

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application)
23179 of Conrad Holling to)
Appropriate from Unnamed)
Springs (3) in Los Angeles)
County.)

Decision 1358

DECISION APPROVING APPLICATION

Conrad Holling having filed Application 23179 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of Application

1. Application 23179 is for a permit to appropriate 720 gallons per day (gpd) by direct diversion, year-round, for domestic purposes from three unnamed springs, tributary to Bootleggers Canyon in Los Angeles

County. The points of diversion are to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23, T4N, R13W, SBB&M.

Applicant's Project

2. The subject springs are within the Angeles National Forest at an elevation of approximately 2,900 feet. Water will be piped from the springs approximately 1,200 feet for use at a proposed five-acre campground which includes approximately one-half acre of orchard. The applicant's project is substantially complete.

Protests

3. Protestant Department of Fish and Game claims that the water from the springs is necessary for the support of wildlife in the area. The department has agreed to the withdrawal of its protest if any permit issued pursuant to Application 23179 contains a term requiring the permittee to maintain a 20-gallon wildlife watering device that will supply water at the rate of 100 gpd. The applicant has made no objection to the imposition of such a term.

4. Protestants Clifford and Adeline Tobey hold License 1931 (Application 7228) to appropriate 1,200 gpd from the same source covered by Application 23179 at the same points of diversion.

Water Supply

5. On July 5, 1937, at the time of an inspection of the protestants' project, the combined flow of the springs was 581 gpd. During the period around 1937 the winter flows reached an estimated 5,000 gpd, but diminished to an estimated 1,200 gpd by April 1.

On July 12, 1969, a year of exceptionally heavy precipitation, the combined flow of the springs was 14,400 gpd.

Unappropriated Water

6. There are times during some years when there is water surplus to the quantity necessary to satisfy the rights of the protestants evidenced by their License 1931, which is available to the applicant. However, any permit issued pursuant to Application 23179 should contain special terms specifically subjecting diversion of water under the permit to the prior rights evidenced by License 1931 and requiring that any pipes be installed and diversion works be constructed in a manner so as not to interfere with diversion of water under License 1931.

7. The intended use is beneficial.

Conclusion

From the foregoing findings, the Board concludes that Application 23179 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Application 23179 and all relevant information on file therewith, particularly the report of field investigation made on June 12, 1969.

ORDER

IT IS HEREBY ORDERED that Application 23179 be, and it is, approved, that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 720 gallons per day by direct diversion to be diverted year round.

2. The maximum quantity herein stated may be reduced in the license if investigation warrants.

3. Construction work shall be completed on or before December 1, 1972.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1973.

5. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

6. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

6a. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed

and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

8. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

9. The permittee shall maintain a 20-gallon wildlife watering device constructed in accordance with specifications provided by California Department of Fish and Game. Subject to prior rights under License 1931, the watering device shall be supplied with water at a constant rate of 100 gallons per day. The overflow from the watering device shall be permitted to pass down the natural watercourse for the maintenance of vegetation necessary for the preservation of wildlife. The provisions of this paragraph are based upon a bilateral agreement between permittee and the Department of Fish and Game and shall not be construed as a finding by the

State Water Resources Control Board that the amount of water named herein is either adequate or required for the maintenance of wildlife.

10. This permit is junior to the rights evidenced by License 1931 (Application 7228) covering direct diversion from the same source at the same points of diversion.

11. Permittee shall construct any diversion works, and install any pipes, at the springs in such a manner as not to interfere with diversion of water under License 1931.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Santa Monica, California.

Dated: April 16, 1970

KERRY W. MULLIGAN **ABSENT**
Kerry W. Mulligan, Chairman

E. F. DIBBLE
E. F. Dibble, Vice Chairman

NORMAN B. HUME
Norman B. Hume, Member

RONALD B. ROBIE
Ronald B. Robie, Member

W. W. ADAMS
W. W. Adams, Member