

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

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IN THE MATTER OF REVOCATION OF PERMIT 1439 HERETOFORE
ISSUED UPON APPLICATION 3131 OF GEORGE P. LUX AND
GEORGE B. HODGKIN ALLOWING THE APPROPRIATION OF ONE
TENTH OF A CUBIC FOOT PER SECOND FROM CLAMSHELL CANYON
AND TWO SPRINGS, TRIBUTARY TO RIO SANTA ANITA WATERSHED
IN LOS ANGELES COUNTY FOR AGRICULTURAL AND DOMESTIC
PURPOSES.

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Dicision A 3131 D 151

Decided May 3, 1927

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APPEARANCES AT HEARING HELD AUGUST 16, 1926, FOR PERMITTEES

For Permittees:

George P. Lux
George B. Hodgkin

No appearance
J. C. Greer

EXAMINER: Harold Conkling, Hydraulic Engineer acting for
Edward Hyatt, Jr., Chief of Division of Water Rights.

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O P I N I O N

On May 29, 1923, Application No. 3131 was approved by the issuance of Permit 1439, allowing George P. Lux and George B. Hodgkin to appropriate 0.085 cubic foot per second from Clamshell Canyon and 0.015 cubic foot per second from two springs, both sources being tributary to the Rio Santa Anita Watershed, for agricultural purposes from about March 1st to about December 31st of each season on 40 acres of land in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T 1 N, R 11 W, S.B.B. & M. and throughout the remainder of the year as required for domestic purposes.

The applicants proposed the construction of a small concrete basin about 3 ft. wide, 6 ft. long and 1 foot deep and the installation of a 4 inch pump at the point of diversion in Clamshell Canyon and the construction of a concrete basin 3 ft. wide, 4 ft. long and 1 foot deep and the installation of a 2 inch pump at the springs. Three hundred feet of 4 inch riveted steel pipe and 1100 feet of 2 inch iron pipe were to be laid.

The cost of the entire project was estimated to be approximately \$600.00.

According to the terms of the permit, construction work was to have been commenced on or before August 1, 1923, and to have been completed on or before July 1, 1925, and complete application of the water to the proposed use was to have been made on or before August 1, 1926.

According to the 1923 progress report submitted by the permittees under date of December 19, 1923, a tunnel had been constructed and pipe laid at an expenditure of \$200.00.

According to the 1924 progress report submitted under date of December 9, 1924, small tunnels had been started and 2 inch pipe laid at a total expenditure of \$400.00.

The 1925 progress report submitted under date of December 21, 1925, stated that \$440.00 had been expended on the project and that one tunnel had been started and about one half of a mile of pipe laid. The reason given for non-completion of the project was "lack of funds". Apparently no use of water had been made.

On May 18, 1926, Mr. George P. Lux was interviewed at Monrovia and according to his statements \$440.00 had been expended on the project but due to the fact that the small amount of water developed did not warrant the laying of the pipe line, the project had been abandoned as far as he was concerned but that he could not answer for the interest of Mr. Hodgkin who had a tenancy in common with him in the place of use.

Under date of June 2, 1926, Mr. George B. Hodgkin was advised that if the project had been abandoned our office procedure would be simplified if he would request revocation of the permit, but that if this office was not notified to that effect before July 1st it would be necessary to hold a hearing, at which the revocation of the permit would be considered.

As no reply to this letter was received the matter was set for hearing.

Appearance was made on behalf of Mr. George Hodgkin who requested an additional year to complete the project.

As no new matter was brought out at the hearing to indicate that the applicant was more likely to complete the project during the coming year than in the last, his representative was advised that the applicant's interest would be best served by filing a new application.

Although it was stated at the hearing that the permittee would request the cancellation of the permit, such a request has not yet been received and therefore action in the matter will be taken, based upon the showing made at the hearing which it is believed was not sufficient to justify an extension of time to complete the project. The permit therefore should be revoked.

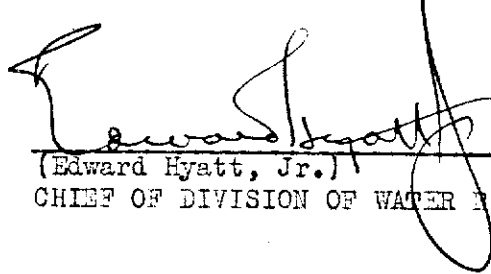
O R D E R

A permit having heretofore been issued in approval of Application 3131 which allowed time within which to complete construction work and use therein proposed, it appearing to the Division of Water Rights that due diligence was not being exercised by the permittees and that said permittees had failed to comply with the terms and conditions of the permit, a hearing having been held at which permittees were afforded an opportunity to show cause why the permit should not be revoked for failure to comply with the terms and conditions of the permit and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said Permit 1439 heretofore issued upon

Application 3131 be revoked and cancelled upon the records of the
Division of Water Rights

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



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

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