

BEFORE THE DIVISION OF WATER RIGHTS
Department of Public Works
State of California

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IN THE MATTER OF APPLICATION NUMBER 3288 OF CHARLES A. CALDWELL
FOR A PERMIT TO APPROPRIATE WATER FROM A SPRING IN LOS ANGELES
COUNTY, FOR DOMESTIC AND GARDEN USE

DECISION NO. A-3288-D 17
Decided August 2, 1924

APPEARANCES AT HEARING March 21, 1924:

Edmund T. Lucey, for Little Baldy Water Company.

NO APPEARANCE

Chas. A. Caldwell, Applicant.

Donald M. Baker, Examiner.

Edward Hyatt, Jr., Acting Chief of Division of Water Rights.

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O P I N I O N

On March 9, 1923, Charles A. Caldwell filed his application No. 3288 for a permit to appropriate unappropriated water from two springs tributary to Deadman's Canyon, in Los Angeles County, for domestic and garden uses on two acres of land. One of these springs was later eliminated from the application.

Thereafter protest was filed by the Little Baldy Water Company, alleging that protestant had rights, vested and accruing to all of the waters of Deadman's Canyon, to which the spring is tributary, and that any use of water by applicant would deprive protestant of a similar amount.

Applicant answered protest alleging that said spring did not flow to the Deadman's Canyon on the surface but sank underground, above

the San Andreas fault, with equal probability of flowing along same into either Big Rock Creek or Deadman's Canyon.

In due course a hearing was held, at which protestant made the only appearance, and brought out by testimony that it had nearing completion a concrete cutoff wall down to bedrock across the Canyon at its intake; that for the past seven years it had been using all of the water reaching its intake except for a short while in the spring of some years; that only at rare intervals several years apart did the water reach the surface of its intake and that there is no fault located below the springs.

Applicant was given further opportunity to present briefs or argument in his own behalf after the hearing but did not avail himself of it.

It appears that protestant is in a position both legally, through vested rights and under permit from this office, both prior in time to this application, and physically through the construction of the cutoff wall which will soon be completed, to avail itself of practically all of the water in the Canyon, and that only occasionally during very wet years does water pass beyond its submerged dam for short intervals of time. It also appears that the water from the source given in the application, if left unhindered, would ultimately reach protestant and be used by it.

Such being the case, it would appear that there is no unappropriated water in the source given in the application, and the application should be denied.

O R D E R

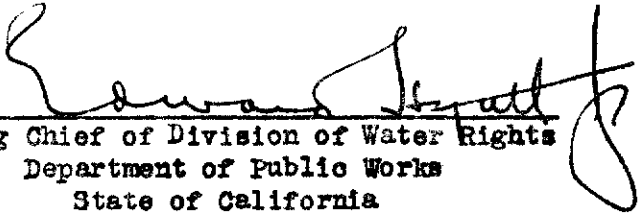
Application No. 3298 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests

been filed, a public hearing having been held, filing of briefs having been defaulted by applicant and waived by protestant, and the Division of Water Rights now being fully informed in the premises,

IT IS HEREBY ORDERED, that Application No. 3288 be rejected.

Dated at Sacramento, California, this 2nd day of August,

1924.



Acting Chief of Division of Water Rights
Department of Public Works
State of California