

BEFORE THE DIVISION OF WATER RESOURCES

DEPARTMENT OF PUBLIC WORKS

STATE OF CALIFORNIA

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In the Matter of Application 9841 of Roy T. Plummer to Appropriate Water from Two Unnamed Springs in an Unnamed Canyon Tributary to Caldwell Lake in Los Angeles County for Irrigation and Domestic Purposes.

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Decision A. 9841 D. 554

Decided July 30, 1947

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Appearances at Hearing Held at Los Angeles June 18, 1947.

For Applicant

Roy T. Plummer

In propria persona

For Protestant

Little Baldy Water Company

B. J. Buchanan  
Secretary-Treasurer

Examiner

Gordon Zander, Principal Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California, for Edward Hyatt, State Engineer.

O P I N I O N

GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT

Application 9841 of Roy T. Plummer was filed with the Division of Water Resources on February 27, 1940. Mr. Plummer proposes an appropriation of 65,000 gallons per day from either or both of two springs in an unnamed canyon tributary to Caldwell Lake for domestic purposes at a residence and

the irrigation of 20 acres owned by the applicant within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T. 4 N., R. 9 W., S.B.B.&M. The springs are on Forest Service land within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 25, T. 4 N., R. 9 W., S.B.B.&M. Applicant proposes to appropriate the water throughout the entire year for domestic purposes and from about April 1 to about November 30 for irrigation use.

#### PROTEST

The protest of Little Baldy Water Company is based upon possible interference with its prior Applications 12-30 and 2242 under which it may appropriate from Deadman Canyon 4.9 cubic feet per second or a total of 210 acre feet from about November 1 to about May 1 of each season and 1.75 cubic feet per second from about May 1 to about November 1 of each season for irrigation and domestic purposes on 1160 acres within Sections 28, 29, 30 and 31, T. 5 N., R. 8 W., and Section 6, T. 4 N., R. 8 W., S.B.B.&M. Its intake is within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T. 4 N., R. 9 W., S.B.B.&M.

Protestant claims that the waters of the springs from which applicant seeks to appropriate are tributary to Deadman Canyon rather than to Caldwell Lake and that if Application 9841 is approved it will result in decreasing its already limited water supply.

#### Hearing Held in Accordance with the Water Code

Application 9841 was completed in accordance with the Water Code and the Rules and Regulations of the Division of Water Resources and being protested was set for public hearing in accordance with Chapter 5 of Part 2 of the Water Code on Wednesday, June 18, 1947, at 10:00 o'clock A.M. in Room 803, California State Building, Los Angeles, California. Of this hearing, applicant and protestant were duly notified.

### General Discussion

The protestant company has constructed a concrete submerged dam projecting about 5 feet above the level of the channel of Deadman Canyon. This dam is not entirely adequate to intercept the underflow of the stream and bring it to the surface and the company has installed a pumping plant at a mining shaft or well just above the dam from which it obtains its supply during the period of low runoff. The dam and well are located in the immediate vicinity of the junction of Deadman Canyon and Grandview Canyon as these canyons are shown on the Mescal Creek Quadrangle of the United States Geological Survey and it appears that water from both sources is available at this point. The intake is about 1.3 miles northerly of the lowest spring described in Application 9841 and about 1 mile northerly and below the San Andreas rift zone. During the season of low flow the protestant is entirely dependent upon the yield of the well for its water supply and it claims that if water is diverted from the two springs as proposed by applicant it will result in depriving the company of water which is essential to its needs in a growing community.

On the other hand, applicant has consistently claimed, and his application so indicates, that the waters of the springs contribute to the waters of Caldwell Lake which is located about a mile northwesterly from the springs. This he claims is due to the San Andreas rift which intercepts the underflow of the unnamed canyon in which the springs are located.

In an effort to determine what effect, if any, the proposed appropriation would have upon protestants water supply, an engineer of the Division accompanied by the applicant and a representative of the protestant made a field investigation at the site of the proposed appropriation on August 26, 1940.

According to the engineer's report, the two springs are located in the main branch of Deadman Canyon which is rather steep and rocky with a channel width varying from 6 to 8 feet and a layer of decomposed granite and rock fragments of varying depths above bed rock. The upper spring was reported to be in a fork of the canyon about 300 feet below the ridge and was practically dry. The lower spring is about 500 feet downstream, 80 feet lower in elevation and was running "a fast trickle" which disappeared within a few feet. Thereafter the surface channel takes a fairly straight course down to Deadman Canyon on which protestant's intake is located. He reported that no surface indications could be found of any barrier which would force water to the west. It was his opinion that in past ages the runoff from upper Deadman Canyon may have taken a westerly course around a small ridge just below the highway at right angles to the channel (which applicant claims is a portion of the San Andreas rift) and returned to the canyon, but that it has since broken through and the high point of the old channel now lays some 30 feet above the present water course.

At the time of the investigation, it appeared that the protestant company would enter no serious objection to the proposed development provided that applicant would use the water for irrigation purposes and withdraw his application so as not to set a precedent for the filing of other applications in that locality. It was considered by those present at the investigation that the amount of water salvaged by the installation of some 2300 feet of pipe would probably offset the field losses by evaporation and transpiration and that the net result might not entail any material loss to the protestant. Subsequently a tentative form of agreement was drawn up by the protestant and submitted to the applicant for his approval. This agreement, however, was not acceptable to him and a public hearing was requested.

The principal witness at the hearing was Robin Willis, a consulting geologist, well educated in his particular field, and of many years experience. Mr. Willis who has made a special study of the San Andreas rift zone, testified in effect that he visited the locality of Deadman Canyon on June 17, 1947, and that in his opinion the surface waters of the canyon in which applicant's springs are located would, in times of flood, flow down the channel to protestant's intake, thus supporting our engineer's opinion that the surface channel is continuous from the springs to protestant's dam and well, but that due to the extremely porous nature of the bedrock in the stream channel down which the waters of the spring flowed and the fact that the San Andreas rift cut across this channel, the underground flow of the canyon is diverted westerly toward Caldwell Lake by impervious clay barriers which form the boundaries of the rift zone.

Mr. Willis is of the opinion that the land lying southwest of the rift has moved northwesterly a distance of about one-thousand feet in relation to the land lying northeasterly of the rift, that Deadman Canyon is much too large to have been developed by the stream which is fed by waters from the springs and that the actual original head of Deadman Canyon is the next canyon to the northwest which accounts for the apparent change in the course of the stream reported by our engineer. He believes that normally a canyon, the size of Deadman Canyon would have a considerable underflow but that due to the fact that it has been geologically "beheaded" the portion of the canyon lying southerly of San Andreas rift now drains into Caldwell Lake.

Mr. Willis stated that after he had examined the conditions in the field, he discussed the situation with L. H. Noble of the United States Geological Survey who also had made a study of the San Andreas rift zone and that Mr. Noble had confirmed his findings.

It appears that a large portion of the 20 acres that applicant proposes to irrigate lies on the northerly side of San Andreas rift and the water will have a much better chance of reaching protestant's well than it now has, although it is possible that a considerable portion, if not all of the return water may be lost by evaporation before reaching the protestant's well.

Although no testimony was presented by the protestant at the hearing to refute the testimony of Mr. Willis, reference was made to the conclusions drawn by our engineer as a result of his field investigation as set forth above. These conclusions, however, were based on surface observations only and were not based upon a geological knowledge of the San Andreas rift zone.

Protestant was concerned lest the filing of the application and its approval would result in setting a precedent for the filing of other applications in that locality. It was explained, however, that an appropriative right could only be initiated by the filing of an application with the Division and that any application filed would have to be considered on its own merits and a determination made whether unappropriated water existed.

Testimony was introduced by Mr. Buchanan, Secretary-Treasurer of Little Baldy Water Company, indicating that the community which the protestant is now serving is growing in population, that the water requirements are rapidly increasing and that more water will have to be developed both for direct diversion and storage.

On March 31, 1947, Application 11803 was filed by Little Baldy Water Company for an appropriation from Deadman Canyon of an additional 3 cubic feet per second by direct diversion throughout the year and 15 acre feet per annum by storage to be collected from about December 1 to about June 1 of each season for the irrigation of a net area of 500 acres within a gross area of 1080 acres in Sections 28, 29, 30, 31, T. 5 N., R. 8 W., and Section 6, T. 4 N., R. 8 W., S.B.B.&M. This application has recently been approved by

issuance of Permit 6846. As Application 9841 of Roy T. Plummer was filed some seven years prior to Application 11303, we cannot see wherein protestant can logically protest the approval of Application 9841 even though the waters of the springs were tributary to Deadman Canyon and at the same time apply for unappropriated water.

Summary and Conclusion

The unrefuted testimony presented at the hearing indicates that the waters of the springs which applicant seeks to appropriate do not contribute to the water supply of protestant Little Baldy Water Company and therefore the protestant cannot be injured by the approval of Application 9841. Application 9841, therefore, should be approved subject to the usual terms and conditions.

ORDER

Application 9841 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 State Engineer now being fully informed in the premises

IT IS HEREBY ORDERED that Application 9841 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 30th day of July 1947.



Edward Hyatt, State Engineer

