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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF RIVERSIDE

In the Matter of the Determination of the Relative Rights, Based upon Prior Appropriation, of the Various Claimants to the Waters of Whitewater River and its Tributaries, in San Bernardino and Riverside Counties, California.

No. 18035

**O R D E R**

The petition of Stuart D. Allen for authority to change the place of use of water adjudicated to be his property on Page 25 of the Judgment in the above entitled matter came on regularly to be heard before Department I of the above entitled Court, the Honorable O. K. Morton, Judge presiding, and the Court being fully advised in the premises and good cause appearing therefor, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the water adjudicated to petitioner in the above entitled action from the natural flow of Blaisdell Creek may be used by the following named persons in the proportions and in the places hereinafter specified:

(1) Stuart D. Allen - one-half of said waters in the Southwest Quarter of the Northeast Quarter, Lots 5 and 6, in Section 24, Township 3 South, Range 3 East SBB&M;

(2) James J. Roberts and Vanch F. Roberts - as to a one-quarter interest within Lots 2 and 3 of Section 30, Township 3 South, Range 3 East SBB&M;

(3) Ferdinand Coble - as to a one-twelfth interest;



JUN 8 1938 H.S.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF RIVERSIDE

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Recorded in Book 46 of  
Judgments at Page 246  
9th day of December  
1938

IN THE MATTER OF THE DETERMINATION  
OF THE RELATIVE RIGHTS, BASED UPON  
PRIOR APPROPRIATION, OF THE VARIOUS  
CLAIMANTS TO THE WATERS OF WHITEWATER  
RIVER AND ITS TRIBUTARIES, IN SAN  
BERNARDINO AND RIVERSIDE COUNTIES,  
CALIFORNIA.

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No. 18035

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WILLIAM D. DEHY, JUDGE PRESIDING

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DECEMBER 9, 1938

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF RIVERSIDE

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IN THE MATTER OF THE DETERMINATION )  
OF THE RELATIVE RIGHTS, BASED UPON )  
PRIOR APPROPRIATION, OF THE VARIOUS )  
CLAIMANTS TO THE WATERS OF WHITEWATER ) No. 18035  
RIVER AND ITS TRIBUTARIES, IN SAN )  
BERNARDINO AND RIVERSIDE COUNTIES, )  
CALIFORNIA. )

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The above entitled proceeding came on regularly for hearing, trial and determination before the court sitting without jury, a trial by jury having been duly waived, on the 27th day of November, 1928, and was duly and regularly continued for further hearing, trial and determination to April 5, 1938;

Howard Surr, Surr & Hellyer, and Frank L. Miller appearing as counsel for Banning Water Company, a corporation, the San Gorgonia Power Company, a corporation, Banning Heights Mutual Water Company, a corporation, and Cabazon Water Company, a corporation; Frank L. Miller appearing as counsel for Morongo Valley Mutual Water Company, a corporation; C.L. McFarland appearing as counsel for George R. Hicks, Palm Valley Water Company, a corporation, Palm Springs Water Company, a corporation, and W. V. Covington; Arvin B. Shaw, Jr., and Stewart, Shaw & Murphey appearing as counsel for the Coachella Valley County Water District, having been duly and regularly substituted as such counsel for and in stead of H.L. Carnahan and Thos.C. Yager; A. Heber Winder appearing as counsel for Pearl McCallum McMenus and J.A. Gray; W. C. Irving appearing as counsel for the Whitewater Mutual Water Company, a corporation, successor in interest to Prescott T. Stevens; W.G.Irving and H.L.Thompson and Sarau&Thompson appearing as counsel for Nellie N.Coffman, Cornelia B.White, Florilla M.White, Levine F.Crocker, Helen Coffman, Pearl McCallum McMenus, Isabel White Chase, George Wellwood

1 Murray, Ruth J. Orr, T. I. Douglas, C. A. Abbott, Charles Powers, Zaddie  
2 R. Bunker, J. A. Gray, Owen Earl Coffman, George B. Roberson, and Trus-  
3 tees for Palm Springs Presbyterian Church, said H. L. Thompson and Sarau &  
4 Thompson having been duly and regularly associated as such counsel with  
5 said W. G. Irving; H. L. Thompson and Sarau & Thompson appearing as counsel  
6 for Walter O. Edwards, successor in interest to H. C. Ratcliff; Ralph E.  
7 Swing and Swing & Wilson, and Swing & Swing appearing as counsel for  
8 Frank L. Talmadge, John W. Talmadge and William S. Talmadge; Paul V.  
9 DeFord appearing as counsel for Southern Pacific Land Company, a corpor-  
10 ation, Southern Pacific Railroad Company, a corporation, and Southern  
11 Pacific Company, a corporation, having been duly and regularly substi-  
12 tuted as such counsel for and instead of Frank Thunen; Robert F. Shippee  
13 appearing as counsel for Gertrude G. Hittson as successor in interest to  
14 George D. Richey; Carl W. Minton, and Minton & Minton appearing as counsel  
15 for Andrew J. Warner and Clara J. Warner; William O. Mackey appearing as  
16 counsel for R. E. Bailiff; Wing & Wing appearing as counsel for Stuart D.  
17 Allen and Stuart D. Allen as successor in interest to Julia B. Berry;  
18 Robert W. Daniels appearing <sup>specially</sup> as counsel for the United States of America;  
19 and Spencer Burroughs appearing as counsel for the Division of Water Re-  
20 sources, Department of Public Works, State of California; evidence both  
21 oral and documentary having been introduced, the evidence having been  
22 closed, the matter having been fully argued and submitted to the court for  
23 consideration and decision, the court having fully considered the facts  
24 and the law and being fully advised, and findings of fact and conclusions  
25 of law being duly waived, the court makes this its judgment and decree and  
26 it is therefore

27 ORDERED, ADJUDGED AND DECREED as follows;

28 I.

29 The Whitewater River rises on the south and east slopes of  
30 San Geronimo Mountain, in the southwestern part of San Bernardino County.  
31 at an altitude of about 11,000 feet, flows in a general southeasterly

1 direction for a distance of about sixty-five miles, traversing the central  
2 part of Riverside County, and empties into Salton Sea, the elevation of  
3 which is about 250 feet below sea level. Except in times of extreme  
4 flood, the entire flow of said river sinks into the desert between White-  
5 water Station and Palm Springs Station, on the Southern Pacific Railroad.

## 6 II

7 The principal tributaries rising in the San Bernardino Mountains  
8 are San Geronimo River, Hatheway Creek, Potrero Creek, Millard Creek,  
9 Stubby Creek, Cottonwood Creek, Mission Creek, Dry Morongo Creek, Big  
10 Morongo Creek and Little Morongo Creek. Of these tributaries, the San  
11 Geronimo River is by far the most important and drains San Geronimo  
12 Canyon, situated north of Banning, and also San Geronimo Pass from Banning  
13 east to Whitewater Station. Mission Creek and the Morongo Creeks, al-  
14 though having large watersheds, drain areas of comparatively low precipi-  
15 tation and consequently contribute but little water except in times of  
16 flood.

## 17 III

18 The principal tributaries rising in the San Jacinto Mountains  
19 are Cabazon Creek, Snow Creek, Falls Creek, Chino Creek, Tahquitz Creek,  
20 Andreas Creek, Murray Creek, and Palm Canyon Creek. Of these, Snow Creek,  
21 which drains the north slope of San Jacinto Peak, is the most important,  
22 and Tahquitz Creek, which drains the east slope of San Jacinto Peak, is  
23 next in importance. Both Snow Creek and Tahquitz Creek are extremely  
24 precipitous, falling from near the summit of San Jacinto Peak to the  
25 floor of the desert at rates in excess of 1,000 feet per mile. Palm  
26 Canyon Creek is about twenty miles long and drains the largest area, but  
27 its watershed is relatively low and consequently produces less water than  
28 the streams to the north.

## 29 IV

30 The only important tributaries entering from the Santa Rosa  
31 Mountains are Deep Canyon Creek and Martinez Canyon Creek. The Cottonwood

1 Mountains, forming the eastern boundary of Coachella Valley, produce no  
2 living streams with the exception of that in Thousand Palms Canyon, oppo-  
3 site Edom.

4 V

5 The various tributaries of the Whitewater River have built up  
6 debris cones where they debouch from their respective canyons, and, except  
7 in times of flood, their entire flows sink in these cones, travelling  
8 through underground channels to the lower part of Coachella Valley. The  
9 total area drained by the Whitewater River stream system is about 1200  
10 square miles.

11 VI

12 On account of the extremes in altitude, there is a wide variation  
13 in climate in the different parts of the watershed. The climate of the  
14 high mountain region is characterized by a wet season extending from the  
15 first part of November to the latter part of April, followed by a long  
16 period during which there is practically no precipitation. In this region,  
17 the winters are severe and the summers are mild. Above the 7,000 foot  
18 level, a considerable portion of the precipitation falls as snow, which  
19 remains on the ground until early summer.

20 VII

21 The climate also varies widely over the valley floor. In the  
22 vicinity of Banning, the winters are mild, and while the summer days are  
23 often hot the nights are usually cool. The rainfall in this region is  
24 ample to permit the growing of grain crops without irrigation. Proceeding  
25 from Banning eastward through San Geronimo Pass, the transition in climate  
26 is very rapid until, at Whitewater Station, a distinctly desert climate is  
27 reached. The climate of Coachella Desert and Coachella Valley is character-  
28 ized by short mild winters followed by long hot seasons during which the  
29 heat is extreme. Temperatures of 125 degrees Fahrenheit are not uncommon  
30 in July and August. The precipitation in this region is low and erratic.  
31 During the late winter and early spring, very high winds are frequent,





1 County Water District, a public district organized and existing under and by  
2 virtue of the County Water District Act, being an act approved June 10, 1913,  
3 Stats. 1913, P. 1049, as amended, and the Coachella District Merger Act,  
4 being an act approved June 21, 1937, Stats. 1937, P. 1410, which said district  
5 on June 29, 1922, duly filed a petition with the Division of Water Rights of  
6 the Department of Public Works, successor to the said commission, and prede-  
7 cessor of the Division of Water Resources of the Department of Public Works  
8 of the State of California, herein referred to as "commission", for determin-  
9 ation in accordance with the provisions of said water commission act, of the  
10 relative rights by prior appropriation of the various claimants in and to the  
11 waters of the Whitewater River Stream system.

12 XII

13 On December 9, 1922, by order duly given and made, said commission  
14 granted said petition, and thereafter duly gave notice by publication as pro-  
15 vided by law, setting forth the entry of the aforesaid order and of the pen-  
16 dency of said proceedings; the date upon which said commission would begin its  
17 examination of said stream system, to-wit, March 1, 1923; and prescribing and  
18 requiring all claimants to rights by appropriation of the waters of said stream  
19 system to make proof of their claims in the manner provided by law.

20 XIII

21 At the time set in said notice said commission began its inves-  
22 tigation of the flow of the stream system and of the conduits diverting  
23 water, and of the lands irrigated or irrigable therefrom, and proceeded  
24 to gather all other data and information essential to the proper deter-  
25 mination of the water rights by appropriation from said stream system;  
26 and thereafter said commission reduced its observations, data, information  
27 and measurements to writing and executed surveys and prepared maps from  
28 the observations of such surveys in accordance with uniform rules and  
29 regulations duly and regularly adopted by said commission, and upon said  
30 maps and surveys showed with substantial accuracy the course of the streams  
31 in said stream system; the location of each conduit diverting water there-

1 from; land irrigated and capable of being irrigated by each conduit; and  
2 the kind of culture upon said irrigated lands. Said maps and surveys  
3 were prepared by said commission as the surveys and observations progressed,  
4 and when completed were duly and regularly filed and made of record in  
5 the office of said commission.

6 XIV

7 Upon the completion of the aforesaid measurements and maps and  
8 after the filing of said observations, data, information and measurements,  
9 as aforesaid, said commission, by order duly given and made, gave notice  
10 by publication thereof as provided by law, setting forth the date prior  
11 to which proofs to be furnished by claimants in and to the waters of said  
12 stream system were required to be filed with said commission, and said  
13 commission gave like notice and enclosed therewith forms of proofs as  
14 required by said act, by registered mail, with postage fully prepaid  
15 thereon, to each claimant to rights by appropriation of the waters of said  
16 stream system, insofar as such claimant could be reasonably ascertained,  
17 at his last known place of address. Thereafter the time allowed within  
18 which proofs of appropriation might be filed was extended by orders duly  
19 given and made by said commission, to and including October 31, 1924, and  
20 within said period claimants herein duly filed with said commission proofs  
21 of appropriation of their respective rights to the waters of said stream  
22 system.

23 XV

24 After the filing of proofs of appropriation by claimants as  
25 aforesaid, and after the expiration of the time fixed by said commission  
26 for the filing of said proofs, said commission duly assembled all proofs,  
27 which had been filed and prepared, and duly certified an abstract of all  
28 said proofs, and duly caused the same to be printed in accordance with  
29 the provisions of said act, and thereafter by order duly given and made,  
30 prepared a notice fixing and setting a time and place convenient to the  
31 claimants when and where evidence taken by or filed with the commission

1 would be open to inspection for a period of not less than ten days; and  
2 a copy of said notice together with a printed copy of said abstract of  
3 proofs, was thereafter, and more than fifteen days prior to the first day  
4 prescribed in said order as the commencement of the period of such in-  
5 spection, duly mailed by registered mail, with the postage fully prepaid  
6 thereon, to each claimant who had appeared and filed proofs of appropri-  
7 ation as required by said act; and thereafter and in accordance with said  
8 notice and with said act, all of the evidence taken by or filed with said  
9 commission was open for inspection at the times and in the places and for  
10 the period designated in said notice, and any and all persons during said  
11 period were permitted to inspect such evidence and proofs in conformity  
12 with the provisions of said act, and during all of said period of inspec-  
13 tion, a representative of said commission was present.

14

XVI

15 In conformity with the provisions of section 34 of said act,  
16 contests were filed by certain of said claimants, with said commission,  
17 and thereafter by orders duly given and made, and within ten days after  
18 receipt by said commission of each contest of claimants, said commission  
19 duly notified by registered mail, with postage prepaid thereon, such  
20 contestant and claimant, respectively, whose rights were contested, to  
21 appear before said commission at the time and place specified in said  
22 notice, which said time in each instance was not less than fifteen days  
23 nor more than sixty days from the date of mailing of said notice by said  
24 commission; and thereafter and in conformity therewith, said commission  
25 held hearings on all contests filed by claimants, and upon the conclusion  
26 of said hearings closed the same and ordered the proceedings submitted  
27 for decision by said commission.

28

XVII

29 Thereafter and on April 23, 1928, said commission duly made and  
30 entered its order, finding, determining and establishing the several rights  
31 by appropriation to the use of the waters of said Whitewater River and its

1 tributaries which said order was entered of record in the office of said  
2 commission in Book No. 1, Orders of Determination, at page 426, which said  
3 order was duly certified by said commission. Thereafter said commission  
4 caused said order of determination so certified to be printed in the State  
5 Printing Office and a copy thereof to be sent by registered mail, with the  
6 postage fully prepaid, to each person who had filed proof of claim, and  
7 to each person who had become interested through intervention in said  
8 proceeding under the provisions of said act, in all respects as provided  
9 by said act and in conformity therewith.

10 XVIII

11 At the time of submission of said proofs of appropriation said  
12 commission collected the fees due thereon, as prescribed in section 32 of  
13 said act, and at the time of mailing its order of determination, as afore-  
14 said, computed the entire cost incurred in performing the duties prescribed  
15 in sections 26 to 36 of said act, and duly apportioned the amount by which  
16 said entire cost exceeded the total amount received on account of fees  
17 paid at the time of filing said proofs of appropriation among all claimants  
18 according to the method of apportionment provided in section 32 of said  
19 act, and in all respects in conformity therewith, and duly mailed notice  
20 of the assessment of said additional charges by registered mail to each  
21 claimant, said notice including a statement of the total sum assessed  
22 and of the sum assessed to each claimant addressed, all of which said  
23 additional charges have been paid.

24 XIX

25 After the entry of said order of determination as aforesaid,  
26 and on April 30, 1928, a certified copy thereof, together with the original  
27 evidence and transcript of testimony filed with or taken before said  
28 commission, all duly certified by said commission, was filed with the clerk  
29 of the Superior Court of the State of California, in and for the County of  
30 Riverside. Upon the filing of said certified copy of said order, evidence  
31 and transcript with the clerk of said Court, and on April 30, 1928, said



1 shown, from time to time, upon due application therefor, duly extended  
2 said time, and duly made and entered supplemental findings in accordance  
3 with proof offered and presented to said commission, of completion of  
4 certain of said incomplete rights, and duly made other findings and orders  
5 with respect thereto, and filed with this court certified copies thereof.

6 XXI

7 On the 14th day of August, 1931, jurisdiction of said commission  
8 as aforesaid over said incomplete rights ceased and terminated, except as  
9 provided by said section 12 of said act, and in and by Chapter 1136 of  
10 the Statutes of 1931, amending said section 36f of said act, and upon  
11 said 14th day of August, 1931, jurisdiction over said incomplete rights  
12 vested in this Court as provided in and by said section 36f of said act  
13 as amended by said Chapter 1136 of the Statutes of 1931; that thereafter  
14 this court, for good cause shown, and upon motion therefor by certain of  
15 said claimants, from time to time, duly extended said time for completion  
16 of said incomplete rights as aforesaid, and, upon notice thereof and  
17 motion therefor, with respect to certain of said incomplete rights, re-  
18 ceived proof of completion thereof and duly entered findings (designated  
19 "Supplemental Decree") establishing said rights to appropriate the waters  
20 of said stream system.

21 XXII

22 This court hereby ratifies, approves and confirms each, every  
23 and all of said acts, orders and findings of said commission and of this  
24 Court with respect to said incompleted rights and herein enters judgment  
25 pursuant thereto, and in accordance therewith; said rights, incomplete  
26 as aforesaid, as contained in said order of determination filed as afore-  
27 said with this court on said 30th day of April, 1928, together with each  
28 and every of said acts, orders and findings of said commission and of this  
29 Court appertaining thereto are as follows:

30 1. In and by paragraph 7 of said order of determination, said com-  
31 mission found that Stuart D. Allen would be entitled to divert, as therein

1 provided, the waters of Whitewater River, provided said appropriation  
2 thereof should be completed and said water applied to beneficial use prior  
3 to December 1, 1929, in accordance with the terms of Division of Water  
4 Rights Permit 1723 (Application 2888); on January 9, 1930, said commission  
5 entered an order extending said time for completion and application to  
6 beneficial use to December 1, 1931; on May 10, 1932, at the request of  
7 said claimant, said commission entered an order revoking said Permit 1723,  
8 and prepared and duly certified a copy of said order, and on June 2, 1932,  
9 duly forwarded the same by mail to the clerk of this court, which said  
10 certified copy was duly received by said clerk and filed in the above  
11 entitled proceeding; and pursuant to said last mentioned order of said  
12 commission, said incomplete right so found as aforesaid in paragraph 7 of  
13 said order of determination is hereby ordered, adjudged and decreed to  
14 have been abandoned and revoked, and is cancelled and held for naught.

15 2. In and by paragraph 8 of said order of determination, said com-  
16 mission found that R. E. Bailiff would be entitled to divert, as therein  
17 provided, certain of the waters of Water Canyon, provided that said ap-  
18 propriation should be completed and said water applied to beneficial use  
19 prior to December 1, 1929 in accordance with the terms of the Division of  
20 Water Rights Permit 1855 (Application 3902); on December 2, 1929, said  
21 commission entered an order extending said time for completion and appli-  
22 cation to beneficial use to December 1, 1930; on November 28, 1930, said  
23 commission entered an order further extending said time for completion  
24 and application to beneficial use to December 1, 1933; and on November 30,  
25 1933, this court duly entered its findings (designated "Supplemental De-  
26 cree") establishing said right of said claimant to appropriate the waters  
27 of said Water Canyon, and judgment and decree is entered herein pursuant  
28 thereto and in accordance therewith.

29 3. In and by paragraph 9 of said order of determination said commis-  
30 sion found that R. E. Bailiff would be entitled to divert, as therein pro-  
31 vided, certain of the waters of two unnamed springs, provided that said

1 appropriation should be completed and said water applied to beneficial  
2 use prior to December 1, 1929 in accordance with the terms of Division of  
3 Water Rights Permit 1856 (Application 3904); on May 11, 1931, said com-  
4 mission duly entered and made supplemental findings in accordance with  
5 proof of completion of said incomplete right by appropriation as presented  
6 to and found by it, a certified copy of which findings was on May 11, 1931,  
7 forwarded by mail to the clerk of this court and was received by said clerk  
8 and duly filed in this proceeding, and judgment and decree is entered here-  
9 in pursuant thereto and in accordance therewith.

10 4. In and by paragraph 14 of said order of determination said com-  
11 mission found that Donald M. Bedwell would be entitled to a right to divert,  
12 as therein provided, certain of the waters of Thousand Palms Canyon Creek,  
13 provided the said appropriation should be completed and said water applied  
14 to beneficial use prior to December 1, 1929; on February 26, 1930, said  
15 commission entered an order extending said time for completion and appli-  
16 cation to beneficial use to December 1, 1930; and on May 11, 1931, said  
17 commission entered and made supplemental findings in accordance with proof  
18 of completion of said incomplete right as presented to and found by it,  
19 a certified copy of which findings was on May 11, 1931, forwarded by mail  
20 to the clerk of this court, and was received by said clerk and duly filed  
21 in the above entitled proceeding, and judgment and decree is entered herein  
22 pursuant thereto and in accordance therewith.

23 5. In and by paragraph 16 of said order of determination said com-  
24 mission found that the Coachella Valley County Water District would be  
25 entitled, as therein provided, to spread and store underground certain of  
26 the waters of the Whitewater River, provided that said appropriation  
27 should be completed and said water applied to beneficial use prior to  
28 July 1, 1932, in accordance with the terms of Division of Water Rights  
29 Permit 536 (Application 1122); on June 28, 1932, this court duly entered  
30 an order extending said time for completion and application to beneficial  
31 use to June 30, 1935; on July 18, 1935 this court duly entered an order



1 further extending said time for completion and application to beneficial  
2 use to June 30, 1938; and on April 28, 1938 this court duly entered an or-  
3 der further extending said time for completion and application to benefi-  
4 cial use to July 1, 1943.

5 6. In and by paragraph 17 of said order of determination said  
6 commission found that Coachella Valley County Water District would be  
7 entitled, as therein provided, to spread and store underground certain  
8 of the waters of Whitewater River, Snow Creek, Falls Creek, Tahquitz  
9 Creek, Andreas Creek, Murray Creek and Palm Canyon Creek, provided that  
10 said appropriation should be completed and said water applied to benefi-  
11 cial use prior to July 1, 1932 in accordance with the terms of Division  
12 of Water Rights Permit 3011 (Application 2922); on June 28, 1932 this  
13 court duly entered an order extending said time for completion and appli-  
14 cation to beneficial use to June 30, 1935; and on July 18, 1935 this court  
15 duly entered an order further extending said time for completion and ap-  
16 plication to beneficial use to June 30, 1938; and on April 28, 1938 this  
17 court duly entered an order further extending said time for completion  
18 and application to beneficial use to July 1, 1943.

19 7. In and by paragraph 28 of said order of determination said com-  
20 mission found that George R. Hicks would be entitled to divert as therein  
21 provided the waters of Upper Little Morongo Creek, provided said appro-  
22 priation should be completed and said water applied to beneficial use  
23 prior to December 1, 1929 in accordance with the terms of Division of  
24 Water Rights Permit 768 (Application 650); on December 20, 1929, said  
25 commission entered an order extending said time for completion and appli-  
26 cation to beneficial use to December 1, 1931; on December 9, 1931 this  
27 court duly entered an order further extending said time for completion  
28 and application to beneficial use to December 1, 1932; and on December  
29 21, 1932 this court duly entered an order further extending said time for  
30 completion and application to beneficial use to December 1, 1933; on  
31 December 1, 1933 this court duly entered an order further extending said

1 time for completion and application to beneficial use to December 1, 1934;  
2 on May 17, 1935 this court duly entered an order further extending said  
3 time for completion and application to beneficial use to December 1, 1935;  
4 on November 27, 1935 this court duly entered an order further extending  
5 said time for completion and application to beneficial use to December 1,  
6 1936; on January 18, 1937 this court duly entered an order further ex-  
7 tending said time for completion and application to beneficial use to  
8 June 1, 1937; and on July 12, 1937 this court entered its findings (de-  
9 signated "Supplemental Decree") establishing the right of said claimant  
10 to appropriate said waters; and judgment and decree is entered herein  
11 pursuant thereto and in accordance therewith.

12 8. In and by paragraph 34 of said order of determination said com-  
13 mission found that Mayme V. Matthey would be entitled to divert certain  
14 of the waters of Cottonwood Creek, provided that said appropriation should  
15 be completed and said water applied to beneficial use prior to December 1,  
16 1928 in accordance with the terms of Permit 1858 (Application 3253); on  
17 November 30, 1928 said commission entered an order extending said time  
18 for completion and application to beneficial use to December 1, 1930; on  
19 November 12, 1930 at the request of said claimant, said commission entered  
20 an order revoking said Permit 1858, and prepared and duly certified a  
21 copy of said order, and on May 11, 1931, duly forwarded the same by mail  
22 to the clerk of this court, which said certified copy was received by said  
23 clerk and duly filed in the above entitled proceeding; and pursuant to said  
24 last mentioned order of said commission said incomplete right so found as  
25 aforesaid in said paragraph 34 of said order of determination is hereby  
26 ordered, adjudged and decreed to have been abandoned and revoked, and is  
27 cancelled and held for naught.

28 9. In and by paragraph 43 of said order of determination said com-  
29 mission found that H. C. Rateliff would be entitled to divert certain of  
30 the waters of Jensen's Creek provided said appropriation was completed and  
31 said water applied to beneficial use prior to December 1, 1929; on December

1 herein in lieu, place and stead of the said Ruth J. Orr, it was so ordered  
2 by the court; and

3 5. It appearing to the court that Walter O. Edwards has succeeded  
4 to all right, title and interest of H. C. Retcliff as found in paragraphs 42  
5 and 43 of said order of determination, and that said Walter O. Edwards should  
6 be substituted herein in lieu, place and stead of the said H. C. Retcliff,  
7 it was so ordered by the court; and

8 6. It appearing to the court that there was doubt concerning the  
9 accuracy of description of certain properties found as in the ownership  
10 of Pearl McCallum McManus in and by paragraph 18 of said order of deter-  
11 mination, and particularly with respect to the description of said proper-  
12 ties contained in the first items thereof whether such description should  
13 refer to lots 1, 2, 3 and 4, as stated in said paragraph of said order of  
14 determination, or whether such description, in lieu thereof, should refer  
15 to lots 5, 6, 7 and 8, it was duly and regularly stipulated and agreed  
16 orally in open court at the hearing herein held on April 5, 1938, by and  
17 among all parties in interest appearing at said hearing, including said  
18 Pearl McCallum McManus, which said stipulation was duly entered in the  
19 minutes of the court, that the said commission should make due examin-  
20 ation with respect to such description, and if it found said description  
21 to be inaccurate, it should report the matter to this court and said  
22 paragraph 18 should be reformed accordingly, and it was so ordered by the  
23 court, and said commission having made such examination, and having found  
24 that said description as stated in said order of determination is accur-  
25 etely set forth therein, said finding is approved by the court and ordered  
26 in effect.

27 XXV

28 Subject to the hereinafter mentioned definitions, limitations  
29 and provisions the relative rights based upon prior appropriation of the  
30 various claimants to the waters of the Whitewater River and its tribu-  
31 taries in San Bernardino and Riverside counties, California, are

1 established, determined, adjudged and decreed as hereinafter in this  
2 judgment and decree set forth, said definitions, limitations and pro-  
3 visions being as follows, to-wit:

4 1. Although all quantities of water hereinafter adjudged and decreed  
5 to the several claimants for direct application to beneficial use are  
6 severally expressed in terms of continuous flow, nevertheless, nothing  
7 herein contained shall be construed as limiting or restricting the rights  
8 of any such claimants to rotate in the use of water, or the right of any  
9 such claimant to divert for limited periods of time convenient irrigation  
10 heads, and thereby apply water to his lands at a greater rate than indi-  
11 cated by the quantity of continuous flow so adjudged and decreed; provided,  
12 however, that such practice of rotation or use of irrigation heads shall  
13 not result in the use by any such claimant of a total quantity of water  
14 during any thirty-day period in excess of the equivalent of such claimant's  
15 continuous flow allowance for thirty days; and provided, further, that  
16 such practice of rotation or such use of irrigation heads shall not impair  
17 or infringe the right of any other such claimant.

18 2. The respective points of measurement of the quantities of water  
19 established, determined, adjudged and decreed to the several claimants  
20 hereinafter mentioned, are at the respective points of diversion from  
21 said stream system, as hereinafter set forth.

22 3. The term "directly apply to beneficial use" means the direct  
23 conveyance and application of water diverted to beneficial use without  
24 intermediate storage, except such regulatory storage as may be practiced  
25 for the purpose of equalizing the flow of water diverted to a convenient  
26 irrigation head.

27 4. The term "natural flow" means such flow as will naturally occur  
28 at any given point in a stream from the run-off of the watershed which it  
29 drains, from springs which naturally contribute to the stream, from  
30 seepage, and from waste and return flow from dams, conduits, and irrigated  
31 lands; as distinguished from released stored water, and from foreign water

1 directly conveyed to the stream from another watershed.

2 5. The "Division of Water Rights Map" hereinafter referred to is  
3 the map prepared by the Division of Water Rights of the Department of  
4 Public Works of the State of California, from its surveys made in 1922  
5 and 1923, which map is entitled "Map of Whitewater River Watershed showing  
6 Diversion Systems and Irrigated Areas, San Bernardino and Riverside Coun-  
7 ties, California", is dated 1923, and is on file in this proceeding.

8 XXVI

9 Said relative rights based upon prior appropriation of the  
10 various claimants to the waters of the Whitewater River and its Tribu-  
11 taries, in San Bernardino and Riverside Counties, California, are, subject  
12 to the aforesaid definitions, limitations and provisions, hereby estab-  
13 lished, determined, adjudged and decreed as follows, to-wit:

*See in the name of J. 21st pp  
Allen. I. F. Cobb to the  
interest of Whitewater*

14 1. STUART D. ALLEN

*transferred to James S. and Yonick F. Roberts  
4624 Placidia, North Hollywood, Calif*

15 is entitled to divert from the natural flow of Blaisdell Creek,  
16 through the Allen Blaisdell Pipe Line,

17 0.025 cubic foot per second--priority July 2, 1924,  
18 or as much thereof as he directly applies to beneficial use for the purpose  
19 hereinafter set forth, throughout the entire year; said water to be di-  
20 verted from said Blaisdell Creek at a point situated approximately 2000  
21 feet south from the northwest corner of Sec. 36, T. 3 S., R. 3 E.,  
22 S.B.B. and M., being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 36, and said water  
23 to be used for domestic purposes within the

24 SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 30, T. 3 S., R. 4 E., S.B.B. and M.

25 2. R. E. BAILIFF

26 is entitled to divert from the natural flow of the stream flow-  
27 ing in Water Canyon, through the Bailiff Water Canyon Pipe Line,

28 (a) during the period between March first and November first  
29 of each year,

30 0.37 cubic foot per second--priority March 12, 1924,

31 or as much thereof as he directly applies to beneficial use for

1 domestic and stock watering purposes and for the irrigation of his  
2 lands hereinafter described;

3 (b) during the period between November first of each year  
4 and March first of the succeeding year,

5 45 acre-feet per season--priority March 12, 1924,  
6 or as much thereof as he impounds in the Bailiff Storage Reservoir  
7 constructed in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 18, T. 3 S., R. 2 E., S.B.B.  
8 and M., and thereafter withdraws from said reservoir and applied to  
9 beneficial use for domestic and stock watering purposes and for the  
10 irrigation of his lands hereinafter described;

11 all of said water to be diverted from said stream at a point which bears  
12 approximately N. 77° 00' W., approximately 310 feet distant from the  
13 southwest corner of Section 18, T. 3 S., R. 2 E., S.B.B. and M., being  
14 within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13, T. 3 S., R. 1 E., S.B.B. and M., and  
15 all of said water to be used upon the following described lands:

16 25.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 18, T. 3 S., R. 2 E., S.B.B. and M.  
17 5.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 18, T. 3 S., R. 2 E., S.B.B. and M.

18 3. R. E. BAILIFF

19 is entitled to divert from the natural or developed flow of two  
20 unnamed springs; the upper (Spring No. 1) being situated South 3805 feet  
21 and West 935 feet from the northeast corner of Section 23, T. 3 S., R. 1 E.,  
22 S.B.B. and M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 23, and the lower  
23 (Spring No. 2) being situated South 70 feet and West 300 feet from the  
24 southwest corner of Section 18, T. 3 S., R. 2 E., S.B.B. and M., being  
25 within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13, T. 3 S., R. 1 E., S.B.B. and M.;  
26 through the Bailiff West Spring Pipe Line,

27 (a) during the period between March first and November first  
28 of each year,

29 0.11 cubic foot per second--priority March 14, 1924,  
30 from Spring No. 1, and

31 0.02 cubic foot per second--priority March 14, 1924,

1 from Spring No. 2,  
2 or as much of said amounts as he directly applies to beneficial  
3 use for domestic and stock watering purposes and for the irrigation  
4 of his lands hereinafter described;  
5 (b) during the period between November first of each year and  
6 March first of the succeeding year, a total of  
7 0.025 cubic foot per second--priority March 14, 1924,  
8 from either, or in part from each of said springs, or as much thereof  
9 as he directly applies to beneficial use for domestic and stock  
10 watering purposes;  
11 (c) during the period between November first of each year and  
12 March first of the succeeding year, a total of  
13 1.5 acre-feet per season--priority March 14, 1924,  
14 from either, or in part from each of said springs, or as much thereof  
15 as he impounds in the Bailiff Reservoir located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of  
16 Section 18, T. 3 S., R. 2 E., S.B.B. and M., and thereafter withdraws  
17 from said reservoir and applies to beneficial use for domestic and  
18 stock watering purposes and for the irrigation of his lands herein-  
19 after described;  
20 all of said water to be diverted at the above described springs, and used  
21 for domestic and stock watering purposes and for the irrigation of  
22 10.0 acres of land in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 18, T. 3 S.,  
23 R. 2 E., S.B.B. and M.

24 4. R. E. BAILIFF

25 is entitled to divert from the natural or developed flow of an  
26 unnamed spring situated approximately N. 70° 00' W., approximately 2330  
27 feet distant from the southeast corner of Sec. 19, T. 3 S., R. 2 E.,  
28 S.B.B. and M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 19, through the Bai-  
29 liff East Spring Pipe Line,

30 (a) during the period between March first and November first  
31 of each year,

1 0.05 cubic foot per second--priority April 24, 1924,  
2 or as much thereof as he directly applies to beneficial use for  
3 domestic and stock watering purposes and for the irrigation of his  
4 lands hereinafter described;

5 (b) during the period between November first of each year and  
6 March first of the succeeding year,

7 0.025 cubic foot per second--priority April 24, 1924,  
8 or as much thereof as he directly applies to beneficial use for  
9 domestic and stock watering purposes;

10 all of said water to be diverted at said spring and to be used upon the  
11 following described land:

12 7.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 19, T. 3 S., R. 2 E., S.B.B. and M.

13 5. THE BANNING HEIGHTS MUTUAL WATER COMPANY, THE BANNING WATER COMPANY  
14 AND THE SAN GORGONIO POWER COMPANY,

15 jointly, are entitled to divert from the natural flow of the  
16 South Fork of Whitewater River, through the Consolidated Reservoir and  
17 Power Company Canal, a total of

18 13.26 cubic feet per second--priority October 31, 1906,  
19 or as much thereof as they apply to beneficial use for the purposes  
20 hereinafter set forth, throughout the entire year; said total quantity of  
21 water to be diverted from said South Fork of Whitewater River, all or in  
22 part, at any of the following described points.

23 (1) At a point on the East Branch of said South Fork of  
24 Whitewater River (designated on Division of Water Rights Map as  
25 Diversion 1) which bears approximately N. 26° 45' E., approxi-  
26 mately 11,709 feet distant from the northeast corner of Sec. 1,  
27 T. 2 S., R. 1 E., S.B.B. and M., being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of  
28 Sec. 19, T. 1 S., R. 2 E., S.B.B. and M.

29 (2) At a point on the West Branch of said South Fork of  
30 Whitewater River (designated on Division of Water Rights Map as  
31 Diversion 2) which bears approximately N. 11° 48' E., approximately

*Calif. Electric Power  
Company  
Sec. 19  
F. P. Power Co. (S. G. 1919)  
297711*



1 10,351 feet distant from the northeast corner of Sec. 1,  
2 T. 2 S., R. 1 E., S.B.B. and M., being within the NE $\frac{1}{2}$  NW $\frac{1}{4}$   
3 of Sec. 30, T. 1 S., R. 2 E., S.B.B. and M.  
4 (3) At a point on the Blackwheel Canyon Branch of the  
5 West Branch of said South Fork of Whitewater River (designated  
6 on Division of Water Rights Map as Diversion 3) which bears  
7 N. 12° 19 $\frac{1}{2}$ ' E., approximately 9882 feet distant from the north-  
8 east corner of Sec. 1, T. 2 S., R. 1 E., S.B.B. and M., being  
9 within the NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 30, T. 1 S., R. 2 E., S.B.B. and M.;  
10 and said water to be used first by said San Gorgonio Power Company for the  
11 purpose of generating electric energy at two power plants, the upper of  
12 said plants being situated in the SW $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 2, T. 2 S., R. 1 E.,  
13 S.B.B. and M., and the lower of said plants being situated in the NE $\frac{1}{2}$   
14 NE $\frac{1}{4}$  of Sec. 8, T. 2 S., R. 1 E., S.B.B. and M.; and said water to be  
15 used thereafter by said Banning Heights Mutual Water Company and by said  
16 Banning Water Company for the purpose of supplying water for domestic,  
17 stock watering and irrigation uses within the respective territories  
18 served by said companies as hereinafter described. During the winter  
19 months, at times when the entire quantity of water available under this  
20 right may not be required for direct application to use for domestic,  
21 stock watering and irrigation purposes as hereinabove provided for, the  
22 Banning Water Company is entitled to spread and store underground in San  
23 Gorgonio Canyon, above the mouth of said canyon in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec.  
24 33, T. 2 S., R. 1 E., S.B.B. and M., all surplus water available over  
25 and above the quantity required for direct application to use for domes-  
26 tic, stock watering and irrigation purposes;  
27 provided, that all water so spread and stored is subsequently withdrawn  
28 from said underground storage and applied to beneficial use by said  
29 Banning Water Company as hereinafter provided in paragraph 7. The joint  
30 diversion and use of water under this right by said Banning Heights  
31 Mutual Water Company, said Banning Water Company, and said San Gorgonio

1 Power Company, is subject to the provisions of the following agreements  
2 and deeds:

3 (a) Agreement dated January 10, 1913, between the Consolidated  
4 Reservoir and Power Company and the Banning Water Company, recorded  
5 October 14, 1913, in Book No. 380 of Deeds, page 337 et seq., records  
6 of Riverside County, California.

7 (b) Instrument dated December 30, 1913, between the Consoli-  
8 dated Reservoir and Power Company and the Banning Heights Mutual  
9 Water Company, recorded December 14, 1922, in Book No. 561 of Deeds,  
10 page 543 et seq., records of Riverside County, California.

11 (c) Deed dated August 7, 1922, between the Consolidated  
12 Reservoir and Power Company and the San Geronimo Power Company,  
13 recorded February 1, 1923, in Book No. 564 of Deeds, page 383  
14 et seq., records of Riverside County, California.

15 The territory served by said Banning Heights Mutual Water Company includes  
16 approximately 1500 acres of land, situated within the following described  
17 parcels:

18 All of lots 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 13, 14,  
19 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,  
20 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,  
21 50, 51, 52, 53, 54, 55, 55A, 55B, 56, 57, 57A, 58, 58A, 59, 60, 61,  
22 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78,  
23 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89 and 90 of the Banning  
24 Heights Subdivision, situate in Riverside County, California, as  
25 said lots are delineated on the "Map of Banning Heights" recorded  
26 in the office of the county recorder of Riverside County, California,  
27 in Book 9 of Maps, at pages 37 to 51 thereof.

28 60.0 acres in block 1 of the Ginzell-Montgomery Tract, situate  
29 in Riverside County, California, as said block is delineated on the  
30 map of said Ginzell-Montgomery Tract recorded in the office of the  
31 county recorder of Riverside County, California, in Book 8 of Maps,

1 at page 64 thereof.

2 48.0 acres in S $\frac{1}{2}$  S $\frac{1}{2}$ , Sec. 5, T. 3 S., R. 1 E., S.B.B. and M.  
3 10.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 1 E., S.B.B. and M.  
4 65.0 acres in S $\frac{1}{2}$  S $\frac{1}{2}$ , Sec. 6, T. 3 S., R. 1 E., S.B.B. and M.

5 The territory served by said Banning Water Company includes approximately  
6 3745 acres of land, situated within the following described parcels:

7 All of blocks 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
8 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 25 $\frac{1}{2}$ , 27, 35, 36, 37, 38,  
9 39, 40, 41, 42, 43, 44, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66,  
10 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82,  
11 83, 84, 85, 86, 87, 88, 125, 129, 130, 131, 132, 133, 134, 135,  
12 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148,  
13 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161,  
14 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174,  
15 175, 176, 177, 178, 179, 180, 181, 182, 183, 184; 2.1 acres in  
16 block 2; 0.7 acre in block 26 $\frac{1}{2}$ ; 0.8 acre in block 28 $\frac{1}{2}$ ; 0.7 acre  
17 in block 31 $\frac{1}{2}$ ; 2.0 acres in block 32; 1.0 acre in block 32 $\frac{1}{2}$ ; 3.3  
18 acres in block 90; 8.0 acres in block 91; 6.5 acres in block 92;  
19 7.1 acres in block 93; 8.7 acres in block 94; 8.5 acres in block  
20 95; 8.4 acres in block 96; 4.8 acres in block 101; 4.3 acres in  
21 block 102; 3.0 acres in block 103; 2.9 acres in block 104; E $\frac{1}{2}$  of  
22 block 124; and W $\frac{1}{2}$  of block 126; all within the Banning Colony  
23 Subdivision, situate in Riverside County, California, as said  
24 blocks are delineated on the map entitled "Map of Part of Banning  
25 Colony Lands" recorded in the office of the county recorder of  
26 Riverside County, California, in Book 5 of Maps, at page 186  
27 thereof.

28 All of blocks 1 to 20, both inclusive, of the San Jose  
29 Tract, situate in Riverside County, California, as said blocks  
30 are delineated on the map of said San Jose Tract recorded in the  
31 office of the county recorder of San Diego County, California, in  
Book 1 of Maps, at page 55 thereof.

31 recorder of San Diego County, California, in Book 14 of Maps, at

1 60.0 acres in Sec. 33, T. 2 S., R. 1 E., S.B.B. and M.  
 2 18.5 acres in E $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 1 E., S.B.B. and M.  
 3 72.6 acres in S $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 4, T. 3 S., R. 1 E., S.B.B. and M.  
 4 233.3 acres in NE $\frac{1}{4}$ , Sec. 8, T. 3 S., R. 1 E., S.B.B. and M.  
 5 3.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 8, T. 3 S., R. 1 E., S.B.B. and M.  
 6 40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 11, T. 3 S., R. 1 E., S.B.B. and M.  
 7 258.0 acres in W $\frac{1}{2}$ , Sec. 16, T. 3 S., R. 1 E., S.B.B. and M.  
 8 89.4 acres in NE $\frac{1}{4}$ , Sec. 16, T. 3 S., R. 1 E., S.B.B. and M.  
 9 25.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 16, T. 3 S., R. 1 E., S.B.B. and M.  
 10 10.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 18, T. 3 S., R. 1 E., S.B.B. and M.

11 6. THE BANNING WATER COMPANY

12 is entitled to divert from the natural flow of San Gorgonio  
 13 River and its tributaries, through its system of spreading ditches shown  
 14 as diversion ditches numbered 1 to 7, both inclusive, on the "Map Showing  
 15 System of the Banning Water Company in San Gorgonio Canyon," prepared by  
 16 J. F. Davidson, Civil Engineer, and dated January, 1923.

17 20,000 acre-feet per annum--priority January 1, 1887,  
 18 or as much thereof as it spreads and stores underground in San Gorgonio  
 19 Canyon; said quantity of water to be so diverted, spread and stored dur-  
 20 ing the period from January first to December thirty-first of each year,  
 21 both dates inclusive; provided, that said water is subsequently with-  
 22 drawn from said underground storage and applied to beneficial use by  
 23 said Banning Water Company as hereinafter provided in paragraph 7.

24 7. THE BANNING WATER COMPANY

25 is entitled to divert from the natural flow of San Gorgonio  
 26 River, or from its underground storage in San Gorgonio Canyon as here-  
 27 inabove provided for in paragraphs 5 and 6, or in part from both of said  
 28 sources, through the Main Stone Lined Conduit of said Banning Water  
 29 Company's System, and through the various ditches and pipe lines leading  
 30 thereto hereinafter mentioned, a total of

31 14,000 acre-feet per annum--priority March 17, 1975,  
 or as much thereof as it directly applies to beneficial use for the  
 purpose of supplying water for domestic, stock watering and irrigation  
 uses within the territory served by said company as hereinabove described  
 in paragraph 5, for the purpose of supplying water for domestic and

1 municipal uses within the city of Banning, Riverside County, California,  
2 and for the purpose of driving water wheels connected with pumps at  
3 pumping plants of said company located in said San Geronimo Canyon be-  
4 tween the west line of Section 3, T. 2 S., R. 1 E., S.B.B. and M. and  
5 the east line of Section 33, T. 2 S., R. 1 E., S.B.B. and M.; said total  
6 quantity of water to be diverted from said sources, all or in part, at  
7 any of the following described points:

8 (a) At the upper intake of said Stone Lined Conduit situated  
9 at a point which bears approximately N.  $35^{\circ} 10'$  E., approximately  
10 720 feet distant from the southwest corner of Sec. 4, T. 2 S.,  
11 R. 1 E., S.B.B. and M., being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of said Sec. 4,

12 (b) At the intake of a ditch leading to said Stone Lined  
13 Conduit and known as Diversion Ditch No. 11, situated at a point  
14 which bears approximately N.  $51^{\circ} 24'$  E., approximately 1424 feet  
15 distant from the southwest corner of Sec. 17, T. 2 S., R. 1 E.,  
16 S.B.B. and M., being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of said Sec. 17,

17 (c) At the lower intake of said Stone Lined Conduit situated  
18 at a point which bears approximately S.  $86^{\circ} 03'$  E., approximately  
19 1232 feet distant from the northwest corner of Sec. 20, T. 2 S.,  
20 R. 1 E., S.B.B. and M., being within the  $NW\frac{1}{4}$   $NW\frac{1}{4}$  of said Sec. 20,

21 (d) At the intake of a twenty-inch pipe line leading to said  
22 Stone Lined Conduit, situated at a point which bears approximately  
23 N.  $15^{\circ} 34'$  W., approximately 3200 feet distant from the southeast  
24 corner of Sec. 29, T. 2 S., R. 1 E., S.B.B. and M., being within  
25 the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of said Sec. 29,

26 (e) At the intake of a twelve-inch pipe line leading to said  
27 twenty-inch pipe line, situated at a point which bears approximately  
28 N.  $11^{\circ} 30'$  W., approximately 3188 feet distant from the southeast  
29 corner of Sec. 29, T. 2 S., R. 1 E., S.B.B. and M., being within  
30 the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of said Sec. 29,

31 (f) At the intake of a ten-inch pipe line leading to said

1 Stone Lined Conduit, situated at a point which bears approxi-  
2 mately N. 45° 45' W., approximately 2538 feet distant from the  
3 southeast corner of Sec. 33, T. 2 S., R. 1 E., S.B.B. and M.,  
4 being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 33;

5 (g) At the intake of an iron flume leading to said Stone  
6 Lined Conduit, situated at a point which bears approximately  
7 N. 8° 05' W., approximately 1165 feet distant from the southeast  
8 corner of Sec. 33, T. 2 S., R. 1 E., S.B.B. and M., being within  
9 the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 33,

10 (h) At the intake of a short stone lined ditch leading to  
11 said iron flume, situated at a point which bears approximately  
12 N. 15° 49' W., approximately 1659 feet distant from the southeast  
13 corner of Sec. 33, T. 2 S., R. 1 E., S.B.B. and M., being within  
14 the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 33;

15 and said total quantity of water to be diverted at such times and at such  
16 rates throughout the year as may be necessary in order that said Benning  
17 Water Company may adequately supply the requirements of water for domestic,  
18 stock watering and irrigation purposes within the territory which it  
19 serves as hereinabove described in paragraph 5, and the requirements of  
20 water for domestic and municipal purposes within the city of Benning.

21 8. DONALD M. BEDWELL

22 is entitled to divert from the natural or developed flow of  
23 Thousand Palms Canyon Creek through the Bedwell and Richey Ditch and pipe  
24 line,

25 0.35 cubic foot per second--priority January 31, 1913,  
26 or as much thereof as he directly applies to beneficial use for the pur-  
27 poses hereinafter set forth, throughout the entire year; said water to  
28 be diverted from said Thousand Palms Canyon Creek at a point (designated  
29 on Division of Water Rights Map as Diversion 63) which bears approxi-  
30 mately S. 77° 11' E., approximately 2345 feet distant from the west  
31 quarter corner of Sec. 12, T. 4 S., R. 6 E., S.B.B. and M., being within

A 15324 - Benning, 4320 - 1913  
see 14th section of 1913 Act  
Y. 1913 - 1913  
A 15324 - Benning, 4320 - 1913  
see 14th section of 1913 Act  
Y. 1913 - 1913

1 the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 12, and said water to be used for domestic and  
2 stock watering purposes and for the irrigation of

3 40.0 acres of land in the N $\frac{1}{2}$  Sec. 22, T. 4 S., R. 6 E.,  
4 S.B.B. and M.

5 9. THE CABEZON WATER COMPANY

6 is entitled to divert from the natural flow of Millard Creek,  
7 through the Cabezon Water Company Conduit,

8 4.67 cubic feet per second--priority January 1, 1835,  
9 2.50 cubic feet per second--priority July 22, 1915,  
7.17 cubic feet per second--Total,

10 or as much thereof as said company directly applies to beneficial use for  
11 the purposes hereinafter set forth, throughout the entire year; said water  
12 to be diverted from said Millard Creek at a point (designated on Division  
13 of Water Rights Map as Diversion 27) situated approximately 272 feet  
14 southwesterly from a point which bears approximately S. 0° 15' W., ap-  
15 proximately 510.5 feet distant from the east quarter corner of Sec. 20,  
16 T. 2 S., R. 2 E., S.B.B. and M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec.  
17 20; and said water to be used by said Cabezon Water Company for the pur-  
18 pose of supplying water for domestic, stock watering and irrigation  
19 purposes within the territory served by said company, which territory  
20 includes approximately 2560 acres of land, situated within the following  
21 described parcels:

22 NW $\frac{1}{4}$  of Sec. 5, T. 3 S., R. 2 E., S.B.B. and M.

23 S $\frac{1}{2}$  of Sec. 5, T. 3 S., R. 2 E., S.B.B. and M.

24 W $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 5, T. 3 S., R. 2 E., S.B.B. and M.

25 All of Sec. 15, T. 3 S., R. 2 E., S.B.B. and M.

26 All of Sec. 16, T. 3 S., R. 2 E., S.B.B. and M., except that portion  
of said section occupied by the right of way of the Southern  
Pacific Railroad Company.

27 All of Sec. 17, T. 3 S., R. 2 E., S.B.B. and M., except that portion  
of said section occupied by the right of way of the Southern  
Pacific Railroad Company.

28 N $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 21, T. 3 S., R. 2 E., S.B.B. and M.

29 10. THE COACHELLA VALLEY COUNTY WATER DISTRICT

30 will be entitled to divert from the natural flow of Whitewater  
River by means of its spreading dams, ditches and other spreading works,  
31 all situated along the channel of said Whitewater River east of the west

1 line of Secs. 20 and 29, T. 3 S., R. 4 E., S.B.B. and M., and west of  
2 the west line of Secs. 30 and 31, T. 3 S., R. 5 E.,  
3 80,000 acre-feet per annum--priority October 25, 1918,  
4 or as much thereof as it spreads and stores underground in the basin under-  
5 lying Coachella Valley, situate in Riverside County, California; said  
6 quantity of water to be so diverted, spread and stored during the period  
7 between January first and December thirty-first of each year, both dates  
8 inclusive; provided, that said water is subsequently withdrawn from said  
9 underground storage by the inhabitants of said Coachella Valley and ap-  
10 plied by said inhabitants to beneficial use for domestic, stock watering,  
11 municipal and industrial purposes and for the irrigation of 25,000 acres  
12 of land lying within the 195,000-acre area included within the confines  
13 of the yellow border line on Coachella Valley County Water District Map  
14 No. 2 dated September, 1918, and filed by said Coachella Valley County  
15 Water District with the state water commission with its Application 1122,  
16 and which map is now on file and of record in the office of the Division  
17 of Water Resources of the Department of Public Works of the State of  
18 California; and provided, further, that prior to July 1, 1943, said  
19 Coachella Valley County Water District shall have completed the above  
20 appropriation and applied said water to beneficial use in accordance  
21 with the terms of the Division of Water Rights Permit 536, and shall  
22 have submitted evidence of such completed appropriation and use to this  
23 court. Upon receipt of such evidence of such completed appropriation  
24 and use, this court will act thereupon as provided in section 36f of the  
25 Water Commission Act, and in accordance with said evidence will enter a  
26 supplemental decree determining and establishing the right by appropriation  
27 specified in this paragraph, insofar as the same shall have been completed.

28 11. THE COACHELLA VALLEY COUNTY WATER DISTRICT

29 will be entitled to divert from the natural flows of White-  
30 water River, Snow Creek, Falls Creek, Tahquitz Creek, Andreas Creek,  
31 Murray Creek, and Palm Canyon Creek, by means of spreading dams, ditches



1 and other spreading works,

2 20,000 acre-feet per annum from Whitewater River,  
3 8,000 acre-feet per annum from Snow Creek,  
4 2,000 acre-feet per annum from Falls Creek,  
5 5,000 acre-feet per annum from Tahquitz Creek,  
6 1,000 acre-feet per annum from Andreas Creek,  
7 1,000 acre-feet per annum from Murray Creek,  
8 2,000 acre-feet per annum from Palm Canyon Creek,

9 39,000 acre-feet per annum--Total--priority July 8, 1922,

10 or as much of said quantities of water as it spreads and stores underground  
11 in the basin underlying Coachella Valley, situate in Riverside County,  
12 California; said quantities of water to be diverted from said streams at  
13 the respective points described as follows:

14 (1) From Whitewater River at a point situated approximately  
15 3450 feet south and approximately 1750 feet east from the south  
16 quarter corner of Sec. 2, T. 3 S., R. 3 E., S.B.B. and M.; being  
17 within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T. 3 S., R. 3 E., S.B.B. and M.;

18 (2) From Snow Creek at a point situated approximately 3645  
19 feet north and approximately 2115 feet east from the section corner  
20 common to Secs. 20, 21, 28 and 29, T. 3 S., R. 3 E., S.B.B. and M.,  
21 being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T. 3 S., R. 3 E., S.B.B. and M.;

22 (3) From Falls Creek at a point situated approximately 1280  
23 feet south and approximately 1110 feet east from the south quarter  
24 corner of Sec. 28, T. 3 S., R. 3 E., S.B.B. and M., being within the  
25 NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 33, T. 3 S., R. 3 E., S.B.B. and M.;

26 (4) From Tahquitz Creek at a point situated approximately  
27 2130 feet south and approximately 2950 feet west from the section  
28 corner common to Secs. 14, 15, 22 and 23, T. 4 S., R. 4 E., S.B.B.  
29 and M., being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T. 4 S., R. 4 E.,  
30 S.B.B. and M.;

31 (5) From Andreas Creek at a point situated approximately  
32 3440 feet north and approximately 255 feet east from the west quarter  
33 corner of Sec. 11, T. 5 S., R. 4 E., S.B.B. and M., being within the  
34 SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 2, T. 5 S., R. 4 E., S.B.B. and M.;

1                   (6) From Murray Creek at a point situated approximately 690  
2                   feet north and approximately 75 feet east from the west quarter  
3                   corner of Sec. 11, T. 5 S., R. 4 E., S.B.B. and M., being within the  
4                   SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 11;  
5                   (7) From Palm Canyon Creek at a point situated approximately  
6                   1330 feet south and approximately 3400 feet east from the west  
7                   quarter corner of Sec. 11, T. 5 S., R. 4 E., S.B.B. and M., being  
8                   within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 11;  
9                   said quantities of water to be so diverted, spread and stored during the  
10                   period between January first and December thirty-first of each year, both  
11                   dates inclusive; provided, that said water is subsequently withdrawn from  
12                   said underground storage by the inhabitants of said Coachella Valley and  
13                   applied by said inhabitants to beneficial use for domestic, stockwatering,  
14                   municipal and industrial purposes and for the irrigation of 25,000 acres  
15                   of land lying within the 195,000-acre area included within the confines  
16                   of the yellow border line on Coachella Valley County Water District Map  
17                   No. 2, dated September, 1918, and filed by said Coachella Valley County  
18                   Water District with the State Water Commission with its Application 1122,  
19                   and which map is now on file and of record in the office of the Division  
20                   of Water Resources of the Department of Public Works of the State of  
21                   California; and provided, further, that prior to July 1, 1943, said Coa-  
22                   chella Valley County Water District shall have completed the above appro-  
23                   priation and applied said water to beneficial use in accordance with the  
24                   terms of Division of Water Rights Permit 3011, and shall have submitted  
25                   evidence of such completed appropriation and use to this court. Upon  
26                   receipt of such evidence of such completed appropriation and use, this  
27                   court will act thereupon as provided in section 36f of the Water Commission  
28                   Act, and in accordance with said evidence will enter a supplemental decree  
29                   determining and establishing the right by appropriation specified in this  
30                   paragraph, insofar as the same shall have been completed; and  
31                   provided, finally, that the rights of the Coachella Valley County Water

1 District as set forth in this paragraph are subsequent in right to the  
2 water rights of the Palm Valley Water Company under Division of Water  
3 Resources Permit 3503 issued on Application 4752, to the extent of one  
4 and one-half (1.50) cubic feet per second, all as stipulated and agreed  
5 to in that certain stipulation and agreement between the Coachella Valley  
6 County Water District and Palm Valley Water Company dated February 21,  
7 1929, and on file and of record in these proceedings.

8 12. NELLIE N. COFFMAN, CORNELIA B. WHITE, FLORILLA M. WHITE, LAVINA F.  
9 CHOCKER, HELEN COFFMAN, PEARL McCALLUM McMANUS, ISABEL WHITE CHASE,  
10 GEORGE BELLWOOD MURRAY, T. L. DOUGLAS, C. A. ABBOTT, AND CHARLES  
11 POWERS,

11 jointly, are entitled to divert from the natural flow of Teh-  
12 quitz Creek, through the Agua Caliente Ditch,

13 1.36 cubic feet per second--priority April 26, 1884,  
14 or as much thereof as they directly apply to beneficial use for the purpose  
15 hereinafter set forth, throughout the entire year; said water to be divert-  
16 ed from said Tehquitz Creek at a point (designated on Division of Water  
17 Rights Map as Diversion 61) which bears approximately S. 49° 30' W.,  
18 approximately 5400 feet distant from the northeast corner of Sec. 22,  
19 T. 4 S., R. 4 E., S.B.B. and M., being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 22,  
20 and said water to be used for the irrigation of the respective lands of  
21 said parties as follows:

22 Nellie N. Coffman:

- 23 2.6 acres in a parcel bounded as follows: Beginning at the  
24 northwesterly corner of Spring Street and Main Avenue  
25 in the town of Palm Springs, Riverside County, California;  
26 thence west along the northerly line of Spring Street  
27 290.4 feet; thence at right angles northerly 355.0 feet;  
28 thence at right angles easterly 290.4 feet to westerly  
29 boundary line of Main Avenue; thence southerly along said  
30 westerly boundary of Main Avenue 355.0 feet to point of  
31 beginning.
- 0.5 acre in lots 22, 23 and 24 of block 8 of said town of Palm  
Springs.
- 6.9 acres in blocks 1, 6 and 8 of said town of Palm Springs  
bounded as follows: Beginning at a point in block 8  
where the westerly side of the Whitewater or Palm Valley  
Water Company's Ditch intersects a line 150.0 feet north  
of and parallel with the north line of Park Street; thence  
N. 30° 58' W., 327.0 feet; thence N. 0° 23' W., 174.0 feet;

1                   thence west 40.0 feet; thence N. 0° 08' W., 103.0 feet;  
2                   thence S. 79° 10' W., 335.7 feet; thence S. 84° 08' W.,  
3                   217.0 feet; thence S. 3° 40' E., 264.25 feet; thence N.  
4                   89° 50' E., 60.0 feet; thence S. 0° 08' E., 210.0 feet;  
5                   thence N. 89° 50' E., 578.3 feet to point of beginning.  
6                   1.7 acres in lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
7                   32, 33, 34, 35 and 36, all in Block 20 of said town of  
8                   Palm Springs;  
9                   0.4 acre in block 27 of said town of Palm Springs bounded as  
10                   follows: Beginning at the southwest corner of said block;  
11                   thence northerly on the easterly line of Main Avenue  
12                   100.0 feet; thence at right angles easterly and parallel  
13                   with Park Street 145.0 feet; thence at right angles south-  
14                   erly 100.0 feet to northerly line of Park Street; thence  
15                   westerly 145.0 feet to point of beginning.

16                   12.2 acres--Total.

17                   Cornelia B. White:

18                   4.0 acres constituting all of block 27 of said town of Palm  
19                   Springs, except the parcel last above described under  
20                   Nellie N. Coffman, and except a parcel 80.0 feet square  
21                   situate in the northwest corner of said block.  
22                   4.0 acres--Total.

23                   Cornelia B. White and Florilla M. White:

24                   4.1 acres constituting all of block 26 of said town of Palm  
25                   Springs, except lots 1, 2, 3 and 4 thereof, and except  
26                   a rectangular parcel having a frontage of 50.0 feet on  
27                   Main Avenue, a depth of 100.0 feet, and situate south  
28                   and contiguous to lot 4 of said block.  
29                   4.1 acres--Total.

30                   Lavina F. Crocker:

31                   1.6 acres in a parcel bounded as follows: Beginning at a  
32                   point on the northerly line of Spring Street in said  
33                   town of Palm Springs, 290.4 feet westerly from the  
34                   northwest corner of Spring Street and Main Avenue; thence  
35                   westerly along the said line of Spring Street 323.5  
36                   feet; thence N. 0° 08' W., 204.0 feet; thence N. 89°  
37                   50' E., 323.5 feet; thence S. 0° 08' E., 204.0 feet to  
38                   point of beginning; said description containing within  
39                   its boundaries lots 9 to 20, both inclusive, of block  
40                   14 of said town of Palm Springs.  
41                   1.6 acres--Total.

42                   Helen Coffman:

43                   0.3 acre in lots 1, 2 and 3 of block 8 of said town of Palm  
44                   Springs.  
45                   0.3 acre--Total.

46                   Pearl McCallum McManus:

1           3.7 acres in lots 1, 2, 3 and 4 of block 1,  
10.4 acres in lots 1, 2, 3 and 4 of block 2,  
2           0.6 acre in lots 22, 23 and 24 of block 7,  
2.2 acres in lots 4 to 9, both inclusive, and lots 14 to 21,  
3           both inclusive, of block 8,  
2.6 acres in lots 1 to 16, both inclusive and lots 26 to 28,  
4           both inclusive, of block 15,  
0.3 acre in lots 11 and 12 of block 16,  
5           0.6 acre in lots 9 to 12, both inclusive, of block 19,  
1.5 acres in lots 1 to 12, both inclusive, of block 20,  
6           all in said town of Palm Springs.  
7           21.9 acres--Total.

8           Isabel White Chase:

9           1.1 acres constituting the west 250 feet of lot 4 of block 1 of  
said town of Palm Springs.  
10          1.1 acres--Total.

11          George Wellwood Murray:

12          0.2 acre constituting a parcel of land 30.0 feet square situate  
in the northwest corner of block 27 of said town of Palm  
13          Springs.  
14          0.2 acre--Total.

15          T. L. Douglas:

16          0.6 acre constituting the east 150 feet of lot 1 of block 2  
of said town of Palm Springs.  
17          0.6 acre--Total.

18          G. A. Abbott:

19          1.9 acres constituting the east 250 feet of lots 3 and 4 of  
block 2 of said town of Palm Springs.  
20          1.9 acres--Total.

21          Charles Powers:

22          1.0 acre in lots 1, 2, 3, 4 and 5 of block 5 of said town of  
Palm Springs.  
23          1.0 acre--Total.

24          The joint diversion and use of water under this right by the parties  
25          hereinabove enumerated is subject to the provisions of that certain agree-  
26          ment dated February 10, 1911, between the United States of America (Indian  
27          Service) and George Wellwood Murray, et al., recorded March 11, 1911, in  
28          Book No. 325 of Deeds, page 260 et seq., records of Riverside County,  
29          California.

30          13. NELLIE N. COFFMAN, PRESCOTT T. STEVENS, ZADDIE R. BUNKER, J. A. GRAY,  
PEARL McCALLUM McMANUS, LAVINA T. CROCKER, HELEN COFFMAN, GEORGE  
31          WELLWOOD MURRAY, TRUSTEES OF PALM SPRINGS PRESBYTERIAN CHURCH,

1                    CORNELIA B. WHITE, FLORILLA M. WHITE, OWEN EARL COFFMAN AND  
2                    GEORGE B. ROBERSON.

3                    jointly, are entitled to divert from the natural flow of White-  
4                    water River, through the Palm Valley Water Company System (later known  
5                    as the "Stevens Pipe Line"),

6                    1.60 cubic feet per second--priority November 11, 1884,  
7                    or as much thereof as they directly apply to beneficial use for the pur-  
8                    pose hereinafter set forth, throughout the entire year; said water to be  
9                    diverted from said Whitewater River, all or in part, through any of the  
10                    following described works:

11                    (1) Through the main intake ditch leading to the "Stevens  
12                    Pipe Line," the head of which ditch is situated at a point which  
13                    bears approximately S. 84° 30' E., approximately 440 feet distant  
14                    from the northwest corner of lot 2 of Sec. 2, T. 3 S., R. 3 E.,  
15                    S.B.B. and M., being within said lot 2,

16                    (2) Through Infiltration Pipe Line "A" as shown on the map  
17                    prepared by Davidson and Fulmer, Engineers, dated April, 1927,  
18                    and entitled "Map Showing the Prescott T. Stevens Intake and In-  
19                    filtration Pipe Lines from Whitewater River, Riverside County,  
20                    Cal.," the head of which pipe line is situated approximately  
21                    727 feet due east of the northwest corner of lot 2 of Sec. 2,  
22                    T. 3 S., R. 3 E., S.B.B. and M., and approximately on the north  
23                    line of said Sec. 2,

24                    (3) Through Infiltration Pipe Line "B" as shown on said map  
25                    prepared by Davidson and Fulmer, the head of which pipe line is  
26                    situated approximately 122 feet due east of the northwest corner  
27                    of lot 2 of Sec. 2, T. 3 S., R. 3 E., S.B.B. and M., and approxi-  
28                    mately on the north line of said Sec. 2,

29                    (4) Through Infiltration Pipe Line "C" as shown on said map  
30                    prepared by Davidson and Fulmer, the head of which pipe line is  
31                    situated at a point which bears approximately S. 62° 15' W.,

1 approximately 278 feet distant from the northeast corner of lot 3  
2 of Sec. 2, T. 3 S., R. 3 E., S.B.E. and M., being within said lot 3;  
3 and said water to be used for the irrigation of the respective lands of  
4 said parties as follows:

5 Wollie N. Coffman

6 13.2 acres in a parcel bounded as follows: Beginning at the  
7 intersection of the center line of Main Avenue and Spring  
8 Street in the town of Palm Springs, Riverside County, Cali-  
9 fornia; thence northerly along the center line of Main Avenue  
10 453.0 feet; thence westerly at right angles to said center  
11 line 330.4 feet; thence at right angles northerly 146.0 feet;  
12 thence easterly at right angles 330.4 feet to center line of  
13 said Main Avenue; thence northerly along said center line  
14 38.0 feet; thence at right angles westerly 618.88 feet; thence  
15 at right angles northerly 200.0 feet; thence at right angles  
16 westerly 491.12 feet to Palm Valley Water Company Ditch;  
17 thence southerly along line of said ditch 600 feet more or  
18 less to a point on said ditch 237.0 feet northerly of the  
19 center line of said Spring Street; thence easterly and  
20 parallel with the center line of Spring Street 669.6 feet,  
21 more or less, to a point 330.4 feet westerly from the center  
22 line of Main Avenue; thence at right angles southerly 237.0  
23 feet to center line of said Spring Street; thence easterly  
24 along said center line of Spring Street 330.4 feet to point  
25 of beginning.

26 0.4 acre in block 27 of said town of Palm Springs bounded as  
27 follows: Beginning at the southwest corner of said block;  
28 thence northerly on the easterly line of Main Avenue 100.0  
29 feet; thence at right angles easterly and parallel with Park  
30 Street 145.0 feet; thence at right angles southerly 100.0  
31 feet to northerly line of Park Street; thence westerly 145.0  
feet to point of beginning.

1.7 acres in lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 32, 33,  
34, 35 and 36, all in block 20 of said town of Palm Springs.

0.6 acre in lots 22, 23 and 24 of block 8 of said town of Palm  
Springs.

6.9 acres in blocks 1, 6 and 8 of said town of Palm Springs bounded  
as follows: Beginning at a point in block 8 where the westerly  
side of the Whitewater or Palm Valley Water Company's Ditch  
intersects a line 150.0 feet north of and parallel with the  
north line of Park Street; thence N. 30° 58' W., 327.0 feet;  
thence N. 0° 23' W., 174.0 feet; thence west 40.0 feet;  
thence N. 0° 08' W., 103.0 feet; thence S. 79° 10' W., 335.7  
feet; thence S. 84° 08' W., 217.0 feet; thence S. 3° 40' E.,  
264.25 feet; thence N. 89° 50' E., 60.0 feet; thence S.  
0° 08' E., 210.0 feet; thence N. 89° 50' E., 678.3 feet, to  
point of beginning.

27 22.3--Total.

28  
29 Prescott T. Stevens:

30 7.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 15, T. 4 S., R. 4 E., S.B.E. and M.

31 7.0 acres--Total.

1     Zeddie R. Bunker:

2             1.0 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 15, T. 4 S., R. 4 E., S.B.B. and M.

3             1.0 acres--Total.

4     J. A. Gray:

5             1.3 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 15, T. 4 S., R. 4 E., S.B.B. and M.

6             1.3 acres--Total.

7     Pearl McCallum McManus:

8             16.2 acres in E $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 15, T. 4 S., R. 4 E., S.B.B. and M.

9             16.2 acres--Total.

10    Lavina F. Crocker

11            1.6 acres in a parcel bounded as follows: Beginning at a point

12            on the northerly line of Spring Street in said town of Palm

13            Springs, 290.4 feet westerly from the northwest corner of,

14            Spring Street and Main Avenue; thence westerly along the

15            said line of Spring Street 323.5 feet; thence N. 0° 08' W.,

16            204.0 feet; thence N. 89° 50' E., 323.5 feet; thence S.

17            0° 08' E., 204.0 feet to point of beginning; said description

18            containing within its boundaries lots 9 to 20, both inclu-

19            sive, of block 14 of said town of Palm Springs.

20            1.6 acres--Total.

21    Helen Coffman:

22            0.3 acre in lots 1, 2 and 3 of block 8 of said town of Palm Springs.

23            0.3 acre--Total.

24    George Wellwood Murray:

25            0.2 acre constituting a parcel of land 80.0 feet square situate in

26            the northwest corner of block 27 of said town of Palm Springs.

27            0.2 acre--Total.

28    Trustees of Palm Springs Presbyterian Church:

29            0.4 acre constituting a rectangular parcel of land in the north-

30            west corner of block 26 of said town of Palm Springs.

31            0.4 acre--Total.

32    Cornelia B. White:

33            4.0 acres in block 27 of said town of Palm Springs.

34            4.0 acres--Total.

35    Cornelia B. White and Florilla M. White:



1           4.1 acres in block 26 of said town of Palm Springs.

2           4.1 acres--Total.

3           Owen Earl Coffman:

4           0.5 acre in a parcel bounded as follows: Beginning at a point  
5           470.0 feet westerly from the westerly line of Main Avenue  
6           in said town of Palm Springs and 604.0 feet northerly from  
7           the northerly property line of Spring Street; thence N.  
8           0° 08' W., 200.0 feet; thence westerly at right angles  
9           108.88 feet; thence at right angles southerly 200.0 feet;  
10          thence easterly at right angles 108.88 feet to point of  
11          beginning.

12          0.5 acre--Total.

13          George B. Roberg:

14          0.4 acre in a parcel bounded as follows: Beginning at a point  
15          on the westerly property line of Main Avenue 566.0 feet  
16          northerly of the northerly property line of Spring Street  
17          in said town of Palm Springs; thence at right angles  
18          westerly to said line of Main Avenue 290.4 feet; thence  
19          at right angles southerly 61.0 feet; thence at right angles  
20          easterly 290.4 feet to the westerly property line of Main  
21          Avenue; thence northerly 61.0 feet to point of beginning.

22          0.4 acre--Total

23          provided, however, that the lands described in this paragraph to which  
24          the water right hereinabove provided from Tahquitz Creek, by paragraph  
25          12, is also appurtenant, shall only be entitled to water from Whitewater  
26          River under this right at such times and to such extent as the water  
27          supply available from Tahquitz Creek under the right provided in para-  
28          graph 12 may be inadequate for the irrigation of said lands. The joint  
29          diversion and use of water under this right by the parties hereinabove  
30          enumerated is subject to the provisions of that certain stipulation dated  
31          March 17, 1926, between said parties in this paragraph hereinabove  
32          enumerated, on the one part, and the Banning Water Company, Banning Heights  
33          Mutual Water Company and San Geronio Power Company on the other part,  
34          which stipulation is on file and of record in these proceedings, and by  
35          the terms of which stipulation said parties in this paragraph hereinabove  
36          enumerated recognize that said Banning Water Company, Banning Heights  
37          Mutual Water Company and San Geronio Power Company are the owners of the

1 paramount right to divert water from the South Fork of Whitewater River  
2 through the Consolidated Reservoir and Power Company Canal as herein-  
3 before set forth in paragraph 5, regardless of the fact that the priority  
4 of said right set forth in said paragraph 5 is subsequent to the priority  
5 of the right of said parties in this paragraph hereinabove enumerated, as  
6 set forth in this paragraph.

7 14. W. V. COVINGTON

8 is entitled to divert from the natural flow of Lower Big Morongo  
9 Creek, through the Covington West Ditch,

10 0.14 cubic foot per second--priority January 1, 1873,  
11 or as much thereof as he directly applies to beneficial use for the purposes  
12 hereinafter set forth, throughout the entire year; said water to be di-  
13 verted from said Lower Big Morongo Creek at a point (designated on Division  
14 of Water Rights Map as Diversion 55) which bears approximately N. 56° 30'  
15 W., approximately 2410 feet distant from the southeast corner of Sec. 28,  
16 T. 1 S., R. 4 E., S.B.B. and M., being within the NW $\frac{1}{4}$  SE $\frac{1}{2}$  of said Sec. 28,  
17 and said water to be used for domestic and stock watering purposes and  
18 for the irrigation of the following described land:

19 3.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{2}$ , Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.

20 15. W. V. COVINGTON

21 is entitled to divert from the natural flow of an unnamed  
22 stream rising in a meadow in Lower Big Morongo Wash, through the Covington  
23 East Ditch,

24 0.50 cubic foot per second--priority January 1, 1873,  
25 or as much thereof as he directly applies to beneficial use for the pur-  
26 poses hereinafter set forth, throughout the entire year; said water to  
27 be diverted from said unnamed stream at a point (designated on Division  
28 of Water Rights Map as Diversion 56) which bears approximately N. 38° 00'  
29 W., approximately 2030 feet distant from the southeast corner of Sec. 28,  
30 T. 1 S., R. 4 E., S.B.B. and M., being within the NE $\frac{1}{4}$  SE $\frac{1}{2}$  of said Sec. 28,  
31 and said water to be used for domestic and stock watering purposes and

1 for the irrigation of the following described land:

2 13.7 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.

3 16. W. V. COVINGTON

4 is entitled to divert from the natural flow of an unnamed  
5 stream rising in a meadow in Lower Big Morongo Wash, by means of a series  
6 of dykes and short spreading ditches,

7 0.74 cubic foot per second--priority January 1, 1973,

8 or as much thereof as he directly applies to beneficial use for the pur-  
9 poses hereinafter set forth, throughout the entire year; said water to be  
10 diverted from said unnamed stream between the head of the Covington East  
11 Ditch, as hereinabove described in the preceding paragraph, and the point  
12 where said unnamed stream crosses the south boundary line of the NE $\frac{1}{4}$  of  
13 Sec. 33, T. 1 S., R. 4 E., S.B.B. and M., and said water to be used for  
14 stock watering purposes and for the irrigation of the following described  
15 lands:

16 35.0 acres in SE $\frac{1}{4}$ , Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.

17 30.0 acres in E $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 33, T. 1 S., R. 4 E., S.B.B. and M.

18 65.0 acres--Total.

19 17. WALTER O. EDWARDS

20 is entitled to divert from the natural or developed flow of  
21 Jensen's Spring, through the Jensen West Pipe Line,

22 0.06 cubic foot per second--priority June 17, 1911,

23 or as much thereof as he directly applies to beneficial use for the pur-  
24 poses hereinafter set forth, throughout the entire year; said water to be  
25 diverted from said spring at a point (designated on Division of Water  
26 Rights Map as Diversion 34) which bears approximately S. 29° 30' W.,  
27 approximately 2930 feet distant from the southeast corner of the NE $\frac{1}{4}$  of  
28 Sec. 22, T. 3 S., R. 2 E., S.B.B. and M., being within Lot 11 of said  
29 Sec. 22, and said water to be used for domestic and stock watering pur-  
30 poses and for the irrigation of the following described land:

31 5.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 22, T. 3 S., R. 2 E., S.B.B. and M.

1 18. WALTER O. EDWARDS

2 is entitled to divert from the natural or developed flow of  
3 Jensen's Creek, through the Jensen East Pipe Line,  
4 0.60 cubic foot per second--priority October 23, 1913,  
5 or as much thereof as he directly applies to beneficial use for the pur-  
6 poses hereinafter set forth throughout the entire year; said water to be  
7 diverted from said Jensen's Creek at a point (designated on Division of  
8 Water Rights Map as Diversion 35) which bears approximately S. 28° 30'  
9 E., approximately 3100 feet distant from the southwest corner of the  
10 NW $\frac{1}{4}$  of Sec. 23, T. 3 S., R. 2 E., S.B.B. and M., being within Lot 11 of  
11 said Sec. 23, and said water to be used for domestic and stock watering  
12 purposes and for the irrigation of approximately 50 acres of land within  
13 the following described tracts:

14 S $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 22, T. 3 S., R. 2 E., S.B.B. and M.  
15 Lot 8 of Sec. 22, T. 3 S., R. 2 E., S.B.B. and M.  
16 Lot 8 of Sec. 23, T. 3 S., R. 2 E., S.B.B. and M.

17 19. ANNIE B. FICK

18 is entitled to divert from the natural or developed flow of an  
19 unnamed spring (designated on Division of Water Rights Map as Diversion  
20 5) situated approximately N. 35° 00' W., approximately 1000 feet distant  
21 from the east quarter corner of Sec. 5, T. 2 S., R. 1 E., S.B.B. and M.,  
22 being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 5, through the Fick East Pipe Line,

23 (a) during the period between March first and November first  
24 of each year,

25 0.07 cubic foot per second--priority July 31, 1913,

26 or as much thereof as she directly applies to beneficial use for  
27 domestic and stock watering purposes and for the irrigation of her  
28 lands hereinafter described;

29 (b) during the period between November first of each year and  
30 March first of the succeeding year,

31 0.025 cubic foot per second--priority July 31, 1913,

or as much thereof as she directly applies to beneficial use for

1           0.10 cubic foot per second--priority March 1, 1869,  
2           0.09 cubic foot per second--priority March 1, 1882,  
3           0.06 cubic foot per second--priority March 1, 1892,

4           0.25 cubic foot per second--Total,

5           or as much thereof as said company directly applies to beneficial  
6           use for domestic and stock watering purposes and for the irrigation  
7           of its lands hereinafter described,

8           (b) during the period between November first of each year and  
9           March first of the succeeding year,

10           0.025 cubic foot per second--priority March 1, 1869,  
11           or as much thereof as said company directly applies to beneficial  
12           use for domestic and stock watering purposes;

13           all of said water to be diverted at a point (designated on Division of  
14           Water Rights Map as Diversion 11) which bears approximately S. 76° 30'  
15           W., approximately 1860 feet distant from the east quarter corner of  
16           Sec. 5, T. 3 S., R. 1 E., S.B.B. and M., being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said  
17           land:

18           24.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 1 E., S.B.B. and M.

19           22. THE GILMAN HOME COMPANY

20           is entitled to divert from the natural flow of the stream  
21           flowing in Gilman Canyon No. 2, through an unnamed pipe line,  
22           

23           0.125 cubic foot per second--priority March 1, 1892,

24           or as much thereof as said company directly applies to beneficial use  
25           for the purpose hereinafter set forth during the period between March  
26           first and November first of each year; said water to be diverted at a  
27           point (designated on Division of Water Rights Map as Diversion 12) which  
28           bears approximately N. 85° 00' W., approximately 1420 feet distant from  
29           the east quarter corner of Sec. 5, T. 3 S., R. 1 E., S.B.B. and M., being  
30           within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 5 and said water to be used for the irri-  
31           gation of the following described lands:

1           2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 1 E., S.B.B. and M.  
2           10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 3 S., R. 1 E., S.B.B. and M.  
3           12.0 acres--Total.

4           23. THE GILMAN HOME COMPANY

5           is entitled to divert from the natural flow of the stream  
6           flowing in Gilman Canyon No. 3, through an unnamed pipe line,  
7           0.25 cubic foot per second--priority March 1, 1891,  
8           or as much thereof as said company directly applies to beneficial use for  
9           the purpose hereinafter set forth, during the period between March first  
10          and November first of each year; said water to be diverted to a point  
11          (designated on Division of Water Rights Map as Diversion 13) which bears  
12          approximately N. 52° 30' W., approximately 970 feet distant from the east  
13          quarter corner of Sec. 5, T. 3 S., R. 1 E., S.B.B. and M., being within  
14          the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 5, and said water to be used for the irrigation  
15          of the following described land:

16          24.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 8, T. 3 S., R. 1 E., S.B.B. and M.

17          24. GEORGE R. HICKS

18          is entitled to divert from the natural flow of Upper Little  
19          Morongo Creek, through the Hicks Pipe Line Ditch,

20          (a) during the period between March first and November first  
21          of each year,

22          2.50 cubic feet per second--priority April 24, 1917,

23          or as much thereof as he directly applies to beneficial use for  
24          domestic and stock watering purposes and for the irrigation of  
25          the lands hereinafter described in this paragraph;

26          (b) during the period between November first of each year  
27          and March first of the succeeding year,

28          0.50 cubic foot per second--priority April 24, 1917,

29          or as much thereof as he directly applies to beneficial use for  
30          domestic and stock watering purposes;

31          all of said water to be diverted at a point (designated on Division of

1 Water Rights Map as Diversion 57) which bears approximately N. 30° 00'  
2 E., approximately 3600 feet distant from the southwest corner of Sec.  
3 2, T. 1 S., R. 4 E., S.B.B. and M., being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said  
4 Sec. 2, and all of said water to be used upon the following described  
5 lands;

6 160.0 acres in SE $\frac{1}{4}$  Sec. 12, T. 1 S., R. 4 E., S.B.B. and M.  
7 80.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 14, T. 1 S., R. 4 E., S.B.B. and M.  
8 240.0 acres--Total.

8 25. GERTRUDE C. HITTSON

9 is entitled to divert from the natural or developed flow of  
10 Thousand Palms Canyon Creek through the Bedwell and Richey Ditch and Pipe  
11 Line,

12 0.35 cubic foot per second priority January 31, 1913,  
13 or as much thereof as she directly applies to beneficial use for the  
14 purposes hereinafter set forth, throughout the entire year; said water to  
15 be diverted from said Thousand Palms Canyon Creek at a point (designated  
16 on Division of Water Rights Map as Diversion 63) which bears approximately  
17 S. 77° 11' E., approximately 2345 feet distant from the west quarter cor-  
18 ner of Sec. 12, T. 4 S., R. 6 E., S.B.B. and M., being within the NE $\frac{1}{4}$   
19 SW $\frac{1}{4}$  of said Sec. 12, and said water to be used for domestic and stock  
20 watering purposes and for the irrigation of

21 40.0 acres of land in the S $\frac{1}{2}$  Sec. 22, T. 4 S., R. 6 E., S.B.B. and M.

22 26. MARSHALL C. JOST

23 is entitled to divert from the natural or developed flow of  
24 an unnamed spring situated in Dunlap Canyon at a point which bears ap-  
25 proximately N. 14° 30' E., approximately 125 feet distant from the west  
26 quarter corner of Sec. 32, T. 2 S., R. 1 E., S.B.B. and M., being within  
27 the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 32, through the Marshall Jost Pipe Line,

28 0.04 cubic foot per second--priority July 31, 1900,  
29 or as much thereof as he directly applies to beneficial use for the pur-  
30 pose hereinafter set forth, throughout the entire year; said water to be  
31 diverted at said spring and to be used for stock watering purposes in the

1            NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 31, T. 2 S., R. 1 E., S.B.B. and M.

2            27. CHARLES C. LEARY

3            is entitled to divert from the natural or developed flow of  
4            an unnamed spring situated at a point (designated on Division of Water  
5            Rights Map as Diversion 33) which bears approximately S. 7° 30' E.,  
6            approximately 1780 feet distant from the west quarter corner of Sec. 20,  
7            T. 3 S., R. 2 E., S.B.B. and M., being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec.  
8            20, through the Leary Pipe Line,

9            0.025 cubic foot per second--priority October 18, 1913,  
10           or as much thereof as he directly applies to beneficial use for the pur-  
11           pose hereinafter set forth, during the period between March first and  
12           November first of each year; said water to be diverted at said spring,  
13           and to be used for the irrigation of the following described land:

14           7.0 acres in Lot 4 of NW $\frac{1}{4}$  of Sec. 20, T. 3 S., R. 2 E., S.B.B. and M.

15           28. CHARLES C. LEARY

16           is entitled to divert from the natural or developed flow of  
17           an unnamed spring situated at a point (designated on Division of Water  
18           Rights Map as Diversion 32) which bears approximately S. 14° 00' E.,  
19           approximately 1420 feet distant from the west quarter corner of Sec. 20,  
20           T. 3 S., R. 2 E., S.B.B. and M., being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 20,  
21           through the Leary Pipe Line,

22           (a) during the period between March first and November first  
23           of each year,

24           0.05 cubic foot per second--priority October 18, 1913,  
25           or as much thereof as he directly applies to beneficial use for  
26           domestic and stock watering purposes and for the irrigation of  
27           his lands hereinafter described;

28           (b) during the period between November first of each year  
29           and March first of the succeeding year,

30           0.025 cubic foot per second--priority October 18, 1913,  
31           or as much thereof as he directly applies to beneficial use for



1 domestic and stock watering purposes;  
2 all of said water to be diverted at said spring, and to be used upon the  
3 following described land:

4 14.0 acres in Lot 4 of NW $\frac{1}{4}$  of Sec. 20, T. 3 S., R. 2 E., S.B.B. and M.

5 29. HERMAN LUERMAN

6 is entitled to divert from the natural flow of the West Fork  
7 of Stubby Creek, through the Jost West Ditch and Pipe Line,

8 0.10 cubic foot per second--priority April 23, 1886,

9 or as much thereof as he directly applies to beneficial use for the pur-  
10 poses hereinafter set forth, throughout the entire year; said water to  
11 be diverted from said West Fork of Stubby Creek at a point (designated  
12 on Division of Water Rights Map as Diversion 36) which bears approximately  
13 S. 69° 00' W., approximately 1950 feet distant from the northeast corner  
14 of Sec. 36, T. 2 S., R. 2 E., S.B.B. and M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$   
15 of said Sec. 36, and said water to be used for domestic, stock watering,  
16 irrigation and bee culture purposes within the

17 S $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 36, T. 2 S., R. 2 E., S.B.B. and M.

18 30. HERMAN LUERMAN

19 is entitled to divert from the natural flow of the East Fork  
20 of Stubby Creek, through the Jost East Ditch,

21 0.10 cubic foot per second--priority April 23, 1886,

22 or as much thereof as he directly applies to beneficial use for the pur-  
23 poses hereinafter set forth, throughout the entire year; said water to  
24 be diverted from said East Fork of Stubby Creek at a point (designated  
25 on Division of Water Rights Map as Diversion 37) which bears approximately  
26 S. 82° 30' W., approximately 1050 feet distant from the northeast corner  
27 of Sec. 36, T. 2 S., R. 2 E., S.B.B. and M., being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of  
28 said Sec. 36, and said water to be used for domestic, stock watering,  
29 irrigation and bee culture purposes within the

30 NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 36, T. 2 S., R. 2 E., S.B.B. and M.

31 31. THE MORONGO VALLEY MUTUAL WATER COMPANY

is entitled to divert from the natural flow of Big Morongo

1 Creek, through the Morongo Valley Mutual Water Company Pipe Line,  
2 0.14 cubic foot per second--priority June 14, 1915,  
3 or as much thereof as said company directly applies to beneficial use for  
4 the purposes hereinafter set forth, throughout the entire year; said  
5 water to be diverted from said Big Morongo Creek at a point (designated  
6 on Division of Water Rights Map as Diversion 54) which bears approxi-  
7 mately N. 30° 20' W., approximately 1575 feet distant from the southeast  
8 corner of Sec. 18, T. 1 S., R. 4 E., S.B.B. and M., being within the  
9 NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 18, and said water to be used for domestic and stock  
10 watering purposes and for the irrigation of the following described lands:

11 160.0 acres in NW $\frac{1}{4}$  Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.  
12 80.0 acres in W $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.  
13 40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 28, T. 1 S., R. 4 E., S.B.B. and M.  
14 80.0 acres in E $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 29, T. 1 S., R. 4 E., S.B.B. and M.  
15 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 29, T. 1 S., R. 4 E., S.B.B. and M.  
16 80.0 acres in N $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 32, T. 1 S., R. 4 E., S.B.B. and M.  
17 40.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 33, T. 1 S., R. 4 E., S.B.B. and M.  
18 520.0 acres--Total.

19 32. THE PALM VALLEY WATER COMPANY

20 is entitled to divert from the natural flow of Chino Creek,  
21 through the Chino Creek Pipe Line,  
22 2.00 cubic feet per second--priority October 2, 1897,  
23 or as much thereof as said company applies to beneficial use for the pur-  
24 pose hereinafter set forth, throughout the entire year; said water to be  
25 diverted from said Chino Creek at a point (designated on Division of  
26 Water Rights Map as Diversion 59) which bears approximately S. 60° 30'  
27 W., approximately 725 feet distant from the northeast corner of Sec. 7,  
28 T. 4 S., R. 4 E., S.B.B. and M., being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 7,  
29 and said water to be used by said company for the purpose of supplying  
30 water for domestic and municipal uses in the territory within and adjacent  
31 to the town of Palm Springs, Riverside County, California .

32 33. GEORGE W. PARKER AND F. E. MATTHEWS

33 jointly, are entitled to divert from the natural flow of the  
34 stream flowing in Water Canyon, through the Parker and Matthews Water

1 Canyon Pipe Line,

2 0.04 cubic foot per second--priority January 1, 1909,  
3 or as much thereof as they directly apply to beneficial use for the pur-  
4 pose hereinafter set forth, throughout the entire year; said water to be  
5 diverted from said stream at a point which bears approximately S. 78° 30'  
6 W., approximately 2080 feet distant from the northeast corner of Sec. 24,  
7 T. 3 S., R. 1 E., S.B.B. and M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec.  
8 24, and said water to be used for the irrigation of the following des-  
9 cribed land:

10 8.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.

11 34. GEORGE W. PARKER AND F. E. MATTHEWS

12 jointly, are entitled to divert from the natural or developed  
13 flow of Tunnel No. 1 Spring, through the Tunnel No. 1 Pipe Line,

14 0.04 cubic foot per second--priority October 20, 1894,  
15 or as much thereof as they directly apply to beneficial use for the pur-  
16 pose hereinafter set forth, throughout the entire year; said water to be  
17 diverted from said spring at a point (designated on Division of Water  
18 Rights Map as Diversion 24) which bears approximately N. 87° 00' W.,  
19 approximately 1280 feet distant from the southeast corner of Sec. 13,  
20 T. 3 S., R. 1 E., S.B.B. and M., being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec. 13,  
21 and said water to be used for the irrigation of the following described  
22 lands:

23 2.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.  
24 4.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.

25 6.5 acres--Total

26 35. GEORGE W. PARKER AND F. E. MATTHEWS

27 jointly, are entitled to divert from the natural or developed  
28 flow of Newland Spring, through the Newland Spring Pipe Line,

29 0.08 cubic foot per second--priority January 3, 1898,  
30 or as much thereof as they directly apply to beneficial use for the pur-  
31 poses hereinafter set forth, throughout the entire year; said water to be

1 diverted from said spring at a point (designated on Division of Water  
2 Rights Map as Diversion 23) which bears approximately N. 71° 00' W.,  
3 approximately 2450 feet distant from the southeast corner of Sec. 13,  
4 T. 3 S., R. 1 E., S.B.B. and M., being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Sec.  
5 13, and said water to be used for domestic and stock watering purposes  
6 and for the irrigation of the following described lands:

7 2.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.  
8 1.0 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13; T. 3 S., R. 1 E., S.B.B. and M.  
9 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.

10 10.6 acres--Total.

11 36. GEORGE W. PARKER AND F. E. MATTHEWS

12 jointly, are entitled to divert from the natural or developed  
13 flow of South Spring, through the South Spring Pipe Line,

14 0.06 cubic foot per second--priority January 3, 1898,

15 or as much thereof as they directly apply to beneficial use for the pur-  
16 pose hereinafter set forth, throughout the entire year; said water to be

17 diverted from said spring at a point (designated on Division of Water  
18 Rights Map as Diversion 26) which bears approximately S. 2° 30' W.,

19 approximately 1340 feet distant from the northeast corner of Sec. 24,  
20 T. 3 S., R. 1 E., S.B.B. and M., being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec.

21 24, and said water to be used for the irrigation of the following des-  
22 cribed lands:

23 1.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.  
24 9.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.

25 10.6 acres--Total.

26 37. GEORGE W. PARKER AND F. E. MATTHEWS

27 jointly, are entitled to divert from the natural or developed  
28 flow of Head Spring, through the Head Spring Pipe Line,

29 0.02 cubic foot per second--priority June 20, 1894,

30 or as much thereof as they directly apply to beneficial use for the purpose  
31 hereinafter set forth, throughout the entire year; said water to be diverted

from said spring at a point (designated on Division of Water Rights Map as

1 Diversion 25) which bears approximately S. 67° 00' W., approximately  
2 3050 feet distant from the northeast corner of Sec. 24, T. 3 S., R. 1 E.,  
3 S.B.B. and M., being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 24, and said water  
4 to be used for the irrigation of the following described lands:

5 1.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.  
6 2.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 13, T. 3 S., R. 1 E., S.B.B. and M.  
7 3.4 acres--Total.

8 38. THE SOUTHERN PACIFIC COMPANY AND THE SOUTHERN PACIFIC RAILROAD  
9 COMPANY

10 jointly, are entitled to divert from the natural flow of Snow  
11 Creek through the Southern Pacific Snow Creek Ditch and Pipe Line,

12 2.00 cubic feet per second--priority October 24, 1899,  
13 or as much thereof as they apply to beneficial use for the purposes here-  
14 inafter set forth, throughout the entire year; said water to be diverted  
15 from said Snow Creek at a point (designated on Division of Water Rights  
16 Map as Diversion 39) which bears approximately S. 54° 52' E., approxi-  
17 mately 1300 feet distant from the northwest corner of Sec. 33, T. 3 S.,  
18 R. 3 E., S.B.B. and M., being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 33, and  
19 said water to be used for railroad and domestic purposes at and adjacent  
20 to Whitewater and Garnet stations on the Southern Pacific Railroad, in  
21 Riverside County, California and for domestic, stock watering and irriga-  
22 tion purposes upon the following described lands:

23 7.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20, T. 3 S., R. 3 E., S.B.B. and M.  
24 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20, T. 3 S., R. 3 E., S.B.B. and M.  
25 4.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21, T. 3 S., R. 3 E., S.B.B. and M.  
26 20.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21, T. 3 S., R. 3 E., S.B.B. and M.  
27 40.0 acres--Total.

28 39. THE SOUTHERN PACIFIC COMPANY AND THE SOUTHERN PACIFIC RAILROAD  
29 COMPANY

30 jointly, are entitled to divert from the natural or developed  
31 flow of springs rising in Millard Canyon near the center of Sec. 32, T.  
32 S., R. 2 E., S.B.B. and M., through the Southern Pacific Millard

1 Canyon Conduit,

2 0.23 cubic foot per second--priority January 1, 1877,  
3 0.27 cubic foot per second--priority January 3, 1917

4 0.50 cubic foot per second--Total

5 or as much thereof as they apply to beneficial use for the purpose here-  
6 inafter set forth, throughout the entire year; said water to be diverted  
7 from said springs at a point (designated on Division of Water Rights Map  
8 as Diversion 28) which bears approximately N. 39° 53' E., approximately  
9 3350 feet distant from the southwest corner of Sec. 32, T. 2 S., R. 2 E.,  
10 S.B.B. and M., being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 32, and said water  
11 to be used for railroad and domestic purposes at and adjacent to Cabazon  
12 Station on the Southern Pacific Railroad in Riverside County, California.

13 40. THE SOUTHERN PACIFIC LAND COMPANY

14 is entitled to divert from the natural or developed flow of  
15 springs rising in Millard Canyon near the center of Sec. 32, T. 2 S., R.  
16 2 E., S.B.B. and M., through the Southern Pacific Millard Canyon Conduit,

17 0.12 cubic foot per second--priority January 1, 1877,  
18 0.16 cubic foot per second--priority January 3, 1917,

19 0.28 cubic foot per second--Total.

20 or as much thereof as said company applies to beneficial use for the  
21 purposes hereinafter set forth, throughout the entire year; said water  
22 to be diverted from said springs at a point (designated on Division of  
23 Water Rights Map as Diversion 28) which bears approximately N. 39° 53' E.,  
24 approximately 3350 feet distant from the southwest corner of Sec. 32,  
25 T. 2 S., R. 2 E., S.B.B. and M., being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 32,  
26 and said water to be used for domestic, stock watering and irrigation  
27 purposes upon the following described lands:

28 18.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.  
29 13.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.  
30 0.8 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.

31 32.5 acres--Total.

1 41. FRANK L. TALMADGE, JOHN W. TALMADGE, AND WILLIAM S. TALMADGE,  
2 (hereinafter referred to as Talmadge Brothers),

3 jointly, are entitled to divert from the natural flow of White-  
4 water River, through the Whitewater Ranch Ditch,

5 3.75 cubic feet per second--priority January 1, 1850,  
6 or as much thereof as they directly apply to beneficial use for the pur-  
7 pose hereinafter set forth, throughout the entire year; said water to be  
8 diverted from said Whitewater River at or near a point (designated on  
9 Division of Water Rights Map as Diversion 44) which bears approximately  
10 S. 87° 30' W., approximately 1950 feet distant from the northeast corner  
11 of Sec. 11, T. 3 S., R. 3 E., S.B.B. and M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of  
12 said Sec. 11, and said water to be used for domestic and stock watering  
13 purposes and for the irrigation of 100 acres of land within and upon the  
14 following described tracts:

15 SW $\frac{1}{4}$ , Sec. 10, T. 3 S., R. 3 E., S.B.B. and M.  
16 NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 15, T. 3 S., R. 3 E., S.B.B. and M.

17 provided, however, that nothing herein contained shall be deemed to or  
18 shall in any manner limit or restrict the right of said Talmadge Brothers,  
19 or their successors in interest, from transferring the use of said water  
20 from said lands to the community known as Palm Springs for domestic use  
21 within such community, and it is expressly provided that such water may  
22 be diverted and transported to said Palm Springs district for domestic  
23 use only within such district whenever said Talmadge Brothers, or their  
24 successors in interest, deem such transfer and use desirable. The diver-  
25 sion and use of water under this right is subject to the provisions of  
26 that certain stipulation dated March 17, 1926, between the Banning Water  
27 Company, the Banning Heights Mutual Water Company and the San Geronio  
28 Power Company on the one part, and Julia B. Berry, Talmadge Brothers,  
29 and Andrew J. Warner and Clara J. Warner on the other part, which stipu-  
30 lation is on file and of record in these proceedings, and by the terms of  
31 which stipulation said Julia B. Berry, Talmadge Brothers, and Andrew J.

1 Warner and Clara J. Warner recognize that said Banning Water Company,  
2 Banning Heights Mutual Water Company and San Geronimo Power Company are  
3 the owners of the paramount right to divert water from the South Fork  
4 of Whitewater River through the consolidated Reservoir and Power Company  
5 Canal as hereinbefore set forth in paragraph 5, regardless of the fact  
6 that the priority of the right set forth in said paragraph 5 is subse-  
7 quent to the priority of the right of said Talmadge Brothers as set forth  
8 in this paragraph.

9 42. THE UNITED STATES OF AMERICA

10 is entitled to divert from the natural flow of Hathaway Creek,  
11 through the Hathaway Canyon Pipe Line,

12 2.00 cubic feet per second--priority January 1, 1890,  
13 or as much thereof as it applies to beneficial use for the purposes here-  
14 inafter set forth, throughout the entire year; said water to be diverted  
15 from said Hathaway Creek at a point within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 34, T. 2  
16 S., R. 1 E., S.B.B. and M., and said water to be used for domestic, stock-  
17 watering, power development and irrigation purposes within the Morongo  
18 Indian Reservation, comprising some 30,600 acres of land described as  
19 follows:

- 20 All of Secs. 10, 12, 13, 14, 15, 22, 23, 25, 26, 27, 24, 35 and 36,  
T. 2 S., R. 1 E., S.B.B. and M.
- 21 All of Secs. 8, 9, 17, 18, 25, 26, 27, 28, 30, 31, 33, 34 and 35,  
T. 2 S., R. 2 E., S.B.B. and M.
- 22 NE $\frac{1}{4}$ , Sec. 16, T. 2 S., R. 2 E., S.B.B. and M.
- 23 NE $\frac{1}{4}$ , Sec. 19, T. 2 S., R. 2 E., S.B.B. and M.
- 24 SW $\frac{1}{4}$ , Sec. 19, T. 2 S., R. 2 E., S.B.B. and M.
- 25 NE $\frac{1}{4}$ , Sec. 20, T. 2 S., R. 2 E., S.B.B. and M.
- 26 SW $\frac{1}{4}$ , Sec. 20, T. 2 S., R. 2 E., S.B.B. and M.
- 27 NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20, T. 2 S., R. 2 E., S.B.B. and M.
- 28 NE $\frac{1}{4}$ , Sec. 21, T. 2 S., R. 2 E., S.B.B. and M.
- 29 S $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 21, T. 2 S., R. 2 E., S.B.B. and M.
- 30 NE $\frac{1}{4}$ , Sec. 29, T. 2 S., R. 2 E., S.B.B. and M.
- 31 W $\frac{1}{2}$ , Sec. 36, T. 2 S., R. 2 E., S.B.B. and M.
- SE $\frac{1}{4}$ , Sec. 36, T. 2 S., R. 2 E., S.B.B. and M.
- All of Secs. 2, 12, 22, 24 and 26, T. 3 S., R. 1 E., S.B.B. and M.
- NE $\frac{1}{4}$ , Sec. 1, T. 3 S., R. 1 E., S.B.B. and M.
- NE $\frac{1}{4}$ , Sec. 6, T. 3 S., R. 1 E., S.B.B. and M.
- S $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 14, T. 3 S., R. 1 E., S.B.B. and M.
- NE $\frac{1}{4}$ , Sec. 34, T. 3 S., R. 1 E., S.B.B. and M.
- SW $\frac{1}{4}$ , Sec. 34, T. 3 S., R. 1 E., S.B.B. and M.
- NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 34, T. 3 S., R. 1 E., S.B.B. and M.
- N $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 34, T. 3 S., R. 1 E., S.B.B. and M.



1 Water Rights Map as Diversion 45) which bears approximately S. 45° 00'  
2 W., approximately 1580 feet distant from the northeast corner of Sec. 11,  
3 T. 3 S., R. 3 E., S.B.B. and M., being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 11,  
4 and said water to be used for domestic and stock watering purposes upon  
5 the following described land and for the irrigation of said land:

6 50.0 acres in S $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 10, T. 3 S., R. 3 E., S.B.B. and M.

7 48. WHITEWATER MUTUAL WATER COMPANY

8 is entitled to divert from the natural or developed flow of  
9 Whitewater River, through the Palm Valley Water Company System (later  
10 known as the "Stevens Pipe Line"),

11 10.00 cubic feet per second--priority September 19, 1913,  
12 or as much thereof as said company applies to beneficial use for the  
13 purpose hereinafter set forth, throughout the entire year; said water to  
14 be diverted from said Whitewater River, all or in part, through any of the  
15 following described works:

16 (1) Through the main intake ditch leading to the "Stevens  
17 Pipe Line", the head of which ditch is situated at a point which  
18 bears approximately S. 84° 30' E., approximately 440 feet distant  
19 from the northwest corner of Lot 2 of Sec. 2, T. 3 S., R. 3 E.,  
20 S.B.B. and M., being within said Lot 2,

21 (2) Through Infiltration Pipe Line "A" as shown on the map  
22 prepared by Davidson & Fulmor, Engineers, dated April, 1927, and  
23 entitled "Map Showing the Prescott T. Stevens Intake and Infiltra-  
24 tion Pipe Lines from Whitewater River, Riverside County, Cal.,"  
25 the head of which pipe line is situated approximately 727 feet  
26 due east of the northwest corner of Lot 2 of Sec. 2, T. 3 S., R.  
27 3 E., S.B.B. and M., and approximately on the north line of said  
28 Sec. 2,

29 (3) Through Infiltration Pipe Line "B" as shown on said  
30 map prepared by Davidson and Fulmor, the head of which pipe line is  
31 situated approximately 122 feet due east of the northwest corner of

1 Lot 2 of Sec. 2, T. 3 S., R. 3 E., S.B.B. and M., and approximately  
2 on the north line of said Sec. 2,

3 (4) Through Infiltration Pipe Line "C" as shown on said map  
4 prepared by Davidson and Fulmer, the head of which pipe line is  
5 situated at a point which bears approximately S. 62° 15' W., approxi-  
6 mately 278 feet distant from the northeast corner of Lot 3 of Sec. 2,  
7 T. 3 S., R. 3 E., S.B.B. and M., being within said Lot 3;  
8 and said water to be used for domestic purposes on the following described  
9 tracts and for the irrigation of approximately 725 acres of land within  
10 the following described tracts:

11 SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 3, T. 4 S., R. 4 E., S.B.B. and M.  
12 E $\frac{1}{2}$ , Sec. 10, T. 4 S., R. 4 E., S.B.B. and M.  
13 NE $\frac{1}{4}$ , Sec. 11, T. 4 S., R. 4 E., S.B.B. and M.  
SW $\frac{1}{4}$ , Sec. 11, T. 4 S., R. 4 E., S.B.B. and M.  
NE $\frac{1}{4}$ , Sec. 15, T. 4 S., R. 4 E., S.B.B. and M.

14 XXVII

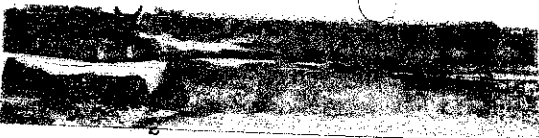
15 No costs or disbursements are allowed herein to any of the  
16 parties to this proceeding and each of said parties shall respectively  
17 bear their own costs.

18 XXVIII

19 If at any time the natural flow of said Whitewater River and  
20 its tributaries, or any thereof, is insufficient to furnish all parties  
21 entitled thereto with the full amount of water awarded herein, then and in  
22 said event the said natural flow shall be distributed in accordance with  
23 the priorities as herein decreed.

24 XXIX

25 Each and every of the parties hereto, their servants, agents,  
26 attorneys, employees, successors in interest and all persons acting under  
27 their authority and on their behalf are enjoined and restrained from any  
28 and all interference with, or diversion or use of, the waters herein  
29 decreed, except in the manner, and to the extent, and for the purposes  
30 provided herein, whenever such interference, diversion or use in any manner  
31 interferes with the diversion or use of the said waters as decreed herein.



9th day of December, 1938.

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Wm. D. DEHY (signed)

Judge of the Superior Court, presiding.

ENDORSED  
F I L E D  
December 9, 1938  
D. G. Clayton, Clerk  
By Jack A. Bergin,  
Deputy

Recorded in Book 46 of  
Judgments  
at Page 246 the 9th  
day of December, 1938  
D. G. CLAYTON, Clerk  
By: Erma E. Dewey, Deputy