

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

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In the matter of Application 4297 of Elma and A. D. Holloway
for a permit to appropriate water from an unnamed
spring in Millard Canyon, Los Angeles County,
for Domestic Purposes

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DECISION NO. A 4297 D 168
Decided September 3, 1927

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APPEARANCES AND HEARING HELD May 18th and 20, 1926.

For Applicant:

Elma and A. D. Holloway

Elma Holloway

For Protestant:

La Vina, a corporation

A. L. Rowland

Raymond B. Thompson

EXAMINER: Edward Hyatt, Jr., Chief of Division of Water Rights

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O P I N I O N

Application 4297 was filed November 5, 1924. It proposes an appropriation of 0.002 cubic foot per second from January 1st to October 31st, from an unnamed spring in Millard Canyon for domestic purposes on Lots 22 and 23 of the Millard Canyon Tract of the Angeles National Forest being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T 2 N, R 12 W, S.B.B. & M. It was protested by La Vina, a corporation.

This application was completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights and being protested was set for a public hearing at Room 1026 Sun Finance Building, Los Angeles, California, at 10:00 o'clock a.m. on May 18,

1926, and continued to May 20, 1926. Of this hearing applicant and protestant were duly notified.

La Vina, a corporation, protested the proposed appropriation, claiming a right to the use of all the water in Millard Canyon and its tributaries, based upon prior appropriations and use for the past twenty years, including the use of waters flowing from the unnamed spring from which the applicant proposes to appropriate and alleges in effect that the proposed appropriation, if approved, would deprive them of the use of water which it has enjoyed for the last twenty years or more.

The facts in the case are partially set forth in the opinion in the matter of Application 4098 of the U. S. Forest Service and Application 4297 of Elma and A. D. Holloway on which Decision A 4098-4297 D 135, dated December 27, 1926, was based and to which reference is hereby made.

The testimony presented at the hearing was not deemed sufficient to enable this office to act and further action in the matter was delayed until a field investigation could be made.

On January 11, 1927, an engineer of this office visited the site of the proposed diversion. According to the engineer's report the canyon in which the diversion is proposed is narrow with precipitous rock walls, the floor being not more than 10 to 25 feet wide above the present diversion of La Vina. The canyon is at right angles to Millard Canyon while the natural drainage is more nearly parallel with Millard. An old canyon trending across the more recent canyon in which the applicants' proposed point of diversion is located, cuts across about 100 feet above La Vina diversion. The bottom of this old canyon is perhaps 100 or more feet above the present canyon and it is the concentration of flow in this older canyon which makes the seepage to the later canyon sufficiently concentrated to maintain a rank growth of vegetation at the point of diversion.

The surface evidence of the seepage upon which the applicants filed is merely a patch of bushes in the corner caused by the junction of the floor and wall of the canyon.

La Vina has constructed a circular wall of stone at its point of diversion designated as No. 3 on Exhibit 1 and into this extends a pipe line which runs about 20 feet up the canyon beneath the floor.

According to the report of the inspecting engineer the entire supply of the canyon had not been developed and development in the canyon walls at the seepage points with proper drainage of the canyon floor would make additional water available.

The applicants purchased their cabin sites in 1922 and prior to 1924 had obtained their domestic supply by dipping water from the sand box of La Vina which was located near one of the cabins. In the summer of 1924 which was a very dry year the La Vina Corporation closed the sand box and the applicants could obtain domestic water only by placing a bucket under leaks in the pipe line. The water obtained in this manner however was not considered potable and the applicants sought by application to this Division to obtain water from a little seep in the wall of the canyon above the La Vina diversion, which seep has no surface connection with it.

The right to Spring 3 which had for many years been abandoned and which has recently been walled up by La Vina, is somewhat questionable. Apparently the reason for again resorting to this source of diversion was on account of the drought of 1924 and according to our inspecting engineer the development has not been maintained and it is his understanding that it has not been used recently as there has been plenty of water available from the lower points of diversion.

While in a year of prolific runoff La Vina may irrigate gardens, the orchards of La Vina are limited to the area which can be supplied in the years of minimum runoff. It would appear however that it would be impossible for La Vina to so adjust its demands that it can use all of the water in the more

prolific years and it is only in the occasional dry years that it would be short of water.

It would appear that any development made by the applicants would have a tendency to increase rather than diminish the flow to the Millard Canyon supply, particularly if proper sewage disposal works are installed.

As there appears to be unappropriated water in the source from which the applicants seek to divert, during years of normal runoff, the application should be approved and permit issued with a special clause therein to the effect that such disposal shall be made of the sewage waste of water as will insure the maximum practicable return to stream flow at points downstream.

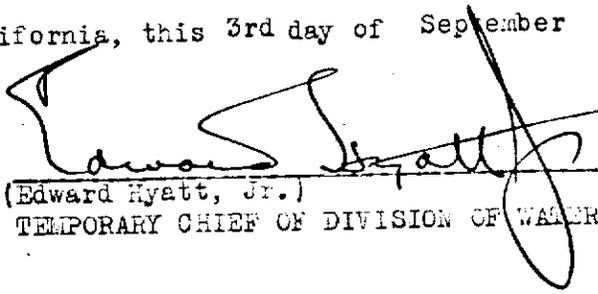
O R D E R

Application 4297 for a permit to appropriate water having been filed with the Division of Water Rights as above stated, a protest 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 Application 4297 be approved and that a permit be granted to the applicants subject to such of the usual terms and conditions as may be appropriate and to a special term or condition as follows, to-wit:

"Such disposal shall be made of the sewage waste of water appropriated under this application and permit as will insure the maximum practicable return to stream flow at points downstream".

Dated at Sacramento, California, this 3rd day of September, 1927.


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

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