

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 12627 by James F. Garrity and Herman Santo,
Application 12702 by Edwin R. Bonsall, Application 12711 by O. W. Rutledge
and Application 12727 by Vernon and Gertrude Cuddeback to Appropriate Water
from Greenleaf Springs in Ventura County for Domestic Purposes.

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Decision A. 12627, 12702, 12711, 12727 D. 677

Decided September 18, 1950

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER
RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATIONS ON MAY 9, 1950:

Lou Min Burke	Representing Applicants Garrity and Santo
O. W. Rutledge	Representing himself and Applicant Bonsall
Gertrude Cuddeback	Representing herself and Vernon Cuddeback
Wendell Meacham)	Interested parties
Dalbert Greenleaf)	
A. J. Weisgerber	District Forest Ranger
A. Sheldon	Fire Control Assistant
J. J. Heacock	Associate Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer

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General Description of the Projects

The projects are all alike in that they each contemplate the
appropriation of 160 gallons per day, year round, from Greenleaf Springs,

for domestic purposes. The source is located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T 8 N, R 21 W, S.B.B.&M. and the places of use all lie within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of the same section. The applicants apparently occupy cabins nearby to each other and propose to use a common pipe line which leads from Greenleaf Springs and has been in operation for some time. The pipe line consists of 700 lineal feet of 2 $\frac{1}{2}$ inch, followed by 1300 lineal feet of 1 $\frac{1}{2}$ inch, iron pipe. The pipe line is said to fall a total of 40 feet and the system to include a 1000 gallon regulating tank.

Protest

The applications are all protested by one J. D. Kenmuir who claims a prior appropriative right to divert from Greenleaf Springs and contends that the continued practice of approving applications to appropriate from that source without improving the facilities will result in depriving the original owners of a satisfactory water supply. Mr. Kenmuir states that his protests may be disregarded and dismissed if holders of prior rights can be assured of an adequate water supply, and if necessary improvements and enlargements of the present system are made. He states that the water system, installed and paid for by the first four property owners of the locality, while once adequate cannot be expected to meet increasing demands indefinitely. He suggests that the State Department of Public Works make a survey with a view to improving both the road and the water conditions of the locality.

In reply to the protests applicants Garrity and Santo profess willingness to help in any way possible in keeping the supply adequate and state that they contemplate only occasional weekend use of their cabin, which use will have but little effect upon the water supply; Applicant Bonsall agrees that improvements to the water system are needed

and states that he is willing to pay his share of the cost thereof; Applicant Rutledge asserts that the water supply is sufficient and that he is willing to help pay for needed repairs to the system; and the Protestants Cuddeback state that the water supply is usually ample, that recent shortage has been due to low rainfall, and that they are willing to pay their share of repair and maintenance costs.

Field Investigation

The applicants and the protestant having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on May 9, 1950. All of the applicants were present or represented at the investigation. The protestant did not attend the investigation and was not represented.

Records Relied Upon

Applications 12627, 12702, 12711 and 12727 and all data and information on file therewith.

Discussion

In the report of the investigation of May 9, 1950 Greenleaf Springs are described as an effluent seepage along the northerly bank of Bitter Creek. The report states further that the measured overflow from the tank when visited was 3 gallons per minute, measured diversion was 2 gallons per minute and unmeasured seepage from the diversion box and leakage from the pipe line amounted to about 1 gallon per minute, making the total production from the springs about 6 gallons per minute. The parties at the investigation agreed that the flow of the springs is stable but that it is less now than it was 4 or 5 years ago. According to the same report 11 cabins are at present connected to the pipe system heading

at Greenleaf Springs. The 2 gallons per minute observed to be entering the pipe line thus represented an average of 2880/11 or 262 gallons per day per cabin. Further information included in the report of investigation is to the effect that 2 or 3 of the 11 cabins are occupied permanently and the others only occasionally, and that the 11 cabins include 2 only of the 4 cabins for which supplies are currently sought.

According to the records of the Division, active applications to appropriate from Greenleaf Springs are as follows:

<u>Application</u>	<u>Permit</u>	<u>License</u>	<u>Amount</u> (g.p.d.)	<u>Applicant</u>
7570	4398	2608	160	F. J. and M. A. Loakes
9933	5608	2515	160	J. D. Kenmuir
10518	6066	2986	75	G. V. Dalton
11298	6608	---	160	W. & M. Meacham
11313	6610	---	160	Roy M. Douglas
12461	7382	---	160	Lou Burke
12627	---	---	160	J. F. Garrity & H. Santo
12702	---	---	160	E. R. Bonsall
12711	---	---	160	O. W. Rutledge
12727	---	---	160	V. & G. Cuddeback
13236	---	---	<u>160</u>	Dalbert M. Greenleaf
	Total		1,675	

Inasmuch as the filings on Greenleaf Springs aggregate but 1,675 gallons per day as compared with the 6 gallons per minute (8,640 gallons per day) which the spring was estimated to be producing, and inasmuch further as it was the consensus of opinion among those present at the investigation that the flow of the springs is stable throughout the year it is concluded

that surpluses exist in the waters issuing from Greenleaf Springs and that such surpluses may be taken and used to the extent proposed in the several active applications, including the applications currently at issue, without injury to the protestant or to other users from that source. It is further concluded that the water shortages complained of by the protestant have been due to abnormal drouth conditions and/or to the deterioration of the existing pipe line and are not a sufficient basis for denying approval of the pending applications.

In view of the circumstances herein set forth, Applications 12627, 12702, 12711 and 12727 should be approved and permits issued, subject to the usual terms and conditions.

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ORDER

Applications 12627, 12702, 12711 and 12727 for permits to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 12627, 12702, 12711 and 12727 be approved and that permits be issued to the applicants 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 18th day of September , 1950.


A. D. Edmonston, State Engineer.

