

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

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In the Matter of Application Number 4903 of Haines  
Canyon Rock Company to Appropriate Underground  
Water of Haines Canyon Creek Tributary to  
Big Tujunga Creek in Los Angeles County  
for Industrial and Domestic Purposes.

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DECISION D - 126  
Decided October 21, 1926

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APPEARANCES AT HEARING HELD AT LOS ANGELES, CALIFORNIA, September 10, 1926.

For Applicant:

Haines Canyon Rock Company

James Quinn

Peter L. Perry

For Protestants:

Haines Canyon Water Company  
City of Los Angeles

H. B. Lynch

No Appearance

EXAMINER: Harold Genking, Hydraulic Engineer for Division of Water Rights

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O P I N I O N

Application No. 4903 was filed by the Haines Canyon Rock  
Company on January 26, 1926. It proposes an appropriation of two cubic  
feet per second throughout the entire year from the underground waters  
of Haines Canyon Creek, tributary to Big Tujunga Creek in Los Angeles  
County for industrial and domestic purposes on 63 acres of land in  
Section 16, T 2 N, R 13 W, S.B.B.M.

With the exception of the amount to be used for domestic  
purposes the water is to be conveyed to a rock crusher and used for the  
washing of rock, gravel and sand and returned to the Haines Canyon wash  
where it will sink into the gravels and be made available to the lower  
users. The application was protested by the Haines Canyon Water Company,  
a public utility and the City of Los Angeles.

The application was 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 was set for a public hearing at Room 1026 Sun Finance Bldg., Los Angeles at 1:30 P.M. o'clock on September 10, 1926. Of this hearing applicants and protestants were duly notified.

The Haines Canyon Water Company, a public utility claims a prior vested right to the ground waters tributary to Haines Canyon Creek by virtue of use began prior to December 19, 1914, and alleges in effect that it is entitled to an amount up to 2.2 second feet and that as the total replenishment of the basin is being used, further withdrawals can be obtained only at its expense.

The City of Los Angeles claims the paramount right to all of the waters flowing in the Los Angeles River and its tributaries and alleges in effect that since the waters which the applicant seeks to appropriate constitute a part of the flow of the Los Angeles River, the proposed diversion would constitute an interference with the vested rights of the city.

From information presented at the hearing it appears that the Haines Canyon Rock Company has a quarry which is located on a gravel bank in a narrow canyon of Harris Creek about 250 or 300 feet wide. Underlying the gravels there is a considerable underflow which the applicant desires to tap by means of wells and obtain water with which to wash the silt out of the sand and rock, a process made necessary by the specifications adopted by municipalities, to the effect that all rock and sand used in the making of concrete shall be washed.

As the underflow appears to be in a well defined channel, the right to appropriation therefrom comes under the jurisdiction of the Division

of Water Rights.

The applicant is now using approximately 36 gallons per minute or 0.08 of a cubic foot per second for about 300 days of the year which amounts to a total diversion of about 49 acre feet per annum. Of this amount 125,000 gallons are returned to the source every week or about 17 acre feet per annum, the net use of the applicant therefore being about 32 acre feet per annum.

The applicant estimates that his ultimate need will be about 50 gallons per minute or approximately 0.11 of a cubic foot per second, which for a year of 300 days would be about 66 acre feet per annum. Assuming that the company will continue to return 17 acre feet per annum to the basin the net loss would be about 49 acre feet per annum.

No mention was made at the hearing of the amount of water to be used for domestic purposes but it is presumed that the amount thus used would be included in the amount of water which the applicant stated would meet his ultimate requirement.

The Haines Canyon Water Company is a public utility with over 1800 consumers. In 1920 there were only 350 consumers but the number has increased steadily and is still increasing until the Company is becoming concerned with the possibility of the inadequacy of the supply and has at times refused to serve new areas with water.

The wells of the Water Company are located in the Sunland Basin to which Haines Canyon is tributary, about two miles below the well of the applicant.

The area of the basin from which the protestant diverts is about 5 or 6 square miles and appears to be closed except for an opening at the lower end about half a mile wide which allows the surplus water to seep out of the basin. At this point the water plane rises nearly to the surface and

at times the land becomes marshy indicating that the distance to impervious material is not great, although no actual borings have been made.

Testimony introduced at the hearing would indicate that the replenishment of underground water within the basin from rainfall over the area of the basin itself would probably approximate 800 acre feet per annum in addition to an indefinite and unknown amount of replenishment from stream flow into the basin.

Evidence was submitted by the protestant, Haines Canyon Water Company, to the effect that its present use from the underground basin to which the proposed diversion of the applicant is naturally tributary is about 300 acre feet per annum, and that other users were perhaps diverting an amount not to exceed 50% of this from the same underground basin.

Protestant company admitted that there was no present shortage and also that there might be an unknown amount of water continually bleeding past its lower intake.

If in the future the protestant can show that the diversion of the applicant is interfering with any valid rights which it may have the applicant will then be obliged to cease diverting, as any permit issued by this office is subject to prior vested rights. Until such a time as the protestant can show interference, the applicant should be permitted to appropriate.

As the applicant testified at the hearing that its ultimate use would be about 50 gallons per minute or approximately 0.11 cubic feet per second the amount for which the application is approved should be reduced accordingly.

On March 29, 1924, a hearing was held by the Division of Water Rights on several applications to appropriate from Tujunga Creek and its

tributaries. These several applications were protested by the City of Los Angeles on the same grounds as in Application No. 4903 and after a careful consideration of the facts presented at that hearing, this office, in its opinion upon which Decision No. 3403 etc., D 102 was rendered came to the conclusion that due to the remoteness of the proposed points of diversion from the city's intakes, the underground water from these mountain sources which is not lost by evaporation would travel so slowly through the ground that the waters would again be replenished by precipitation before they would reach the city's points of diversion. Furthermore, it was found at that time that there has been in prior years a waste of water each year past the lowest point of diversion by the City of Los Angeles which raises a further presumption of doubt that the City will feel the effect of a minor diversion of this character.

As the matter set forth in that opinion is directly applicable to the present situation, the protest of the City of Los Angeles may be dismissed without further consideration.

**O R D E R**

Application Number 4905 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been received, a public hearing having been held and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that the said application Number 4905 be approved for an amount of water not to exceed 0.11 cubic foot per second and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California this 21st day of October  
1926.