

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

1128

In the Matter of Application 20369
of John A. and Myra Marsh Van Pelt
to Appropriate from an Unnamed Stream
Tributary to San Gorgonio River in
Riverside County

Decision D 1128
ADOPTED APR 4 1963

DECISION APPROVING APPLICATION

John A. and Myra Marsh Van Pelt having filed Application 20369 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 20369 is for a permit to appropriate 0.025 cubic foot per second (cfs) by direct diversion from June 1 to October 1 of each year for domestic and irrigation purposes from an unnamed stream tributary to San Gorgonio River in Riverside County. The point of diversion is to be located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T3S, R3E, SBB&M.

2. The applicants now hold License 1638 covering the same source, place of use, and purposes as set forth in Application 20369. That license confirms a right to divert from

about October 1 to about June 1 of each season. The purpose of the application is to extend their diversion season to cover the period from June 1 to October 1. They intend to construct a small diversion dam approximately one-quarter mile upstream from their original point of diversion where more water is available in the unnamed stream. An order changing the point of diversion under License 1638 to this same point was issued by the Board on November 20, 1961.

3. On July 16, 1962, the flow of the unnamed stream at the applicants' point of diversion was approximately 400 gallons per day. Water occurs in the stream at this point year-round due to the presence of springs in the upper canyon.

4. Protestant Coachella Valley County Water District holds a right, confirmed by the Whitewater River adjudication, to divert 80,000 acre-feet per annum to underground storage from the Whitewater River, to which San Gorgonio River is tributary. It diverts to spreading grounds located approximately 4 miles below the junction of the unnamed stream and the San Gorgonio River, thereby replenishing the Coachella Valley ground water basin. The water is eventually extracted from the basin by users within the district.

5. During the past several years there has not been sufficient flow in the Whitewater River to satisfy the rights of the protestant, and the ground water plane in the westerly portion of Coachella Valley has been progressively receding. However, all indications point to the conclusion that water occurring at the applicants' point of diversion during the proposed

diversion season does not reach the protestant's point of diversion but is lost through evaporation and transpiration.

6. There is unappropriated water available to supply the applicants, 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 uses are beneficial.

From the foregoing findings, the Board concludes that Application 20369 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 20369 and all relevant information on file therewith, particularly the report of the field investigation made July 16, 1962, files of Applications 1122, 2922, and 4966; Judgment and Decree in the Whitewater River adjudication (Superior Court, Riverside County, No. 18035); United States Geological Survey, Surface Water Supply of the United States, Part 10, The Great Basin; United States Geological Survey, Whitewater, California, quadrangle, 7 $\frac{1}{2}$ -minute, 1955 edition.

ORDER

IT IS HEREBY ORDERED that Application 20369 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.025 cubic foot per second by direct diversion to be diverted from about June 1 to about October 1 of each year. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

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

3. Construction work shall be completed on or before December 1, 1965.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

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

6. 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.

7. 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.

Adopted as the decision and order of the State Water
Rights Board at a meeting duly called and held at _____,
California, on the _____ day of _____, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member