

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

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In the Matter of Revocation of Permit 1954 heretofore issued upon Application 4038 of William L. Hagenbaugh allowing an appropriation of 1.25 cubic feet per second from Boulder Creek (sometimes called "Bob" Creek) in Los Angeles County for Irrigation Purposes.

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DECISION A. 4038 D - 271

Decided - *October 20, 1930*

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APPEARANCES AT HEARING HELD August 4, 1930.

For Permittee

W. L. Hagenbaugh

In propria persona

EXAMINER: Everett M. Bryan, Hydraulic Engineer, Division of Water Resources, Department of Public Works, State of California.

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O P I N I O N

On April 8, 1916, William L. Hagenbaugh filed Application 305 to appropriate from Boulder Creek (sometimes called "Bob" Creek) for agricultural, domestic and stock watering purposes. The application was approved on July 5, 1916, by the issuance of Permit 130 allowing the diversion of 3 cubic feet per second for agricultural, domestic and stock watering purposes on 240 acres of land within Sections 7, 8, 17 and 18, T 4 N, R 8 W, S B. B. & M.

On May 25, 1921, an inspection of the project was made and according to the report of the inspecting engineer the spring had been blasted out

from which a small earth and rock dam diverted water into the pipe line which consisted of 100 feet of 2 inch pipe and 1400 feet of 1 inch pipe discharging into a 2500 gallon tank with a fall of 125 feet. Based upon the calculated capacity of the pipe line License 202 was issued under date of March 16, 1923, confirming the right to the use of 0.02 cubic foot per second or approximately 13,000 gallons per day for stock watering and domestic purposes within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 17, T 4 N, R 8 W, S.B.E. & M. As the area which had been irrigated was apparently less than one-half acre no mention was made of irrigation use in the license as this use was apparently included in the domestic use. The point of diversion described in the license was as follows:

"2200 feet South and 200 feet West from the Northeast corner of the projected Section 18, T 4 N, R 8 W, S.B.E. being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of the said projected Section 18."

Believing that more water could be developed from the spring. Mr. Eagenbaugh filed Application 4038 on June 20, 1924, to appropriate from Boulder Creek at a point approximately 2000 feet south and 1200 feet west of the northeast corner of Section 18, T 4 N, R 8 W, S.B.M. being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 18. The application was approved on December 30, 1924, granting the privilege of diverting 1.25 cubic foot per second from about March 1st to about November 30th of each season for irrigation purposes upon 349.90 acres of land within Sections 7, 8, 17 and 18, T 4 N, R 8 W, S.B.M. Under the terms of the permit construction work was to commence on or before June 1, 1925, to be completed on or before October 1, 1927, and complete application of the water to the proposed use was to be made on or before June 1, 1928.

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According to the application the water to be developed from the location granted under License 202. An open cut had been made into the side of a hill a distance of 40 feet and a tunnel 4 feet wide by 3 feet high constructed

along bed rock a distance of 111 feet. A 10 inch concrete pipe had been laid in the tunnel, a storage reservoir had been partially constructed and an 8,000 gallon tank placed on a hillside near the reservoir. It was proposed to run cross cut tunnels a distance of about 50 feet on each side of the main tunnel install 1130 feet of 10 inch pipe from the tunnel to the reservoir, complete the construction of the reservoir and install concrete diversion boxes and headgates.

According to the 1925 progress report submitted by the permittee a tunnel had been driven for a distance of 209 feet, a large storage tank had been erected, 2600 feet of pipe had been installed and buried and some excavation had been done on the reservoir site. The water had been used for domestic, stock watering purposes and the irrigation of one-half acre of alfalfa, 2 acres of fruit trees and 1/2 acre of grapes. Ten acres of land had been cleared and leveled.

According to the 1926 progress report 214 feet of tunnel had been excavated and the reservoir was half completed. All the water available was used for stock watering and irrigation of trees, alfalfa and grapes.

The project was visited by Mr. Ingerson of this office on August 14, 1926, who reported that the old diversion conduit under Application 303 had been replaced by a 2 inch pipe except for the first 50 feet at the head which consisted of 1 inch pipe. This 2 inch pipe discharged into a new 8,000 gallon tank and an old 2500 gallon tank was used for temporary storage, and the tunnel at the point of diversion was being continually lengthened and deepened. The use had consisted of the irrigation of 1 acre of garden, grapes and trees and the watering of four head of horses, four head of cows, some chickens and

domestic use for two cottages. He reported that the use had been continuous and all available water used.

According to the 1927 progress report 240 feet of tunnel had been driven; the reservoir embankment and excavation were nearly completed. Two storage tanks had been installed, one of 8,000 gallon capacity, and one of 2,000 gallon capacity. Water had been used all summer for the irrigation of orchard, grapes and alfalfa and applicant expected to develop more water. Based upon this report an extension of time was granted until December 1, 1929 within which to complete construction work and apply the water to complete beneficial use but the applicant was advised that whether or not this office would be disposed to act favorably upon a request for further extension would depend upon the reasons given for non completion and the amount of diligence that had been exercised in the past in the prosecution of the construction work.

According to the 1928 progress report little, if any, additional construction work had been accomplished subsequently to the last report. Water had been used for domestic purposes and irrigation of 2 acres of fruit and grapes.

No progress report was filed for the year 1929, although it was three times requested.

On April 21, 1930, the time for completion having expired, the project was inspected by an engineer of this office who reported that a tunnel had been driven in solid rock for a distance of 240 feet, and that an 8,000 gallon tank had been installed; no progress had been made on the reservoir. Although the gross area irrigated was about two acres the actual wetted area would not exceed  $1/2$  acre. The flow at the time of the inspection was about 720 gallons per day which is less than 6% of the amount named in licensed Application 303. It was the opinion of the engineer that it was doubtful whether sufficient

water could be developed to satisfy the amount of water which applicant has a right to divert under licensed Application 303.

It appearing to this office that permittee had failed to comply with the terms of the permit the matter was set for public hearing in accordance with Section 20 of the Water Commission Act on August 4, 1930, at 10:00 o'clock A.M. in Room 401 Public Works Building, Sacramento, California. Of this hearing William L. Hagenbaugh was duly notified.

According to the showing made by Mr. Hagenbaugh there was formerly a considerable amount of water available at the point of diversion in excess of that to which the right was confirmed by issuance of license upon Application 303 and in hopes that he would be able to re-establish the earlier flow he was proceeding with his development under Application 4038, Permit 1954. He claimed to have spent considerable money in the development and to have experienced a great deal of trouble by the caving in of the tunnel and the destruction of the timbers. He agreed to file with this office within a few days a statement of expenditures which he had made on the project and it was indicated to him that with a proper showing an extension until December 1, 1935, might be allowed within which to complete the project.

Mr. Hagenbaugh travels a great deal and gave this fact as an explanation for failure to report progress when requested last winter. He promised to report more promptly and fully in the future and stated that unless development work produced a quantity of water in excess of that to which right had been confirmed by issuance of License 202 he would withdraw Application 4038, Permit 1954.

