

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19144)
of John C. and Evangeline L. Wilcox)
to Appropriate from Two Unnamed)
Springs Tributary to Cable Canyon)
in San Bernardino County)

Decision D 1033

ADOPTED AUG 17 '61

DECISION APPROVING APPLICATION

John C. and Evangeline L. Wilcox having filed Application 19144 for a permit to appropriate unappropriated water; protests having been received; a hearing having been held in Los Angeles on November 1, 1960, by the State Water Rights Board, Chairman Kent Silverthorne presiding; the Board, having considered the evidence, finds as follows:

1. Application 19144 was accepted for a permit to appropriate 1,873 gallons per day year-round by direct diversion for domestic and recreational use from two unnamed springs tributary to an unnamed stream thence Cable Canyon, thence Cajon Wash, in San Bernardino County. The points of diversion are located in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 26, T2N, R5W, SBB&M.

2. Written protests of Orange County Water District and of Santa Ana Valley Irrigation District were filed on the

basis of interference with established downstream rights on the Santa Ana River. Neither protestant was represented at the hearing although each had been given due notice thereof. San Bernardino Valley Municipal Water District was represented at the hearing and participated as an interested party in opposition to the approval of subject application but offered no evidence.

3. Mr. Wilcox developed most of the water now flowing from the two unnamed springs, which are the sources specified in Application 19144, by digging into the hillside at two places where he had found wet spots on the ground. Only in the rare times when there is a flood is there any hydraulic connection between the sources and Cable Canyon, which is tributary to the Santa Ana River. At other times the developed springs would only flow a few feet and then the water would sink into the ground and be consumed by evaporation or transpiration of native plants if the water were not diverted and used by applicants.

4. In connection with the pending petition to add fire fighting as an authorized use, it is found that no one would be prejudiced by such an additional use and that approval of the same is requested by the United States Forest Service.

5. Necessary construction work is complete.

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 injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19144 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.

IT IS HEREBY ORDERED that Application 19144 be, and it is, amended to add fire fighting as an authorized use of water; and

IT IS FURTHER ORDERED that Application 19144 as amended 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 to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 1,873 gallons per day year-round for domestic, recreation, and fire fighting purposes.

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, 1961.

4. 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.

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