

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

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In the matter of Applications 5178 and 5501 of N. C. P. at  
Service to appropriate from the Trinity Canal  
shed in Los Angeles Trinity Canal

DECISION NO. A 5178-5501 D 177

Decided December 22, 1927.

APPEARANCES AT HEARING HELD AT LOS ANGELES, October 28, 1927

For Applicant

H. P. Decant  
Ferry Building, San Francisco

For Protestant

City of Los Angeles

K. W. Scott, Deputy City Engineer  
207 South Broadway, Los Angeles

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EXAMINER: E. W. Bryan, Deputy Chief of Division of Water Rights

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Findings

Both of these applications propose the use of water from a certain  
tributary to Big George Canyon for the purpose of propagating  
propagating trees to be used in reforestation of burnt over areas. Inci-  
dental domestic use is also proposed.

Application 5178 filed August 30, 1926, proposes the use of 0.10  
second feet from this branch, a small tributary of Big George Canyon for the pur-  
pose of a nursery of an area of about 20 acres. Application 5501  
Service. Application 5501, filed December 9, 1926, proposes the use of water  
on behalf of the Agricultural Division of the City of Los Angeles, proposed

the use of 0.25 second foot from branches of Clear Creek for the benefit of a 40 acre nursery maintained by the schools on land within the forest and includes incidental domestic use. Both applications were protested by the City of Los Angeles.

These applications were 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 were set for a public hearing in Room 1025 Sun Finance Building, Los Angeles at 1:30 o'clock P.M. on October 25, 1927. Of this hearing applicant and protestant were duly notified and appearances thereat were made by both parties.

The protests of the City of Los Angeles are substantially the same in each case. A "Pueblo right" to use water from Los Angeles River to which the sources in question are tributary is claimed and protestant states that the entire normal flow thereof is diverted for municipal use in the City and that such flow does not answer its requirements during the low flow period and is therefore augmented by water conveyed to the river by the Los Angeles aqueduct. At what is known as the Narrows the subsurface waters of the basin above are forced to the surface by an impervious dyke and spilling over the lip of this dyke are soon lost again in the underground basin of the coastal plain. Above the Narrows the city has several pumping plants which divert underflow. Below this point the city pumps from basins underlying the coastal plain which it is claimed are replenished in part by water from the river, such replenishment passing the Narrows in the form of surface flow.

In the case of Application 8175 it was brought out at the hearing that there is no surface connection between Vasquez Creek and Big Pajuna

Creek except during the flood flow period and that any flow from the source which may reach the Los Angeles River at other times is therefore underflow. Evidence introduced by applicant was clearly to the effect that except during the flood flow period a large portion if not all of the flow of the immediate source is dissipated by seepage, plant transpiration and evaporation in its course toward Vasquez Creek. Protestant submitted neither a statement nor any evidence to the contrary. If applicants showing is correct it is manifest that the City cannot be injured through diversion of water which does not reach its points of diversion.

The situation with regard to Application 5301 is somewhat different in that there is a surface flow between the points of diversion on Clear Creek and Tujunga Creek. At the hearing it became apparent that applicant and protestant are, in effect, separate activities of the City of Los Angeles. The two parties thereupon entered into a stipulation whereby the protest was withdrawn and applicant agreed that any rights secured through approval of the application would be exercised "Subject to the rights to the City of Los Angeles to take the waters of the Los Angeles River and its tributaries, including Big Tujunga Creek and Clear Creek at such points as said City may have legal access thereto, so far as necessary for supplying said city and its inhabitants with water; said City, however, not to withhold the supply of water covered by the proposed appropriation except and until it finds same required for its use as aforesaid and only after one year's notice in writing".

The use proposed is a beneficial one and the application should be approved.

O R D E R

Applications 5178 and 5301 for permits 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 Applications 5178 and 5301 be approved and that permits be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

Dated at Sacramento, California, this 22nd day of December, 1927.

*Harold Conkling*  
(Harold Conkling)  
CHIEF OF DIVISION OF WATER RIGHTS

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