

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

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In the matter of Application 6216 of Covina Irrigating Company  
and Application 6252 of La Verne Protective Association, Ltd.  
to appropriate from Puddingstone Reservoir in Los Angeles  
County for Irrigation and Domestic Purposes.

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DECISION A. 6216, 6252 D # 385

Decided

March 27, 1936

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APPEARANCES AT HEARING HELD AT LOS ANGELES, JANUARY 9, 1935.

For Applicants

Covina Irrigating Company  
La Verne Protective Association, Ltd.

Walter F. Haas  
Walter F. Haas and  
J. J. Allard

For Protestants

Henry Hay, Trustee for Valencia Water Company, et al.  
San Dimas Water Company  
City of Long Beach

No appearance  
Trent G. Anderson  
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 6216 was filed March 11, 1929, by Covina Irrigating Company.  
It proposes an appropriation of 5 cubic feet per second from Puddingstone Reser-  
voir on Walnut Creek tributary to San Gabriel River. It is proposed to divert  
the water throughout the year by pumping from the reservoir at a point within  
the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10, T 1 S, R 9 W, S.E.B.M. for irrigation and domes-  
tic purposes on 3555 acres of land within portions of Sections 7, 17, 18, 19

and 20, T 1 S, R 9 W and portions of Sections 11, 12, 13, 14, 15, 22, 23 and 24, T 1 S, R 10 W, S.B.B.M. as shown on map filed with the Division of Water Resources. The use is to be made by stockholders of the applicant which is a mutual irrigating company. Application 6216 was protested by Henry Hay, Trustee for Valencia Water Company, et al. and by San Dimas Water Company.

Application 6252 was filed April 15, 1929, by La Verne Protective Association. It proposes an appropriation of 20 cubic feet per second of such waters as may drain into Puddingstone Reservoir from the Live Oak Canyon watershed, to be diverted from May 1st to November 1st of each season, the total amount diverted during any one season not to exceed 2360 acre feet per annum. It is proposed to pump the water from Puddingstone Reservoir at a point within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 15, T 1 S, R 9 W, S.B.B.M. for the irrigation of 3,426 acres of land within Sections 1, 2, 11, 12 and 13, T 1 S, R 9 W; Section 31, T 1 N, R 8 W, and Sections 5, 6, 7 and 18, T 1 S, R 8 W, S.B.B.M. as shown on a map filed with the Division of Water Resources. This application was protested by Henry Hay, Trustee for Valencia Water Company, et al. and by the City of Long Beach.

#### PROTESTS

Henry Hay, Trustee for Valencia Water Company et al., and the San Dimas Water Company claim appropriative rights to the waters which applicants are seeking to appropriate which rights are based upon Application 3532, Permit 2878 and Application 3808, Permit 3418. These protestants allege in effect that there is already insufficient water collected in Puddingstone reservoir to satisfy their requirements under the prior filings and therefore the approval of the applications would conflict with their rights.

The City of Long Beach claims riparian and early appropriative rights to the waters of the San Gabriel River and alleges in effect that should Application 6252 be approved it would result in diminishing the underground water in the San Gabriel Basin from which it derives its supply for domestic and municipal purposes.

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

Applications 6216 and 6252 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 public hearing in accordance with Section 1a of the Water Commission Act on January 9, 1935, at 10:00 o'clock A.M. in Room 803 California State Building, Los Angeles, California. Of this hearing applicants and protestants were duly notified.

PUDDINGSTONE RESERVOIR

Puddingstone Reservoir was constructed by the Los Angeles County Flood Control District primarily to create storage space for the flood waters of San Dimas Creek which are conveyed by conduit from a point below the San Dimas Canyon Reservoir to the Puddingstone Reservoir. In addition to the flood waters of San Dimas Creek, the Puddingstone reservoir intercepts the drainage from above which consists primarily of the waters of Live Oak, Marshall and Emerald Canyons. The impounding dam of the Puddingstone Reservoir is located within the north one-half of Section 15, T 1 S, R 9 W, S.B.B.&M.

PRIORITY OF SAN DIMAS WATER COMPANY  
TO WATERS OF PUDDINGSTONE RESERVOIR

Application 3532 of San Dimas Water Company was filed on July 16, 1923, and approved on July 27, 1926, by the issuance of Permit 2578 for an amount not to exceed 2150 acre feet per annum of the waters of Puddingstone Canyon to be collected to storage from about November 1st to about May 1st of each season in the Puddingstone Falls Reservoir; the water to be subsequently released and used for agricultural and domestic purposes on 1927.21 acres of land within Sections 2 to 11, both inclusive, and Sections 16 and 17, T 1 S, R 9 W, S.E.B.&M.

At the time Application 3532 was filed, there was in contemplation by the County of Los Angeles, the construction of a masonry dam at a site above the Puddingstone Falls site and it was intended to back the Company's waters impounded in the lower reservoir against the dam of the County. Subsequently, however, the Los Angeles County Flood Control District decided to construct an earth fill dam instead of a masonry dam which would require land within the reservoir site proposed by the Company and as it was considered impracticable for waters stored in the lower reservoir site to be backed up against the earth fill dam, an agreement was entered into between the Flood Control District and the San Dimas Water Company dated February 14, 1927, by which the Flood Control District in return for lands necessary for the construction of Puddingstone reservoir agreed to allow the Company to store each year in the Puddingstone Reservoir a maximum of 2150 acre feet for subsequent use by the Company during the irrigation season subject to the control of the District for flood control and water conservation purposes. The District agreed to endeavor to provide for this storage insofar as the same was consistent with the proper use of the reservoir for flood control and water conservation purposes and that the amount stored would not be released unless necessary.

As a result of the agreement, a petition was filed with the Division to change the point of diversion under Application 3532, Permit 2578 to the dam of the upper reservoir site which petition was approved by this office on December 31, 1929. On the same date an order was entered changing the place of use to include an additional 2495 acres within Sections 8, 17, 19, and 30, T 1 S, R 9 W, and Sections 23, 24, 25, 26, 27, 34 and 35, T 1 S, R 10 W, S.B.E.&M.

Under Application 3808, Permit 3418 the San Dimas Water Company also has the privilege of appropriating from Puddingstone Canyon an amount of water not to exceed 16.8 cubic feet per second throughout the entire year, the gross diversion not to exceed 10,000 acre feet per annum; the water so appropriated to be either natural flow and/or regulated flow resulting from the collection and release of waters in Puddingstone Reservoir by the Los Angeles Flood Control District. The water is to be used for the irrigation of lands within the same area as described in Application 3532, Permit 2578.

At one time Henry May, Trustee for Valencia Water Company et al. held an undivided one-half interest in both these applications and permits but his interests have now been consolidated with those of the San Dimas Water Company and the permits now stand in the name of San Dimas Water Company only.

Under these two applications the San Dimas Water Company may divert a total of 12,150 acre feet per annum when available. Since the reservoir has been constructed, however, the amounts of water which have been available from this source have been as follows (Transcript p. 50).

<u>Year</u>	<u>Amount (A.F.)</u>
1929	56.6
1930	169.5
1931	15.2
1932	1,342.7
1933	427.7
1934	1,839.0

These amounts, according to the testimony presented at the hearing, were actually taken and used on the lands of the San Dimas Water Company.

It appears that the present requirements of San Dimas Water Company are from 4,000 to 4,500 acre feet per annum, of which about 3,000 acre feet may be advantageously taken from storage in Puddingstone Reservoir.

ESTIMATE OF AVAILABLE SUPPLY BY  
LOS ANGELES FLOOD CONTROL DISTRICT

Under date of February 28, 1935, C. H. Howell, Chief Engineer of the Los Angeles County Flood Control District, advised this office that a study of the approximate inflow to Puddingstone Reservoir site from 1872-73 through 1931-32 had been made by the Hydraulic Department of the District considering the San Dimas diversion existent. The following is quoted from the letter:

"The study is based on weighted mountain rainfall indices. These were used in expanding the U.S.G.S. flow records of San Dimas Canyon from 1916-17 back to 1872-73. The San Dimas area furnishes the greater part of inflow to Puddingstone Reservoir. There is, however, a certain tributary area exclusive of the San Dimas area which furnishes an unmeasured amount of runoff into the reservoir. This runoff was determined as a proportionate amount of the San Dimas area runoff based on Live Oak Canyon flow which is a portion of the tributary area; relative size of the area; and relative flows per square mile. Certain assumptions with regard to percolation and diversion were necessary which may or may not have been based on correct premises. The combined inflow to Puddingstone Reservoir as determined, furnishes a comparison of seasonal storage for a 60 year period. This study shows that in only five years of the 60 year period was the 12,150 acre feet storage stipulated above, exceeded. The capacity of the reservoir, 17,398 feet at the spillway sill was exceeded only twice during the 60 year period, according to the study.

"The conclusion drawn from this study of the inflows to Puddingstone Reservoir from all sources, is that we could seldom expect to obtain sufficient water to fill the reservoir.

"It would seem, then, that it would be desirable for the several agencies concerned to effect, if possible, a compromise agreement as to the division of available water which may be stored in the Puddingstone Reservoir.

"In regard to the method of operation of the Puddingstone Reservoir by the Flood Control District, we feel that all water should be held in the Reservoir for conservation purposes except in the event that the storage reaches such an amount that flood control considerations would control the operation. The operation then would involve a consideration of the amount in storage, the rate of inflow, the storage in reservoirs controlling tributary areas and the time of the year. A portion of the reservoir storage capacity should be assumed as being held for flood control regulation only and no contracts for conservation storage entered into for this portion.

"At the present time, considering 12,150 acre feet storage granted to San Dimas Water Company by the Board of Supervisors and the Division of Water Resources, only about 5,000 acre feet of upper storage remains for flood control. Regardless, however, of the ownership of the water stored, the Flood Control District is obligated to operate the reservoir for flood control as well as conservation purposes, and may at any time find it necessary to release water so as to have the space necessary for flood control purposes. It is evident that 5,000 acre feet of storage held open for flood control would not have been sufficient in at least two years out of the 60 years included in our study."

UNAPPROPRIATED WATER NOT AVAILABLE IN SUFFICIENT QUANTITIES  
TO JUSTIFY THE APPROVAL OF APPLICATIONS 6216 and 6252

The study made by the Flood Control District engineers is apparently based upon sound engineering practice and clearly indicates that only upon infrequent occasions would there be water available at Puddingstone Reservoir for use under Applications 6216 and 6252, after the rights of the San Dimas Water Company under its prior Applications 3532 and 3608 were fully satisfied. The report also indicates that the proposed projects under Applications 6216 and 6252 could only be made feasible by means of an arrangement

between the applicants and the San Dimas Water Company whereby the Company might consent to share the waters of Puddingstone Reservoir with the applicants.

In order that such an arrangement might be consummated, action upon Applications 6216 and 6252 has been withheld for some time. No agreement has been reached however and apparently no purpose can be served by further delay. It is therefore the opinion of this office that Applications 6216 and 6252 should be cancelled upon the grounds that there is insufficient unappropriated water available to justify the approval thereof.

O R D E R

Applications 6216 and 6252 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 now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 6216 and 6252 be rejected and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 27<sup>th</sup> day of March, 1936.

EDWARD HYATT, State Engineer

BY Harold Campbell

Deputy

WES:MP