

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the Matter of Applications 5548 and 5676 of Howard Marr
to appropriate from the North Branch of Las Lajas Canyon
Tributary of Arroyo Simi in Ventura County for
Irrigation and Domestic Purposes.

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DECISION A 5548, 5676 D 195
Decided June 13, 1928

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APPEARANCES AT HEARING HELD MARCH 7, 1928.

For Applicant

Howard Marr

Fred M. Arnoldi

For Protestants

Title Insurance & Trust Company, and
G. W. Loomis

H. W. Lutz

Gilbert H. Beesmyer

D. M. Baker

EXAMINER: Gordon Zander, Hydraulic Engineer, for Harold Genkling, Chief
of Division of Water Rights, Department of Public Works,
State of California.

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O P I N I O N

Application 5548 was filed by Mr. Howard Marr on June 27, 1927. As
presented at the hearing it proposed the direct diversion of 2 cubic feet per
second of the underground waters of the North Branch of Las Lajas Canyon,
throughout the entire year. This water was to be diverted from a well located
on the easterly bank of the North Branch in the SE₄ of NE₄ of Section 31, T 3 N,

R 17 W, S.B.M. about one-quarter of a mile above the junction of the North Branch with Las Llajas Canyon. It also proposed the diversion of 100 acre feet per annum from the surface waters of the North Branch of Las Llajas Canyon, to be collected to storage from about October 1st to about April 30th of each season. The diversion to storage was to be made at the storage dam which the applicant proposed to construct on the North Branch of Las Llajas Canyon at a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, T 3 N, R 17 W, S.B.M. about 1.4 miles above the junction of the North Branch and Las Llajas Canyon, the water to be stored in the reservoir created by that dam, the capacity of which was to be 100 acre feet. All waters which applicant proposed to divert under this application were to be used for irrigation and domestic purposes on 365 acres of land in Sections 31 and 32, T 3 N, R 17 W, S.B.M.

Application 5676 was filed by Mr. Howard Marr on September 2, 1927. It proposed the direct diversion of 0.50 of a cubic foot per second throughout the entire year from the underground waters of the North Branch of Las Llajas Canyon for domestic purposes on 165 acres of land in Sections 29, 30, 31 and 32, T 3 N, R 17 W, S.B.M. which tract of land was to be subdivided into about 1100 cabin sites. The water was to be diverted from the well described in Application 5548.

The two applications were protested by the Title Insurance and Trust Company and W. G. Loomis, and by Gilbert H. Bessmeyer.

DESCRIPTION OF PROTESTS

Gilbert H. Bessmeyer claims the ownership of approximately 3,500 acres of land situated in Sections 14 to 35 inclusive, T 3 N, R 17 W, S.B.M. which are riparian to Las Llajas Canyon and its North Branch, and which are located above the applicant's proposed points of diversion. He claims a

right to the use of water from these streams by virtue of appropriation and use and riparian ownership and alleges in effect that there are no unappropriated waters in these sources, that the amounts of water applied for are vastly in excess of the amounts of water existing and flowing in said sources and that even though a permit were issued, said permit would be misleading in that it would give an erroneous impression of the available water supply to prospective purchasers of applicant's holdings, would be detrimental to public policy and would not best conserve the public interest. Protestant also alleges that the underground water applied for is percolating water not flowing through known and definite channels and therefore not subject to appropriation according to the provisions of Section 42 of the Water Commission Act.

The Title Insurance and Trust Company claims the ownership of Kadota Fig Farms Subdivisions 4 and 5 containing approximately 320 acres of land and W. G. Leemis claims the ownership of Kadota Fig Farms Subdivision 6 containing approximately 480 acres of land. These protestants in a joint protest claim that the entire yield of the waters issuing from Las Lajas Canyon and its North Branch is reasonably needed for the replenishing of the waters which percolate through their lands and for replenishing the ground waters which supply their wells from which they derive their irrigation supply. They claim rights by virtue of prior appropriation and riparian ownership and allege in effect that the proposed diversion of the applicant would result in depriving them of water which is necessary to replenish their wells.

HEARING SET IN ACCORDANCE WITH SECTION 1a OF WATER COMMISSION ACT

The two applications were completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested were set for a public hearing on March 7,

1928 at 10:00 a.m. o'clock in Room 1028 Sun Finance Building, Los Angeles, California. Of this hearing applicant and protestants were duly notified.

FIELD INVESTIGATION

On April 20th an engineer of the Division of Water Rights made a field inspection of the properties involved. Observations made by him will be noted elsewhere.

PHYSIOGRAPHY AND HYDROLOGY

The stream from which the applicant seeks to divert is the North Branch of Las Llajas Canyon sometimes called Oil Canyon. It rises on the southwesterly slopes of the Susana Mountains at an elevation of approximately 3,000 feet and flows in a general southwesterly direction to its junction with Las Llajas Canyon at an elevation of about 1,250 feet.

From the testimony presented at the hearing it appears that the North Branch of Las Llajas Canyon is a V shaped canyon varying in width from 20 to 60 feet. In the wider portion there is a small channel two or three feet in depth through which the storm water passes. The banks are nearly perpendicular and about four or five feet high.

From the report of an engineer of the Division of Water Rights who visited the site of the proposed project on April 20, 1928, it appears that at the junction of Las Llajas Canyon and its North Branch, the valley is about four hundred feet wide. The flood flows from the Las Llajas have cut a single channel in a southwesterly direction across the valley and the flood flows from the North Branch have cut a similar channel at a point about one-quarter of a mile below the foot of the mountains between the two canyons. At the mouth of Las Llajas Canyon the channel is three feet wide at the bottom, twelve feet wide at the top and four feet deep increasing a little until the actual junction is reached.

A few feet below the junction of the two channels the main channel section is six feet wide on the bottom, thirty-five feet wide on top and six feet deep, and there were indications of water having been three feet deep in this section during the past few years.

The size and character of the main channel does not vary materially down to the north line of Section 6, T2N, R17W, S.B.S. & M. For a mile below this section line the channel becomes wider but is still fairly well defined.

At the crossing of the road along the south line of said Section 6 which is the south line of the property of protestant Title Insurance and Trust Company, the channel is very small, being about four feet wide at the bottom and two feet in depth and there were indications of a small surface flow having reached this road this season. A Mr. Engberg stated that a small flow made this road impassable and there were three times this year that he could not cross the stream at this point.

At a point about one hundred feet above the main highway which runs east and west through the center of Section 7, T 2 N, R 17 W, the channel is six feet wide and about three feet deep. This channel appears to have carried all the water reaching this point without overflowing its banks for some time back.

About the center of Section 7, the channel passes under the highway, then turns sharply to the east along the Southern Pacific Railroad for several hundred feet and joins the main channel of the Arroyo Simi.

The underground supply of Simi Valley is apparently derived from Las Lajas Canyon, Tapo Creek and several unnamed canyons which drain into it from the east and south and from rainfall on the valley floor. The drainage area of Las Lajas Canyon above the

mouth of the canyon is approximately ten or twelve square miles including the drainage area of the North Branch which is about four square miles. The drainage area of Trapo Creek which enters the valley at a point about one and one-half miles west of Las Llajas Canyon is approximately eighteen square miles.

The watershed of the North Fork of Las Llajas Canyon from which the applicant proposes to divert has a drainage area of approximately three square miles above the proposed dam site. Testimony presented at the hearing indicated that while the average rainfall over this watershed might be as much as 21 inches, nevertheless over a dry period of from seven to ten years it would be more nearly 14 inches. Of this 14 inches it was estimated that perhaps 3 inches would possibly be the average storm runoff and that a rainfall of one inch or more occurring within a period of twenty-four hours would be sufficient to fill applicant's reservoir, or would be sufficient to cause a flow in the North Branch as far as its junction with Las Llajas Canyon. It is believed that this estimate is conservative.

A storm runoff of three inches over the drainage area of three square miles would be equivalent to 480 acre feet of which amount the applicant proposes to store 100 acre feet.

Testimony presented at the hearing indicated that while of late years the rainfall and corresponding runoff had been very light, there had been years when the flow from the North Branch and Las Llajas Canyon had reached the Arroyo Simi and that flood waters had passed the lands of the protestants as late as June. The applicant's engineer testified that he believed that in seven out of ten years there would be sufficient flow in the North Branch to enable him to fill the reservoir.

The engineer of the Division of Water Rights who visited the site of the proposed project on April 20th of this year reported that at the

mouth of the North Branch there was an old bridge, the opening underneath being 6 feet wide on the bottom, 19 feet wide at the bottom of the stringers and 3 $\frac{1}{2}$ feet high. He was informed by the foreman of the Marr property that the channel at the bridge ran nearly full in February 1927 after a rainfall of seven inches in a single storm, the water being three feet deep under the bridge. This flow however was of short duration. The engineer also reported that this year the flood runoff from North Branch, as indicated by driftwood along the bank did not exceed a depth of 0.6 or 0.7 of a foot in the channel where the width was about 6 feet.

The southwesterly end of the Simi Valley is saturated and marshy according to testimony presented at the hearing which would appear to indicate that the water plane slopes westwardly through the valley.

Testimony presented at the hearing indicated that the general water level in Simi Valley had been gradually falling during recent years. Undoubtedly this is due to the exceptionally dry years from 1923 to 1925 inclusive. During these years the precipitation at Ojai was 8.15, 9.48 and 12.57 inches respectively, the normal precipitation being about 24 inches. The precipitation at Ojai during the years 1926 and 1927 was slightly above normal. While Ojai is at an elevation of only 900 feet the precipitation at this station may be fairly indicative of the prevalence of rainfall in Ventura County. It is significant that during the year 1918, the year before the first well was sunk in the valley, the annual precipitation at Ojai was 30.53 inches.

Use of Water in Simi Valley.

On the land owned by the Title Insurance and Trust Company, being Subdivisions 4 and 5 of Kadota Fig Farms containing 320 acres, there are two wells, one of which has been used for irrigation purposes during the past year

and the other well for domestic purposes only. Prior to last year the lands had been dry farmed but during the past year had all been irrigated (page 6 of transcript).

On the 480 acre tract of land owned by protestant Mr. Loomis, being subdivision 6 of the Kadota Fig Farms Subdivision, there is one fully equipped well which has been tested and found inadequate for irrigation purposes. In addition to this well there are three others which have been drilled with an idea of obtaining oil. These wells have never been used for a source of water supply.

The first well sunk in the valley was sunk by a Mr. Watlington in the year 1919. It produced about 35 inches of water which was used for irrigation purposes. There is nothing in the transcript by which Mr. Watlington's property may be located but it is believed that it may adjoin the property of the Title Insurance and Trust Company's property on the south. Testimony presented at the hearing indicated that about 95 to 100 acres of his land had been irrigated.

Mr. Wright, whose property also adjoins the property of the Title Insurance and Trust Company's property on the south, has apparently 150 acres which are under water and a Mr. Crinklaw (property not located) has a well on his property from which he irrigates a portion of a 150 acre tract.

On Mr. Lehman's property, which adjoins the lands of the Title Insurance and Trust Company's property on the east, there are three wells two of which are producing water and from which it was stated he had irrigated his entire property consisting of 640 acres.

From the above it may be estimated that there are approximately 1,000 to 1,200 acres of land that have been irrigated during the last few years from underground sources in the vicinity of Los Lajas Canyon--320 acres of this having been irrigated by the record protestants. The duty of water in that locality according to testimony presented at the hearing is 5 acres to the miners inch of water. The amount of water which the wells are producing at the present time is

about 280 inches or an amount which according to the above duty of water should be sufficient to irrigate about 1350 acres.

Beesemyer Protest Disposed of by Agreement.

On April 2, 1928, an agreement was entered into between protestant Gilbert Beesemyer and applicant Howard Marr wherein it was agreed that the applicant would withdraw his application 5576 and would amend his application 5548 by eliminating therefrom all reference to the appropriation of water by direct diversion and would amend the remaining portion of same by specifying that the period of collection of water for storage should be from about January 1st to about April 1st of each year.

It was also agreed that the applicant would install suitable measuring stations and/or weirs just above and below the reservoir to be constructed under Application 5548, said measuring stations and/or weirs to be of a character and nature such as to allow the accurate measurement of inflow into, and outflow from the aforesaid reservoir and to be installed within three months after the completion of the dam described in Application 5548.

It was agreed also that the applicant would install in the base of the above mentioned dam, at the level of the stream bed, a pipe or similar opening extending through said dam and controlled by a gate, said opening to be at least twelve inches in diameter throughout, including the opening in the gate.

The protestant agreed in consideration of the aforementioned agreement that he would withdraw his protest against the granting of Application 5548 and would assent to the issuance of a permit thereon in accordance with the above mentioned amendments.

Attention is directed to the fact that the lands of Mr. Beesemyer lie above the proposed point of diversion in Application 5548 and therefore diversion made by the applicant could not affect any of his existing rights.

Protest of Title Insurance and Trust Company and G. W. Loomis

It has been shown above that no irrigation has been practiced by Mr. Loomis and that 320 acres of land have been irrigated by the Title Insurance and Trust Company.

While it is true that the protestants and others in the Simi Valley are dependent upon the underground water for their irrigation and domestic supply and that the waters of the source from which the applicant proposes to divert contribute to this underground supply, yet it would appear that the waters from the North Branch of Las Lajas Canyon contribute a relatively small proportion of the waters which feed the underground basin, most of the water being available from the main Las Lajas Canyon, Tape Creek and the remaining watershed area which drains into the valley and also from rainfall on the valley floor which has percolated past the plant roots.

That there may be a surplus of underground water in the valley appears to be entirely probable from the fact that in the southwesterly portion of the valley there is a marshy area from which the water is lost by evaporation, and a portion of which may be conserved for beneficial purposes by the storage of a portion of the flood flows on the North Branch.

From the testimony presented at the hearing and from observations made by an engineer of this office it appears that during the season of maximum rainfall there are flood flows in Las Lajas Canyon and the North Branch which flow as far as the Arroyo Simi. It is a portion of these flood flows which the applicant seeks to appropriate and as the season of diversion named in Application 5548 has been amended to the season from about January 1st to about April 1st of each year, the season of maximum rainfall, it would appear that in a year of normal runoff there would be water available for storage by the applicant which otherwise would not be utilized beneficially.

The lands of the applicant are above and slope toward the lands of these protestants and any surplus water applied to their lands would naturally seep toward and into the lands of the protestants.

CONCLUSION

In accordance with the agreement entered into between protestant Besseyer and the applicant, Application 5548 has been amended and in its present form asks for an appropriation of 100 acre feet per annum of the surface water of the North Branch of Las Lajas Creek to be diverted to storage from about January 1st to about April 1st of each year. The application in its amended form should be approved as the use proposed is a beneficial one and there appears to be a sufficient amount of unappropriated water in the source during periods of heavy rainfall to justify the approval of the application.

The applicant has agreed to the withdrawal of Application 5676 and therefore this application should be rejected.

ORDER

Applications 5548 and 5676 for permits to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, a field investigation having been made, and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application 5548 be approved as amended at the hearings and a permit issued subject to the usual terms and conditions as may be appropriate.

IT IS FURTHER ORDERED that said Application 5676 be rejected and cancelled upon the records of this office.

DATED at Sacramento, California, this 13th day of June, 1928.

(Harold Genkling)
CHIEF OF DIVISION OF WATER RIGHTS