

SANTA CLARA WATERSHED SURVEY SET

(Continued from Page 1)

would be willing to pay its share. He felt one man should do the job of making the water surveys in the two, closely linked areas and he affirmed his faith in Conkling's ability to do the job.

Before acting, Supervisor Richard Bard wanted to make sure that there would be no conflict in ordering a survey for zone three as well as for zone two. He pointed out that zone two as one step ahead of three in that Conkling already has made a basic hydrological survey of the Santa Clara valley watershed.

County Surveyor Robert Ryan saw no conflict. He said zone three could have a hydrological survey and then be brought together with zone two in consideration of the safe yield data and import and export of water.

At about this time, Supervisor Sanford Butts then wanted Conkling to be hired to get more information on zone one's water supply. Other supervisors, however, did not seem to feel that there would be any need at the present time to hire Conkling, who is studying the safe yield and other hydrological data for Casitas-Matillija dams and conduit system, for further zone one work.

After all the conjectures on his original motion, Price decided to stand pat. He said he was going to vote only at this time on the zone two recommendation. He wasn't against studies in any other zones, but he did want his motion to be concerned only with the recommendation that Conkling be hired for zone two survey work.

So, supervisors acted favorably on Price's original motion. Then they requested Ryan to bring in a recommendation for having a water study made in zone three, with the proposal to take into consideration a tie-in of studies with zone two.

(Following is the seventh report made by Dr. Thomas L. Bailey, consultant, on the progress of core drilling and grouting at Matillija dam.—Editor.)

During the week ending January 31, one more core hole, 11-J (re-drilled after grouting) near the foot of the left abutment, was completed to the proposed depth of 100 feet. This gives a total of 5 core holes that have been carried to completion since the coring program started on December 4. The remaining blocks in which core holes have not been completed in the foundation rocks beneath the dam are D, H and I.

Besides the completion of 11-J, some work was also done with one rig on re-drilling 10-D and the re-drilling of 10-I was started during the past week. Work was suspended on Saturday, January 31, owing to the loss of diamonds from two core bits in badly fractured sandstone. The second rig has been drilling grout holes in the right abutment and a few of these holes have taken large quantities of grout. Some solid 5-foot cores, all in one piece, of very hard sandstone have been obtained in the drilling of the nearly horizontal grout holes on the right abutment.

A large quantity, possible 40 gallons a minute of warm sulphur water was flowing from recently completed core hole 11-J when observed on January 31 and this hole evidently topped some of the principal fractures that fed the sulphur springs which came up along the foot of the right abutment before the apron was laid.

A summary of the information obtained from the cores obtained last week is given below.

Core hole 11-J (re-drilled from original bottom of 20 feet). An average core recovery of 65 percent of core out of the 100 feet drilled was obtained. A core of partially hardened solid grout was recovered from the surface to 10 feet; between 10 and 20 feet the

1-23 SO, THE COURTS TAKE OVER

ZONE 1's water project has reached an objective for which it has been inevitably heading during the past year, the court system of California. The suit brought yesterday by the Warren company is the second so far to arise from the county's prize muddle. We predict it will not be the last one. The lawyers and the judges, we fear, have a big hunk of litigation ahead of them. Out of it all, somewhere, sooner or later, we hope, may come some small crumb of comfort for the water-users and taxpayers of the Ventura river valley.

Million Dollar Matilija Dam Suit Under Way

The start in superior court this morning of the Ventura county flood control district's million dollar suit against the Donald R. Warren company over construction of Matilija dam centered on legal technicalities.

Most of the morning session was spent on the Warren company's answer to the district's complaint, with the district's attorney, S. V. O. Prichard, making numerous motions for deletion of portions of the answer.

At the outset of the case, Judge L. N. Turrentine of San Diego set up mechanics for court procedure. He said court sessions would be from 10 a.m. until noon and from 2 to 4:30 p.m. He announced there would be a recess this Friday and the week of Jan. 31 to Feb. 4 because of prior commitments he has to fulfill.

The judge announced a loud-speaker would be set up in the courtroom and that a special exhibits cabinet would be used to smooth out court operations.

Hearing on some district motions in regard to final plans for Casitas dam was deferred until conclusion of the hearing on the district's complaint and prior to the start of the Warren company's cross-complaint.

Prichard and District Attorney M. Arthur Waite were in court to represent the district, with Engineer Rush Sill, a district consultant, standing by. Also present were Supervisor Robert Lefever and Zone One Manager Neil Stiver and his wife.

Warren, his wife and John Hallock, Warren's project manager on Matilija dam, were in the courtroom along with their attorneys, Loring and Stanley Burdette of Los Angeles and Walter J. Ventura.

THE WEATHER

Clear or scattered cloudiness today, tonight and Sunday, but with scattered snow flurries above 3,000 feet over mountains today. Slightly warmer days but locally colder tonight.

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SEVENTY-THIRD YEAR, No. 78

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DITION)

PRICE FROM NEWSBOYS, FIVE CENTS

Warren Ousted Supervisors

Compromise of Claims Reached Matilija Dam Project Engineer Turns In 'Resignation'

BY MIDGE MOSSBERG

ATKINSON Kier Bressi and Bevanda, Matilija dam contractors, came out with a \$246,952 settlement, assurance of getting at least a grand total of \$2,136,583 for all work on an agreement on immediate contract termination with county from the day-to-night meeting of county flood control district supervisors yesterday.

THE Donald R. Warren company has been fired from the Matilija dam job and, as well, has been ousted from any further connection with the proposed Casitas dam project in the Matilija-Casitas conduit system.

The completed negotiations, carried on in friendly fashion, ended possibility of the contractors' filing suit against the district for claims in excess of \$260,000 and over termination of their contract. Completion of the grouting program was left in the hands of the district.

Completely framed ouster orders came from county flood control district supervisors last night after months of trouble with one's Matilija dam project. Supervisors took the decisive step to sever relationship with the Warren company after a settlement with Atkinson Bressi and Bevanda, Matilija contractors—a settlement which paid off the contract-sanctioned their removal dam job.

Closure of the deal came about without the approval of Project Engineer Donald R. Warren, who, before the day's events were finished found himself removed from any further connection with zone one's dam-building program.

for claims Atkinson Kier Bressi and Bevanda said were due for extra work, additional work, omitted work or damage of \$5,000 for settlement of claims brought about for asserted errors in computation of volume of excavation and concrete work to be performed under the contract.

WIN PAYMENTS

Completed negotiations—worked out in executive sessions and reported and acted upon in open meeting—mean the contractors won payments of at least \$2,136,583 on a contract that originally started at \$1,279,945. (Their attorney, Gardiner Johnson at previous meetings directly attributed added costs to the errors and negligence of the Warren company.)

Prior to the settlement, contractors had been paid \$1,889,631, amounts over that called for in the contract being approved for extra work done at cost plus and for revised quantities furnished at bid cost. Final tabulation of costs may increase the amount actually paid to the contractors. Some payments, not yet computed, still are due for the period of Jan. 31-Feb. 6.

The present estimate of costs for all work done and materials furnished by the contractor (without claim settlements added in) is \$2,155,817. Some of this money, however, may be returned to the county because all extra work funds have not been expended.

'RESIGNATION' GIVEN

Actually, supervisors in formal action in open meeting requested and received Warren's resignation as engineer for Matilija and Casitas dams and the conduit system, but statements by Prichard and Charles Loring, one of Warren's attorneys, left no doubt as to how the "resignation" came about. Prichard said the Warren company, at the request of supervisors, had consented to resign so long as the resignation didn't prejudice the company's legal position (so long as the resignation didn't preclude Warren's right to sue or to challenge payments or claims).

Warren also promised that his company's resignation would give the district freedom to employ engineers and consultants as desired on the dam projects. (County officials previously had to battle Warren over who could be hired as consultants on Casitas dam).

TO CONFIRM ACTION

Loring acknowledged the Warren company would resign, pointing out it was his understanding (See BOARD, Page 2)

KEEP BONDS

The arrangements, independently made by the district in direct-dealing with the contractors, keep one tag on Atkinson Kier Bressi and Bevanda. The contractors are not released from their faithful performance bonds, filed as a guarantee for quality of material and workmanship performed and delivered under the contract. These bonds probably won't be exonerated until the grouting program to strengthen the dam's foundation is completed. Until the state has certified that Matilija is a safe and secure dam.

Under terms of the agreement, supervisors (on motion of Richard Bard, seconded by Sanford Butts) gave the contractors \$151,952, money owed on the contract but held back until work was finished; \$83,000, in total settlement

yesterday's dragged-out was through, Flood Control Engineer Robert Rydner to temporarily take perversion of remaining the Matilija project.

N SUIT STANDS

day's meeting nearly up all the legal entanglement have arisen since construction of Matilija dam began. The issue, however, is the company's superior court action against the district and suits for \$77,561, the sum as being due for final plans and specifications for Casitas dam the conduit system. The conclusion of yesterday's meeting—it went on intermittently 10 a.m. until 6 p.m.—District Attorney M. Arthur Waite and County Legal Consultant S. Prichard said supervisors

Ryan Threatens to

Quit Engineer Post

Ryan In Board Fracas

THE Ventura county flood control district nearly lost its engineer yesterday afternoon when Robert L. Ryan threatened to resign after being verbally attacked in the supervisors meeting by Supervisor Robert Lefever.

Trouble arose over the need for the district to secure 30 inch steel pipe to divert water downstream from the dam safely past the apron area, where the grouting program is underway, before starting storage past elevation 1000. State dam officials last week said water could be stored in the dam to elevation 1025 if the diversion pipe was laid to by-pass the grouting area.

TEMPORARY APPOINTMENT

Ryan, who Friday night was appointed by supervisors to temporarily take over the Matilija dam program after Donald R. Warren, project engineer, was removed, said he believed the county's purchasing agent had the 30 inch steel pipe lined up but pointed out that it usually takes time to get pipe.

It was shortly after this that Lefever launched his attack after finding himself outnumbered in wanting to go ahead and store water (as a safety test) to the 1025 mark by "squeezing the valve" even if the by-pass line isn't in. He wanted to know why Ryan or Zone One Manager Neil Stiver hadn't foreseen the need for the pipe and purchased it ahead of time.

Ryan reminded Lefever that he had started the job only last Saturday and that the supervisors originally had hired the Warren company to handle all phases of the project. Lefever, indicating he thought Ryan was just trying to push something off on Warren, countered with, "well, you're the district engineer."

RYAN MIFFED

At that point, Ryan said he was going to resign right then and there. He reminded Lefever he hadn't asked for the job and had (See RYAN, Page 12)

(Continued from Page 1)

only agreed to take over temporarily. He told Lefever that at the supervisors request he earlier had taken over ordering dam valves, (which were delayed in arriving and which dela caused trouble) because they had been left out of the original contract drawn by Warren. Indicating he had been caught in the middle of the dam picture and had been buffeted around, Ryan said he didn't have to take it any longer. He also declared that a few years from now he didn't want to take the blame for any mistakes on the dam for having taken over its operation for one week.

Richard Bard paved the way to smooth over the issue by asking Ryan not to resign. The district engineer replied he realized he couldn't walk out on the project before it is finished, that he'd

stick around anyway until the Matilija project was cleaned up.

Then Prichard brushed over the fuss lightly by asking Ryan to report on his efforts to keep the grout program going and to make the change over from the contractors' supervision of the work to the county's doing so.

LEFEVER TELLS IDEA

Lefever had stated that he wanted to store water to the 1025 elevation mark as a means of testing the dam's safety. He felt it would be wiser to store water a

little at a time than to wait and get a big volume of water behind the dam at once. He wanted to store water that is being pumped from the apron. (No mention was made that the dye test to be taken when grouting is finished is to determine whether there is water leaking under the dam.)

District Attorney M. Arthur Waite, Prichard and Ryan warned that the state had said water could be stored to 1025 when the by-pass is in. They, along with John Kier, projects manager for Contractors Atkinson Kier Bressi and Bevanda, also pointed out that water right users had to be cared for or the county would be liable. Kier said water isn't being wasted anyway so long as it is going into the ground and not flowing out to sea.

Waite reminded supervisors that

the dam is for the storage only of surface and unappropriated water and that persons with water rights must be served. It was his and Ryan's opinion that all water coming into the dam at present has to be passed on to water users. They pointed out that wells are 25 feet below the water table. Ryan said at the present time only four and a half second feet is coming into the reservoir.

Not content to let the matter rest, Lefever toward the close of the meeting suddenly made a motion that Stiver be instructed to close the sluice gate and let down only enough water for riparian users in order to store water to elevation 1025 to make a dam safety test. His motion, however, was unpopular; it died for a lack of a second.

PROCTOR TO ACCEPT POST

The on-again, off-again appointment of Ralph Proctor, Los Angeles compaction dam expert, to the Casitas dam consulting board today appears to be on again for good.

County flood control district supervisors, informed by Legal Consultant S. V. O. Prichard that Proctor now has given his consent to serve, yesterday afternoon quickly took the necessary steps to employ the top-flight dam engineer as the third member of the consulting board.

BOWS OUT

At the time Dr. G. D. Louderback, geologist, and Harold Conkling, hydrologist, were named to the board, Proctor also was asked to serve. He bowed out, however, when Donald R. Warren, project engineer since ousted from any connection with Matilija or Casitas dams, questioned the ethics of an engineer's coming onto a job when there was what he termed the matter of back payments for work performed involved and when the engineer's consent had not been given.

CONKLING AT WORK

Prichard, who has talked to Proctor since Warren's removal, said the dam expert had agreed to reconsider and to take the consulting job, for Warren, in leaving county service, went on record as saying he would consent to the district's hiring of consultants of its choice in proceeding with the dam program.

Conkling already is at work preparing hydrological data on the Casitas dam, and Dr. Louderback is studying and preparing to report on the findings on several core hole tests made at the proposed Casitas site.

CONFAB ON MATILIJA SET

A conference is scheduled to be held sometime next week among state division of dam officials, Geological Consultant Charles P. Berkey and county officials to outline what final steps need to be taken before Matilija dam can be accepted and used.

Flood control district supervisors yesterday afternoon authorized, at Flood Control District Engineer Robert Ryan's suggestion, Dr. Berkey's trip from the east coast so that he, called in early this spring as a county consultant, can represent the district in consultations on technical, geological matters. Dr. Berkey already has indicated he will make the trip.

WANT EXPERT

Supervisors also are attempting to secure a consulting engineer to represent the county, and Ryan today was contacting the U. S. bureau of reclamation to see if that organization would loan the district A. W. Simonds described as the best grout man in the world by J. L. Savage. Savage, chief engineer of the bureau had been asked by the county to serve but had to turn down the request because he is immediately to go to Australia.

Ryan said State Official William Holmes has indicated he will be present for the conference, which tentatively has been set for Monday but which will be held when the county's consultants can be on hand. It is expected at the conference that a program will be mapped to bring the Matilija dam project to completion. Also at the conference will be Dr. Thomas L. Bailey, county consultant who has been supervising grouting and coring, and county supervisors.

STATE OFFICIAL VISITS

In the meantime, Ryan reported, State Official John Spielman, (See MATILIJA, Page 12)

Matilija Confab Scheduled

(Continued from Page 1)
who visited the dam Monday, has mapped out a short-time grout program to carry over for the next five days.

Because the conference is to be held, Legal Consultant S. V. O. Prichard and District Attorney M. Arthur Waite said that data sought from the district by the state (on the county's plans for consulting work and the like prior to the dam's acceptance) would be held over and brought before the conference.

ADOPT WAGE SCALE

To carry on the grouting program, supervisors at Ryan's request took onto the county payroll several key personnel who have been with Contractors At-

kinson Kier Bressi and Bevanda, adopted a wage scale and set up rental rates for equipment of the contractors' that is being used now by the county through arrangements with the contractors. Walter Loban was hired to be the county's resident engineer while the dam program temporarily is handled under Ryan's direction.

John Kier, project manager for Atkinson Kier Bressi and Bevanda, present to pick up the contractors' check of \$246,952, the amount agreed to in a settlement last Friday, expressed his organization's pleasure in working with the board. He especially praised the forthright dealings of and his confidence in Ryan, Waite and Prichard.

EXPLAINS CONTRACT

Ryan further pointed out that the contract requires the engineer to make preliminary studies, foundation investigations, sketches, and estimates of cost, to determine the most suitable type of construction and maintenance and limitations to construction imposed by local conditions. The contract further states, Ryan said, that the engineer is to make the field and construction surveys, direct the foundation exploration to determine the adequacy of the foundation structure and supervise and handle all engineering work in connection with the construction of the projects. The engineer agrees to assume all responsibility for the correctness of his plans and specifications providing for completed structures ready for operation and use, and for the supervision of the construction of the project to the entire satisfaction of the district.

Grand Jury Report Slaps Supervisors

RECOMMENDATIONS that a consulting board be used by county flood control district supervisors in dam-building projects and that an engineer, directly an employe of the district, should be employed by the district on dam work were contained in reports of the 1947 grand jury.

The reports were filed in superior court at noontime after the 1947 grand jury had been dismissed and the 1948 grand jury impaneled.

In their report on Matilija dam, the grand jurors slapped flood control district supervisors for their poor judgment in the hiring of the construction engineer on the Matilija dam project.

The report said that in the conduct of the affairs in the construction of Matilija dam supervisors, grand jurors felt, had exercised poor judgment in proceeding to hire an individual firm of contracting engineers without insisting on there being a consulting board of experts to approve projects designed and in relying so greatly on an individual for a work of such technical and magnitudinous importance to the county.

Grand jurors approved the supervisors' ouster of Warren and their action in putting in Robert Ryan as acting engineer in the finish of the project. They said supervisors should use a consulting board in dam work and recommended the board not enter into a contract for engineering services in the manner they had with Warren.

Grand jurors also recommended that all precautions be taken to make Matilija dam so safe that there will be no need in the future to condemn it. The dam report was the longest report filed by the grand jurors.

WANT CHANGES

The grand jury report said the supervisors should now proceed to organize fully the flood control district in order that it may have from this point on an adequate engineering staff and legal service "in order that there be no repetition of the experience which has been had up to this point." It also suggested "the board should study with great care the remaining projects which are before it so that the errors of the past will not again be committed."

It also stated the 1948 grand jury should be called upon by superior court to continue to observe the affairs of the flood control district "in order to ensure that the program hereinbefore outlined shall be carried to a successful conclusion."

In the report, the committee outlined steps which had led to (See GRAND JURY page 4)

(Continued from page 1)

the grand jury's recommendation that S. V. O. Prichard be hired as legal consultant to the flood control district, told of his work, how he investigated but had found no corruption, misfeasance or malfeasance in office on the part of supervisors. Moreover, the report said, the course of conduct which has been followed since employment of special counsel has overcome the suspicions which prompted special counsel's employment.

REVIEWS CASE

The report told how various consultants had been hired for Matilija and Casitas dams and said the program thus set up by the supervisors is approved by the grand jury committee "insofar as this program has to this date been executed." It said supervisors would be admonished to "pursue with vigor the program which they have so far commenced."

The report was signed by Clifford T. Dodds, Floyd Binns and A. A. Milligan, foreman.

In submitting its reports, the grand jury made several recommendations, one being that the need for additional school facilities, because of the rapid increase in population, the urgent need for a system of county wide examinations for childrens' dental needs and the expansion of the home teaching plan be strongly considered for the county educational system.

MORE SCHOOLS

The educational and schools committee urges overcrowded schools to start building programs as soon as possible. It also repeated the recommendation of previous committees that county residents give wholehearted support and understanding to the studies being made by the survey committee on school redistricting. "The financial structure of various school districts in this county indicated a need for certain realignment of boundaries in order that every child shall have equal opportunity to obtain the benefits of a complete and desirable educational program," the com-

mittee said. It also urged that more attention be given to a vocational program for those students who have no desire or ability to go into college preparatory work.

Another recommendation was that a family social case worker be appointed and the shortage of other workers in county welfare work be rectified. It was pointed out also that closer cooperation with hospital and family case work of the welfare department would greatly expedite the work of the juvenile welfare workers.

NEW JAIL

Recommendations that Oxnard city jail be replaced by a new structure and that the county work farm be operated solely by the sheriff also were made. All jails were found to be in a sanitary condition, well lighted and ventilated and being operated to the best of the ability of those in charge. It was indicated, however, there was room for improvement in the operation of Oxnard and Ventura city jails.

Grand jurors suggested that firemen at Camarillo be relieved of unrelated part-time duties, being janitors at the Community center, in order to devote full time to duties of the department. It also was proposed that new county headquarters and fire station be built outside the congested area of Santa Paula and that living quarters at Thousand Oaks station be improved.

Another committee urged the study of the county library salary schedule, with the base pay to be made "sufficient to attract competent workers in this highly trained field." Purchase of new trucks for the library also was urged.

Grand jurors proposed that a third deputy be added to the agricultural commissioner's staff and that a review be made of the naming of roads in order to correct a number of conditions where certain roads are known by two separate names. They also proposed that county roads maintain the names of county pioneers in commemoration of their early services in the building of the county.

NEED PLANNING

Another suggestion made proposed the annual county audit be advertised in order to provide an opportunity for more local auditors to perform the work and that cooperation and advice from the district attorney's office early in the year be requested in arranging for the audit.

The report of the health and hospitals committee pointed out there is a growing need for long range planning for programs in mental hygiene, industrial hygiene, the early diagnosis and control of chronic disease, the promotion of oral or dental health and programs designed to reduce injuries and deaths due to accident, fuller cooperation between school districts and the health department in school health program and better

More Work Needed On

Matilija Dam

Berkey Submits Report

ENOUGH has not been done yet on the foundation to make Matilija a tight dam; the grouting program should be continued until there is assurance the major leakage is stopped.

That was the advice Dr. Charles P. Berkey of New York, the county flood control district's consulting geologist, gave this morning at a meeting of supervisors at the courthouse. His report and that of A. W. Simonds, engineering consultant, were preliminary to a formal study they will conclude this weekend, with a formal report then to follow.

GROUTING TO CONTINUE

Dr. Berkey said that the concrete structure of the dam looked excellent, but he could not give such a favorable report on the foundation as he pointed out that excessive loss of water through the foundation ought to be prevented. He declared that when rock is as bad as it is at Matilija that all leaks can't be stopped, but he said any action that will stop the major leakage and divert leakage in a round about way should be taken.

Pointing out that it isn't practical now to put in a cutoff trench along the course of the dam, Dr. Berkey said that grouting will have to be continued to try and stop up crevices. He said a good deal of progress had been made in the grouting but that more will have to be done.

LEAKAGE PREVALENT

The foundation, at present, shows a good deal of leakage, compared with the pressure, he said. "It isn't tight at all. No engineer would say it is tight."

The geologist said he wouldn't want to run the risk of crevices enlarging, allowing water to channel through. He wouldn't let the foundation stand as it is without improving it. Great care should be taken to close up crevices where seepage has developed, he declared. He could not say how much more work would have to be done—that fact has not been determined—but he emphasized and re-emphasized the need to go on with more ground testing.

Dr. Berkey pointed out that grouting programs often have to be maintained for a long time after dams are completed and he said the county's job has pretty nearly reached the maintenance stage. He declared it was too bad that a rain hadn't filled the dam one-third full so that the dam's reaction under pressure could be tested.

NOT UNUSUAL

Sanford Butts told Dr. Berkey supervisors were eager to store water and had been advised by the state they could do so up to elevation 1025. He wanted to know if the geologist considered such storage safe. Berkey answered yes.

Simonds briefly told the supervisors that need for grouting to stop leakage had arisen on many dams and wasn't an unusual problem. Grouting was carried on for 10 years on Boulder dam, he said. He declared that Matilija should be watched carefully and as the

(See BERKEY page 4)

Berkey Report

(Continued from page 1)

reservoir fills and springs develop, grouting should be done as a corrective measure.

NO ACTION TAKEN

Supervisors took no action at this time because the experts' reports were general and their official report will be filed after they hold consultation. County Flood Control District Engineer Robert Ryan told supervisors Simonds will remain there through Tuesday to aid the county in setting up procedures for continuing the grouting program. John Buwolda, consulting geologist for the Donald R. Warren company, ousted Matilija dam engineers, was present at the meeting and spoke briefly. He expressed no fear that Matilija dam will not store well; he foresaw no chance for a catastrophe. Like Dr. Berkey and Simonds, he felt the best test of the dam would be to have it filled with enough water to test its reaction under pressure.

The board room was nearly packed. Among those present to hear the experts' reports were Warren and his wife, his partner, Carl Nelson, his projects manager, John Hallock; Dr. Thomas Bailey, county consultant; Randall Cremer and F. R. Schmieder, zone one advisory board members. Also present were many members of the new grand jury and some from the retiring grand jury.