

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

*Opinion
file*

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In the Matter of Application 12297 of Webb W. Wilcox to Appropriate Water from White Rock Spring, Tributary to Ventura River in Ventura County, for Domestic, Irrigation and Recreational Purposes.

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Decision A. 12297 D. 600

Decided March 10, 1949

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In attendance at investigation conducted by the Division of Water Resources at the site of the proposed appropriation on October 15, 1948:

Webb W. Wilcox	Applicant
William T. Selby	Attorney, Rancho Ojai Mutual Water Company, Protestant
D. H. Culton	Superintendent, Rancho Ojai Mutual Water Company, Protestant
✓ Kenneth P. Sheldon	Protestant
H. I. Orr	Attorney for Protestant Sheldon
J. J. Heacock	Associate Hydraulic Engineer Division of Water Resources Department of Public Works for the State Engineer.

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O P I N I O N

General Description of the Project

Application 12297 was filed with the Division of Water Resources by Webb W. Wilcox on February 4, 1948. It contemplates a diversion of 0.05 cubic foot per second, year-round, to be applied directly to beneficial use and a diversion of 0.05 acre-foot per annum to be collected at any time during the

year and stored temporarily for later use. The water is to be utilized for domestic, irrigation and recreational purposes. Diversion is to be effected by means of a concrete dam 10 feet high and 10 feet long located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T 5 N, R 23 W, S.B.B. & M. Storage will be provided by means of two tanks of 2400-gallon and 1000-gallon capacity, respectively. The conduit is to be a 2 $\frac{1}{2}$ -inch pipe, 4150 feet long, of an estimated capacity of 22 gallons per minute. The place of use is described as lying within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T 5 N, R 23 W, S.B.B. & M. Approximately 150 persons, in some 25 cabins, are to be served, and 5 acres irrigated.

Protests

Rancho Ojai Mutual Water Company asserts that it has used all of the water flowing in Ventura River except flood flow and during dry periods has supplemented that supply by pumping from the gravels in the river bed. It contends that additional use of water diverted above its intake will make a difficult situation worse. It claims a right based upon riparian ownership, appropriation and adjudication by court decisions. It asserts a claim to 231 miner's inches, water being diverted throughout the year and distributed to approximately 400 users for domestic purposes and for irrigation of cultivated lands. Its point of diversion is described as being located within the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, T 5 N, R 23 W, S.B.B. & M.

In answer the applicant denies in general the allegations of the protest. He denies particularly that his contemplated use from White Rock Spring will in any manner affect the protestant's supply, claiming that due to the distance involved, the small flow issuing from the spring, and the character of the intervening ground, the water from the spring is dissipated

before reaching the intake of Ojai Mutual Water Company.

Kenneth P. Sheldon protests that the proposed development will lower the surface flow of the stream from which he diverts. He claims an appropriate right dating from 1887 and a minimum need of 30 inches at his point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T 5 N, R 23 W, S.B.B. & M., throughout the year, for irrigation of 12 acres of oranges planted in porous soil, and for domestic purposes. He states that his protest may be disregarded and dismissed if he is guaranteed a minimum of 30 inches of water at his point of diversion, year-round.

The applicant denies that the diversion which he proposes will reduce the supply of water available to this protestant for the same reasons as advanced in his answer to the Rancho Ojai Mutual Water Company protest.

Field Investigation

The applicant and the protestants having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on October 15, 1948 by an engineer of the Division. The applicant and the protestants were present, or represented, during the investigation.

Records Relied Upon

Application 12297 and all data and information on file therewith.

Discussion

The maps show Ventura River as being formed by the junction of two streams of which the one from the left (looking upstream) is called Matilija Creek and the one from the right is sometimes called the North Fork of Ventura River, and sometimes called the North Fork of Matilija Creek. White Rock Spring (the source named in the application) is practically on the bank of the

North Fork and discharges into that stream. Protestant Sheldon's diversion heads on the North Fork approximately 2 miles downstream from White Rock Spring. The North Fork and Matilija Creek unite some 400 feet below Protestant Sheldon's intake. The other protestant - Rancho Ojai Mutual Water Company - diverts from Ventura River somewhat over 1/2 mile below the junction of North Fork and Matilija Creek. Discharge has been recorded for several years at a gaging station on the North Fork, about 0.5 mile above its junction with Matilija Creek and at a gaging station on Matilija Creek, about 0.4 mile above the same junction. The yield of White Rock Spring is reported as being fairly stable and some 15 gallons per minute in amount. The discharges of the North Fork and the discharges of Matilija Creek, as reported by the U.S. Geological Survey, and the summation of the two (indicative of the flow of Ventura River) are set forth in the following tabulations:

North Fork of Matilija Creek
Monthly Average Discharges, in Cubic Feet Per Second

	June	July	Aug.	Sept.	Oct.	Nov.
1928	-	-	-	-	0.44	0.84
1929	0.75	0.37	0.20	0.33	0.41	0.45
1930	0.54	0.26	0.20	0.23	0.29	0.44
1931	0.67	0.28	0.15	0.20	0.20	0.89
1932	2.0	1.10	0.78	0.65	-	-
1933	-	-	-	-	0.44	0.57
1934	0.94	0.68	0.50	0.59	2.10	1.17
1935	3.13	1.46	1.0	1.0	1.03	1.04
1936	1.72	1.17	0.78	0.67	1.72	1.27
1937	7.35	4.05	2.77	2.27	2.26	2.51
1938	10.8	6.50	4.44	3.06	2.91	2.81
1939	1.82	1.31	1.02	0.99	1.05	1.09
1940	1.49	0.84	0.59	0.54	0.76	0.90
1941	18.60	12.70	8.18	5.74	5.33	5.00
1942	3.77	1.77	1.21	1.16	1.21	1.35
1943	7.52	3.47	2.86	2.39	2.22	2.39
1944	6.15	3.95	2.52	2.28	2.15	10.6
1945	3.65	2.05	1.33	1.20	1.50	1.44
1946	2.67	1.66	1.30	1.02	1.18	7.30
1947	0.97	0.57	0.53	0.52	-	-

Matilija Creek
Monthly average Discharges in Cubic feet per Second

<u>Year</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>
1928	3.54	1.89	1.19	1.03	1.12	1.79
1929	3.46	1.36	0.87	0.57	0.50	0.64
1930	2.50	0.95	0.57	0.56	0.63	1.00
1931	3.41	1.09	0.63	0.78	.57	2.12
1932	7.45	4.07	2.47	2.03	3.50	4.32
1933	5.74	3.66	2.73	2.62	3.36	2.88
1934	5.08	3.26	2.18	2.38	8.98	4.98
1935	16.8	11.0	7.97	5.70	5.32	6.43
1936	6.06	3.53	2.44	2.60	7.25	5.35
1937	25.0	15.2	9.16	6.75	6.56	6.80
1938	32.0	20.1	13.4	9.85	9.95	9.77
1939	7.12	6.50	4.99	5.70	5.53	5.45
1940	5.14	2.87	2.13	2.03	1.92	3.24
1941	50.8	33.2	21.1	15.4	14.5	13.1
1942	11.1	5.87	4.18	3.73	3.57	4.54
1943	20.1	12.6	8.35	5.97	6.11	5.90
1944	30.8	15.8	10.0	7.83	7.10	18.4
1945	10.3	5.92	3.89	3.25	3.62	5.09
1946	11.9	5.87	3.75	3.03	3.37	22.6
1947	4.09	2.69	1.70	1.74	-	-

Discharge of Ventura River below Junction
of North Fork and Matilija Creek
Monthly Average Discharges in Cubic feet per Second

<u>Year</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>
1928	-	-	-	-	1.56	2.63
1929	4.21	1.73	1.07	.80	.91	1.09
1930	3.04	1.21	.77	.79	.92	1.44
1931	4.08	1.37	.78	.98	.77	3.01
1932	9.45	5.17	3.25	2.68	-	-
1933	-	-	-	-	3.70	3.45
1934	6.02	3.94	2.68	2.97	11.08	6.15
1935	19.93	12.46	8.97	6.70	6.35	7.47
1936	7.78	4.70	3.22	3.27	8.97	6.62
1937	32.35	19.25	11.93	9.02	8.82	9.31
1938	42.8	26.6	17.84	12.91	12.86	12.58
1939	8.94	7.81	6.01	6.69	6.58	6.54
1940	6.63	3.71	2.72	2.57	2.68	4.14
1941	69.4	45.9	29.28	21.14	19.83	18.1
1942	14.87	7.64	5.39	4.89	4.78	5.89
1943	27.62	16.07	11.21	8.36	8.33	8.29
1944	36.95	19.75	12.52	10.11	9.25	2.90
1945	13.95	7.95	5.22	4.45	5.12	6.53
1946	14.57	7.53	5.05	4.05	4.55	29.9
1947	5.06	3.26	2.23	2.26	-	-

Protestant Sheldon claims 30 Southern California miner's inches, equivalent to 0.6 cubic foot per second. The investigation indicates that his use is limited to occasional domestic use and to the irrigation of 12 acres of orchard, for which something between 0.15 and 0.30 cubic foot per second, depending on soil porosity and related factors, ordinarily would suffice. Water which this protestant diverts but does not use however is reported to drain back into the stream from which it is diverted, thereby becoming available, in large part, to lower users. The records of discharges of the North Fork, tabulated above, indicate that the source in question has supplied the amount claimed by this protestant plus the amount applied for by the applicant, as follows:

During June, in 17 out of 18 seasons
" July, in 14 out of 18 seasons
" August, in 12 out of 18 seasons
" September, in 12 out of 18 seasons
" October, in 13 out of 18 seasons
" November, in 15 out of 18 seasons

This indicated that insofar as Protestant Sheldon is concerned, a surplus has existed, most of the time, during the low water months, and his protest is therefore dismissed.

The Rancho Ojai Mutual Water Company claims a right to 231 Southern California miner's inches (4.62 cubic feet per second) by court decree dated October 24, 1902, and also riparian rights. Information is lacking as to the extent, if any, to which rights under the court decree may have been lost by non-use, or as to the extent to which riparian rights are asserted. As to present development, it is reported that in 1948 there were 550 domestic services and 278 acres of citrus groves; it is reported also that the maximum rate of diversion during observed periods in 1947 and 1948 was 4.7 cubic feet per second.

and that irrigation during 1948 was deficient. If, tentatively, 4.7 cubic feet per second be considered the amount to which this protestant is entitled, and 0.3 cubic foot per second a reasonable allowance for Protestant Sheldon, a comparison of these figures with figures in the tabulation of discharges of Ventura River, shown above, indicates that surpluses have existed as follows:

During June, in 15 out of 18 seasons

" July, in 11 out of 18 seasons

" August, in 9 out of 18 seasons

" September, in 7 out of 18 seasons

" October, in 10 out of 18 seasons

" November, in 12 out of 18 seasons

The period to which the above tabulated runoff data apply was a trifle drier than normal, judging from the 44 year record of rainfall at Ojai, rainfall at that station having averaged 21.34 inches from 1928 to 1947, as against 21.98 inches from 1904 to 1947.

The data indicate that surpluses apparently occur, as frequently or more frequently than 1 year in 2 in every month except September, and nearly that frequently in September. On the other hand it is apparent that a water supply based upon the approval of Application 12297 will not be a firm supply because, according to the record, there have been numerous periods of from 1 to 6 months when the natural flow was probably all required to satisfy vested rights. The supply applied for by the applicant, however, if supplemented by a supply from another source during times of a deficiency, may be extremely valuable to the applicant and to the public and the approval of the application therefore appears warranted. For these reasons the protest of Rancho Ojai Mutual Water Company, whose rights would be legally protected by the normal permit wording to the effect that approval is subject to vested rights, is dismissed.

In view of the dismissal of the protests and the frequent occurrence of surpluses at the proposed point of diversion, which may be used advantageously without injury to other water users, the application should be approved and permit issued, subject to the usual terms and conditions.

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ORDER

Application 12297 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 722(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12297 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 10th day of March, 1949.

EDWARD HYATT, STATE ENGINEER

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer

