

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

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In the Matter of Application 14236 by the United States - Angeles National Forest to Appropriate Water from an Unnamed Spring Tributary to San Francisquito Canyon in Los Angeles County for Domestic, Recreation and Irrigation Purposes.

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Decision A. 14236 D. 749

Decided July 21, 1952

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Appearances at Hearing Held at Los Angeles on February 27, 1952:

For the Applicant

United States - Angeles National Forest John S. Griffin, Attorney, United
States Department of Agriculture

For the Protestant

Rancho Green Valley Water Company Eugene L. Wolver, Attorney

EXAMINER - GORDON ZANDER, Assistant State Engineer, for A. D. EDMONSTON,
State Engineer

Also present - Max Bookman, Principal Hydraulic Engineer, and J. J. Heacock,
Senior Hydraulic Engineer, Division of Water Resources, Department of Public
Works.

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OPINION

General Description of the Project

The applicant seeks to appropriate 0.015 cubic foot per second,
year-round, from an unnamed spring tributary via Dowd Canyon to San Francisquito
Canyon, in Los Angeles County, for domestic, irrigation and recreational purposes.

Diversion is proposed at a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T6N, R14W, SBB&M. Diversion is to be by gravity, by means of a concrete dam, 3 feet high by 8 feet long. The conduit is to be a 2 inch pipe-line, 200 feet long. The water is to be used at a club house located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of the same Section 17. The applicant estimates that a maximum of 1000 people per week will use the facilities of the club. Three acres of lawns, shrubbery and grounds are to be irrigated, irrigation to extend from about April 1 to about November 15. Water is to be used also for swimming. No water right or source of water supply is claimed other than as sought under the application.

Protest

Rancho Green Valley Water Company protests that the source filed upon by the applicant is one of the sources now being used to replenish its (the protestant's) wells and that the proposed use will deplete the supply reaching those wells which in turn serve domestic users. It claims a riparian right and a right based upon a prior application. It states that its predecessor first maintained a well in 1940 and in 1947 added a larger well, that the wells have capacities of 90 and 180 gallons per minute respectively although neither can be used to its full capacity because of the lowering of the water table, that all the water that can be procured from its wells is needed for domestic purposes at homes and cabins, that the main source of the water that now flows through underground channels into its wells is the so-called Mount Jupiter area wherein the applicant now seeks to divert, and that any diversion made in that area would so reduce the supply reaching its wells as to make some of the homes and cabins of its service area uninhabitable. In addition, the protestant states, its system is connected with and is the only

source of supply for the fire hydrants of the area, or for fire fighting.

No answer to the above protest is of record.

Hearing Held in Accordance with the Water Code

Application 14236 was completed in accordance with the Water Code and the Rules and Regulations of the Division of Water Resources and, being protested, was set for public hearing under the provisions of Article 13, Section 733(a) of the California Administrative Code, Title 23, Waters, on Wednesday, February 27, 1952 at 10:00 o'clock A.M. in Room 803, California State Building, Los Angeles, California. Of the hearing the applicant and the protestant were duly notified.

Discussion

Witnesses at the hearing testified in substance as follows:

Leland E. Berriman, District Ranger, U. S. Forest Service, testified (pages 6 to 25 of transcript) that the drainage area from which the protestant gets its water is 2400 acres in extent, of which 500 acres is in private ownership and the remainder is Government land; that about 79 acres of the total drainage area lie above (tributary to) the spring from which the applicant seeks to divert; that the drainage area has a light covering of chemise on the south exposed slopes and a medium covering on north slopes; that elevations range from about 2975 to about 4500 feet; that rainfall for a 75 year period has averaged 18 inches; that there is a surface flow of about one gallon per minute from the spring filed upon; that water issuing from the spring flows above ground for about 20 feet and then disappears underground; that water from the spring will have to be piped about 1200 feet; that the Green Valley Improvement Association is a club organized mainly for social purposes; that the club membership is composed mainly of residents of Green Valley; that there is another club in the valley, located about one-half mile to the north-west,

that club being owned by Mr. Moss and patronized mainly by week-end visitors; that some 2/3 of the residents of the Green Valley area are members of the Green Valley Improvement Association; that after use on the applicant's project water will re-enter the ground; that the spring supports a considerable growth of willows; that in 1951 the spring was dry as also were nearly all the springs of the locality; that there are some 300 cabins in the area on land in private ownership; that many of said cabins are served by the Rancho Green Valley Water Company, formerly the Mount Jupiter Water system; that of the Green Valley Water Company's 2 wells the upper one, known as the Bennett well is being pumped; that some water from the spring filed upon by the Forest Service would eventually reach the 2 wells mentioned, if not interrupted; that some of the flow from the spring would be used by vegetation or would evaporate; that the water table was low in 1950 but has since risen 10 or 12 feet; that at the present time it is some 20 feet lower than normal; that during a recent forest fire water for fire fighting was furnished from the Green Valley system; that if water from the spring reaches the wells it does so by percolating a mile and one half, underground; and that the yield of the spring ranges from nothing to about 1 gallon per minute. Witness Berriman also testified (pages 15 and 48 of transcript) that there are "considerable willows" growing in the spring area and that in his opinion a greater flow could be developed at the spring by removing the willows. In that connection he stated:

"I believe that the water we would get would be water that is now being used by the willows but we would certainly increase the flow or rather the use, by getting rid of these willows."

Jerome Moss: testified that he is well acquainted with the Green Valley area having formerly managed the Mutual Water Company and now being associated with the Rancho Green Valley Water Company and a stockholder in the Rancho Club which owns the swimming pool and clubhouse in the area, that there are approximately 150 cabins in the area of which 120 are on a permanent basis of receiving water daily, that he (the witness) and his wife formerly owned the wells upon which the Rancho Green Valley Water Company now depends, that of those 2 wells they conveyed one well (the Bennett well) to the Water Company and contracted that the other (the Lake Well) be available to the Water Company as a standby well, that about 60% of the members of the Rancho Green Valley Club are local residents, that the remaining 40% reside elsewhere but own lots in the Green Valley area, that the club house maintains a swimming pool which is used 4 months each year, that during 1951 the wells went dry, that each well was then deepened more than 20 feet, that the reservoir tanks also went dry and the entire valley was without water, that after deepening the wells it was possible to keep the reservoir tanks about half full, that the water that the Rancho Green Valley Water Company distributes is used at private homes for domestic purposes, that water has to be rationed, that supply is insufficient to serve any additional people, that an application by the Rancho Green Valley Water Company for status as a public utility was rejected, that a petition for rehearing has been filed, that one of the issues of the rehearing will be adequacy of water supply, that consumption of water is greater in summer, that the decision of the Public Utilities Commission is numbered 32665 and dated February 13, 1952, that the Company has never been asked to furnish water to people who use National Forest lands for recreational purposes, that water supply was sufficient 3 years ago, 4 years ago and 5 years ago, that during the last 2 years there has been a general

shortage of water in all areas, that in view of a succession of dry years it will take 4 years of normal rainfall before ground water supply will be normal, that the 2 wells under discussion are both a little more than 100 feet deep, that they were drilled about 20 years ago, that about 20,000 gallons per day are being pumped, currently, from the 2 wells, that the wells are between 400 and 500 feet from the stream channel, and that the wells are on a former stream bed or lake bottom.

The protestant in its protest claims a right to divert from its wells, based upon "prior appropriation and riparian claim." The alleged "prior appropriation" appears to be an appropriation initiated under Application 10981 to divert 30,000 gallons per day, year-round, from 3 springs located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T6N R14W, SBB&M. Application 10981 was approved and the time within which to complete construction and to apply the water to beneficial use has been extended to December 1, 1953. With reference to Application 10981 Witness Moss testified (page 43 of transcript):

"Well, we developed those springs and - - -
they receded so bad - - - that we had to
resort to well properties - - - -."

The springs in question lie about 3/4 mile northwesterly of the spring filed upon by the applicant. The four springs do not differ greatly in elevation and they are all on the northerly slope of Jupiter Mountain but there are gullies between the group of springs and the single spring which make it inconceivable that diversions from the latter could affect the former. As to the protestant's claim of a riparian right no evidence has been presented or

is it otherwise apparent that any considerable number of the parcels served by the protestant are riparian to the source from which the applicant seeks to appropriate.

The protestant's arguments (in its protest) to the effect that the main source of the water that now flows through underground channels into its wells is the so-called Mount Jupiter area and to the effect that any diversion made in that area would so reduce the supply reaching its wells as to make some of the homes uninhabitable are unconvincing, the testimony offered in their support is inconclusive, and certain information, especially that set forth upon the U. S. Geological Survey quadrangles of the locality, tends to refute them.

While the protestant describes its wells merely as being located within Section 12 of a designated township, the applicant on its Hearing Exhibit No 1, to which the applicant took no exception, plotted them upon a map made up of USGS quadrangles. According to that Exhibit the wells lie north of Dowd Canyon and while they are in a favorable location to receive percolating waters which originate on Jupiter Mountain they appear to be in a position to benefit also from percolation from the much larger San Francisquito watershed. If, as the map strongly suggests, the wells are fed from San Francisquito Canyon as well as from Dowd Canyon, the proportion of the total supply that the area tributary to the applicant's proposed point of diversion contributes is less by far than the 1/30 which the protestant asserts it to be.

Again, percolation of water emanating from the spring filed upon cannot benefit the protestant until the ground water level in the vicinity of its wells has somewhat subsided, a condition that may be presumed not ordinarily to occur until spring or early summer. From that time until the commencement of the fall rains appears scarcely sufficient, in a normal season, for percolating water to travel the 1.5 miles from spring to wells.

Summary and Conclusions

The protestant's alleged appropriative right to extract water from the wells referred to in its protest appears to be invalid. Validity may attach to its alleged riparian right, to an extent however which cannot be appraised from the data at hand. The drainage area probably contributing to the supply of the protestant's wells appears from maps of the locality to be greatly in excess of the 2400 acres mentioned in the testimony. The rise and fall of the ground water level in the vicinity of the protestant's wells depend upon rainfall and also upon contributions from tributary drainage. The source named in Application 14236 is within that tributary drainage but the conclusion that the diversion of the amount sought under that application will affect the ground water level measurably does not appear warranted, the diversion of that amount appearing to depend in large part upon elimination of transpiration losses from vegetation at the spring site. The time of travel, underground, of water from the spring filed upon by the applicant to the protestant's wells probably exceeds the period within a normal year extending from the cessation of spring rains to the commencement of fall rains.

The circumstances above outlined indicate that unappropriated water exists at times in the source from which appropriation is sought under Application 14236 and that such water may ordinarily be taken and used in the manner proposed in that application without injury to the protestant or to other parties downstream. It is the opinion of this office therefore that Application 14236 should be approved, subject to the usual terms and conditions.

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ORDER

Application 14236 having been filed with the Division of Water Resources as above stated, a protest having been filed, a public hearing having been held and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 14236 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 21st day of July 1952.

A. D. Edmonston

A. D. Edmonston
State Engineer

