

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12144 by R. C. Hameline and Fanny Hayward Hameline to appropriate water from an unnamed spring tributary to Mojave River in San Bernardino County for domestic purposes.

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Decision A. 12144 D. 634

Decided November 9, 1949

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON JULY 11, 1949:

H. H. Wilson	Applicants' Attorney
C. N. Hewitt	Protestant
Paul Thompson) Alfred Green)	Protestant Allen's representatives
J. J. Heacock	Associate Hydraulic Engineer, Division of Water Resources Department of Public Works Representing the State Engineer

Protestant Hewitt's son was also in attendance.

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O P I N I O N

General Description of the Project

The application proposes the appropriation of 5 gallons per minute, year-round, for domestic purposes, from an unnamed spring tributary to Mojave River, in San Bernardino County. The proposed point of diversion is described as lying within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T 2 N, R 4 W, S B.B. & M. A 5000 gallon storage tank is to be pro-

vided adjacent to the spring and water piped therefrom some 300 feet to the place of use, a dwelling within the same quarter quarter section.

Protest

Carl N. Hewitt and Walter B. Allen protest jointly, claiming that the entire flow of Sawpit Canyon and streams and springs tributary thereto has long been put to beneficial use during periods commencing July 15 and ending October 30. They assert that their point of diversion is located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T 2 N, R 4 W, S.B.-B. & M., that they hold both riparian and appropriative rights, that water was first used in 1916 and that present use includes the domestic supply of 20 cabins, a fire station, a Forest Service Ranger Station and the irrigation of 15 acres of berries and garden and 40 acres of uncultivated land. They state that their protest may be disregarded and dismissed if use under Application 12144 is limited to 100 gallons per day from July 15 to October 30 of each season.

In answer to the protest the applicants deny that the proposed appropriation will injure the protestants, deny that the entire flow of Sawpit Canyon has been put to beneficial use and deny that the protestants have ever used or have any right to use waters from the source filed upon. They allege that the spring in question is very small, that it lies upon their land, and that its yield is absorbed before it can reach Sawpit Creek or any tributary thereto.

Field Investigation

The applicants and the protestants having stipulated to an informal hearing as provided for in Section 733(b) of the California

Administrative Code a field investigation was conducted at the site of the proposed appropriation on July 11, 1949 by an engineer of the Division. The applicants and the protestants were present or represented during the investigation.

Records Relied Upon

Application 12144 and all data and information on file therewith.

Discussion

According to the record the spring filed upon lies within the drainage area tributary via Sawpit Canyon to Mojave River. The spring is described in the report of investigation as a very small seepage showing in a seam of decomposed rock across the bottom of a small steep draw. The draw is said to support a medium light growth of willows, indicative of the presence of some water, year round. At the time of investigation the flow of water was too small to measure and it appeared doubtful to the investigator that the amount of water applied for can be developed or that minimum domestic needs can be met.

After inspecting the project the protestants decided that any development that could be made at the spring in question would be so small that it would make very little difference in the flow of water in Sawpit Canyon. They accordingly executed Forms 23C, indicating the withdrawal of their protests.

Limited information as to the flow characteristics of Sawpit Canyon and tributaries is obtainable from the files relating to

Applications 461 (Allen), 4077 (Hewitt) and 10029 (Hameline). From that information it appears that water is usually plentiful until about July 1 when it rapidly diminishes to a sustained summer flow (in Sawpit Canyon) of 2 miner's inches. The period of water scarcity in the locality appears to extend until mid-November.

In view of the withdrawal of the protests no bar remains to the approval of the application. Prior to actual exploitation it is impracticable to ascertain how much the spring will yield and a reduction of the amount named in the application is therefore unwarranted at this time. The application should be approved and permit issued, subject to the usual terms and conditions


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ORDER

Application 12144 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12144 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works
the State of California this 9th day of November, 1949.


Edward Hyatt, State Engineer

