

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12084 by Dr. Charles Raymond Adams to
Appropriate Water from Frazier Mine Spring in Ventura County for
Domestic, Irrigation and Recreation Purposes.

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Decision A. 12084 D. 625
Decided October 13, 1949

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER
RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON JUNE 6, 1949:

Dr. Charles Raymond Adams	Applicant
Owen W. Curtis	Protestant
Jessie Ames	Interested Party
S. E. Curtis	Interested Party
J. J. Heacock	Associate Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer

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OPINION

General Description of the Project

Under Application 12084, filed by Dr. Charles Raymond Adams
on September 15, 1947, it is proposed to appropriate 0.04 cubic foot
per second, year round, from Frazier Mine Spring in Ventura County for
domestic purposes, irrigation and recreation. The point of diversion
is to lie within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T 8 N, R 21 W, SBB&M.

Diversion is to be by gravity, the headworks consisting of a concrete box 4 feet by 6 feet by 4 feet and the conduit a 1½-inch iron pipe line one mile long. The proposed place of use is described as lying within the W½ SW¼ of Section 24 of the same township. Domestic consumption is to include household use by 10 people, limited stock watering and the irrigation of a ½-acre garden. Irrigation is contemplated to the extent also of 20 acres of alfalfa and 3 acres of orchard and general crops. A small swimming pool is also included in the project.

Protest

Owen W. Curtis protested the application, claiming that the entire yield of Frazier Mine Spring is less than the amount he is authorized to divert under approved Application 11046 and, consequently, that no unappropriated surplus exists in that source. Protestant Curtis asserts that his project is 95% complete and that as rapidly as labor and material become available it will be complete and in operation. He describes his point of diversion as being located within the SW¼ NW¼ of Section 23, T 8 N, R 21 W, SBB& M.

In answer to the protest the applicant states in effect that according to his observation the source yields sufficient water for both the protestant and himself; and that all he seeks to appropriate is water that the protestant cannot use.

Field Investigation

The applicant and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code a field investigation was conducted at the site

of the proposed appropriation on June 6, 1949 by an engineer of the Division. Both the applicant and the protestant were present during that investigation.

Records Relied Upon

Application 12084 and all data and information on file therewith.

Discussion

According to the report of investigation the source filed upon under Application 12084, which is the same source as filed upon under Application 11046, is a springy area or cienega, rather than a single, localized spring. At Protestant Curtis' point of diversion water is collected in a concrete box, the effluent therefrom, an estimated 12 gallons per minute in amount, being piped to his place of use. The report states that the cienega area, some 1,000 feet long by 40 to 100 feet wide, is cut with small seepage washes, that water is in evidence, and that development of a fair, sustained flow would seem possible, aside from that captured at the protestant's spring box.

The protestant in view of the information brought out by the investigation decided that he would not after all be injured by the proposed development. He signed and submitted a letter (Form 230) dated June 6, 1949, evidencing the withdrawal of his protest.

In view of the circumstances above outlined it is apparent that unappropriated water exists which can be taken and used in the manner proposed in Application 12084, without injury to the protestant.

The application therefore should be approved and permit issued,
subject to the usual terms and conditions.

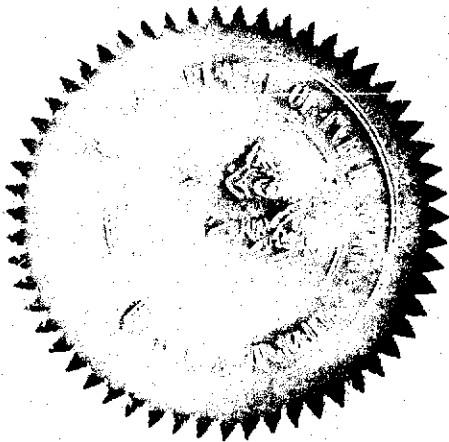
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ORDER

Application 12084 for a permit to appropriate water having
been filed, a field investigation having been made, a stipulated
hearing having been held in accordance with Article 13, Section 733(b)
of the Administrative Code and the State Engineer now being fully in-
formed in the premises:

IT IS HEREBY ORDERED that Application 12084 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 13th day of October , 1949.




Edward Hyatt, State Engineer