

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

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In the Matter of Application Number 4641 of Trail Canyon
Water Company to appropriate from Trail Canyon Creek,
a Tributary of Big Tujunga Creek in Los Angeles
County for Domestic Purposes.

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DECISION NO. 4641 D 142
Decided March 1, 1927

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APPEARANCES AT HEARING HELD September 7, 1926

For Applicant:
Trail Canyon Water Company

William J. Boone

For Protestants:
City of Los Angeles
Wm. Bernhard

T. G. Anderson
H. B. Lynch and
A. Adams, Jr.

EXAMINER: Harold Conking, Hydraulic Engineer, Division of Water Rights

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O P I N I O N

Application Number 4641 was filed June 1, 1925. It proposes an ap-
propriation of 0.004 cubic foot per second throughout the entire year from
Trail Canyon Creek, a tributary of Big Tujunga Creek in Los Angeles County, for
domestic purposes in eleven cabin sites in the Angeles National Forest. Mr.
William J. Boone the applicant is really the agent for the Trail Canyon Water
Company composed of several individuals who are endeavoring to gain a water
supply for the eleven cabins which are either built or in the process of con-
struction. The application was protested by the City of Los Angeles and
William Bernhard.

The application was 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 was set for a public hearing at Room 1025 Sun Finance Building, Los Angeles at 10:00 o'clock A.M. on September 7, 1925. Of this hearing applicant and protestants were duly notified.

The City of Los Angeles alleges in effect that as the waters in Trail Canyon Creek are tributary to Big Tujunga Creek which is in turn tributary to the flow of the Los Angeles River and as the City is the owner of the paramount right to the waters of Los Angeles River and its tributaries, there is no unappropriated water in the source from which the applicant proposes to divert and therefore the approval of the application would interfere with the vested rights of the City.

William Bernhard as part owner and director of the Monte Vista Irrigating Company claims an appropriative right to 1.2 cubic feet per second of the waters of Big Tujunga Creek by virtue of a notice of appropriation passed in 1884 and continuous use thereafter for domestic and irrigation purposes and alleges in effect that the proposed diversion of the applicant would interfere with his vested right.

On March 20, 1924, a hearing was held by this office on several applications to appropriate from Tujunga Creek and its tributaries, four of which proposed to divert water from Trail Canyon Creek at the same point of diversion as that proposed by the applicant in this proceeding.

These several applications were protested by the City of Los Angeles on the same grounds as was application Number 4641 and after a careful consideration of the testimony presented at that hearing, this office in its opinion upon which Decision No. 3603, etc., D 102 was rendered came to the conclusion that due to the remoteness of the proposed points of diversion from the city's intakes, the underground water from this mountain source which is not lost by

evaporation would travel so slowly through the ground that the waters would again be replenished by precipitation before they would reach the city's points of diversion.

Furthermore it was found at that time that there has been in prior years a waste of water each year past the lowest point of diversion by the City of Los Angeles which raises a further presumption of doubt that the City will feel the effect of a minor diversion of this character.

As the matter set forth in that opinion is directly applicable to the present situation the protest of the City of Los Angeles may be dismissed without further consideration.

The Monte Vista Irrigating Company which was represented at the hearing by William Bernhard claims to have a prior vested right to 1.2 cubic feet per second of the waters of Tujunga River by virtue of a notice of appropriation posted in 1884 and continuous use since that date. Testimony was presented at the hearing to the effect that for the last five years the amount of surface water flowing at protestant's intake had not been sufficient to fill the company's pipe line during summer months.

The seasonal rainfall in that locality for the season 1922-23 was 62% of normal, for the season 1923-24 was 43% of normal and for the season 1924-25 was 51% of normal and it appears very likely that these deficient seasons of rainfall were the direct cause of the inability of the protestant to divert its usual amount of water.

No attempt was made by the applicant to prove that none of the water which he proposes to divert would reach the intake of the protestant, the only question being that of the extent of diminution of the flow at protestant's intake should the application be approved. On this point there was a considerable divergence of opinion among the witnesses and we cannot say that any conclusive evidence was introduced.

The facts appear to be that the cabins at which this water would be used are situated in a narrow canyon on the bank of Trail Canyon Creek from which it is sought to divert at a point where the water is brought to the surface by some underground barrier or dyke. The stream disappears beneath the surface in places and rises again intermittently before it joins the Tajunga Canyon Creek some quarter of a mile below. The applicants would divert sufficient water for purely domestic purposes through approximately 1600 feet of pipe to eleven cabins which are occupied as summer and week end recreation places. It appears that these cabins are situated only 15 to 18 feet above the water level in the creek bed and that by such simple cess pool or septic tank arrangements as personal and the public health would demand the water used for domestic purposes at the cabins could readily be inducted for the most part back into the ground with a relatively small resultant loss by evaporation on account of the diversion.

It was testified in a previous hearing by Mr. J. E. Phillips, Civil and Hydraulic Engineer of the City of Los Angeles (See page 69 transcript of hearing upon Application 3603, etc.) that by actual measurements it was found 60 per cent of the water used by the City of Los Angeles found its way into the sewers of the City. In other words there is a 40 per cent loss in a municipal supply where there is opportunity for a considerable loss by irrigation and industrial waste. In the course of this same hearing H. B. Lynch, Civil Engineer appearing on behalf of one of the applicants testified (See page 46 of transcript of hearing upon Application 3603, etc.) that his experience had was "that the net loss would be no greater than if it ran down the surface" (of the stream) "if you took an inch of water through 3000 feet of pipe line and used it for domestic use purely." Again on page 48 of the same transcript it will be found he testified that the return to ground water was very high where domestic use was made with proper installation and the waste not simply thrown out upon the ground.

At the time of hearing upon Application 4641 Mr. Lynch appearing on behalf of protestant William Bernhard/^{testified} (page 7 of transcript) that "2/10 of all the water that falls out there on the Tujunga shed is evaporated and we don't think that most of the water - most of the escape from cabins would be under any better conditions." Later (page 10 of transcript) he testified that "probably 75 per cent of the water diverted would be lost to the stream" but that this loss might be compensated for in part by a reduction in transpiration and evaporation along the stream bed if the wastes were properly handled though he thought "we are safe in saying at least half of the water diverted would be lost."

The intake of protestant is approximately one half mile below the diversion point of applicant and one quarter mile below the place of use of applicant and the point where such waste as occurs through sewage disposal could be returned to the ground water.

The valley between is a detrital fill through which passes an underflow, a part of which appears on the surface at various points. It is at such points that the points of diversion of both applicant and this protestant are located.

The valley fill between these points of diversion is a reservoir and its value is caused by the slowness with which the water moves through it. The point of diversion of this protestant is at the spillway of this reservoir. Because of the slowness of the movement of water underground from the upper to the lower end of such a reservoir the effect of diversion from the upper end will not be felt for a long time at the spillway, in this case at the protestants diversion point.

In addition to the water which is flowing at the applicants point of diversion this reservoir has other sources of supply - the rains and floods of winter are in mind. In consequence of the slow movement and delayed effect of diversion above on surface flow below it is possible that these rains and floods will again fill the reservoir before the effect of diversion above is felt below. This possibility increases to a probability as the time interval of flowage between the upper and lower points increases.

It is our conclusion therefore that the diminution of supply which will result to protestant from such appropriations as this will be altogether negligible if proper disposal is made of sewage wastes, and such disposal we believe is demanded by reasons of personal and public health as well as economy in the use of water. We feel that the protest of Monte Vista Irrigating Company as well as that of the City of Los Angeles is prompted rather by technical and legal considerations than practical considerations. If these protestants are in fact seriously concerned about the loss which will result from purely domestic uses at recreation sites in the water shed above their points of diversion then we feel they should exert themselves in an effort to close these areas to settlement. This there appears to be no disposition on their part to do, and if settlement continues such an amount as is required for purely domestic use is imperative.

Applicant testified at the hearing (page 4 of transcript) that he had been observing the use of water during recent months at the cabins and it would hardly exceed 100 gallons per cabin per day, which amount was satisfactory to him. The application may therefore be considered for 1100 gallons per day instead of 0.004 second feet or 2600 gallons per day, and it would appear reasonable to impose upon applicant and permittee the obligation to make such disposal of sewage wastes as will result in a minimum of loss in the return to ground water and the supply which will ultimately reach the points of diversion of the protestants.

ORDER

Application No. 4641 for a permit 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 application be approved for an amount not to exceed 1100 gallons per day and that a permit be issued thereon subject to such of the usual terms and conditions as may be appropriated and subject to the special

condition that such disposal shall be made of the sewage waste of water appropriated under this application as will insure the maximum practicable return to stream flow at points downstream.

Dated at Sacramento, California this first day of March 1927.

ENB:CM

Edward Hyatt, Jr.
CHIEF OF DIVISION OF WATER RIGHTS