

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

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In the Matter of Applications 1863 and 3335 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles to appropriate from Pine Creek, tributary to Owens River in Inyo County for Irrigation and Domestic Purposes and from Owens River in Mono and Inyo Counties for Municipal Purposes, respectively, and Application 3759 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles to appropriate from Baker Creek and Sanger Meadows Fork of Baker Creek, tributary to Owens River in Inyo County for Power Purposes.

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DECISION A. 1863, 3335 and 3759 D 338

Decided *December 15, 1932*

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APPEARANCES AT HEARING HELD AT SACRAMENTO, NOVEMBER 21, 1932.

For Applicant

No appearance

For Protestants

No appearance

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

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OPINION

GENERAL FEATURES OF APPLICATIONS

Application 1863 was filed by the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles on June 12, 1920. It proposes an appropriation of 40 cubic feet per second from about April 1st to about September 30th of each season from Pine Creek within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T 6 S, R 30 E, M.D.B.&M., for irrigation and domestic purposes

on 1680 acres in Sections 31 and 32, T 5 S, R 31 E, and Sections 4, 5, 6, 7, 8 and 9, T 6 S, R 31 E, M.D.B.&M.

Application 3335 was filed by the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles on April 27, 1923. It proposes an appropriation of 120 cubic feet per second by direct diversion throughout the entire year and 87,600 acre feet per annum by storage to be collected throughout the entire year, from Owens River for municipal purposes within the City of Los Angeles. The points of diversion are described as follows:

- A. Long Valley Dam being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, T 4 S, R 30 E, M.D.B.&M.
- B. McNally Diversion, at the head of the McNally Canal, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T 6 S, R 32 E, M.D.B.&M.
- C. Intake to Los Angeles Aqueduct, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, T 11 S, R 34 E, M.D.B.&M.

Application 3759 was filed by the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles on December 12, 1923. It proposes an appropriation of 20 cubic feet per second by direct diversion throughout the entire year from Baker Creek and 12,000 acre feet per annum by storage to be collected throughout the entire year from Baker Creek and diverted to storage in Sanger Meadow Fork Reservoir at a maximum rate of 20 cubic feet per second, and 6,966 acre feet per annum by storage to be collected throughout the entire year from Sanger Meadow Fork of Baker Creek for power purposes. The points of diversion are described as follows:

- A. Diversion from Baker Creek to Sanger Meadow Reservoir, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T 9 S, R 32 E, M.D.B.&M.
- B. Diversion for storage of Baker Creek and Sanger Meadows Fork of Baker Creek, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T 9 S, R 32 E, M.D.B.&M.

C. Point of diversion of Baker Creek and redirection of stored waters in Sanger Meadows Reservoir being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, T 9 S, R 32 E, M.D.B.M.

Application 1863 was protested by Mrs. J. S. Wallins, et al., Ralph B. Young, Rolland Walline, et al., W. H. Evans, et al., Round Valley Irrigation District, Frankie G. Leibly and Wm. H. and Jas. F. Birchim. Application 3385 was protested by Owens Valley Irrigation District, Owens River Canal Company and the Rawson Ditch Company, Southern Sierras Power Company, and Hillside Water Company. Application 3759 was protested by W. H. Ulmeyer, et. al., Minnie Somerville and Harold Eaton.

PROTESTS

The protestants in general claim interference with prior vested rights which were initiated prior to the effective date of the Water Commission Act. All of the protests were filed some years ago and many of the lands and water rights have since been purchased by the City of Los Angeles. The protest of Minnie Somerville against Application 3759 was withdrawn prior to the hearing.

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

Applications 1863, 3385 and 3759 were completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Resources and being protested were set for a public hearing in accordance with Section 1a of the Water Commission Act on November 21, 1932, at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing applicant and protestants were duly notified.

GENERAL DISCUSSION

No appearances were made at the hearing by either applicant or protestants. A letter was received from applicant on November 21, 1932, stating that the City would not be represented at the hearing as it was felt that the rights to the waters applied for under Applications 1863 and 3385 did not require that those applications be perfected. It therefore appears that Applications 1863 and 3385 have been abandoned by the applicant and may be cancelled.

In connection with Application 3759 the applicant states in a letter received November 21, 1932, that it now owns the rights formerly owned by the protestants. Since the protestants did not appear at the hearing and subsequent thereto did not present cause for non appearance, it is assumed that they have no further interest in the matter and the protests are therefore dismissed. This office was advised that applicant would not appear at the hearing unless protestants intended to appear. The applicant was advised that no notice of intended appearance had been received from protestants and therefore the failure of applicant to appear may be assumed to be due to its knowledge of the fact that protestants would not appear.

A letter was received from applicant August 23, 1932, stating that an approved right of way had been secured from the Department of Interior, being File No. Independence 07546 - Visalia 012798 for Big Pine and Baker Creek projects. A letter was also received from Mr. E. W. Kramer, Regional Engineer, U. S. Forest Service, on June 3, 1932, in which he states that a filing has been made with, and approved by, the Department of Interior.

The use to which applicant proposes to put the water is a useful and beneficial one and there appears to be no reason why Application 3759 should not be approved.

O R D E R

Applications 1863, 3385 and 3759 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 1863 and 3385 be rejected and cancelled upon the records of the Division of Water Resources without prejudice, and

IT IS HEREBY FURTHER ORDERED that Application 3759 be approved and that a permit be issued 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 15th day of December, 1932.

EDWARD HYATT, State Engineer

BY Harold Conkling
Deputy

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