

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

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In the Matter of Application Number 4855 by Joy A. Sullivan  
et al to appropriate from Vogel Creek, Tributary to  
Tujunga Creek and Los Angeles River for Do-  
mestic Purposes on Summer Homesites of  
Angeles National Forest.

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DECISION NO. A 4855 D 158

Decided June 14, 1927

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Appearances at Hearing Held September 7, 1926.

For applicants:

J. A. Sullivan

For Protestants:

City of Los Angeles  
Monte Vista Water Company

F. G. Anderson  
H. B. Lynch

EXAMINER: Harold Conkling, Hydraulic Engineer

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O P I N I O N

This is an application to appropriate 0.02 cubic foot per second  
throughout the year from Vogel Creek, a tributary of Tujunga Creek for do-  
mestic purposes on nine summer home site lots of the Angeles National Forest.

The application was completed in accordance with the Water Commis-  
sion Act and the requirements of the Rules and Regulations of the Division  
of Water Rights, and being protested was set for a public hearing in Room  
1026 Sun Finance Building, Los Angeles, California, at 1:30 P.M. on September  
7, 1926. Of this hearing applicants and protestants were duly notified.

J. A. Sullivan appeared on behalf of the applicants and T. G. Anderson and H. B. Lynch on behalf of the City of Los Angeles and the Monte Vista Water Company respectively.

Protest of the City of Los Angeles was filed on March 3, 1926.

Protestant claims that the waters of Vogel Creek constitute a part of the flow of Los Angeles River; that the City is the owner of the paramount right to take and use all of the waters of said Los Angeles River and its tributaries as the same may be required for use of said City and its inhabitants for domestic and municipal purposes; that at present the City and its inhabitants have need of all of the said waters and consequently that there are no waters subject to appropriation in Los Angeles River or its tributaries.

Protest of Monte Vista Water Company filed March 21, 1926, claims a right established in 1884, to divert upwards of 64 miner's inches from Tujunga Creek at a point about  $1\frac{1}{2}$  miles downstream from applicant's point of diversion; that applicant's proposed diversion would undoubtedly affect the supply at the company's point of diversion during dry seasons and that injury would result to the company thereby.

The City's standard protest has been overruled in similar cases, notably in Decision Nos. 3603, 4029, 4252, 4253, 4254, 4323, 4414, 4418, 4516 and 4528, D 102 where, based on evidence presented at a hearing held on November 24, 1925, it was found that during the last fifteen years there had seldom been a time when there was not surface water passing the City's lowest intake at The Narrows; also at the hearing held September 7, 1926 on the application now under consideration, the fact was developed that water at all times passes by the City's various diversion works into the underground basin of the coastal plain to the south and is thereby lost to the City for domestic and municipal purposes. This circumstance establishes

the fact that the City is not presently using all the waters of the Los Angeles <sup>RIVER</sup> and that this applicant may use without present interference with the use made by the City. If and when the City shall use all the waters tributary to Los Angeles River it shall appear that applicant hereunder is using water tributary thereto and within the pueblo right, the City will then be in a position to demand and require a cessation of use by applicant since all permits granted are expressly granted subject to the condition that vested and existing rights shall not be impaired.

The Monte Vista Water Company diverts surface flow only at a point on Tujunga Creek about one mile below the confluence of Vogel Creek and about one and one-half miles below applicants' point of diversion. Witness for the company testified that during recent summers there has been as little as eight miners inches flowing in Tujunga Creek and the Company takes the stand that any diversion above them, including that of underground flow, will still further diminish their supply.

In its course down Vogel Canyon and Tujunga Creek the summer flow sinks into the sands and is again brought to the surface in places by irregularities of the bedrock which, after a fashion, form a series of underground reservoirs. These reservoirs are fed by seepage from springs, percolating winter flood water and rainfall on the canyon itself. During the rainless period of the year the underground supply is slowly drained but is again replenished in whole or in part by the winter rains.

According to testimony presented at the hearing held March 20, 1924, the rate of underground flow in the locality is about one and one-half miles per year. Under these circumstances one year more or less would be consumed in transit between applicants point of diversion and that of protestant and consequently the facts favor the presumption that any depletion of the flow by reason of the applicants' diversion would be replenished by the runoff

of the ensuing year before the effect would be felt by the protestant. Also, H. B. Lynch, attorney for protestant concedes that by proper handling of the proposed appropriation the greater part may be returned after use to the underground supply and in view of these circumstances and the fact that applicants' watershed is only two percent of the entire watershed which produces the flow at protestant's point of diversion it is our conclusion that if proper disposal is made of sewage the diminution of supply which will result to protestant by this appropriation will be altogether negligible. We feel that the protest of Monte Vista Water Company as well as that of the City of Los Angeles is prompted rather by technical and legal considerations than by practical considerations. If these protestants are in fact seriously concerned about the loss which will result from purely domestic uses at recreation sites in the watershed above their points of diversion then we feel they should exert themselves to close these areas to settlement. This there appears to be no disposition on their part to do and if settlement continues such an amount as is required for purely domestic use is imperative.

Nine lots in all are to be served, one of which will be occupied the year around and on this last a garden will be maintained. While the customary allowance for domestic use with garden irrigation is 0.025 cubic foot per second, eight of the lots will usually be occupied only on weekends and it is believed that under the circumstances the regular forest lot allowance of 0.001 cubic foot per second per lot, or 0.009 cubic foot per second in all should suffice for both the garden irrigation and domestic use at the nine cabins. The disposal of sewage by means of pipes and properly constructed cess-pools we believe is demanded by personal and public health considerations as well as by economy in the use of water. It would therefore appear reasonable to impose upon the applicant and permittee the obligation to make such disposal of sewage wastes as will result in a minimum loss in the return to ground water

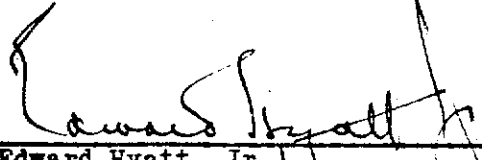
and the supply which will ultimately reach the points of diversion of the protestants.

ORDER

Application 4855 for permit to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Application 4855 be approved and permit be granted to the applicants for 0.009 cubic foot per second subject to such of the usual terms and conditions as may be appropriate and subject to the special condition that such disposal shall be made of the sewage waste of water appropriated under this application as will insure the maximum practicable return to stream flow at points downstream.

Dated at Sacramento, California this 14th day of June , 1927.

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(Edward Hyatt, Jr.)  
CHIEF OF DIVISION OF WATER RIGHTS

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