

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19867)
of Charles E. Savage to Appropriate)
from Dry Canyon (Underflow),)
Tributary to Solstice Canyon, in)
Los Angeles County)

Decision D 1090

ADOPTED JUN 26 '62

1090

DECISION APPROVING APPLICATION

Charles E. Savage having filed Application 19867 for a permit to appropriate unappropriated water; protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19867 is for a permit to appropriate 2,500 gallons per day (gpd) by direct diversion, year-round, for domestic purposes from Dry Canyon (underflow) in Los Angeles County. The point of diversion is to be located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T1S, R18W, SBB&M.

2. The applicant is presently diverting, pursuant to License 4235 (Application 13029), from a well 275 feet in depth specified as the point of diversion by Application 19867. The

well is located in the bottom of Dry Canyon at a point approximately 1 mile upstream from the Dry Canyon-Solstice Canyon junction. Solstice Canyon continues from this junction approximately 1/2 mile to the Pacific Ocean.

3. The applicant requests authority by this application to increase the rate of diversion at his existing plant to enable him to serve additional homes in the area. He is in the process of forming a mutual water company for this purpose.

4. There is sufficient water from the underflow of Dry Canyon to supply the applicant. On occasions in the past he has pumped 2,500 gpd at the point of diversion specified by this application.

5. Protestant Ben B. Kennedy diverts approximately 300 gpd from a well 396 feet in depth located on a hillside in Dry Canyon approximately 1/4 mile below the applicant's point of diversion.

6. The protestant's well draws from a different geologic formation than the formation surrounding the applicant's well. The diversions proposed by the applicant will not result in any interference with the protestant's supply.

7. There is unappropriated water available to supply the applicant, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19867 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19867 and all relevant information on file therewith, particularly the report of the field investigation made February 14, 1962, Memorandum by A. L. Franks, engineering geologist of the Board's staff, dated June 28, 1961, and U. S. Geological Survey topographic quadrangle "Malibu Beach," 7½-minute series dated 1950.

IT IS HEREBY ORDERED that Application 19867 be, and the same is, approved, and that a permit be issued to the applicant, subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 2,500 gallons per day by direct diversion to be diverted year-round.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Construction work shall be completed on or before December 1, 1964.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

5. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

6. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

7. Permittee shall allow representatives of the State Water Rights Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California on the day of , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member