

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 12767 by Oscar V. Acton to Appropriate  
Water from Doane Canyon Tributary to Tujunga Canyon in Los Angeles  
County for Domestic and Irrigation Purposes.

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Decision A. 12767 D. 668

Decided April 25, 1950

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER  
RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON JANUARY 6, 1950:

Oscar V. Acton	Applicant
Wm. H. Ensign	Applicant's Surveyor
Hal B. Hayes	Protestant and representative of Louise Fortune and Riverwood Ranch Mutual Water Company, Protestants.
F. Thomasson	President, Riverwood Ranch Mutual Water Company.
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

The application contemplated the appropriation of 14,400 gallons per day, year round, from Doane Canyon, tributary to Tujunga Canyon, in Los Angeles County, for domestic and irrigation purposes. Diversion is to be effected by means of a pump, 10 gallons per minute in capacity, drawing from a sump in the stream bed, located within lot 7 of Sec. 2, T 2 N, R 14 W, S.B.B.&M. The conduit is to be a 2 inch galvanized pipe line, 100 feet long. The place of use includes lots 7 and 10 of the same Section 2, where it is proposed to irrigate 0.75 acre of general crops and to supply domestic requirements at 6 homes with 0.5 acre of garden and lawn per home. Irrigation is to commence about April 1 and end about November 30.

### Protests

Louise Fortune protests the application claiming to divert at a point within Lot 1 of the West portion of Rancho Tujunga, as a riparian owner, use having begun some 20 years ago. She states that there are now 6 houses on 12 acres and that 500 gallons per day are used at each house for domestic purposes and 1000 gallons per day for irrigation, the use extending all year round. She apprehends that the amount sought by the applicant exceeds the entire amount available but states that her protest may be disregarded and dismissed if a fair apportionment of the water is made.

Hal B. Hayes claims to own over 100 acres of land riparian to Doane Canyon and to obtain water from a well fed from that canyon, his use amounting to 1000 gallons per day for domestic purposes and 20,000 gallons per day for irrigation. He objects to the amount which the

applicant proposes to divert, apprehending that it may exceed the entire amount available. His diversion point (a well) is downstream with respect to the applicant, being located within Lot 1 of West portion of Rancho Tujunga. He is willing that his protest be disregarded and dismissed if the available water is apportioned fairly.

Riverwood Ranch Mutual Water Company claims also a riparian right as well as beneficial use which at present approximates 9000 gallons per day. Its diversion point (a well) is also described as being located below the applicant's projected point of diversion, and within Lot 1 of West portion of Rancho Tujunga. It claims a service area of approximately 600 acres with service at present to 27 users. It apprehends that the amount which the applicant seeks to appropriate will exceed the entire amount available but states that its protest may be disregarded and dismissed if a fair apportionment of water is made.

The applicant answers the protests by stating that the diversion which he proposes will in no way diminish or affect the water now being used by the protestants. He asserts that he has used water from the source in question for a longer period of time than either Protestant Fortune or Protestant Hayes and argues that the prospective use mentioned by those protestants is uncertain and should not affect the application.

#### Field Investigation

The parties 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 January 6, 1950 by an engineer of the Division. The applicant and the protestants were present or represented at the investigation.

### Records Relied Upon

Application 12767 and all data and information on file there-  
with.

### Discussion

According to the report of investigation Protestants Fortune and Hayes are members of the Riverwood Ranch Mutual Water Company and secure their water from that company, which in turn obtains its water from a well in Tujunga Canyon, to which canyon Doane Canyon is tributary. According to the same report the Riverwood Ranch Mutual Water Company well is a short distance downstream from the mouth of Doane Canyon and within about 200 feet from the thread of the much larger Tujunga Wash. While the water company presumes its well to be supplied by underflow from Doane Canyon the investigating engineer inclines to the opinion that the flow of Tujunga Wash is the main source. According to that engineer the flow in Tujunga Wash is perennial, it was approximately 3 cubic feet per second in amount at the time of the investigation, and records over a 30 year period indicate discharges at a water stage recorder station some 4 miles upstream to have ranged from 0.8 cubic foot per second to 50,000 cubic feet per second. Obviously if the protestant's supply is derived from Tujunga Wash and not from Doane Canyon they cannot be injured by the applicant's proposed development.

A positive determination as to whether the protestants' supply comes from Doane Canyon or from Tujunga Wash was rendered unnecessary by the protestants' offer, after the inspection and a discussion of the entire matter, to withdraw their protests on condition that the applicant reduce the amount applied for to 5000 gallons per day and agree to a further limitation of diversions within any one year to a total of

4.0 acre feet; and the applicant's oral acceptance of that offer. Protestant Hayes on behalf of himself and Protestant Fortune forthwith signed and tendered to the investigating engineer withdrawals of those two protests, and Mr. Thomasson on behalf of Riverwood Ranch Mutual Water Company tendered a withdrawal of that company's protest also. In keeping with the protestants' offer the applicant requested by letter dated November 11, 1950 that the amount named in his application be reduced to 5000 gallons per day, but his request was silent as to the additional limitation of his appropriation to 4 acre feet per annum. This omission was called to the applicant's attention by office letter of March 1, 1950 which also advised him that the omission was presumed to be unintentional and that in the absence of a statement from him to the contrary within the next fifteen days action would be taken to include a provision in any permit issued in the matter, limiting the total amount of water to be diverted in any one year to 4 acre feet. In reply to the letter just mentioned the applicant's attorney advised on behalf of the applicant, by letter dated March 14, 1950, that a restriction of diversions under the application to a total of 4 acre feet per annum is agreeable to the applicant.

Inasmuch as the applicant and the protestants have reached an agreement as to the conditions under which water may be diverted and the protests against Application 12767 have been withdrawn, no bar remains to the approval of that application. Application 12767 should therefore be approved, for an appropriation of 5000 gallons per day subject to the usual terms and conditions and subject also to a special provision limiting diversions in any one year to a total of 4 acre feet.

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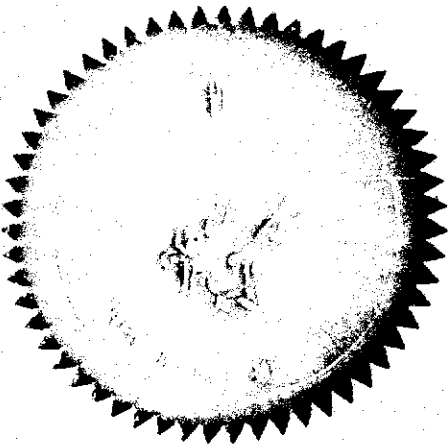
ORDER

Application 12767 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 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12767 be approved for 5000 gallons per day and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate and subject also to the following special term and condition to wit:

Diversions under this permit shall not exceed a total of 4.0 acre-feet in any one year.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 25th day of April, 1950.



*A. D. Edmonston*  
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A. D. Edmonston  
State Engineer.