

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 12343 of)
Harold F. Smith and Jessie F. Smith)
to Appropriate from Stetson Creek,)
Tributary to Forsee Creek, Thence)
Santa Ana River;)
Application 12433 of Ray Mitchell to)
Appropriate from South Fork Santa Ana)
River; and Application 12632 of)
Paul E. and Ethel K. Lipscomb to)
Appropriate from Santa Ana River, All)
in San Bernardino County)

Decision D 1070

ADOPTED MAR 15 '62

1070

DECISION DENYING APPLICATIONS

Applications 12343, 12433, and 12632 to appropriate water having been filed; protests having been received; a public hearing having been held on May 27, 1959, before the State Water Rights Board in Los Angeles, California, Ralph J. McGill, Member, presiding; the applicants and protestants having been duly notified of said hearings; all evidence at said hearings having been duly considered, the Board finds as follows:

1. Application 12343 of Harold F. Smith and Jessie F. Smith is for a permit to appropriate 200 gallons per day from about May 1 to about December 31 of each year for domestic purposes from

Stetson Creek, in San Bernardino County. The point of diversion is located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 19, T1N, R1E SBB&M.

2. Application 12433 of Ray Mitchell is for a permit to appropriate 100 gallons per day from about May 1 to about October 31 of each year for domestic purposes from South Fork Santa Ana River in San Bernardino County. The point of diversion is located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T1N, R1E, SBB&M.

3. Application 12632 of Paul E. and Ethel K. Lipscomb is for a permit to appropriate 200 gallons per day from Santa Ana River, year-round, for domestic purposes from Santa Ana River in San Bernardino County. The point of diversion is located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T1N, R1E, SBB&M.

4. The point of diversion named in Application 12343 is located on Stetson Creek approximately one-half mile upstream from its confluence with Forsee Creek, which continues from this point approximately one mile to join the Santa Ana River.

5. The point of diversion named in Application 12433 is located on the South Fork Santa Ana River approximately one-half mile upstream from its confluence with the main stem of the Santa Ana River.

6. The point of diversion named in Application 12632 is located on the main stem of the Santa Ana River approximately 4 miles downstream from its confluence with the South Fork Santa Ana River.

7. Protestant Bear Valley Mutual Water Company diverts from the Santa Ana River at a point approximately 10 miles below the Forsee Creek confluence under claimed pre-1914 rights through three canals, of a total capacity of 120 cfs, to irrigate approximately 10,000 acres of predominantly citrus crops. During most years practically all of the flow of the river is diverted into these canals, the diversion season extending throughout most of the year. The company supplements the summer flow of the Santa Ana River by releases from storage from its Bear Valley Dam on Bear Creek during a period averaging from June 13 to November 16.

8. Southern California Edison diverts 80 cubic feet per second from the Santa Ana River for power purposes approximately 2 miles above USGS gaging station "near Mentone" located between the applicants and protestant Bear Valley Water Company, returning the same at a point below the gaging station directly into the Water Company's intake. The Company uses the entire flow of the river whenever it falls below 40 cfs, as measured at the Mentone gaging station, and the mean monthly average flow has exceeded this amount only during the months of February, March, and April. The records of the gaging station for the period 1935 through 1959 show that this condition has occurred in February six times and in the months of March and April seven times each, during the twenty-five year period. Water surplus to the needs of the Company is almost completely utilized by users downstream.

10. Ralph E. Sechrest, successor in interest to protestant Fred A. Hill, holds License 595 to appropriate 0.002 cubic foot per second, year-round, from Stetson Creek for the irrigation of 10 acres of orchard and domestic use. During dry years there is insufficient water available to satisfy this right.

11. Unappropriated water does not occur in the sources named in Applications 12343, 12433, and 12632 with sufficient frequency to merit granting permits.

12. The applicants are holders of use permits for cabins within the San Bernardino National Forest. The protestant Bear Valley Mutual Water Company and others have entered into an agreement with the U. S. Forest Service, providing for water for the applicants and other permittees.

From the foregoing findings, the Board concludes that Applications 12343, 12433, and 12632 should be denied.

IT IS HEREBY ORDERED that Applications 12343, 12433, and 12632 be, and the same are, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on this day of , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member