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

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In the Matter of Applications 4223 and 5203 of the Glendora
Consolidated Mutual Irrigating Company to Appropriate
from Big Dalton and Little Dalton Canyons Tributary
of San Gabriel River in Los Angeles County for
Domestic and Irrigation Purposes.

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DECISION A. 4223, 5203 D 243

Decided *October 31, 1929*

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APPEARANCES AT HEARING HELD AT LOS ANGELES, SEPTEMBER 12, 1928.

For Applicant

Glendora Consolidated Mutual Irrigating Company H. C. Warren

For Protestants

Glendora Independent Water Company W. G. Irving
Roger P. Dalton No appearance

EXAMINER: Harold Conkling, Chief of Division of Water Rights,
Department of Public Works, State of California.

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O P I N I O N

GENERAL FEATURES OF APPLICATIONS

Application 4223 was filed September 19, 1924. It proposes an ap-
propriation of 21,600 acre feet per annum from (1) Big Dalton Canyon, natural
flow or regulated flow resulting from the operation of the proposed Los Angeles
County Flood Control District Reservoir in Section 15, T 1 N, R 9 W, S.B.B.&M.
and (2) Little Dalton Canyon, natural flow, both tributary to San Gabriel River.
The 21,600 acre feet is to be charged to underground storage at a maximum rate
of 40 cubic feet per second. The season of diversion is from about October 1st
to about July 1st of each season. The points of diversion to underground stor-

age are as follows:

Big Dalton - Within NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T 1 N, R 9 W, S.B.B. & M.
Little Dalton - Within NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T 1 N, R 9 W, S.B.B. & M.

The water is to be recovered from underground storage by means of a well and used for domestic and irrigation purposes on 2463.95 acres of land in Sections 25, 26 and 36, T 1 N, R 10 W and Sections 19, 20, 28, 29, 30, 31, 32, 33, 34 and 35, T 1 N, R 9 W and Sections 2, 3 and 5, T 1 S, R 9 W, S.B.B. & M.

Application 5203 was filed September 13, 1926. The sources of proposed diversion and points of diversion are identical with those named in Application 4223. The amount applied for is 28.5 cubic feet per second of direct diversion from either or both sources from about July 1st to October 1st of each season. The water is to be used for domestic and irrigation purposes upon the 246³.95 acres described above.

The applications were protested by Glendora Independent Water Company and Roger P. Dalton.

PROTESTS

The Glendora Independent Water Company claims rights to the waters of Big Dalton Canyon by virtue of surface diversion since 1913 and by pumping from wells in Big Dalton Wash since 1911. No protest is entered by the Company to the proposed diversion from Little Dalton Basin.

Roger P. Dalton claims that any undue draft from waters tributary to San Gabriel Canyon above his property within the E $\frac{1}{2}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23, T 1 N, R 10 W, S.B.B. & M. will lower the water level in his well.

HEARING SET IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Applications 4223 and 5203 were completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water

Rights and being protested were set for a public hearing in accordance with Section 1a of the Water Commission Act on September 12, 1928, at 2:00 o'clock P.M. in Room 1026 Associated Realty Bldg., Los Angeles, California. Of this hearing applicant and protestants were duly notified.

PROTEST OF ROGER P. DALTON DISMISSED

Roger P. Dalton failed to appear at the hearing and submit evidence in support of his protest. This office therefore dismisses the protest on the grounds that Mr. Dalton failed to support the burden of proof appropriate to a moving party.

APPLICANT AND PROTESTANT ALLOWED FURTHER TIME
WITHIN WHICH TO REACH AN AGREEMENT

From the testimony presented at the hearing it appeared that there were other interests which derive their supply from the same basin although not record protestants. These interests were the City of Glendora, the Blackwood Ranch, Inc. and L. H. LaChance. It was agreed at the close of the hearing that action would be deferred in order to afford the contestants an opportunity to get together with a view of arranging some compromise.

AGREEMENT REACHED BY CONTESTANTS

An agreement was entered into by the Glendora Consolidated Mutual Irrigating Company, the City of Glendora, Glendora Independent Water Company, Blackwood Ranch, Inc. and L. H. LaChance dated September 24, 1929, and filed with this office on October 7, 1929, wherein it was agreed that all of the flood waters above a certain diversion point within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 21, T 1 N, R 9 W, S.B.B. & M. are to be divided and allocated to the several interests in the following proportions:

Glendora Consolidated Mutual Irrigation Company	42.6%
City of Glendora	29.4%
Glendora Independent Water Company	19.8%
Blackwood Ranch, Inc.	5.3%
L. H. LaChance	2.9%
Total	100.0%

It was also agreed with certain provisos that the Glendora Consolidated Mutual Irrigation Company, the applicant before this office, is entitled to the exclusive use of all the "summer surface flow" of the waters of Big Dalton Canyon which includes all surface waters flowing into the Big Dalton Flood Control Reservoir during the period from April 1st until rains occur in the fall of the year in sufficient quantity to make irrigation unnecessary for a period of one month or more.

CONCLUSION

It is not the practice of this office to incorporate in a permit the terms of any agreement entered into between an applicant and protestants which would in any way attempt to adjudicate the waters of the source affected. The agreement in this case would however appear to fix the rights of the respective parties as between themselves and open the way to approval of these two applications without objection on the part of protestants. As the use to which applicant proposes to put the water is a useful and beneficial one, it is the opinion of this office that Applications 4223 and 5203 should be approved.

ORDER

Applications 4223 and 5203 for permits to appropriate water having been filed with the Division of Water Rights as above stated, protests having been received, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 4223 and 5203 be approved and that permits be granted to the applicants subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 31 day of Oct, 1929.

EDWARD HYATT, STATE ENGINEER

BY Harold Comblum
Deputy