

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

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In the matter of Application 1562 of the City of Pasadena and
Application 3302 of the City of Alhambra to appropriate
from Arroyo Seco, a tributary of the Los Angeles
River in Los Angeles County for
Municipal Purposes.

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DECISION A 1562, 3302 D 253

Decided *March 7, 1930*

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APPEARANCES AT HEARING HELD AT LOS ANGELES, SEPTEMBER 22, 1924.

For Applicants and Protestants:

City of Pasadena

S. B. Morris, A. L. Sonderegger
and Claude Sopp.

City of Alhambra

J. L. Moore, M. E. Irvine (*Irvine*)
and T. B. Downer.

For Protestants:

San Gabriel Valley Water Company

S. M. Haskins, W. F. Goebel
and E. A. Rowe.

City of South Pasadena

R. V. Orbison.

Henry G. Pollay

No appearance.

Oak Lodge Land & Water Co., et al.

No appearance.

Valley Water Company

No appearance.

EXAMINER: Edward Hyatt, Jr., Chief of the Division of Water Rights,
Department of Public Works, State of California.

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O P I N I O N

GENERAL DESCRIPTION OF PROJECTS

Under Application 1562 the City of Pasadena proposes to appropriate 14.5 cubic feet per second throughout the entire year from Arroyo Seco tributary to the Los Angeles River in Los Angeles County for municipal purposes within the City of Pasadena, the diversion of this amount to be made possible by reason of flood control storage in the Devil's Gate Reservoir of the Los Angeles County Flood Control District which has a capacity of 4,550 acre feet. The point of diversion is described as being S. $10^{\circ} 06'$ W. 8,523.5 feet from the N.W. corner of Section 5, T 1 N, R 12 W, S.B.B. & M. The application was protested by Harry G. Pollay, Oak Lodge Land and Water Company, Hillcrest Mutual Water Company, State Loan and Investment Company, Valley Water Company, San Gabriel Valley Water Company and the City of Alhambra.

Under Application 3302 the City of Alhambra proposes an appropriation of 2,425 acre feet per annum of the waters of Arroyo Seco, storage of these waters to be made in the Devil's Gate Reservoir from about October 1st to about May 31st of each season and the water to be used for municipal purposes within the City of Alhambra. The point of diversion is described as being S. $10^{\circ} 15' 40''$ W. 8019.39 feet from N.W. corner of Section 5, T 1 N, R 12 W, S.B.B. & M. The application was protested by Oak Lodge Land and Water Company, Hillcrest Mutual Water Company, State Loan and Investment Company, Valley Water Company, San Gabriel Valley Water Company and the City of Pasadena.

PROTESTS

Henry G. Pollay appears to have some personal grievance against the City of Pasadena arising out of its reputed failure to compensate him for stock when the Lake Vineyard Land and Water Association deeded its rights to the City. He protests against the application of the City of Pasadena to appropriate "all" of the water to be impounded in Devil's Gate Reservoir.

Oak Lodge Land and Water Company, Hillcrest Mutual Water Company, and the State Loan and Investment Company allege in effect that there are no public waters or lands involved and therefore this office has no jurisdiction in the matter. They claim that they have entered into an agreement with the Flood Control District whereby in exchange for allowing the District to flood their lands they were to have the right to develop water thereon and the right of use when not flooded.

The Valley Water Company alleges in effect that there are no public waters or public lands involved and therefore this office has no jurisdiction in the matter and that the approval of the application would prevent the underground reservoir from which its supply is obtained from being replenished due to the fact that silt would be deposited over the bed of the reservoir thereby preventing the water from percolating into the sands and gravels.

The City of Pasadena protests Application 3302 on the grounds that there are no unappropriated waters in Arroyo Seco except the flood waters upon which Application 1562 was filed and that the City of Pasadena owns substantially the entire area to be flooded by the waters in Devil's Gate Reservoir.

The City of Alhambra alleges in effect that the withdrawal of waters under Application 1562 would result in depleting the waters in the

lower basin from which its supply is obtained and objects to the attempt of the City of Pasadena to appropriate for itself all of the impounded water which would normally have flowed down the Arroyo Seco to replenish its underground supply.

The San Gabriel Valley Water Company alleges in effect that there are no unappropriated waters in Arroyo Seco except in extremely wet years and that if Applications 1562 and 3302 are approved and Devil's Gate reservoir operated in the future as it has been in the past, the water supply of the Company will be depleted.

The City of South Pasadena although not a record protestant prior to the hearing is concerned over the effect which the proposed diversions may have on the ground water levels within the Pasadena Basin.

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

Applications 1562 and 3302 were completed as required by the Water Commission Act and the rules and regulations of the Division of Water Rights and being protested were set for a public hearing in accordance with Section 1a of the Water Commission Act on September 22, 1924, at 10:00 o'clock A.M. in Room 818 Pacific Finance Building, Los Angeles. Of this hearing applicants and record protestants were notified.

PHYSIOGRAPHY AND HYDROGRAPHY

The Pasadena basin comprises some 21,400 acres of land lying north of what is locally known as the Raymond Hill Dike which is an underground barrier extending from Arroyo Seco through Raymond Hill and by way of Sunny Slope to the main range of the San Gabriel Mountains near Monrovia.

The Basin is divided at the northerly end by another dike or barrier extending from the Devil's Gate dam of the Los Angeles County Flood Control District on the Arroyo Seco through what is known as Monk Hill to the main San Gabriel Range northeasterly of Altadena. The basin lying between the foothills on the north and the Monk Hill dike is designated as the Monk Hill Dike Basin and the basin lying south of the Monk Hill dike and north of the Raymond Hill dike is known as the Raymond Hill Dike Basin.

The ground waters in the Pasadena basin are recharged by waters of Arroyo Seco and its tributaries, Los Flores Canyon, Eaton Canyon, Santa Anita Canyon, Little Santa Anita Canyon and numerous other smaller streams draining a watershed of approximately 55 square miles. The waters are also recharged by precipitation upon the valley floor.

According to the data secured during the San Gabriel Investigation and incorporated in Table 15, page 47 of the report submitted under date of November 15, 1926, the average precipitation on the Pasadena Basin was 19.9 inches. Of the water reaching the basin the average annual mountain runoff was 14,340 acre feet and that from precipitation on the valley floor was 36,010 acre feet, or a total of 50,350 acre feet.

The largest source of supply from the mountain runoff is from the Arroyo Seco which has a total drainage area of approximately 30 square miles above the Devil's Gate dam of which approximately 16.4 square miles are above the Ranger Station near the mouth of the canyon.

The Arroyo Seco after leaving the mouth of the canyon at the foot of the Sierra Madre Mountains, flows southerly along the westerly side of the Pasadena area over a broad, sand, gravel and boulder channel. The channel passes across and over the Monk Hill Dike at the "Devil's Gate" where it

is narrow between granite wells. Below this point it again broadens out into an absorptive channel extending southerly to Sheep Corral Springs at the Raymond Hill Dike a short distance below the Colorado Street Bridge.

The Arroyo Seco is ordinarily dry as its name implies but during the winter months there is often a large flow which finds its way to the ocean. A table prepared by the City of Pasadena from records of the Water Resources Branch of the United States Geological Survey gives the average annual runoff over the period from 1910 to 1924 from an area of 16.4 square miles of watershed as being 9,750 acre feet with a maximum of 25,000 acre feet and a minimum of 800 acre feet.

THE LOS ANGELES COUNTY FLOOD CONTROL PROJECT

According to the report of the Board of Engineers of Flood Control to the Board of Supervisors of Los Angeles County submitted under date of July 27, 1915, the maximum flood discharge of the Arroyo Seco occurred in February 1914 when it was estimated there was a flow of 14,136 second feet at Colorado Street bridge about three miles below Devil's Gate. This flood was particularly destructive to houses and improvements in the City of Los Angeles for a distance of two miles above the junction of the Arroyo Seco and the Los Angeles River, and to avoid similar disaster in the future it was recommended that a flood control reservoir be constructed at Devil's Gate by means of which the flood crests might be reduced.

The lands to be submerged by the waters impounded at Devil's Gate as well as the dam site were for the most part owned by the City of Pasadena and under date of May 1, 1919, the City granted the Flood Control District an easement authorizing the construction of the dam at Devil's Gate and the impounding of waters in the reservoir upon municipally owned land, the only

consideration being that in return for the use of these lands the District, to the extent consistent with the purpose of flood control and the maintenance of the dam, would so store and control the waters that the City of Pasadena would derive the greatest possible benefit from the flooding of its lands, and that no water impounded should be permitted to flow wastefully or unnecessarily. The construction, maintenance and management of the dam and the disposition of waters thereby was to be solely under the control of the Flood Control District.

In 1919-1920 the dam and reservoir were constructed; the reservoir having a capacity of 4,550 acre feet. The submerged area overlies the tunnels of the City of Pasadena which were installed many years ago by means of which the City is in a position to take the water directly from storage.

In order to avail itself of the use of flood waters restrained in the Devil's Gate Reservoir, the City of Pasadena filed Application 1562.

USE OF WATER FROM PASADENA BASIN

From the Bonk Hill Dike Basin, withdrawals are made by the City of Pasadena, Valley Water Company, Lincoln Avenue Water Company, the Oak Lodge Land and Water Company, the Rubio Land and Water Association and Las Flores Water Company. The City of Pasadena is much the larger diverter.

From the Raymond Hill Dike basin withdrawals are made by the Cities of Pasadena, South Pasadena, Alhambra, San Marino, San Gabriel and numerous small water companies.

The City of Pasadena also obtains a portion of its supply from the surface waters of Arroyo Seco above the Devil's Gate dam and from tunnels and other diversion works at Devil's Gate.

Due to the increased draft in recent years and the deficiency in precipitation the water planes in the Pasadena area and more particularly in the lower Raymond Hill Dike basin have been receding and it appears that the average annual draft upon the basin may exceed the annual replenishment.

The City of Alhambra, the City of South Pasadena and the San Gabriel Water Company which supplies the City of San Marino are particularly concerned as most of their supply is obtained by withdrawals from the lower basin and they fear that if the application of the City of Pasadena were approved it would prevent the replenishment of the lower basin by waters which would otherwise enter it through the Arroyo Seco.

GENERAL DISCUSSION

The principal issue involved in this proceeding is whether or not the proposed diversion of the City of Pasadena under its Application 1562 would deprive the protestants of water to which they are lawfully entitled.

Application 1562 is not filed for the purpose of appropriating ground water or waters which contribute to the normal percolation into the Pasadena area to which the protestants are entitled but for flood waters which under conditions existing prior to the construction of the Devil's Gate reservoir would have found their way to the ocean without having served any useful or beneficial purpose. As such they come within the jurisdiction of this office.

It is admitted by the City of Alhambra, City of South Pasadena and the San Gabriel Valley Water Company that they have no objections to the retention and subsequent appropriation of any flood waters which would pass the Raymond Hill Dike. (Transcript, pages 80, 81)

The reservoir will be controlled and operated by the Flood Control

District and the burden will be upon the District to so operate the reservoir as to insure efficient flood control without interfering with the rights of those dependent upon the underground waters of Pasadena basin for their supply.

It appears reasonable to assume that the desilted waters released by the District under control over a longer period of time to create capacity for other flood waters, will have a tendency to increase rather than to decrease the underground waters of the Pasadena area.

The City of Alhambra urges that as its citizens contributed to the funds which made the construction of Devil's Gate dam possible it should be allowed to participate in whatever benefits may result from the reservoir operation. But this is not the law of appropriation. The reservoir was constructed for flood control rather than conservation purposes and the City of Pasadena was first to file its application. Application 3302 of the City of Alhambra was filed more than three years after the filing of Application 1562 by the City of Pasadena. First in time is first in right and according to the City of Alhambra there would not be sufficient unappropriated water available to make it worth while to proceed under Application 3302 if Application 1562 were approved.

As to the contention that the proposed storage would result in silting up the reservoir to such an extent that it would reduce the percolation through the gravels, it may be said that this complaint if valid should be directed against the Flood Control District and not against the City of Pasadena which is merely asking to take from the waters of the reservoir when they are available.

CONCLUSION

Application 1562 is for an appropriation of 14.5 cubic feet per second as may be made available by storage in Devil's Gate Reservoir having a capacity of 4,550 acre feet. While a continuous direct flow allowance of 14.5 cubic feet per second is equivalent to a quantity more than twice the capacity of the reservoir it is possible that the reservoir may be filled and emptied more than once during a year and the applicant wishes to avail itself of the replenishment.

The dam site and lands to be flooded are owned by the City of Pasadena and as stated above an agreement has been entered into between the City and the District whereby the District is obliged to operate the reservoir in such a manner as to afford the City the greatest benefit consonant with the maximum flood control benefit. The purpose to which the water is to be put is a useful and beneficial one and it therefore appears that Application 1562 should be approved.

The City of Alhambra has acquired no right of access to the Devil's Gate dam or reservoir, has not entered into any contractual relations with the Flood Control District, and apparently is not in a position to proceed with the project should Application 3302 be approved. It admits that if Application 1562 were approved there would not be sufficient unappropriated water available to make it worth while to proceed. It is therefore the opinion of this office that Application 3302 be cancelled.

ORDER

Applications 1562 and 3302 for permits 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 Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 1562 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate, and

IT IS HEREBY FURTHER ORDERED that Application 3302 be rejected and cancelled upon the records of this office.

WITNESS my hand and the seal of the Department of Public Works of the State of California this *7th* day of *March*, 1930.

EDWARD HYATT, State Engineer

BY *Harold Corbelling*
Deputy

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