

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

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In the Matter of Revocation of Permit 1712 Heretofore
Issued upon Application 3707 of William E. Huyler
Allowing the Appropriation of 0.125 cubic foot
per second from Warm Springs in Los Angeles
County for Swimming and Bathing Purposes.

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DECISION A 3707 D - 248

Decided: *February 14, 1930*

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APPEARANCES AT HEARING HELD May 8, 1929.

For Permittee

William E. Huyler

In propria persona

For United States Forest Service

Wm. V. Mendenhall

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

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O P I N I O N

On May 5, 1924, Application 3707 was approved by the issuance of Permit 1712 allowing the permittee, William E. Huyler, to appropriate 0.125 cubic foot per second from Warm Springs, tributary to Castro Creek in Los Angeles County, throughout the entire year for swimming and bathing purposes at a resort about 12 miles northeast of Castac.

According to the terms of the permit actual construction work was to begin on or before October 1, 1924, and be completed on or before October 1, 1925. Complete application of the water to the proposed use was to be made on or before June 1, 1926.

A hotel which the applicant had constructed in 1924 burned to the ground on July 4, 1925, and has not been rebuilt. There are about five cottages on the property, however, and applicant proceeded with the construction of the swimming tank.

On August 18, 1926, the project was inspected by an engineer of this office who reported that although water had been used under the permit the permittee proposed to install a pipe line of larger diameter and to enable the permittee to do this an extension of time was granted until December 1, 1928, within which to complete construction work and apply the water to beneficial use.

Under date of December 20, 1927, the permittee informed this office that the larger pipe had been installed from Warm Springs to the swimming pool but he intended to change a portion of the pipe line and construct a concrete reservoir.

Under date of May 24, 1928, this office was informed by the Supervisor of the Angeles National Forest that the Forest Service permit heretofore issued to the permittee had been cancelled for lack of diligence and as Mr. Huyler had no right of access it was requested that this office revoke Permit 1712. No action was taken by this office, however, as the extended time within which to complete the project had not expired.

Under date of January 31, 1929 the permittee reported that the project had been completed at a total cost of approximately \$6,900 including the cost of the swimming tank. However, it appeared from other information before the office that a portion of the property had been destroyed by fire and was not rebuilt, that right of access was denied by the Forest Service and that the project was not only incomplete but had been at a standstill for

some four years or more. The permit was therefore set for hearing in the matter of revocation for failure to comply with the terms and conditions thereof.

Mr. Huyler testified at the hearing that the reason for the non-compliance with the terms of the permit issued by the Forest Service was that the roads were not in good condition. He stated that he intended to rebuild the resort just as soon as the road was completed. He claimed to have spent over \$75,000 in the development of his plans and intended to apply for another permit from the Forest Service.

Under date of January 10, 1930, Mr. Wm. V. Mendenhall, Forest Supervisor, advised this office that the ranger had reported favorably upon Mr. Huyler's application and that a permit for his pipe line would be issued.

Under date of January 16th we were advised by Mr. Huyler that he had received his permit for pipe line right of way from the Forest Service and wished an extension of one year within which to complete the reservoir and pipe line.

CONCLUSION

In view of the fact that the applicant has obtained the necessary right of way from the Forest Service and intends to proceed with the project it appears that a reasonable extension of time should be granted to the permittee within which to complete construction work and apply the water to beneficial use.

ORDER

Permit 1712 having heretofore been issued in approval of Application 3707; it appearing to the Division of Water Resources that permittee had failed to comply with the terms and conditions of the permit, a hearing

having been held at which permittee was afforded an opportunity to appear and show cause why the permit should not be revoked for failure to comply with the terms and conditions thereof and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that said permit be continued and that the period heretofore allowed within which to complete the construction work and apply the water to beneficial use thereunder be extended to December 1, 1932.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 14 day of February, 1930.

EDWARD HYATT, STATE ENGINEER

BY Harold Conkling
Deputy

WES:MP