

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

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In the matter of Application 18130)
by County of Los Angeles to appropriate)
water from Harris Canyon Springs and)
Tributary Canyon Springs in Los Angeles)
County)

Decision No. D 945

ADOPTED DEC 17 '59

Substance of the Application

Application 18130 was filed on May 9, 1958, by County of Los Angeles in behalf of its Department of Arboreta and Botanic Gardens for a permit to appropriate 0.016 cubic foot per second year-round from Harris Canyon Springs and Tributary Canyon Springs, tributary to Clamshell Canyon in Los Angeles County. Clamshell Canyon is tributary to the San Gabriel River. The proposed points of diversion are to be located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, T1N, R11W, SBB&M.

Protests

Protests against approval of Application 18130 were received from City of Pasadena, City of Sierra Madre, and Ralph L. and Ruth F. Schroeder.

The City of Pasadena claims that the springs in question are tributary to the Raymond Basin; that all of the waters

of the Raymond Basin are now being used; and that the City is the owner of certain rights to the use of water therefrom under the judgment in Case No. Pasadena C-1323 of the Superior Court of California in and for the County of Los Angeles.

The City of Sierra Madre alleges that the proposed use under Application 18130 will decrease the safe yield of the Raymond Basin and further alleges that such use would decrease the quantity that the City could appropriate from Santa Anita Canyon under its Permits 7468 (Application 12888) and 8193 (Application 13463).

Ralph L. and Ruth F. Schroeder claim rights to the use of water from the springs by virtue of prior Application 16221 and certain deeds which purportedly convey rights to the use of water from the sources named; they also claim that certain of their lands are riparian to the springs. (Application 16221 which was for a permit to appropriate from the same springs was withdrawn by letter of February 17, 1959.)

Answers to Protests

In answer to the protests of Cities of Pasadena and Sierra Madre, the applicant denies that the amount of water to be appropriated under Application 18130 would decrease the water available in Santa Anita Wash, or decrease the safe yield of the Raymond Basin. Instead the applicant argues that the proposed planting of trees would benefit the protestants by decreasing the seasonal flood hazard.

In answer to the protest of Ralph L. and Ruth F. Schroeder

the applicant denies that the protestants have established any rights to the use of the water sought to be appropriated and denies that these protestants have right of access to the source of the water.

Hearing

Application 18130 having been completed in accordance with the provisions of the Water Code and applicable administrative rules and regulations of the State Water Rights Board was set for public hearing under the provisions of the California Administrative Code, Title 23, Waters, before the Board on Thursday, February 26, 1959, in Los Angeles, California. The applicant and protestants were duly notified of the hearing. Appearances were made at the hearing by Joel R. Bennett and Wendell R. Thompson, attorneys for the County of Los Angeles and City of Pasadena, respectively, and Lawrence Bevington, Administrator for the City of Sierra Madre. No appearance was made by the Schroeders.

Description of the Watershed

A field investigation was conducted by an engineer of the former State Division of Water Resources, predecessor of the State Water Rights Board, on January 20, 1956, in connection with above-mentioned Application 16221. According to the report of that investigation, dated February 2, 1956, (Staff Exh. 2) the springs in question are located in the bottoms of two steep ravines on the southerly slopes of the San Gabriel Mountains within the

NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, T1N, R11W, SBB&M. The two ravines, known as Harris Canyon and Tributary Canyon, join about 200 feet below the main sources of spring seepage. The combined flow of the two springs at the time of the investigation was approximately six gallons per minute. Harris Canyon, continuing downstream from the junction with Tributary Canyon, is narrow and steep and trends in a southerly direction for about 600 feet to its junction with Clamshell Canyon. A few scattered phreatophytes were noted in this reach of the canyon. Below the junction, Clamshell Canyon trends westerly for about 0.5 mile to Santa Anita Canyon Wash, and enters the Wash approximately 0.25 mile below the mouth of Santa Anita Canyon, 0.75 mile below Santa Anita Dam and, according to the report, 1.75 miles upstream from the southerly boundary of Raymond Basin.

Applicant's Project

Witness for the applicant County of Los Angeles testified that the water in the sources named in Application 18130 is now being used within a 40-acre area for irrigation of young plants that are being studied for erosion and fire control purposes (RT pp. 11, 16, 17), that the property is owned jointly by the applicant and the State Department of Natural Resources (RT p. 16) and that a portion of the water to be appropriated is to be used for the benefit of hikers in the area by means of public drinking fountains. The diversion and use of the total yield of water of the springs is presently being accomplished by the facilities

described in the application (RT pp. 19, 20, 21) and the applicant maintains that such use is covered under a valid riparian right (RT pp. 19, 20, 21).

The applicant also concedes that Application 18130 was filed not necessarily for the purpose of acquiring a right thereunder but rather as "a negative or blocking effort" to conflicting Application 16221 filed by the Schroeders on the same sources (RT p. 21).

Testimony

No testimony was offered by the applicant as to the existence of unappropriated water.

The witness for the Cities of Pasadena and Sierra Madre testified that the waters sought in Application 18130 could reach Santa Anita Wash and thence Raymond Basin either as a surface stream or as underflow, and although the amount would be relatively small and have little effect on the safe yield of the basin, an accumulation of such diversions would result in material injury to users within the Basin (RT pp. 26, 34). The protestants presented further claim that all of the waters tributary to the Raymond Basin were taken into account by the Court in determining the supply of water available and that all the yield of Raymond Basin has been allotted by court decree.

The protestants further contend that Raymond Basin is overdrawn (RT pp. 31, 32) and that there is no unappropriated water available within the tributary watershed (RT p. 29).

Discussion and Conclusions

The record is silent as to the existence, if any, of unappropriated water, the applicant having failed to present any evidence in this regard. It is also evident that the withdrawal of competing Application 16221 has removed the primary purpose for which Application 18130 was filed and that the applicant County of Los Angeles is disposed to rely on its claim of riparian ownership for use of the water under consideration. Therefore, the Board concludes for the afore-mentioned reasons that Application 18130 should be denied.

Order

Application 18130 for a permit to appropriate unappropriated water having been filed, protests having been received, a public hearing having been held by the Board and the Board having considered all of the evidence received at said hearing and now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 18130 be, and the same is, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on this ____ day of _____, 1959.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member