

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 12935 by Henri J. de la Garrigue to  
Appropriate Water from the Middle Fork of Santa Ana Creek Tributary  
via Coyote Creek to Ventura River in Ventura County for Domestic  
and Irrigation Purposes.

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Decision A. 12935 D. 741

Decided April 30, 1952

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APPEARANCES AT HEARING HELD AT VENTURA ON JULY 11, 1951

For the Applicant

Henri J. de la Garrigue

Milton Wichner

For the Protestants

Otto G. Wilhelm, Dec., by  
Anola E. Shirk, Executrix

Wright, Wright, Green and Wright  
by Loyd Wright, Jr.

Charlotte Fitch Dunshee

No appearance

City of Buenaventura

Donald A. Roff, City Attorney

Roy Pinkerton

In propria persona

Ventura County Flood Control  
District

James E. Dixon, Deputy  
District Attorney

John B. Cooke

In propria persona

Edith H. Hoffman

James C. Hollingsworth

Ernest L. and M. F. Clawson )

William T. Selby

Wendell S. and Dorothy Miller )

George F. Fowler

Kenneth F. Fowler

Charles E. Dunlap

In propria persona

Paul J. Barnard

In propria persona

John G. Chase

In propria persona

William C. Ramelli

James C. Blackstock

EXAMINER - GORDON ZANDER, Principal Hydraulic Engineer, Division of Water Resources, Department of Public Works, for A. D. EDMONSTON, State Engineer

Also present - J. J. Heacock, Senior Hydraulic Engineer, Division of Water Resources, Department of Public Works.

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OPINION

General Description of the Project

The application contemplates an appropriation of one-half cubic foot per second, year-round plus 120 acre-feet per annum, the latter to be collected between December 1 and April 30 of each season. The source designated is the Middle Fork of Santa Ana Creek, a tributary, via Coyote Creek, of Ventura River, in Ventura County. The point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, T4N R 24 W, SBB&M. Diversion is to be effected by means of a cement and rock dam, 5 feet high by 40 feet long. From that dam the water is to be conducted through 3000 lineal feet of 6 inch steel-cement pipe to an offstream storage reservoir, 30 acre-feet in capacity, the storage dam being an earth structure 25 feet high and 275 feet long. The water is wanted for domestic and irrigation purposes. Domestic use is to include service to 6 residences, a total of 3 acres of garden and orchard and the watering of 150 head of cattle, 100 hogs and a miscellany of fowl. Some

255 acres are to be irrigated of which 30 acres are to be in alfalfa, 20 acres in trees, 50 acres in general crops and the balance, pasture. Irrigation is to extend year round. The land to be irrigated is said to have no other water right or source of water supply.

#### Protests

Otto G. Wilhelm through Anda E. Shirk (once guardian, now administratrix) protested the application, claiming a prior right under Application 3660, his diversion thereunder heading within the  $W\frac{1}{2}SW\frac{1}{4}$  of Section 7, T4N R23W, SBB&M. According to the protest the flow of the source is insufficient to satisfy both the protestant's rights and the appropriation sought by the applicant, insufficiency of flow extends from April to October, both inclusive, surpluses sometimes occur during winter months. The protest invites attention to the cancellation of Application 5809.

Charlotte Fitch Dunshee states that any further upstream diversions will leave insufficient water in Santa Ana Creek to satisfy her appropriation under Application 5881.

The City of San Buenaventura claims that the proposed diversion will interfere with diversions by that city at Casitas Narrows on Ventura River, where it has appropriated all of the surface flow except flood flow. It claims also that the surface flow is already insufficient and that supplementation by means of wells has been necessary. It states that its diversion heads within Section 8, T3N R23W, SBB&M.

Roy Pinkerton protests that the proposed appropriation will materially deplete the well supply upon which his 100 acre property

in Lot 25, Rancho Santa Ana (T4N R24W) depends for a domestic and irrigation supply.

Ventura County Flood Control District protests that the proposed appropriation is in conflict with that district's earlier Applications 11310 and 11429.

John B. Cooke protests that the proposed appropriation will materially reduce the supply which he obtains from a well located within Tract A of Rancho Santa Ana. He claims a riparian right, states that his use is for domestic purposes and irrigation.

Edith H. Hoffman protests that the proposed appropriation will interfere with her supply from wells located within Lots 1 and 2 of Tract C of Rancho Santa Ana. She states that she uses water for domestic purposes, irrigation and stockwatering.

#### Answers

The applicant denies the allegations of the several protestants, alleging in turn that the diversion which he proposes will benefit the protestants rather than injure them.

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

Application 12935 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 under the provisions of Article 133, Section 733(a) of the California Administrative Code, Title 23, Waters, on Wednesday, July 11, 1951 in the Board of Supervisors' Hearing Room at the Court House, Ventura, California. Of the hearing the applicant and the protestants were duly notified.

Summary of Proceedings at Hearing of July 11, 1951

Applicant de la Garrigue testified (pages 11 to 31 of transcript) that he has owned the property for which water is sought since April, 1946, that water was then being diverted on that property from the source now filed upon, that the intake consisted of a 20 foot length of split-open 10 inch pipe lying on a solid rock with an earth and rock dam diverting water into that pipe or trough; that the pipe or trough had capacity enough to carry the flow of the creek except during the rainy season; that there was a small loss by seepage at the entrance to the pipe; that from the intake the pipe line leads some 2/3 of the way through the applicant's property; that there is very little flow in the Middle Fork below the applicant's intake, that flow extending some 500 feet and then disappearing into the ground; that more water flows during the rainy season than the pipe can carry; that the application refers to the excess of creek flow beyond the carrying capacity of the pipe; that the water diverted through the pipe has been used for domestic purposes and irrigation; that if the application is approved it is intended to move the intake a short distance upstream where a better head is obtainable; that he is engaged in the business of remanufacturing pumps and installing new irrigation systems and removing old ones; that the intake on his property appeared to be more than 40 years old; that the existing pipe line delivers an estimated 25 to 30 gallons per minute; that for domestic needs a partial supply is obtained from springs on his property; that the flow of the source drops to about 10 gallons per minute during periods of hot weather; that the middle fork of Santa Ana Creek crosses his land; that portions of the main fork and the west fork of Santa Ana Creek also cross his land.

Upon the conclusion of the applicant's testimony Attorney Wichner rested the applicant's case and moved (page 32 of transcript) that a field investigation be made in supplementation of that case. Attorney Hollingsworth on behalf of Protestant Hoffman, moved for a dismissal of the application upon the ground of alleged failure by the applicant to show the existence of unappropriated water. Attorneys Wright, Selby, Roff and Dixon joined in the motion to dismiss as did Messrs. Cooke, Pinkerton, Fowler, Dunlap and Chase. Mr. Bernard chose not to so join. In reply to the motion to dismiss, Attorney Wichner observed (page 36 of transcript) that testimony showing the existence of excesses of water from December 1 to April 30 had already been introduced and that that testimony in itself amounted to a prima facie showing that surpluses exist.

Roy Pinkerton next testified (page 43 of transcript) that he owns 104 acres some 4 or 5 miles downstream from the applicant's property, that his (the protestant's) property receives its water supply from wells located near the stream, that in 1951 the wells have gone nearly dry, that he protests any upstream diversion that will interfere with normal percolation in the streambed, that the water level in the wells fluctuates, that the use of water also varies, that the stream flows across his property, that there are several riparian owners between his property and the applicant's, that the 1951 season has been a dry season.

Charles E. Dunlap (owner of 28 acres served from Roy Pinkerton's well) testified (page 47 of transcript) that he uses 3 wells including the Pinkerton well, that water now stands about 4 feet in the wells, that if it recedes further his investment will be lost, that there is little flow in the Santa Ana except after storms and for a period in April, that his

wells are from 20 to 50 feet from the creek bank, that he has a check dam at stream bed level, from which the distance down to bedrock is about 12 feet.

Kenneth Fowler testified (page 50 of transcript) that George Fowler purchased the 557 acre Fokker Ranch in 1932, that they (the Fowlers) have always used the surplus water coming down the Santa Ana, that their ranch lies between de la Garrigue and Dunlap, that there is surface flow all year round although small in amount, that bedrock is 15 feet below stream bed, that they dry-farm most of their ranch but irrigate about 5 acres by pumping from a pool in the stream channel, that pumping for a half hour or an hour exhausts the pool, that the flow of the creek goes underground a short distance below the pool.

Attorney Dixon on behalf of Ventura County Flood Control District called attention (page 53 of transcript) to Applications 11310 and 11429, and introduced 2 exhibits as an indication that priority under those applications is being maintained.

Attorney Roff, on behalf of the City of San Buenaventura, introduced two exhibits by reference, these being appropriation notices allegedly filed in July 1872 for 2000 miner's inches and in November 1875 for 3500 miner's inches.

Lou Wood, Superintendent, Ventura Water System, testified (pages 58 to 62 of transcript) that that system's principal source of water is the Ventura River below its junction with Coyote Creek, to which Santa Ana Creek is tributary, that the amount taken from Ventura River during 1946 and 1947 was about 6000 acre-feet, that there is never any surplus surface flow in Coyote Creek, that there is some surface flow in Coyote

Creek, which flow is normally greater from December 1 to April 30 than at other times, that all water flowing through the System's intakes is used.

B. F. Hoffman, Jr., testified (page 62 of transcript) that he operates a property owned by his wife, that Santa Ana Creek traverses that property, that Santa Ana Creek feeds a water hole at which livestock has been watered since 1916, that the water hole has been dry for the last 3 years, that in order to water cattle it has been necessary to install a pump and pipeline, that the entire property is riparian, that until 1940 there was a continuous stream of water flowing in Coyote and Santa Ana Creeks.

Wendell S. Miller testified (page 66 of transcript) that he is a part owner of a property on Santa Ana Creek below de la Garrigue and adjoining Shirk, that he and his co-owners have pumped water from wells beside the stream and taken water from water holes and sumps, that water has been so obtained and used for at least 10 years, that there is no outflow of water beyond that property, that the supply is diminishing, year by year.

Attorney Selby on behalf of Mr. Miller and his co-owners offered (page 68 of transcript) by reference a judgment dated November 1, 1915, in an action in the Superior Court, County of Ventura, purportedly enjoining the taking of water from a point on the land now held by Applicant de la Garrigue and transporting said water to a remote area.

Information Obtained by Field Investigation of July 12, 1951

The report of field investigation contains statements to the following effect.

The watershed above Applicant de la Garrigue's proposed point of diversion contains about 1.8 square miles of steep broken mountain side with



south exposure and for the most part heavily brush covered. Average rainfall over that area is thought to average between 20 and 25 inches. The past 7 years have been subnormal, the past year little more than 50% of normal.

At Applicant de la Garrigue's proposed point of diversion, a natural cleft in exposed bedrock, approximately  $\frac{1}{2}$  mile above his present point of diversion, flow measured 30 gallons per minute. No work has been done at this site other than the bulldozing of a road up the canyon. The proposed point of diversion is 200 feet higher than the present point of diversion and the irrigated area can be served by gravity.

At the applicant's present point of diversion 30 gallons per minute were being diverted and very little water was escaping down stream. The applicant's present use includes the irrigation by sprinkler of 15 acres of planted pasture, domestic use at 2 houses, the watering of 20 head of livestock and the watering of a quarter acre of garden. Twenty acres of corn, planted this spring, have been abandoned, due in part to lack of water. An existing reservoir on the de la Garrigue place is 10 to 12 acre-feet in capacity. There is in addition a swimming pool 20 x 45 feet in plan, by 5 feet deep. There is a pipe line leading from the present point of diversion. It is very old and has been replaced in part by 6 inch steel pipe the capacity of which, with due regard to the grade on which it is laid, is estimated to be 0.85 cubic foot per second. A branch from the old line extends to the reservoir.

All of the protestants as well as the applicant appear to be riparian or to overlie the valley lands. Use of water during 1951 was considerably below normal, due to shortage of supply. Current use is as follows:

Wilhelm (including tenants) - irrigation of 125 acres of alfalfa, watering of some 520 head of livestock, and domestic use, water being obtained by surface diversion from Santa Ana Creek, from a well, and from a spring. On date of investigation the spring was dry and the reservoir contained only enough water for domestic needs and stockwatering.

Clausen and Miller - use: domestic, irrigation of 2 acres, watering of 16 to 20 head of cattle; sources: 3 wells, 2 sumps in stream channel. At time of investigation 2 of the wells and 1 of the sumps was dry.

Cooke - use: domestic purposes and watering of not over  $\frac{1}{4}$  acre of lawn and flowers; source: 1 well.

Fowler - use: domestic, irrigation of 29 acres, watering of 35 head of cattle; source: a sump in the stream channel.

Barnard - use: domestic, irrigation of 2 acres, watering of 50 to 60 head of cattle; source: a well, some distance easterly of Santa Ana Creek. The well was about dry at time of field investigation.

Dunshee - use: domestic purposes and watering of 80 to 100 head of cattle.

Peirano - use: domestic, watering 25 head of livestock, irrigating 25 acres; source: 2 wells near Santa Ana Creek. Has not irrigated this year.

Dunlap - use: irrigation of 15 acres; source: wells. Claims he had only "8 acre inches" in 1950.

Pinkerton - use: domestic and irrigation of 4 acres of permanent pasture.

Hoffman - use: domestic, stockwatering (500 head) and irrigation of scattered patches; source: wells.

County of Ventura - use: none at present; has applied for a permit to appropriate 10000 acre-feet.

City of San Buenaventura - use: municipal; source: Ventura River

below junction with Coyote Creek; annual consumption: 6000 acre-feet.

With reference to watershed characteristics the report of investigation states in part:

"The watershed above the Casitas dam site of Ventura County which is below the junction of Coyote and Santa Ana Creeks is about 36.8 square miles, being roughly 75 percent mountain and hill and the balance is valley land. The watershed above the U.S.G.S. gaging station near the mouth of Coyote Creek has a watershed area of about 41.1 square miles, being about 75 percent mountain and hills.

\* \* \* \*

"Average annual precipitation and runoff are probably at least 20 percent higher above the proposed point of diversion than over the entire watershed.

"At present there is a reach of four or five hundred feet below applicant's present diversion that has healthy willow and alder growth, indicating some underflow in the canyon, but the lower one quarter mile above the junction with the West Fork has scattered dying or dead clumps of willows. The West Fork, from the applicant's west property line to well above the Middle Fork has considerable growths of healthy alders or willows, with numerous pools of standing water, but with very little flow between pools. The stream channel, to a point about one-half mile below the Forest boundary has medium to heavy growth of healthy alders, with a few pools of standing water. From there to Coyote Creek, no standing pools of water were observed, but there were several places with fair willow growth. At other points, where the valley broadened, the willow growth indicated lack of water. From the junction of the two creeks to the Ventura River there were a few pools of standing water and some sections had fairly heavy growths of alders. There was no surface water at the U.S.G.S. gaging station."

Appended to the report of field investigation are 2 tabulations, one showing monthly runoffs, in acre-feet, of Coyote Creek from October, 1927 to September, 1949 (less the water year 1932-33), and the other showing seasonal runoffs from Coyote Creek, Ventura River and certain

other streams for the longer period 1894-95 to 1946-47, both inclusive. The first of the two tabulations reflects USGS gagings. The second tabulation includes the figures of the first but also contains estimated figures for years within the longer period in which discharge was not measured.

#### Discussion

From the hydrographic information contained in the report of field investigation it may be calculated that the average annual runoff per square mile tributary to the USGS gage for the 21 years considered in the first of the 2 tables was approximately 9910/41.1 or 241 acre-feet per square mile, which is equivalent roughly to 0.33 second-foot per square mile. Or, by using the figures based upon estimates as well as upon gaging, during the longer period shown in the latter of the 2 tabulations it may be calculated that runoff per square mile above the USGS gage has averaged some 270 acre-feet per square mile, equivalent to 0.37 second-foot per square mile. If, as the report of field investigation indicates, the watershed above the applicant's proposed point of diversion is more productive by 20 percent than the watershed as a whole, the average runoff from the 1.8 square miles tributary to that point may be of the order of  $1.8 \times 1.2 \times 0.37$  or 0.8 second-foot, an amount which is in excess of the amount the applicant seeks, the latter amount being 0.5 cubic foot per second plus 120 acre-feet per annum, equivalent in all to 485 acre-feet per annum or 0.66 cubic foot per second of continuous flow.

From the applicant's testimony at the hearing, which testimony was not contradicted, it appears that the applicant's existing pipe line accommodates the natural flow of the stream filed upon, prior to the rainy season, but does not accommodate that flow during the rainy season. It further appears from that testimony that the applicant has been diverting through the pipe line since 1946 and that in his opinion the pipeline was then 40 years old. That testimony suggests but does not prove the existence of an appropriative right to divert through the pipeline, antedating the Water Commission Act. The applicant's attitude in this regard is not clear. In Paragraph 13 of his application he states "the land to be irrigated has no other water right or source of water supply other than that herein applied for." Yet he evidently believes himself entitled to divert through his present pipe line, because he testifies (on page 12 of transcript) to the effect that the unappropriated water sought under Application 12935 is water in excess of that which can be accommodated by his presently installed 10 inch pipe.

The uppermost protestant (Wilhelm), for the irrigation of the 125 acres of alfalfa ascribed to him in the report of field investigation, and for his probably lesser incidental requirements, may be supposed to require some 1.5 second feet. The watershed above him, reportedly 8.2 square miles in extent, may be supposed to yield roughly, in a normal season,  $8.2 \times 1.2 \times 0.37$  or 3.64 second-feet, an amount more than sufficient to satisfy the applicant, the Wilhelm interests and all the other protestants or users of record below the applicant excepting the Ventura County Flood Control District and the City of San Buenaventura.

The Ventura County Flood Control District under Applications 11310 and 11429 seeks to appropriate, respectively, 6000 acre-feet per annum for irrigation and domestic purposes and 4000 acre-feet per annum for municipal purposes. In both instances the projected diversions head at Casitas damsite which is located immediately below the confluence of Santa Ana and Coyote Creeks, and the proposed collection period is year-long. The U.S.G.S. gage on Coyote Creek is downstream from Casitas damsite and the records show that substantial amounts of water pass the U.S.G.S. gage. Obviously the developments projected under Applications 11310 and 11429 are not a bar, currently, to the approval of Application 12935. Those projects are not yet operative. The applications in fact are not yet "in form" and the time within which to complete them has recently been extended to June 30, 1952. Should Applications 11310 and 11429 be approved and the projects therein contemplated come into operation they may to some extent hinder diversions to storage under Application 12935. It is an established principle however that intended future use, by a protestant, is not a bar to the approval of an application.

Total annual flows passing the U.S.G.S. gage on Coyote Creek are estimated, in the 2nd of the 2 tabulations appended to the report of field investigation, to have ranged from a maximum of 50890 acre-feet to a minimum of 200 acre-feet and to have averaged 11120 acre-feet. Whether this flow is to be regarded as unappropriated depends upon claims against it by downstream users. The only protestant against Application 12935 whose diversion heads below the gage in question is the City of San Buenaventura.

According to testimony at the hearing (pages 59 and 60 of transcript) that City diverts from Ventura River just below the point where Coyote Creek enters that river, diversions extending throughout the year, and amounting, from the combined flow of the two streams, to about 6000 acre-feet per year. Further testimony by the same witness to the effect that surface flow occurs in Coyote Creek for 2 to 2½ months per year and that such flow is not surplus would appear to apply to the subnormal flow conditions recently obtaining. Not only does the record of flow at the Coyote gage indicate that annual discharges at that point average considerably more than 6000 acre-feet, but the same situation is indicated by the record of flow of "Ventura River near Ventura," also set forth in the 2nd tabulation appended to the report of field investigation. The gaging station just mentioned is described as being located 0.3 mile downstream from the City's diversion dam. According to the data the discharge of "Ventura River near Ventura" is estimated to have ranged from a maximum of 260380, to a minimum of 200 acre-feet per annum, and to have averaged 62120 acre-feet per annum. With due regard both to the testimony and to the flow data it is concluded that at times of low stage, which prevail most of the year, the entire flow of Ventura River is in use, but that times of high water also occur, chiefly during winter and early spring months, and that diversions, at least during such times of high water, may be made for the benefit of projects such as the one contemplated in Application 12935, without injury to lower users.

When surface flow in a stream is continuous, unappropriated water may be considered to be non-existent above any rightful user who is not adequately supplied. When a stream sinks however circumstances may be such that water may be diverted upstream from the point where the surface

flow goes underground without affecting diversions below that point. The rate of travel of subsurface flow then becomes a governing consideration. According to the report of field investigation Santa Ana Creek in dry months does not flow as a continuous surface stream but its channel rather is a succession of pools with little or no surface flow between them. Vegetation along that channel points to the presence of underflow, which however is limited in amount, as indicated by the appearance of the vegetation, the depth of bedrock and the configuration of the channel. In view of the probable aggregate length of dry reaches of channel between the applicant and the protestant City's intake on Ventura River and the time required for water to travel underground it is inconceivable that the effect of diversions by the applicant would be felt by that protestant.

While the protests appear insufficient to operate as a bar against the approval of the application, a bar exists to the approval of that portion of the application which relates to a continuous, direct diversion. Unappropriated water appears to be practically non-existent from May to November, both inclusive. It apparently exists from December to April, both inclusive, but flow fluctuates too widely during those months for use thereof to be made advantageously by direct diversion. Data contained in the report of field investigation indicate that runoff from the watershed above the proposed point of diversion may be of the order of  $(1.2 \times 1.8) / 1.4$  or about 1/19 of runoff reaching the USGS gage on Coyote Creek. Any diversions that the applicant can make will be limited necessarily, on the one hand by the flow of the stream and on the other hand by the capacity (about 1.1 cubic feet per second)



of the proposed pipe line. At times streamflow greatly exceeds the capacity of that pipe line. If runoff at the proposed point of diversion is indeed 1/19 of the runoff measured at the USGS gage calculations indicate that, during the 5 high-water months, a conduit, 1.1 cubic feet per second in capacity, would have diverted amounts, in acre-feet, during the water-year of minimum runoff, the water-year of maximum runoff and the median year, respectively, as follows:

	<u>1947-48</u> (Water-year of least runoff)	<u>1940-41</u> (Water-year of greatest runoff)	<u>1941-42</u> (Median water- year)
December	0.31	18.5	23.1
January	0.25	51.6	26.1
February	0.28	61.1	15.5
March	0.48	68.2	17.5
April	0.39	66.0	31.5
5 month total	1.71	265.4	113.7
Gross runoff during same 5 months	1.71	2510.	154.
Gross runoff during entire water-year	2.58	2680.	192.

According to the tabulation the proposed conduit would have accommodated the entire flow of the source in the driest year of record, a little over 10% of the December to April flow in the wettest year of record and about 74% of the December to April flow in the median year.

In the median year the flow at the proposed point of diversion probably equalled or exceeded various percentages of the capacity of the proposed pipeline for numbers of days as follows:

<u>Percentage</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>Total</u>
100	4	0	0	0	2	6
75	5	2	0	2	6	15
50	6	5	1	2	11	25
25	11	31	11	8	22	83
10	31	31	28	31	30	151

Plainly, the fluctuating flow of the source can be more advantageously utilized with storage than without. In the median year the proposed reservoir (30 acre-feet in capacity) could have regulated completely the flow that the proposed pipe line could have delivered. Such reservoir, in the median season, might have filled and emptied 3 times and nearly filled a fourth time. Such operation in accordance with our usual procedure should properly be stated as an amount of storage equal to the capacity of the reservoir plus an amount of direct diversion in order to allow for such regulation as may take place during the storage season.

#### Summary and Conclusions

Unappropriated water in the source filed upon in Application 12935 appears to be non-existent except during periods of high flow. These periods usually occur in one or more of the months of December, January, February, March and April of each year. Unappropriated water then exists and presumably will so exist in future until the projects to which Applications 11310 and 11429 (Casitas Dam) relate, become operational. Applications 11310 and 11429 are not a bar to the approval of Application 12935 for such use thereunder as may not conflict with use under those senior filings. Stream flow during December, January, February, March and April fluctuates widely and regulation and storage are necessary for optimum use of available supply.

In view of the circumstances summarized it is the opinion of this office that Application 12935, insofar as it relates to a direct diversion from December 1 of each year to April 30 of the next, and to a diversion to storage of an amount not in excess of the capacity of the proposed reservoir, should

be approved; and that the application insofar as it relates to a direct diversion from May to November, both inclusive, and to a diversion to storage of any amount in excess of the capacity of the proposed reservoir, should be denied.

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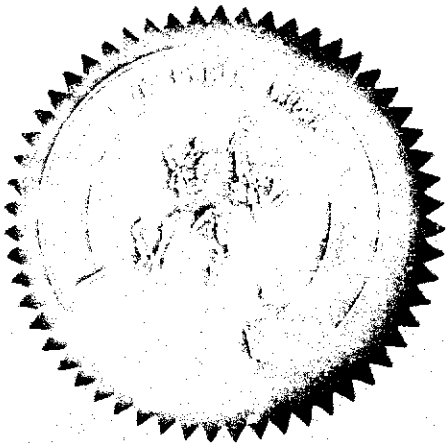
ORDER

Application 12935 for a permit 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 State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12935 be approved in an amount of 0.5 cubic foot per second to be diverted from December 1 of each year to April 30 of the next, and in the amount of 30 acre-feet per annum storage to be collected from December 1 of each year to April 30 of the next and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that Application 12935 insofar as it relates to direct diversion from May 1 to November 30 or to diversion to storage of amounts in excess of 30 acre-feet per annum be denied.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 30th day of April 1952.



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