

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

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In the Matter of Application 3734 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles to Appropriate Water from Symmes Creek Tributary to Owens River in Inyo County for Municipal and Domestic Purposes and

In the Matter of Application 3742 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles to Appropriate Water from Rock Creek and East Fork of Rock Creek Tributary to Owens River in Mono and Inyo Counties for Power Purposes.

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DECISION A. 3734, 3742, D - 332

Decided *October 7, 1932.*

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APPEARANCES AT HEARING HELD AT SACRAMENTO, JUNE 6, 1932

For Applicants

City of Los Angeles and Board of Public Service Commissioners) No
City of Los Angeles and Board of Water and Power Commissioners) appearance

For Protestants

Round Valley Irrigation District)
William H. and Jas. F. Birchim) No
Frankie G. Leibly)
Rock Creek Water Users Inc.) appearance
Bishop Creek Ditch Co.)
Owens River Canal Company)
Farmers Ditch Company)
Rawson Ditch Company)
Manzanar Center of Inyo Co. Farm Bureau)
Manzanar Water Corporation)
Inyo County Farm Bureau)
Mrs. Lillian Linde)
Archie Dean)

EXAMINER: Everett N. Bryan, Supervising Hydraulic Engineer
for Harold Conkling, Deputy in Charge of Water Rights,
Division of Water Resources, Department of Public Works
State of California

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O P I N I O N

ESSENTIAL FEATURES OF THE APPLICATIONS

Application 3734 of City of Los Angeles and Board of Public Service Commissioners of the City of Los Angeles was filed November 28, 1923. It proposes an appropriation of 5 cubic feet per second throughout the entire year from Symmes Creek, tributary to Owens River in Inyo County, for the purpose of supplying the City of Los Angeles and its inhabitants with water for municipal and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T 14 S, R 34 E, M.D.B. & M. The application was protested by Manzanar Center of Inyo County Farm Bureau, Manzanar Water Corporation, Inyo County Farm Bureau, Mrs. Lillian Linde and Archie Dean.

Application 3742 of City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles was filed December 3, 1923. It proposes an appropriation of 58 cubic feet per second from Rock Creek and 14 cubic feet per second from East Fork of Rock Creek by direct diversion and an appropriation of 9,000 acre feet per annum from Rock Creek and 5,500 acre feet per annum from East Fork of Rock Creek to be diverted to storage in the Rock Creek Lake Reservoir. The waters of the East Fork of Rock Creek are to be diverted to storage at a maximum rate of 20 cubic feet per second. The season of direct diversion and diversion to storage is throughout the entire year.

The point of diversion from Rock Creek is within the SE $\frac{1}{4}$ of unsurveyed Section 36, T 5 S, R 29 E, M.D.B. & M. The point of diversion from East Fork of Rock Creek is within the SE $\frac{1}{4}$ of unsurveyed Section 31, T 5 S, R 30 E, M.D.B. & M. The water is to be diverted throughout the entire year for power development at the Rock Creek power house within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of unsurveyed Section 8, T 5 S, R 30 E, M.D.B. & M., and returned to Rock Creek within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of unsurveyed Section 8, T 5 S, R 30 E, M.D.B. & M.

The project contemplated constitutes a part of the larger power development proposed by these applicants on the Owens River and its tributaries.

The application was protested by Round Valley Irrigation District, Wm. H. and Jas. F. Birchim, Frankie G. Leibly, Rock Creek Water Users Inc., Bishop Creek Ditch Co., Owens River Canal Co., Farmers Ditch Co. and Rawson Ditch Co.

PROTESTS

Protestants Manzanar Center of Inyo County Farm Bureau, Manzanar Water Corporation and Inyo County Farm Bureau allege in effect that they are materially benefited by the seepage water from Symmes Creek and that the diversion proposed by Application 3734 would result in the diminution of the underground water supply.

Mrs. Lillian Linde claims an appropriative right to divert waters sought by applicant and alleges in effect that the proposed diversion under Application 3734 would interfere with her use of water.

Round Valley Irrigation District, Frankie G. Leibly, William H. and James F. Birchim claim riparian and/or appropriative rights to the waters of Rock Creek and allege in effect that the proposed appropriation under Application 3742 will cause a fluctuation of the flow in Rock Creek, thereby detracting from its value for irrigation purposes, and that there is no unappropriated water available. Mrs. Frankie G. Leibly also alleges that no arrangement has been made for storage or rights of way on protestants' property.

Rock Creek Water Users Inc. alleges in effect that there is not sufficient unappropriated water in Rock Creek to justify the approval of Application 3742 without interfering with its prior vested rights under Applications 1382 and 1387. (These two applications have subsequently been cancelled for failure to complete.)

Bishop Creek Ditch Co., Owens River Canal Co., Farmers Ditch Co.,
and Rawson Ditch Co. claim appropriative rights to waters of Owens River
initiated prior to the effective date of the Water Commission Act and allege
in effect that the proposed diversion under Application 3742 would deprive them
of water which has heretofore flowed from Rock Creek into Owens River.

GENERAL DISCUSSION

As a result of a conference held at Los Angeles on April 27, 1932,
between a representative of this office and certain engineers of the City, it
appeared that all the lands involved in the protests against the approval of
Applications 3734 and 3742 had been purchased by the City and these applica-
tions having been completed in accordance with the Water Commission Act and
the Rules and Regulations of the Division of Water Resources and having been
protested, they were set for public hearing in accordance with Section 1a of
the Water Commission Act on June 6, 1932 at 1:30 P.M. in Room 401, Public Works
Bldg., Sacramento, California. Of this hearing applicants and protestants were
duly notified.

The hearing was set in Sacramento as a convenience to this office,
it being the intent to adjourn the hearing to a place more convenient of access
to the interested parties should any one of the protestants signify a desire
to be heard. As no notice of intended appearance was received from the pro-
testants, applicants were notified that it was not necessary for them to appear.

The failure of the protestants to appear or show cause for non-
appearance may be taken as presumptive evidence that they are no longer con-
cerned in the matter and their protests may therefore be dismissed.

SUMMARY AND CONCLUSION

The uses to which applicant proposed to put the water are useful and
beneficial ones. The applicant under date of July 27, 1932, informed this

office that this project had been approved by the Secretary of the Interior on September 15, 1931. The necessity of filing plans of the proposed dam with the Division of Water Resources has been called to the attention of the City but to date no plans have been filed. This, however, need not necessitate further delay on the part of this office as a reasonable time may be allowed after issuance of permit for the filing of such plans. It is therefore our opinion that Applications 3734 and 3742 should be approved.

ORDER

Applications 3734 and 3742 for permits to appropriate water having been filed with the Division of Water Resources as above stated, protests 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 Applications 3734 and 3742 be approved and that permits be granted to the applicant 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 7th day of October, 1932.

EDWARD HYATT, State Engineer

By Harold Corbeling
Deputy

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