Inventory of the Records of the State Water Rights Board

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Inventory of the Records of the State Water Rights Board

Collection number: R374

California State Archives
Office of the Secretary of State
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Descriptive Summary

Title: Records of the State Water Rights Board
Dates: 1915-1986
Collection number: R374
Creator: State Water Rights Board
Creator/Collector: State Water Commission
Creator/Collector: Department of Public Work, Division of Water Resources
Creator/Collector: State Water Resources Control Board
Collection Size: 36 cubic feet of textual records, 55 maps and blueprints, and 3 bound volumes.
Repository: California State Archives
Sacramento, California
Physical location: California State Archives
Languages: Languages represented in the collection: English
Access
No Restrictions.

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Preferred Citation

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Acquisition and Custodial History

The California State Archives acquired the State Water Rights Board Records according to state law.

Agency History

The Water Commission Act of 1913, Chapter 586 of Statutes 1913, created California’s first water rights governing agency, the State Water Commission. Prior to this law, any or every person could freely begin work to divert and use (beneficially or otherwise) water in California. This commission began operation immediately and consisted of five persons who sought to arbitrate the incessant disputes created by California’s dual water rights system. The governor of California, the state engineer, and three members appointed by the governor to four year terms made up the five member commission (Chapter 586, Statutes 1913). According to the law, the three members appointed by the governor should have ample “knowledge and experience in the application and use of waters for irrigation, mining, and municipal purposes” with at least one of them familiar with water use for agricultural purposes (Chapter 586, Statutes 1913). The State Water Commission initiated procedures to issue permits and licenses, most of which are still in use today.
The State Water Commission served a fourfold purpose. The Water Commission's functions included investigation and fact development concerning water sources, regulating the acquisition of rights to appropriate water, providing a feasible method for the comprehensive determination of existing rights, and supervising the distribution of water among those entitled to use it in accordance with the indomitable right of each user (“Administration of Water Rights in California,” California Law Review 44, Dec. 1956, P.834).

The State Water Commission existed until 1921 when California’s Legislature passed an act (Chapter 607 Statutes 1921), which created the Department of Public Works. The Department of Public Works succeeded to the duties, powers, and jurisdiction of the State Water Commission. According to the Department of Public Works first Biennial Report, “By the terms of this statute the State Water Commission, as such, was abolished and its functions and duties under the Water Commission Act became the functions and duties of one of the divisions of the new Department of Public Works, namely, the Division of Water Resources” (Report of Division of Water Rights of State Department of Public Works, P.7). This office functioned under the definitions of and the authorities conferred by the Water Commission Act with the added task of acquiring and distributing new vested rights for use of water, while protecting the water rights of those presently vested.

In the mid-1950s, California’s Legislature worked toward reorganizing the agencies then responsible for administering water law. In 1956, a law passed that mandated that many functions of the aforementioned Division of Water Resources pass to the State Water Rights Board. Created on July 5, 1956, by Chapter 52, Statutes 1956, the State Water Rights Board consisted of three members called upon to administer water rights as derived from the Water Commission Act. This legislation also created the Department of Water Resources and abolished the Division of Water Resources of the Department of Public Works. The newly established Department of Water Resources absorbed the duties and functions pertaining to water resources not expressly given to the State Water Rights Board. Nevertheless, the State Water Rights Board existed and operated as an independent entity, not bound to the Department of Water Resources.

Law required the Board be made up of one chair, one legal representative, and one engineer. These three members were appointed by the Governor and confirmed by the State Senate. The first three to make up the Board included Henry Holsinger, the Chair and Attorney for the Board, John B. Evans, and W.P. Rowe, the Board’s chief engineer. Additionally, the State Water Rights Board received assistance in application processing, adjudication, and investigation of water rights from associate engineers, legal representatives, and administrative staff in various sectors of the government.

The duties and functions passed on to the State Water Rights Board were derived from the Water Commission Act. The initial annual report of the board noted that it maintained the "sole responsibility of the following laws: (1) The Appropriation of unappropriated water through the permit and license procedure (Water Code, Division 2, Part 2); (2) Assistance to the courts and parties in adjudication of water rights (Water Code, Division 2, Part 3); and (3) Administration of an act enacted by the 1955 Legislature concerning recordation of data relating primarily to use of ground water” in Riverside, San Bernardino, Los Angeles, Ventura, and San Bernardino counties (State Water Rights Board, Annual Report to Governor, 1957, p. 4-5). Additional general purposes and objectives of the Board consisted of furthering the orderly development of the state’s water resources in the public interest as provided in the Statutes assigned to it for administration (State Water Rights Board, Annual Report to Governor, 1957, p. 7). A most important feature during the Board’s tenure remained its functions to coordinate water use and adjudicate water usage and rights disputes for improved decision making regarding water usage. State Water Rights Board acted as referees, or mediators, to settle disputes. Hearings held by the Board sought to resolve matters brought forth, but when an agreement could not be reached, the Board provided the Court an initial determination or opinion on any particular water rights dispute.

In the mid to late 1960s, the impact of water quality on the state’s constituents received increasing attention. Water quality administration remained lackluster. The Assembly Water Committee convened to sort through the problem and discovered that a coordinated water regulatory program combining water rights administration and water quality administration could help solve many of California’s water issues. Thus in 1967, the legislature enacted these changes and fused the State Water Rights Board and the State Water Quality Control Board to create the State Water Resources Control Board (History of State Water Resources Control Board, P.4). The new board’s mandate followed similar lines of previous water rights entities with the addition of an arduous task of balancing competing water needs of the public and private sectors as well as water resources for domestic, agricultural, industrial, or electrical purposes.

California’s problems and challenges concerning water usage and water rights continue to rise as the population rises and viable water sources diminish. Nevertheless, a quote from Hugh W. Ferrier’s article in 1956 remains valid. Ferrier noted, “The work of the State Water Rights Board and its predecessors in water rights administration has been and is for sometime anticipated to be in major part concentrated upon the administration of the law regulating appropriation of water” (“Administration of Water Rights in California,” California Law Review 44, Dec. 1956, P.834). The State Water Rights Board, like its predecessor and successor agencies, firmly established administrative law in the field of water rights by reviewing and mediating disputes and supervising the efficient utilization of the state’s most precious and limited resource. Continued efficient administration of California’s water resources remains pertinent in a place where demand heavily outweighs...
supply and where the state's enormous population and economy unremittingly rely on the availability of water.

**Scope and Content**
The records of the State Water Rights Board consist of 36 cubic feet, 55 maps and blueprints, and 3 bound volumes covering the period 1915 through 1986. The earliest records reflect the work and management of water rights and resources by the State Water Commission, which operated from 1913 to 1921. Records dating from 1921 and continuing forward to 1956 relate to the Department of Public Works, Division of Water Resources. Records specifically created by the State Water Rights Board cover the period 1956 through 1967. Records after 1967 come via the State Water Resources Control Board, the entity currently responsible for administering and adjudicating water rights in California. The application files in this collection recount the appropriation of unappropriated waters through the permit and license processes. These files consist primarily of original applications, amended applications, analyses, engineers' reports, annual reports, inspection and investigation reports, correspondence, and memoranda; however, reports of protest, newspaper clippings, hearing transcripts, exhibits, photographs, notes, and hand drawn maps, survey maps, publications, and background information are found throughout the collection as well.

The scope of the records reveals the vital responsibilities of the State Water Rights Board. This Board oversaw and had total responsibility for the administration and management of water in the State of California during its tenure. The application files in this collection represent the three basic procedural steps in acquiring a right to use water by appropriation. The three steps are submitting the application, issuance of a permit, and issuance of a license. The application serves as a publicly declared intent to appropriate water. By filing the application, the applicant secures a right of procedural priority, a conditional right to the future acquisition of a right to the use of water.

Issuance of a permit reflects the state's permission that an applicant start a project and to initiate the use of water. This permit was subject to the limitations placed by the State Water Rights Board. Finally, the issuance of the license confirms the applicants right to use water in the most beneficial manner. Under the supervision of the State Water Rights Board, predecessor, and successor agencies, the licensee held their appropriative right as long as they demonstrated continued beneficial use of their particular water source. During the State Water Right Board's term, it held the authority to "allow the appropriation under such terms and conditions in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated" ("Administration of Water Rights in California," P. 840).

With omnipresent contention over water in California, the Water Rights Board mediated disputes over the right to water use. This collection reflects the many matters disputed and brought forth for reconciliation by the Board. In many files, the researcher will find protests and intense correspondence relative to water disputes and controversies. The State Water Rights Board held hearings for all protested applications. Cases brought before the board were often two-party disputes, but at times suits emerged with numerous plaintiffs and defendants. Litigation involving the same water sources and some of the same parties or their successors recur in these files. This record group exudes excellent information on water allocation and management as it illustrates the many ways in which Californians used water and how they implemented tools for such use. Among the primary purposes for appropriating water were for electrical power, mining, agricultural, irrigation, and domestic uses.

**Indexing Terms**
The following terms have been used to index the description of this collection in the library's online public access catalog.

- Water Rights Board
- Water rights
- Water Management
- Colorado River

**Records of the State Water Rights Board 1915-1986**
Series 1 Application Files 1915-1986

Physical Description: 863 file folders (36 cubic feet) and 55 maps and blueprints.

Arrangement

Arranged numerically by application number.

Scope and Content Note

Compiled files of the application, permit, and license process of the State Water Commission (1913-1921), and its successors, the Department of Public Works, Division of Water Resources (circa 1921-1956), the State Water Rights Board (1956-1967), and the State Water Resources Control Board (1967-1986). The application files reflect the process of obtaining appropriative water rights in California, as well as the Board's supervision of those water rights. Application files unveil the many recorded forms provided by both the applicant and the State Water Rights Board as well as a bulk of correspondence between the Board, applicants, and protestors. Additionally, these files contain well-documented reports and analyses written by Board members and engineers pertaining to the construction of water projects and the use of the appropriated waters. The application files generally contain specific information on California's waterways, water sources, and watersheds. These include some of the state's more vital waterways including the Colorado River, Owens River and river valley, San Joaquin River, Sacramento River, and Tuolumne River as well as the lesser known water sources. Some noteworthy applicants for appropriating water appear in these files including legendary filmmaker Cecil B. DeMille, entrepreneur Dean Witter, the City of Los Angeles Department of Water and Power, various United States National Forests, and other federal and state entities. An application of particular interest, especially to Southern Californians, is application number 4056. The City of Los Angeles Department of Water and Power applied for the right to appropriate water from the Colorado River via aqueduct. This application includes informative reports, surveys, protests, publications, heavy correspondence, and many maps and diagrams including one displaying the routes for diverting water from the Colorado River compiled by the Department's head engineer William Mulholland. All application files are consistent with the filing number 266.1 of the filing system of the California Department of Water Resources. Similar application files exist in the California State Archives in the Selected Archives collection, identification number F1761. There are approximately 32 file folders of water rights application files in that collection.

Series 2 State Water Commission Weekly Meeting Books. 1915-1921

Physical Description: 3 bound volumes

Arrangement

Arranged chronologically by meeting date.

Scope and Content Note

Minutes of the weekly meetings of the State Water Commission (1915-1921). The minutes reflect the policy and administrative work of the commission relative to the processes of the State Water Rights Board. These meetings were held either in San Francisco or in Sacramento. The substance of the minutes exhibits the salaries, roles of each member of the commission, and the applications considered for action. Furthermore, the minutes describe notices of hearings, the reporting of fees paid for various applications, and movement for granting permits to applicants. Discussion of water utilization and beneficial use may also appear within these volumes.