canyon, Respectively, in Riverside
County

Decision D 1078

APPROVED FEB 15 1962

DECISION APPROVING APPLICATION 19240
AND DENYING APPLICATION 19734

Ribbonwood Estates, Inc., having been assigned Applications 19240 and 19734 filed by Wilson Howell to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board in Riverside, California, on July 26, 1961, William A. Alexander, Member, presiding; the applicant and protestant having appeared and presented evidence; all evidence received at said hearing having been duly considered, the Board finds as follows:

1. Application 19240 is for a permit to appropriate 0.12 cubic foot per second (cfs) by direct diversion, year-round, for domestic purposes from two unnamed springs tributary to an unnamed stream thence Omstott Creek in Riverside County. The points of diversion are to be located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 17, T7S, R5E, SBB&M.



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2. Application 19734 is for a permit to appropriate 1.41 cfs by direct diversion, year-round, for domestic purposes from unnamed springs tributary to an unnamed stream thence Palm Canyon Creek in Riverside County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7, T7S, R5E, SPB&M.

3. Applicant's project is to furnish water for a proposed subdivision which will contain 480 homes. It is intended to form a mutual water company which would be assigned the water rights.

4. The unnamed springs described in Application 19240 are fed from the underflow of an unnamed stream and are located 0.5 mile apart, approximately 3 miles from the confluence of the unnamed stream with Omstott Creek. Omstott Creek continues from this confluence approximately 0.5 mile to join Palm Canyon Creek.

5. The source described in Application 19734 is a number of springs located in Palm Canyon approximately 20 miles above the point where it joins Whitewater River. The applicant intends to drill in that area in an attempt to develop the underflow of Palm Canyon Creek.

6. Protestant Coachella Valley County Water District holds appropriative and adjudicated rights to divert from the Whitewater River and tributaries. Its rights include 2,000 acre-feet per annum from Palm Canyon Creek. Landowners in the District

also pump from the underlying Coachella Valley ground water basin. The District claims the granting of permits to the applicant will interfere with the District's and the landowners' rights to water from these sources.

7. There has been no showing of the amount of water, if any, that could be appropriated by applicant in the manner proposed in Application 19734. The evidence indicates that surface runoff in Palm Canyon Creek is extremely erratic and that there is no sustained surface flow. Applicant has made no attempt to develop subsurface flow in this source. The amount requested in said application is based upon the quantity that could be used by a community of homes and not upon the available supply. In the absence of a showing by applicant that a supply of water suitable for its proposed project could be developed, the application should be denied.

8. The lowermost of the springs designated in Application 19240 is located approximately 3.0 miles from Palm Canyon and flows at a minimum rate of approximately 1,000 gallons per day. The upper spring located approximately 3.5 miles upstream from Palm Canyon flows at a minimum rate of approximately 15,000 gallons per day. These springs flow no farther than a few hundred feet below their points of origin in a normal year and no more than 500 or 1,000 feet in a wet year. These flows are consumed by evaporation and transpiration before reaching Palm Canyon and consequently do not contribute to the supply available to the protestant or to landowners in the District.

9. There is unappropriated water available to supply the applicant as sought by Application 19240 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.

10. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19734 should be denied, and that Application 19240 should be approved, and that a permit pursuant to Application 19240 should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 19240 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and 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 0.12 cubic foot per second by direct diversion, year-round.

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

3. Actual construction work shall begin on or before September 1, 1962, and thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1964.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

6. 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.

7. 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.

8. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

IT IS FURTHER ORDERED that Application 19734 be, and it is hereby denied.

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 , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member