

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the Matter of Application Number 3603 of Ernest White to appropriate from a Spring at the Head of Buck Canyon, Tributary of Los Angeles River, for Irrigation and Domestic Purposes, Application Number 4029 of Melvin A. Hatch and J. F. Tucker to appropriate from Paloma Canyon, Tributary of Big Tujunga Canyon, for Domestic Purposes, Application Number 4252 of A. H. Aiken, Application Number 4253 of Wm. H. Montgomery, Application Number 4254 of J. W. Bowes and Application Number 4323 of L. E. Mason, M. V. Evans and Fry Bros. to appropriate from Trail Canyon, Tributary of Big Tujunga Canyon for Domestic Purposes, Application Number 4414 of John E. Olmstead to appropriate Percolating waters Tributary of Little Tujunga Canyon for Domestic and Irrigation Purposes. Application Number 4418 of Emil Kirchner and Hubert R. Holland to appropriate from Gold Canyon, Tributary of Tujunga Canyon for Domestic Purposes, Application Number 4516 of Clair S. Tappaan to appropriate from Tujunga Canyon, Tributary of Los Angeles River for Domestic Purposes and Application Number 4528 of C. B. Johnson to appropriate Underground waters of Tujunga Canyon for Irrigation and Domestic Purposes.

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DECISION NO. 3603, 4029, 4252, 4253, 4254, 4323, 4414, 4418,
4516, and 4528 - D 102

Decided April 29, 1926.

APPEARANCES AT HEARING HELD March 20, 1924.

For Applicant:

Application No. 3603 - Ernest White

No appearance.

For Protestants:

City of Los Angeles

(Trent G. Anderson

J. E. Phillips

Pedro Lopez and Bertha Rush

Chas. H. Mattingly

Examiner: Edward Hyatt, Jr., Acting Chief of Division of Water Rights,
assisted by

Donald W. Baker, Hydraulic Engineer for the Division.

APPEARANCES AT HEARING HELD November 24, 1925.

For Applicants:

Application No. 3603 - Ernest White

No appearance.

Application No. 4029 - Hatch and Tucker

J. F. Tucker

Application No. 4252 - A. H. Aiken

in propria persona

Application No. 4253 - William H. Montgomery

A. H. Aiken

Application No. 4254 - J. W. Bowes

L. E. Mason

Application No. 4323 - Mason, Evans and
Fry Bros.

(L. E. Mason

A. W. Knox

G. W. Frey

APPEARANCES AT HEARING HELD November 24, 1925 (Continued)

Application No. 4414 - John E. Olmstead	Earl L. Banta
Application No. 4418 - Emil Kirchner and H. R. Holland	H. B. Lynch
Application No. 4516 - Clair S. Tappaan	in propria persona
Application No. 4528 - C. B. Johnson	No appearance

For Protestants:

City of Los Angeles

Trent G. Anderson

Examiner: Edward Hyatt, Jr., Chief of the Division of Water Rights.

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O P I N I O N

The applications are very similar in character and all propose the diversion from the same locality and having a common protestant were set as one hearing.

The main features of the applications are shown in the following table:

No.	Filed	Applicant	Amt.	Use	Period	Source	Pt. of Div.
3603	8-21-25	Ernest White	0.100	Irrig:	1-1 to 12-31	Spring in Suck Canyon	SW 1/4 Sec. 20, T3N, R14W, SBB&M
4029	6-16-24	H. A. Hatch	200	Dom.	1-1 to 12-31	Palma Canyon	SW 1/4 Sec. 10, T2N, R13W, SBB&M
4252	10-8-24	A. H. Aiken	50	Dom.	1-1 to 12-31	Trail Creek	SW 1/4 Sec. 33, T3N, R13W, SBB&M
4253	10-8-24	M. E. Montgomery	25	Dom.	1-1 to 12-31	Trail Creek	SW 1/4 Sec. 33, T3N, R13W, SBB&M
4254	10-8-24	J. W. Bowes	55	Dom.	1-1 to 12-31	Trail Creek	SW 1/4 Sec. 33, T3N, R13W, SBB&M
4323	11-14-24	L. E. Mason	225	Dom.	1-1 to 12-31	Trail Canyon	SW 1/4 Sec. 33, T3N, R13W, SBB&M
		M. V. Evans					T3N, R13W, SBB&M
		Wry Bros.					
4414	1-9-25	J. E. Olmstead	0.025	Irrig:	5-1 to 10-31	Percolating water in Little Tujunga Canyon	NE 1/4 Sec. 4, T2N, R14W, SBB&M
4418	1-14-25	Emil Kirchner & Hubert R. Holland	0.025	Dom.	1-1 to 12-31	Gold Canyon	NW 1/4 Sec. 32, T3N, R13W, SBB&M
4516	3-25-25	Clair S. Tappaan	0.001	Dom.	1-1 to 12-31	Tujunga Creek	NE 1/4 Sec. 10, T2N, R13W, SBB&M
4528	4-2-25	C. B. Johnson	0.040	Irrig:	1-1 to 12-31	Underground water in Tujunga Canyon	NE 1/4 Sec. 1, T2N, R14W, SBB&M

All of the applications with the exception of Number 4528 were protested by the City of Los Angeles. Application Number 3603 was also protested by Pedro Lopez and Bertha Rush. Although Application Number 4528 was not protested, it was understood at the hearing that, as it was similar to the others, the City of Los Angeles could make any statement it wished for the record.

The several applications were completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested, with the exception above noted, were set for a public hearing at Room 918 Pacific Finance Building, Los Angeles, on November 24, 1925. Of this hearing, applicant and protestants were duly notified.

Although a hearing was held on Application Number 3603 of Ernest White on March 20, 1924, in Room 1100 Pacific Finance Building, Los Angeles, the applicant was inadvertently not notified and although the protestants appeared it was thought best to include the application in the later hearing, in order that the law might be complied with. Testimony presented at this former hearing which is germane to the issue will be considered in the opinion.

The City of Los Angeles claims that the waters from the various sources from which the applicants propose to divert are tributary to and constitute a part of the flow of the Los Angeles River; that the City of Los Angeles holds the paramount right to all of the waters of the Los Angeles River and its tributaries for domestic and municipal purposes and, as the City is now appropriating all of the water of the Los Angeles River for such uses, no water could be diverted as proposed without resulting in injury to the City.

Pedro Lopez and his daughter Bertha Rush claim the ownership of Sections 21 and 22, T 3 N, R 14 W, S.B.B. & M. They protest against the approval of Application Number 3603 of Ernest White to appropriate water from a spring at the head of Buck Canyon on the grounds that the proposed diversion would deprive them of water to which, as lower riparian owners, they are lawfully en-

titled, and that it would also deprive them of water which naturally percolates through their lands furnishing moisture to the soil and a supply to a number of springs.

From evidence presented at the hearing held in Los Angeles on March 20, 1924, it appears that Pedro Lopez and his daughter Bertha Rush own Section 21 and 23, T 3 N, R 14 W, S.B.B. & M. through which Buck Creek flows during the season of rainfall. Water is used during the period of flow in the Creek for domestic and stockwatering purposes but the main source of supply is obtained from a spring situated in the northwest corner of Section 22. The claim to the use of the water from this spring is based upon an old filing made in 1902 and continued use thereafter to the extent of about one miners inch, the water being used for the irrigation of about 17 or 18 acres of trees and vineyard and some general crops. The spring is located about 200 feet above the creek.

It would appear that Mr. Lopez was not familiar with the spring from which Mr. White proposes to divert but believes that since Mr. White's spring is higher in elevation than his own and that there is an intervening spring, the flow from Mr. White's spring passes through strata common to the three springs.

Although Mr. White was not present at the hearing he informed the Division of Water Rights that the spring which he proposed to develop was flowing about one gallon for eight minutes and as the Lopez family lived about a mile from the spring he did not believe that his proposed development would have any effect on the Lopez Spring for there are other springs that furnish them with as much or more water than the spring at the head of Buck Canyon.

In reference to the protest of the City of Los Angeles Mr. White stated that he was sure that the small quantity of water which he proposed to irrigate would never reach the City of Los Angeles.

A field investigation of the situation was made by Donald M. Baker, Hydraulic Engineer of this office on April 1, 1924. Mr. Baker in his report states that Mr. Lopez has a house and a number of acres of orchard located

about a quarter of a mile North of Section 21, at the junction of two small canyons. His water supply is obtained from a spring to the North of the northerly canyon, located about 75 feet from the flow of the same. This spring flows a very good stream the year around and according to the caretaker does not vary.

Mr. Baker went up the southerly canyon for nearly a mile but was unable to identify the spring from which the applicant wishes to appropriate. Mr. Lopez' caretaker advised Mr. Baker that the spring was very close to the head of the canyon.

The geological formation in this section according to Mr. Baker's report, consists of alluvium more or less consolidated, appearing in some places almost as dense as conglomerate. The country is very much cut up by deep canyons and the bottom of these canyons contain wash material which appears to hold considerable water. At the time of the inspection the main or southerly canyon in which the applicant's spring is located, was flowing a small trickle which was undoubtedly the result of recent rains. Mr. Baker did not see any signs of sub-irrigation in this canyon or in the other canyon.

According to the applicant's description of his point of diversion it is located a mile west of the Lopez Spring and possibly twelve or thirteen hundred feet higher in elevation. Mr. Baker could see no connection between the two springs and stated that it was doubtful in his opinion that if water was developed in the upper spring, there would be any interference with the flow of the Lopez spring, inasmuch as any depletion of the underground reservoir by the development of the upper spring would be replenished by the runoff of the ensuing year before the effect would reach the Lopez spring and as to any effect upon the under flow there is too great a distance between the spring and too large an amount of gravel in the canyon for a diversion from this spring to have any effect upon the same.

The other applications are for domestic purposes only with the exception of Application Number 4414 of J. E. Olmstead and Application Number

4528 of C. B. Johnson. In addition to domestic use these two applicants intend to use water for irrigation purposes.

At the hearing held in Los Angeles on November 24, 1925, the applicants attention was directed to the fact that an ample allowance for users of water in recreational areas was as follows for domestic purposes: where water is carried 20 gallons per day per capita, where water is piped into the kitchen 25 gallons per day per capita, where water is used in kitchen and baths without flush toilet, 30 gallons per day per capita and where a cabin has a flush toilet, bath and running water piped, the reasonable use is 50 gallons per day per capita.

Based upon the above schedule of use Application Number 4029 was amended at the request of the applicant by reducing the amount of water named therein from 0.002 second feet to 200 gallons per day which is equivalent to approximately 0.0003 cubic feet per second. Application Number 4252 was amended to 50 gallons per day. Application Number 4253 was amended to 25 gallons per day. Application Number 4254 was amended to 55 gallons per day. Application Number 4323 was amended to 225 gallons per day. Application Number 4414 was amended to 0.025 cubic foot per second and Application Number 4418 was amended to 0.025 cubic foot per second.

An attempt was made to get a statement from Mr. Tappaan as to the amount of water he would actually use under Application Number 4516 but he has sailed for Europe and it would be some time before a statement could be obtained from him.

Based upon testimony submitted at the hearing and information contained in a letter from his attorney it is believed that the amount of 200 gallons per day would be ample for his needs and the application should be reduced accordingly.

Under date of January 21, 1926 C. B. Johnson informed this office that he had come to an understanding with the City of Los Angeles and requested that Application Number 4528 be cancelled.

In accordance with the request Application Number 4528 was cancelled on February 9, 1926.

The City of Los Angeles takes the attitude that while the amounts of water which it is proposed to appropriate are very small, the total amount of the water diverted or which in the future will be diverted will be a considerable amount, that although it is very difficult to trace the course of a thousandth of a second foot of water from some point in the watershed, especially from some point in the slopes of the Tujunga, nevertheless if these small amounts are taken away it would diminish the supply below and the fact that the water is used in the shed and returned still permits of a great loss of water.

The City of Los Angeles has several points of diversion on the Los Angeles River. One of these is located at the northerly rim of Griffith Park known as the headworks where there are several wells and infiltration galleries besides a means of diverting the surface flow.

About four miles downstream from these headworks is the Crystal Springs diversion which is located about one mile northwesterly of the Los Feliz Road entrance to Griffith Park.

About one and a half miles downstream from the Crystal Spring diversion is the Pollock Pumping Plant which is located northerly of the intersection of Riverside Drive and Alessandro Street where five wells are located in the river bed.

In addition to these there is also a means of taking water from the river at what is known as the Buena Vista Street Pumping Plant on the Narrows of the Los Angeles River which is not in use at the present time and any water which passes by Pollock pumping plant passes on down the river, either as surface or underground flow into the underground basin of the coastal plane south of the city.

There are three pumping plants which take water from the coastal plane at the present time and in the last sixteen or eighteen months, twelve or thirteen wells have been sunk in the San Fernando Valley.

Evidence presented at the hearing held on November 24, 1925, indicated that during the last fifteen years there had never been a time when there was not surface water passing the lowest intake of the City at the Narrows and testimony presented at the hearing held on March 20, 1924, appeared to indicate that before irrigation started in the San Fernando Valley, about 25% of the water at the Narrows passed underground and was lost in the gravels of the coastal plane south of the City.

If any of the water which it is proposed to appropriate should actually reach the points of diversion of the City it would appear entirely possible that all or a portion of the water from the upper watersheds would be a part of that water which passes into the coastal plane and is lost to the City of Los Angeles for domestic purposes.

The various points of diversion named in the application are from 13 to 24 miles distant from the nearest point of diversion of the City of Los Angeles. The sources of supply are for the most part small springs and creeks which contribute a very small amount of water which if not utilized would flow a short distance only and sink into the gravels of the stream bed. The evaporation and transpiration losses would be considerable and it is probable that a large portion of the water which sinks into the ground never reaches the City's point of diversion.

The rate of underground flow, according to testimony presented at the hearing is about one and one-half miles per year and due to the remoteness of the proposed sources of diversion from the intake of the city, the water from these mountain sources which is not lost by evaporation would travel so slowly through the ground that the ground waters would again be replenished by precipitation before they could reach the City's points of diversion. In the final merging of the water in the underground reservoir it is impossible to state where any particular unit of water comes from but it is evident that the supply is large compared with the amount which might be obtained from

the sources of the upper watershed from which it is proposed to divert.

The only loss so far as the City is concerned is by evaporation which includes transpiration, etc. The mere fact that a certain amount of water is taken from the faucets does not mean that the water is entirely consumed as there is always a large return. It is possible that evaporation losses may be slightly greater when the waters are used as proposed but the increase would be negligible.

From testimony presented at the hearings it would appear that the majority of those who propose to divert the water for domestic purposes, are residents of Los Angeles and vicinity and obtain their water from the Los Angeles supply and the fact that for certain times of the year they leave their city houses and take up their residence in cabins on the forest reserve would indicate that the available supply of the City would be slightly increased rather than decreased as the amount of water used during their stay in the mountains is much less than the amount used had they remained in the city.

Relative to the agricultural development in these watersheds, it is believed that the City should not be unduly alarmed. There are practically no agricultural uses for water in the upper watersheds of the Tujunga due to the unfavorable character of the ground which consists largely of rock and gravel and has very steep slopes. What water is used for these purposes is largely returned again to the stream.

At the hearing the attorney for the City directed attention to the possibility of pollution and interference with the quality of water along the stream. The sanitary aspects of the case, however, this office is not concerned with and if need be the City has recourse through other channels to remedy this condition if it exists.

If the City was really seriously concerned about the use of water in the Tujunga watershed it would appear that steps could be taken toward reserving this watershed for water supply purposes only. This the City has

not attempted to do.

It is the opinion of this office that there is unappropriated water in the sources from which it is proposed to divert in sufficient quantities to justify the approval of the several applications to the extent of the amount actually required to meet their respective uses.

O R D E R

Applications Numbers 3603, 4029, 4252, 4253, 4254, 4323, 4414, 4418, 4516 for permits to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held and the Division of Water Rights now being fully informed in the premises

IT IS HEREBY ORDERED that said Applications Numbers 3603, 4029, 4252, 4253, 4254, 4323, 4414, 4418 be approved and permits be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that said Application Number 4516 be approved for 200 gallons per day only and a permit be issued subject to such of the usual terms and conditions as may be appropriate.

With respect to Application Number 4528 no order is entered at this time as the application has been heretofore cancelled at the request of applicant.

Dated at Sacramento, California, this 29th day of April, 1926.

WES:MP

(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS