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

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IN THE MATTER OF APPLICATION NUMBER 4729 BY EUGENE
F. SOULE TO APPROPRIATE WATER FROM AN UNNAMED SPRING IN
LOS ANGELES COUNTY FOR AGRICULTURAL PURPOSES.

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Decision No. A4729, D 138

Decided February 4 1927

APPEARANCES AT HEARING HELD SEPT. 10, 1926:

For Applicant:

Eugene F. Soule in propria persona

For Protestant Little Baldy Water Co.:

E. T. Lucey, Attorney

EXAMINER:

Harold Conkling, Hydraulic Engineer
for E. Hyatt, Jr., Chief of Division

O P I N I O N

On August 11, 1925, Eugene F. Soule filed his application No. 4729 to appropriate water from a spring developed on the North side of Pinyon Ridge in Los Angeles County, seeking the appropriation of 0.004 cubic feet per second for domestic purposes at his residence less than half a mile from the spring. Applicant had theretofore filed his application No. 3333 to appropriate from another spring in the immediate vicinity which was denied by the Division of Water Rights after a hearing at which no appearance was made on applicant's behalf and at which protestant submitted evidence indicating that normal flow from that spring would reach and be intercepted by a submerged dam which collects water for protestant in Deadman's Canyon. In the case of application No. 4729, the same protestant stated that parallel

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protestants obtained and sought denial of the application as being in conflict with their claim to a right to divert water from behind their dam in Deadman's Canyon.

Application No. 4729 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 in Room No. 1026 Sun Finance Bldg., Los Angeles at 10:00 o'clock A.M. on Friday, Sept. 10, 1926. Of this hearing, applicant and protestant were duly notified.

It is protestant's contention that the water from the spring designated by applicant eventually is intercepted by a submerged dam maintained by protestant in Deadman's Canyon and that the entire amount so intercepted does not satisfy their requirements. Applicant makes no denial of the right claimed by protestant and has tacitly acquiesced to protestant's claim that they have a right to all such water as reaches protestants dam.

From the evidence it was found that the spring on which the application is made is caused by water brought to the surface by an impervious barrier of granite caused by a fault which traverses the country in an east and west direction. It is also found that the place of use is at another fault line also traversing the country parallel to the first. This forms Shoemaker Valley. The fault at Shoemaker Valley is evidently quite impervious as is shown by the existence of Caldwell Lake (now temporarily dry because of a series of dry years) lying $\frac{1}{4}$ mile west of the applicant's place of use.

The water from the spring named as the source in this application might be disposed of in four ways: It might flow westward to Caldwell Lake along the fault and then be avaporated; it might be disposed of by transpiration from plants along the bottom of the Canyon in which it rises; it might be disposed of by evaporation from moist land in its vicinity or it might go down Grand View

... there be diverted by Little Baldy Water Company, the protestant, or
... beneath their dam.

It seems probable that the greater part was disposed of in the
immediate vicinity of the spring by evaporation from moist ground in that vicinity
noted by witnesses.

Development work by the County intercepted this water before it reached
the surface, dried up the moist area and thereby saved part of the water from
useless evaporation.

In view of this and other possible ways of disposal it cannot be claimed
that it has been shown that this water which is proposed to be diverted by the
applicant is now being diverted by the protestant. Application should be granted.

O R D E R

Application No. 4729 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 said application No. 4729 be approved and
that a permit be granted to the applicant subject to such of the usual terms and
conditions as may be appropriate.

Dated at Sacramento, this 4th day of February 1927.



(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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