

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

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In the matter of Application 6511 of Ernest E. Pettinger and Ralph Wagner to appropriate from Drippy Spring, tributary to Haskell Canyon and Santa Clara River in Los Angeles County for irrigation and domestic purposes.

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DECISION A. 6511 D 289

Decided *May 8, 1931*

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APPEARANCES AT HEARING HELD AT LOS ANGELES, MARCH 6, 1931

For applicant

Ernest E. Pettinger  
and Ralph Wagner.

R. A. Johnson.

For protestant

Fred W. Haskell, for himself  
and the heirs of John C.  
Haskell, Deceased

Clyde R. Moody.

EXAMINER: Everett N. Bryan, Hydraulic Engineer,  
Division of Water Resources, Department  
of Public Works, State of California.

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O P I N I O N

GENERAL FEATURES OF APPLICATION

Under Application 6511 filed with the Division of Water Resources on December 9, 1929, it is proposed to divert 0.05 cubic foot per second or approximately 32,500 gallons per day of the waters of Drippy Spring, tributary to Haskell Canyon and Santa Clara River from January 1st to December 31st of each season for irrigation and domestic purposes. The point of diversion

is located within the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 25, T 5 N, R 16 W, S.B.B. & M. The place of use has an area of 4.0 acres located within the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 25. The application was protested by Fred W. Haskell, for himself and for the heirs of John C. Haskell, deceased.

#### PROTEST

The protest of Fred W. Haskell was filed March 4, 1930. Mr. Haskell claims spring was developed by John C. Haskell in 1890 and that use therefrom has been continuous. Use claimed is entire flow of spring at all times.

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

Application 6511 was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Resources and being protested was set for a public hearing in accordance with Section 1a of the Water Commission Act on March 6, 1931 at 9:35 o'clock A. M. in Room 1025, Associated Realty Building, Los Angeles, California. Of this hearing applicant and protestant were duly notified.

#### DISCUSSION

From testimony presented at hearing it appears that applicant is and has been for five years, last past, using water as proposed in application and at the same time allowing water to pass into watering troughs of protestants in sufficient quantities to fully meet their needs.

Protestant by his own testimony establishes the fact that the yield of Drippy Spring is greater than his stock would normally consume and he has no present use for the surplus.

Forest Service has asked that usual clause re: public use, be inserted and applicant is agreeable.

During the hearing it developed that the ownership of the place of use was disputed, protestant claiming ownership. It was agreed that action on the application would be postponed allowing protestant to litigate to a determination the matter of ownership, Mr. Moody, Attorney for the protestant agreeing not to ask for more than thirty days within which to file suit.

On April 16, this office was advised by Mr. Johnson, Attorney for applicant that no action to quiet title had as yet been filed by protestant.

#### CONCLUSION

This office is of the opinion that there is sufficient unappropriated water in Drippy Spring to justify the approval of the application. Although applicant's ownership of place of use was questioned at time of hearing, protestant has not, within the time agreed upon, filed an action to establish his rights, therefore, action should not be withheld on this application.

#### ORDER

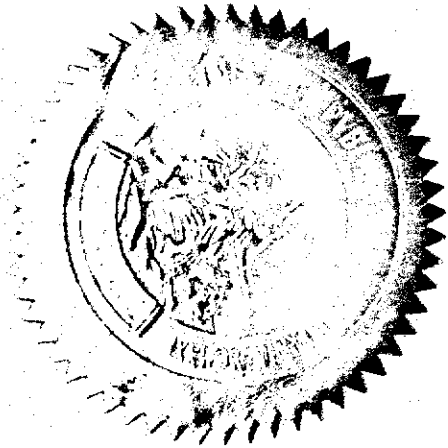
Application 6511 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 6511 be approved and a permit issued subject to the usual terms and conditions and including the following clause: At a point convenient of access facilities shall be provided and maintained to allow free use of water for domestic and stock purposes by the public.

WITNESS my hand and the seal of the Department of Public Works  
of the State of California this 8th day of May, 1931

EDWARD HYATT, State Engineer

By: Harold Conkling  
Deputy.



MAY 7 1931 E.M.H.  
of 18th St.