

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

oOo

In the Matter of Application 13236 by Dalbert M. Greenleaf to Appropriate Water from Greenleaf Spring in Ventura County for Domestic Purposes.

oOo

Decision A. 13236 D. 695

Decided February 14, 1951

oOo

OPINION

General Description of the Project

The application contemplates an appropriation of 160 gallons per day, year round, from Greenleaf Spring, in Ventura County, for domestic purposes. Greenleaf Spring is described as tributary to Bitter, Lockwood and Piru Creeks in turn and the proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T 8 N, R 21 W, S.B.B. & M. The conduit according to the application includes 700 lineal feet of 2 $\frac{1}{2}$ inch and 1300 lineal feet of 1 $\frac{1}{4}$ inch pipe. The project includes a 1000 gallon regulating tank. The proposed place of use is a cabin, usually occupied by 2 people and located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of the same Section 27.

Protest

The application is protested by J. D. Kenmuir who claims a right to the use of water from Greenleaf Spring under a prior application. Protestant Kenmuir represents that the proposed appropriation will result

in injury to present water users. He states, "The continued practice of granting new applications for water rights without improving the present facilities will result in depriving the original owners of an adequate water supply to which they have legally prior rights." His protest also contains an expanded statement of his views in the matter, as follows:

"Once more as in prior protests it is not my intention or desire to be a party in denying any property owner in this area their just rights to receive their share of water. Again I would like to repeat as in the protest of previous applications, the fact that property in this area, owned by all of us, is of no value or pleasure to these same owners, without an adequate water supply. The antiquated and worn out system, originally installed and paid for by the first four property owners in this area, like the roads, were, although far from perfect, adequate for the needs of these original users in the past years. But they can not be expected to fulfill existing rights and needs forever, when nothing is done to bring them up to date with the demands of the continued influx of new residents to this area. Again I repeat, the State of California, Department of Public Works, as mentioned before, could render a real service to the property owners of this area, if a survey could be made to improve both the roads and water conditions in this area, so that we all could share and share alike in these vital needs."

Protestant Kenmuir states that his protest may be disregarded and dismissed "if existing prior rights can be assured of an adequate water supply, which may be possible in the winter months of the year, but has not been possible throughout the year during the last few years." Also, the protestant states, "improvements and enlargements must be made in the facilities for transporting water from the spring to the diversion points."

Answer

The applicant submitted no formal answer to the protest. His letter of October 4, 1950 however is of the nature of an answer in that it sets forth rather completely his views in the matter. Extracts from that letter are as follows:

* * *

"The main pipe line now furnishing water to the Kenmuir property was laid in the summer of 1936. It is conservative to state that since that date water has been available from the line or tank 99 per cent of the time."

* * *

"The first person to whom I sold the property now owned by Mr. Kenmuir and which is the 'place of use' named in his water license paid a total sum of \$15.00 for a one-twentieth (1/20) right and interest in more than a half mile of pipe line, a cement and redwood spring box, a water tank and an interest in a right of way for a roadway....."

"The high indignation expressed by Mr. Kenmuir
.....seems slightly preposterous in view of the
facts....."

* * *

"Judging from twenty eight years of experience and
familiarity with the source.....I can state confidently
that sufficient water (domestic water) can be developed
and stored for use of twenty licensees."

* * *

".....probably .95 of the water going into the pipe
line flows through the overflow pipe in the water tank
and returns to the watershed."

* * *

".....the waterusers at Greenleaf Springs.....do not
average three a day....."

* * *

Records Relied Upon

Applications 12627 and 13236 and all data and information
on file therewith.

Discussion

The applicant and the protestant stipulated respectively
that the application and the protest be submitted upon the official
records of the Department in accordance with the provisions of Section
733(b) of the California Administrative Code. Inasmuch as Greenleaf
Spring was visited and investigated recently in connection with Appli-
cation 12627 and related applications and the Department is thereby

sufficiently informed as to the conditions there obtaining a field investigation in connection with Application 13236 was adjudged unnecessary and was dispensed with.

Application 12627 initiated an appropriation of 160 gallons per day, year round, from Greenleaf Spring, for domestic purposes. It was protested by J. D. Kenmuir on the same grounds as mentioned in his protest against Application 13236, the parties stipulated, and the matter was investigated by an engineer of the Division on May 9, 1950. Subsequently Decision 677 was rendered, Application 12627 approved, and Permit 8162 issued.

According to the report of the investigation of May 9, 1950, "Measured overflow from the intake was three gallons per minute, measured diversion was two gallons per minute and unmeasured seepage from the diversion box and leakage from the pipe line amounted to about one gallon per minute, or a total production of about six gallons per minute. Overflow from the tank returns to Bitter Creek. The parties present that were familiar with the spring stated the flow was very stable during the year but was somewhat less than it had been four or five years ago. It appeared that flow could be materially increased by some tunnel or lateral work in the bank."

Other pertinent passages from the same report of investigation are as follows:

"The diversion works consists of a small collection trench about 8 feet long, along the bottom of the seepage area,

leading into a 3' x 4' x 3' concrete box whence 700' of 2" boiler tubing and 1050' of 1½" pipe with a fall of about 25 feet, leads to a 2000 gallon metal tank. The system was constructed about 1933, and there are numerous leaks in the pipe line, especially in the 2 inch tubing. From the tank, approximately 900 feet of 1¼ inch pipe leads through the place of use. Using Durand's formula.....and C=80 in Williams and Hazens tables, gives the capacity of the pipe from the intake to the tank as approximately 10 gallons per minute, while measured flow, with water wasting from the intake, was two gallons per minute, indicating the pipe to be in very bad condition."

* * *

"At present there are eleven cabins connected to the system, including protestant Kenmuir's diverting under Application 9933, License 2515, and two of the applicants that are being protested."

* * *

"Only two or three of the cabins are occupied permanently and the rest occasionally through the summer months. The permanent residents stated that Mr. Kenmuir did not come to his cabin more than once or twice during the summer. Two cabins are being constructed that will be connected to the system and Mr. Greenleaf has Application 13236 pending....."

According to the records of the Division, active applications to appropriate from Greenleaf Spring are as follows:

<u>Application</u>	<u>Permit</u>	<u>License</u>	<u>Amount</u> (g.p.d.)	<u>Applicant</u>
7570	4398	2608	160	F. J. and M. A. Loakes
9933	5606	2515	160	J. D. Kenmuir
10518	6066	2986	75	G. V. Dalton
11298	6608	-	160	W. & M. Meacham
11313	6610	-	160	Roy M. Douglas
12461	7382	-	160	Lou Burke
12627	8162	-	160	J. F. Garrity & H. Santo
12702	8163	-	160	E. R. Bonsall
12711	8164	-	160	O. W. Rutledge
12727	8165	-	160	V. & G. Cuddeback
13236	-	-	160	Dalbert M. Greenleaf
	Total		1675	

Inasmuch as the investigation of May 9, 1950 establishes that Greenleaf Spring yields approximately 6 gallons per minute (equivalent to 8640 gallons per day) and the same investigation together with the data abstracted from Division records in the preceding paragraph indicates that total demands upon Greenleaf Spring including the amount sought under Application 13236 are of the order of 1675 gallons per day, it is clearly apparent that Greenleaf Spring is not fully appropriated and that surpluses therein exist which may be taken and used in the manner proposed in Application 13236 without injury to prior appropriators. Application 13236 should therefore be approved

and permit issued, subject to the usual terms and conditions. The fact that the facilities for diverting water from Greenleaf Spring and conveying it to the several appropriators is antiquated and worn out as alleged by Protestant Kenmuir is a matter beyond the province of the Division of Water Resources to correct, the burden of maintaining such facilities resting upon the water users concerned.


oOo

ORDER

Application 13236 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest having been filed, a hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 13236 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 14th day of February, 1951.



A. D. Edmonston
State Engineer

