

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21787)
of Jose Gutierrez to Appropriate)
from an Unnamed Spring in)
San Bernardino County)

Decision D 1246

ADOPTED MAR 30 1966

DECISION DENYING APPLICATION

Jose Gutierrez having filed Application 21787 for a permit to appropriate unappropriated water; a protest having been received; the applicant 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 21787 is for a permit to appropriate 1500 gallons per day by direct diversion, year-round, for domestic purposes, from an unnamed spring in San Bernardino County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T3N, R2W, SBB&M.
2. The applicant now diverts water from the unnamed spring at a concrete spring box through a pipeline to a 10,000-gallon-capacity regulatory reservoir. The water from

the reservoir is used at two residences and for the irrigation of approximately one-half acre of vineyard and trees.

3. On May 11, 1965, the time of the field investigation, the entire flow of the spring was being diverted at the spring box. The flow of the spring was estimated by the applicant to vary between 700 and 3,100 gallons per day. The only measurements of the spring's flow were made by the Board's predecessor in June of the year 1921 and in August of the year 1923. The flows of the spring at that time were 3 gallons per minute and 1 gallon per minute, respectively.

4. The applicant holds License 288 (Application 1675) to appropriate 22,600 gallons per day by direct diversion from the same unnamed spring for agricultural and domestic uses at the same place of use described by Application 21787.

5. The unnamed spring does not produce water surplus to the quantity necessary to satisfy the applicant's present right confirmed by License 288.

6. There is no unappropriated water available to supply the applicant.

From the foregoing findings, the Board concludes that Application 21787 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 21787 and all relevant information on file therewith, particularly the report of the field investigation made on May 11, 1965, and the files on Application 1675 (License 288).

ORDER

IT IS HEREBY ORDERED that Application 21787 be, and it is, 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 1966.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member