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

In the matter of Applications 6176 and 6301 of W. C. T.
Service to appropriate from the Pomgrama watershed in Los Angeles County, the waters of the

DECISION NO. A 6176-6301 B 177
Decided December 22, 1927.

APPEARANCES AT HEARING HELD AT LOS ANGELES, October 22, 1927.

For Applicant
H. P. Dean
Perry Building, San Francisco

For Protestant
K. E. Scott
287 South Bunker Hill, Los Angeles

EXAMINER: E. B. Bryan, Deputy Field Examiner, Rights

Both of these applications propose the use of water from suction
tributary to Big Walnut Canyon for the purposes of City of Los Angeles for
propagating trees to be used in reforestation of burned-over areas. Inci-
dental domestic use is also proposed.

Application 6176 filed August 10, 1926, proposes the use of 6.44
several days later. City of Los Angeles, a water district of Riverside County, for the pur-
halt of a variety of purposes including irrigation, municipal, and rural
service. Application 6301, filed December 4, 1926 by the

For City of Los Angeles
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 1026 San 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 Barrows 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 Barrows 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 applications not passing the Barrows in the form of surface flow.

In the case of application G73 it was pointed out at the hearing that there is no surface connection between Vasquez Creek and Big Suruse.
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 withdraw 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.
ORDER

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.

[Signature]
Harold Cookling
Chief of Division of Water Rights

SCP:AP