

In March of 1853, the United States Congress made public lands in California subject to Federal preemption laws. Government land was public land. Mormon leaders selected eight groups to survey the land they wanted in the San Bernardino Rancho. During the process of government approval, people began moving in to occupy what they had hoped would be public land¹. Two groups of non-Mormon settlers established small communities along the Santa Ana River within the San Bernardino Rancho's proximity in the early 1850's².

The Timber settlement (received the name Timber because it was bordered by great cottonwood trees) was located along the north bank of the Santa Ana River roughly three miles southeast of the town of San Bernardino. Today, the approximate location for the Timber settlement is between Waterman and Tippecanoe Avenues. The land was damp and full grass for pasturing, fruit trees, grapevines, and other deep-rooted plants grew there without irrigation. However, corn garden vegetables, and other surface-growing crops were in need of artificial watering³.

Across the way the City Creek settlement was established north of the Timber settlement. It followed along the eastern annex of what is now Sixth Street in San Bernardino more or less between Waterman and Sterling Avenues⁴. The land was similar to that of the Timber settlement

¹ Beattie, George and Helen, *Heritage of the Valley: San Bernardino's First Century*. Oakland, California: Biobooks, 1951.,p. 238

² Scott, M.B. "Development of Water Facilities in the Santa Ana River Basin", California 1810-1968. A Compilation of Historical Notes Derived From Many Sources Describing Ditch and Canal Companies, Diversions, and Water Rights. Menlo Park: United States Department of the Interior Geological Survey, 1976.

³ Beattie, George W. Origin and Early Development of Water Rights in the East San Bernardino Valley. No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951.,p. 1

⁴ Hewitt, Isaac L., vs. Warren Story, et al., in the Circuit Court of the United States, Ninth Circuit, Southern District of California, 39 Fed., 158; also 64 Fed. 510. Testimony of R.L. DeWitt, pp.573 *et seq.*

as far as permanent planting goes; it was able to suffice without the use of artificial watering, though summer crops were in need of irrigation.

The Santa Ana River was abundant, consequentially water is a sensitive resource which requires statutes to create order and therefore the Board of Water Commissioners was instituted by the California legislature in 1854⁵. Their duty was to apportion the irrigation of the streams in the districts among the inhabitants and authorize the construction of ditches⁶. The legislature assumed it could alleviate some of the difficulties that came with maintaining water rights and possibly settle disputes outside of court by establishing this board. The first commissioners appointed were: M.L. (Fallette) Sheperd, Sidney Tanner, and William Matthews, all of them Mormons whom resided in San Bernardino⁷.

This allowed Timber and City Creek to create an unofficial mutual water association under provision of the law of the State of California. They constructed a dam in the stream about eight miles below the mouth of the Santa Ana Canyon, about two and a half miles east of the present Tippecanoe Avenue⁸. Reuben (Rube) L. DeWitt was in charge of the work. An original settler, he came from Switzerland County, Indiana. He crossed the plains and spent two years in Salt Lake City before purchasing sixty acres in San Bernardino County at 11 dollars per acre⁹. Rube gave a description of the project on a witness stand in the 1880's in the suit, Hewitt vs.

⁵ Beattie, George and Helen, *Heritage of the Valley: San Bernardino's First Century*. Oakland, California: Biobooks, 1951.

⁶ "An Act creating a Board of Commissioners and the office of Overseer...", passed May 15, 1854, Statutes of California, 1854; San Bernardino Supervisors, *Minutes*, March 3, 1856.

⁷ Beattie, George and Helen, *Heritage of the Valley: San Bernardino's First Century*. Oakland, California: Biobooks, 1951, p. 241.

⁸ Beattie, George W. "Origin and Early Development of Water Rights in the East San Bernardino Valley". No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p. 1.

⁹ Illustrated History of Southern California. Embracing the Counties of San Diego, San Bernardino, Los Angeles and Orange, and the Peninsula of Lower California. 898 pages, illustrated, stamped leather, worn. The Lewis Publishing Company, Chicago, 1890.,p. 607

Story¹⁰. No complex machinery was involved, just a horse-drawn scraper, oxen dragging an instrument they called a “Crowder,” that was made from a large cottonwood tree with a fork attached to it.

A half mile below the dam, the ditch forked. The Timber settlement became known as the South Fork. It received the main branch of the fork. From then on, the City Creek settlement was known as the North Fork settlement; it received the other branch of the fork¹¹. The two settlements were conventional in order to labor side by side and enable each group to take what was agreed upon in order for them to irrigate their land.

Now in 1857 the Mormons received their approval for the land they surveyed¹². It was an unfavorable verdict for those who already established themselves within the boundaries of the Mormon purchase. Conflict arose between Mormons and non-Mormons. One such instance affected John Brown a non-Mormon who came to San Bernardino with his family in 1852, the same year the first Van Leuven’s appeared: Anson and Lewis, sons of Benjamin Van Leuven. Brown acted as one of the commissioners to organize San Bernardino County, he was also an associate justice of the County Court of Sessions when it was first established. After building up his resume with some of the most influential positions in the area, John Brown moved to Yucaipa. He resided in a vacant adobe house, the previous residence of Diego Sepulveda. He later moved into another house where he engaged in stock raising¹³.

¹⁰ Beattie, George W. “Origin and Early Development of Water Rights in the East San Bernardino Valley”. No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p. 2.

¹¹ Beattie, George W. Origin and Early Development of Water Rights in the East San Bernardino Valley. No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951.,p. 1

¹² Beattie, George and Helen, *Heritage of the Valley: San Bernardino's First Century*. Oakland, California: Biobooks, 1951.,p. 238

¹³ Ibid, p. 239

In 1855, a group of Mormon delegates passed through Yucaipa on their way to visit the Natives residing in the San Gorgonio Pass. They were generous and supplied the Brown's with provisions and stayed the night at their house. Everything seemed fine in regards to the Brown's and the Mormons until he was notified in the spring of 1856 that the territory he was occupying would be claimed by the Mormons¹⁴.

In April of 1856, a Mormon Church clerk wrote in his journal, "John Brown, who was in charge of the Yucaipa Rancho, was at this time creating an influence against the saints." The Mormons referred to themselves as the *Latter-Day Saints*; hence they used the term 'saints.' He claimed that he came very near being murdered a few nights ago on his way home from San Bernardino, and that three shots were fired at him by Mormons.¹⁵ The same clerk wrote, "Mr. Brown of Yucaipa signed an article of agreement with Amasa Lyman & Charles Rich to leave the rancho with his stock in ten days." He goes on, "Immediately after returning home he called his neighbors and settlers around him and told them that he was unjustly dealt with and that if they did not take a stand the Mormons would drive them out of the country. The consequence was that the meeting signed a remonstrance and refused to leave the land. After that they used every exertion to create an excitement against the saints¹⁶." Most of the land disputes that some of these individuals endured like John Brown, were unfortunately, not recorded. The information in regards to these situations was known primarily through testimony of lawsuits filed and the sharing of this information by these individual's descendants¹⁷.

The Timber and City Creek settlements were also affected by the presence of the Mormon leaders. The Santa Ana River flowed right through where these men had surveyed.

¹⁴ Ibid, p. 239

¹⁵ Ibid, p. 240

¹⁶ Ibid, p. 240

¹⁷ Ibid, p.238

There was no evidence that these settlers were at odds with the Mormon leaders. It is possible that some of these individuals made deals with Lyman & Rich to buy land from them. The holders eventually received deeds to the property from the Mormon leaders¹⁸.

More Van Leuven's settled in San Bernardino. Fredrick and Benjamin Van Leuven had come into contact with a missionary from the Church of Jesus Christ Latter Day Saints, the Mormons. The missionaries name was Brigham Young. He joined the organization in 1832, two years after it was established in 1830 by Joseph Smith. They were originally from the Anglican Church, also known as the Church of England. Fredrick Van Leuven became an elder in the Mormon Church two years after converting in 1835¹⁹.

He originally settled next to the Old Mission Rancho one-and-a-half miles west of the San Gabriel Mission Assistencia. This area was included in the land survey conducted by the Mormons and Fredrick was informed that he would have to purchase the land from Lyman & Rich as well. He ended up moving to Yucaipa by making arrangements with John Brown for a portion he was occupying.

Fredrick Van Leuven ran for sheriff of San Bernardino County in 1855, but lost. Actually, the Mormon leaders did not invite Fredrick to run for this office. Eventually, he ended up leaving the portion of land he had obtained from John Brown. They both understood the land was surveyed by the Mormons. Then Fredrick purchased government land from Charles Chapman and moved to East Highlands in 1857. It was in East Highlands where Fredrick Van Leuven met Lewis F. Cram²⁰.

¹⁸ Ibid, p.241

¹⁹ The Story of Fredrick Matthew Van Leuven-Part 1, by Kay Beattie, Highland Community News, August 15, 1996.

²⁰ Farren, Julie. "Mormon leader brought water to valley." *The Sun*. 10-2-1998.

In 1858, a new ditch was in the making. Lewis F. Cram along with his brothers had joined Fredrick Van Leuven and his sons to generate irrigation flow up to East Highlands. East Highland's was called Cramville at this time²¹. It began at the mouth of the Santa Ana Canyon and ended at what is now East Third Street where the City Creek wash used to be²².

But there was opposition from Timber and North Fork. According to Mrs. Lucy Janney, once a daughter-in-law of Fredrick Van Leuven, had stated that she witnessed Van Leuven leaning over the intake of the Cram & Van Leuven Ditch with a gun warding off Timber & North Fork settlers who attempted to stop the diversion of water they were working on²³.

This incident between the Cram & Van Leuven and the Timber and North Fork ditches was actually the first lawsuit filed²⁴. Timber & North Fork did not possess an official record about the original water division the two settlements had agreed upon. The only testimony in regards to this situation was given by Rube DeWitt in the case of Hewitt vs. Story: 1/3 of the stream was given to the North Fork and the Timber received the other 2/3²⁵. This decision gave the Cram & Van Leuven Ditch 1/6 of the river flow.

North Fork settlers were not happy about this decision made by the Board of Water Commissioners. The Timber received 2/3 of 5/6, which equaled 5/9 of the river The North Fork wanted 1/2 of the river flow²⁶. The courts handled the legal problems: such as water rotation,

²¹ [http://www.highlandhistory.org/ABriefHistoryofHighlandByKayBeattie\(June1994\).html](http://www.highlandhistory.org/ABriefHistoryofHighlandByKayBeattie(June1994).html) (accessed 8/21/08)

²² Beattie, George W. "Origin and Early Development of Water Rights in the East San Bernardino Valley". No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p. 3.

²³ Ibid

²⁴ Brown, John Jr & Boyd, James, *History of San Bernardino and Riverside Counties. Selected Biography of Actors and Witnesses of the Period of Growth and Achievement*. 1, Chicago: The Lewis Publishing Co., 1922, p. 87.

²⁵ Beattie, George W. "Origin and Early Development of Water Rights in the East San Bernardino Valley". No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p.4.

²⁶ Ibid

where each farmer used the entire flow of the ditch for one hour every ten days²⁷. Though they did not contest to the decision made by the board in regards to the streams division.

Then in 1862, the Santa Ana River flooded. It was a disastrous event. Previous reports about the area between Redlands and East Highlands was known as “the willow forest²⁸.” Today you can see the river bottom. Another claim made by R.L. DeWitt, confirm the previous condition of the area surrounding the river as guarded by willow and Adlers with a narrow channel, unlike the wide open ways people now see²⁹. The Timber & North Fork along with the Cram & Van Leuven’s, suffered loss of water flow due to new deposits of sand, gravel and boulders³⁰.

In 1865, the North Fork owners had an idea to retain more water only if the Cram & Van Leuven owners agreed to enlarge their ditch. There would be an advantage for the Cram & Van Leuven owners to receive more water as well if they would agree to this project, which they did. The Timber & North Fork Ditch were completely separated when the North Fork owners decided to dig a connection to this new intake.

The North Fork would do the enlarging and afterwards, each would pay for the operating expenses³¹. This created tremendous flow from the mouth of the canyon and both the North Fork and Cram & Van Leuven used this ditch in common. But the Timber Ditch was disrupted by this course of actions and was unable to irrigate crops during extreme heat like those of the summer months. North Fork-Cram & Van Leuven tried to assist in the situation by allowing the entire

²⁷ Ibid, p.5

²⁸ Ibid, p.5

²⁹ Ibid, p.5

³⁰ Scott, M.B. “Development of Water Facilities in the Santa Ana River Basin”, California 1810-1968. A Compilation of Historical Notes Derived From Many Sources Describing Ditch and Canal Companies, Diversions, and Water Rights. Menlo Park: United States Department of the Interior Geological Survey, 1976, p.16.

³¹ Beattie, George W. “Origin and Early Development of Water Rights in the East San Bernardino Valley”. No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p.6.

flow to enter through the intake of the Timber. This did not work well and the Timber people became weary about the future of their land. The owners of both ditches sent delegates to meet with the county water commissioners at the mouth of the canyon each year after winter time to regulate the river water among the ditches for the upcoming irrigation season³².

Newcomers such as Berry Roberts and E. H. Thomas settled in the winter of 1867-68. They would utilize what was left of the Tenney Ditch. It was well built but needed to be cleared out since it was greatly damaged after the flood of 1862. At this point, it was practically impossible to pin point where the Tenney canal started. It's assumed that the Berry Roberts Ditch was not far from it³³.

In March of 1869, county water commissioners were notified by Berry Roberts about his interest in acquiring the surplus flow of the Santa Ana. This was beyond the required flow of water necessary to the North Fork-Cram & Van Leuven and Timber Ditches. There happened to be a certain right that pertained to waste water. Roberts and Thomas had hoped they could assume this right. There was no actions taken by the board of commissioners at that time and the makeshift ditch Roberts and Thomas made from Church Street on gave them steady problems³⁴.

A decade later in 1879, two young men at that time were interested in some undeveloped territory in East Highlands, E.G. Judson and Frank E. Brown saw the potential in this area and decided to build a fruit dryer: they were growing peaches, apricots, and apples³⁵. It was established next to the Crams ranch. It was Judson & Brown who came up with the idea of moving the North Fork-Cram & Van Leuven Ditch up to a higher level.

³² Ibid, p.7

³³ Ibid, p.7

³⁴ Ibid, p.8

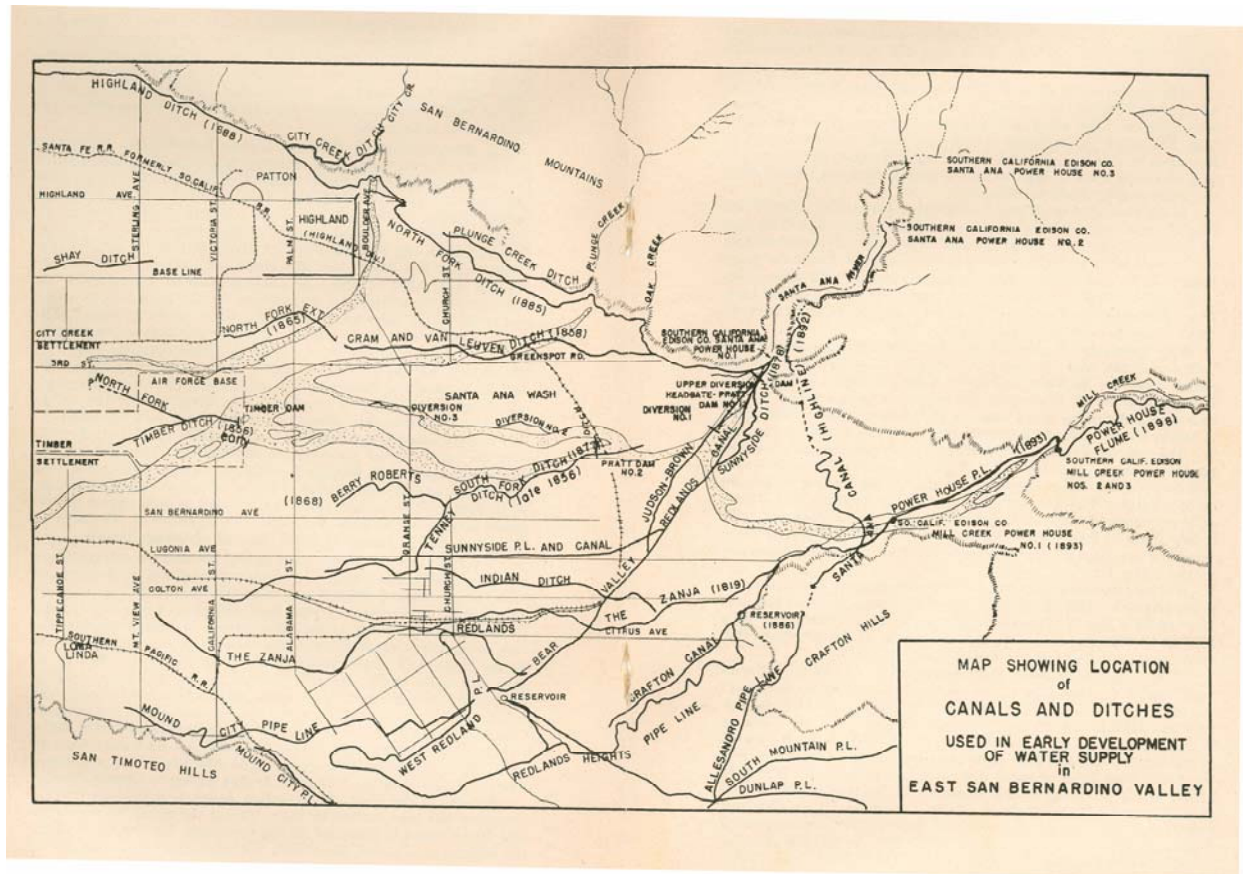
³⁵ Ibid, p.16

The term *highline* refers to what became the North Fork Canal. Its purpose was to serve what people in that area called the ‘benchlands’. Judson & Brown were very interested in this upper territory for the purpose of growing oranges. The original developer for the orange industry in this area was Anson Van Leuven³⁶. He had obtained a few trees from the Wolfskill family and planted them along his house which was considered a pioneer route from San Bernardino to the San Gorgonio Pass. In 1873, Lewis F. Cram had also begun planting oranges in East Highlands. It was evident to Judson & Brown that this future endeavor would be a success. They began construction in the fall of 1881 and it was up and running in April of 1882³⁷.

The North Fork Canal left the original Cram & Van Leuven Ditch and west following a course to City Creek where it crossed City Creek in a flume and followed along the route of the old City Creek Base Line ditch of 1865.

³⁶ Rancher A. Van Leuven Started Citrus Industry in S.B. County 100 Years Ago. (1956, March 11). *San Bernardino Sun*

³⁷ Scott, M.B. “Development of Water Facilities in the Santa Ana River Basin”, California 1810-1968. A Compilation of Historical Notes Derived From Many Sources Describing Ditch and Canal Companies, Diversions, and Water Rights. Menlo Park : United States Department of the Interior Geological Survey, 1976, p. 17



A formal connection to the North Fork Canal from the Cram & Van Leuven ditch was created in 1882-83. More land was purchased for agriculture north of Base Line Road and Highland Avenue³⁸. The map above gives the basic layout of the area up to this point in time.

More land meant more water consumption. People who had ownership in the North Fork wanted to make sure their water rights would not be violated. There were meetings held, some at the Cram schoolhouse. James A. Gibson, an attorney who later became a Superior Court Judge, assisted the people in legal matters. He did not think a partnership was suitable for their situation and recommended incorporating³⁹.

³⁸ Ibid, p. 18

³⁹ Beattie, George W. "Origin and Early Development of Water Rights in the East San Bernardino Valley". No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p.20.

Everyone did not agree that the North Fork should be incorporated, but they did agree that the canal should be enlarged to 1500 miner's inches to meet the demand for water. A *miner's inch* is: a unit of measure of water flow, varying with locality but often a flow equaling 1.5 cu. ft. (0.04 m³) per minute, which equals 9 gpm for 24 hours, which equals 27, 630 gallons⁴⁰. In the fall of 1883 the agreement was final. The first part of this project was a tunnel and extension of the canal along Highland Avenue; it was finished in January of 1884. This serviced the south side of Highland Avenue, the north side was left alone and the occupants on that side had to create their own ditch.

On January 13, 1885, the North Fork owners finally incorporated their water rights and established the North Fork Water Company. They had a 12 year deed limitation and $\frac{3}{4}$ of the 240 hour shareholders had to sign in order for the incorporation to be official. Cram & Van Leuven ditch owners were not a part of this deal. Instead they remained affiliated with the part upstream of the North Fork Canal⁴¹. They eventually incorporated in February of 1890. Their water rights stretched from the Cram & Van Leuven ditch to the North Fork Divide and they were not able to become board members for the North Fork Water Company⁴².

Now the Bear Valley Land & Water Co. had established itself in September of 1883, they were given control of all the Santa Ana River water. Field research was conducted by the State Engineer, William H. Hall; he concluded that Big Bear Valley was one of the best reservoir sites in southern California. A dam was constructed and most of it was completed in 1884. It would

⁴⁰ Practical Weir Table; Bear Valley Mutual Water Co. 101 East Olive Avenue, Redlands, CA 92373

⁴¹ Scott, M.B. "Development of Water Facilities in the Santa Ana River Basin", California 1810-1968. A Compilation of Historical Notes Derived From Many Sources Describing Ditch and Canal Companies, Diversions, and Water Rights. Menlo Park: United States Department of the Interior Geological Survey, 1976, p. 19.

⁴² Beattie, George W. "Origin and Early Development of Water Rights in the East San Bernardino Valley". No.4 ed. Redlands: San Bernardino Valley Water Conservation District, 1951, p. 28.

affect those who had rights in the North and South Fork due to the availability of water distribution⁴³.

An agreement was signed by the North Fork Water Co. along with the Cram & Van Leuven owners and the Bear Valley Land & Water Co. on May 5, 1885. The North Fork relinquished all rights and from December thru May of each year, they received $\frac{1}{4}$ of the river flow, the rest is as follows: June—500 miner's inches, July—600 miner's inches, August—600 miner's inches, September—550 miner's inches, October—450 miner's inches, November—400 miner's inches⁴⁴. Both sides benefitted, from this agreement. The North Fork was able to secure their water supply in relatively dry months and 50% more land was able to be irrigated than before.

There were some unresolved issues on the Cram & Van Leuven side. The North Fork Canal was available to these people up to the Cram divide. Those who lived on the bench beyond the divide were unable to irrigate their property. It was not until 1891 when the first request was granted for those who wanted to irrigate land in that territory, and they had to pay a fee. Cram & Van Leuven owners decided to merge their rights a few decades later with the North Fork Water Co. in 1925.

From the 20's on, not much changed in the canal itself, except that the area around it was becoming more urban. A diversion from Plunge Creek was made for the North Fork Canal and water released therein. The North Fork Canal suffered regular damage, such as rockslides or

⁴³ Scott, M.B. "Development of Water Facilities in the Santa Ana River Basin", California 1810-1968. A Compilation of Historical Notes Derived From Many Sources Describing Ditch and Canal Companies, Diversions, and Water Rights. Menlo Park: United States Department of the Interior Geological Survey, 1976, p. 27.

⁴⁴ Information obtained from East Valley Water District, courtesy of Fred Stafford.

collapsed flumes. Bledsoe gulch in East Highlands was originally an iron flume that served its' purpose for 35 years and was eventually replaced by a 14 gauge steel flume in April of 1933⁴⁵.



Here is a photograph of Bledsoe today.

The Bear Valley Water Co. managed the North Fork up to 1988. Highland and East Highland established a public water agency in 1954, the East San Bernardino County Water District. It was formed through an election by local residents who wanted water service by a public water agency. The name was changed to East Valley Water District in 1982. They are currently in charge of taking care of the North Fork.

As of today (2008) the North Fork Canal is in the process of being placed under 36" inch pipe. The open canal had always dealt with collapsed flumes and rock slides and rain also brought mud and debris to the open channel.

⁴⁵ Water Turned Off While Flume Is Being Replaced. (1933, April 19). *San Bernardino Sun*



Collapsed flume east of Red Hill, photo taken in 1993.

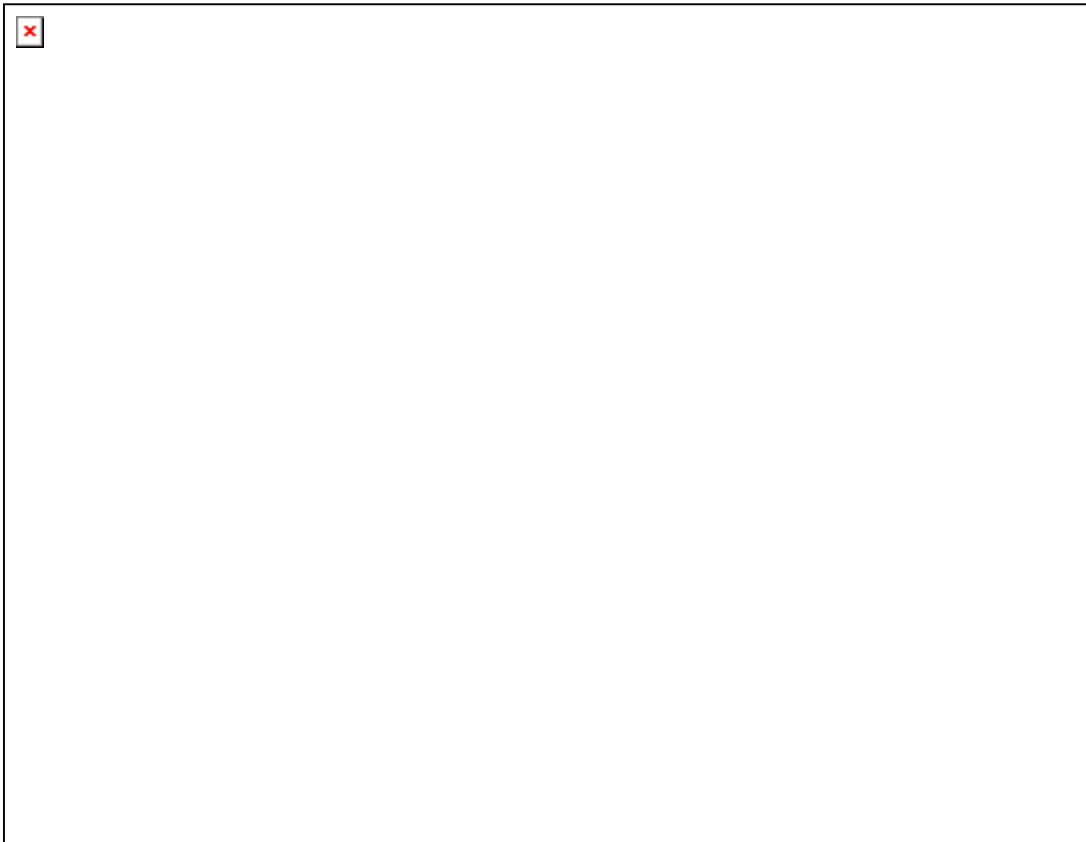
But a formal address was made to East Valley Water by FEMA (Federal Emergency Management Agency) after the 2003 fires that took place in the area surrounding San Bernardino and Highland where the North Fork Ditch resides. FEMA offered a government grant to pay for 75% of the costs, from Plunge Creek to the North Fork Intake Sand Box.



Here is the North Fork intake sandbox as of 2007. Completion of this project is set for April 2009⁴⁶.

⁴⁶ Oral Hist. Fred Stafford, East Valley Water District (August, 2008)

East Valley Water owns 75-80% of the North Fork Stock. A few names of the individuals who have original water rights are: Bud (Arnold) Wright & his wife Margaret Cram, Liz Kiel, and Ron Arnott each have their own irrigation weirs⁴⁷. Bud Wright gets water delivered to his house every two weeks. He irrigates 15 acres of oranges with water from the North Fork⁴⁸.



⁴⁷ Ibid

⁴⁸ Written statement, via Bud Wright, courtesy of Suzie Earp

