

Warren Demands Public Apology; Request Backfires

April 3, 1948

A demand for a public apology from County Flood Control District Engineer Robert L. Ryan backfired today on the Donald R. Warren company, ousted Matilija dam engineers.

Through Howard G. Taylor, once resident engineer on the Matilija dam, the Warren company demanded a public retraction from Ryan on a statement he made to county flood control district supervisors at their March 23 meeting. When records cleared the smoke away, however, it appeared as though the Warren company was trying to kick up a fuss mainly over one word—"written."

INCIDENT BEGAN

The "incident" began this way: Ryan on March 23 explained to supervisors the difficulties encountered on the Matilija dam since the county took it over on Feb. 6. He was explaining tests have indicated there is leakage in the earth foundation over which concrete blocks J, K and L rise on the left abutment—adjacent to M and N blocks, from which faulty material was mined last spring. Indicating that the Warren company, or at least some of its representatives, had shown concern over this J, K, and L section, Ryan said that, according to papers filed with the state, Warren's representative had written, in speaking of adjacent block N, "we passed something up about as bad."

BASES DEMAND

It was for this remark that Taylor, writing to Ryan on Warren company stationery, based his demand for a public apology. Said Taylor's letter:

"As reported in the Ventura Star-Free Press of March 24, 1948, you made the following statement that is false:

"According to papers filed with the state, Warren's representative had written, in speaking of adjacent block N, 'We passed up something about as bad.'"

"Neither the writer, nor any other representative of the Donald R. Warren company, has ever written such a statement.

"I expect you to retract this statement publicly before the Ventura county flood control district, board of supervisors, and have such a statement published in the Ventura Star-Free Press and give us written confirmation of such retraction."

Copies of letters on file in the state division of water resources' Sacramento headquarters show Ryan's remark was correct in substance although Taylor made his statements orally instead of in writing. In fact, it appears as if the Warren company took action

DAM CONTROVERSY FEATURES FOUNDATION

(Continued from page 1)

that practically amounted to demoting Taylor after he had intimated there were questionable foundation conditions.

APRIL 3 LETTER

An April 3, 1947, letter to Warren from W. H. Holmes, department of public works, indicated Taylor had made remarks to State Inspector John Spielman on March 31 about the dam's foundation. Holmes said Spielman reported that "They are excavating the pocket of loose material and have gone in several feet in depth and are about one foot underneath the edge of block N. . . Mr. Taylor intimated that there were portions of the foundation which he considered were unsatisfactory, but which had already been approved. He stated that he thought the pocket of loose material which we found in Block M was no worse than other blocks, but it had become wet by rain, which made it easy to discover." Joe Hyde (also with the Warren company) was present at the discussion, Holmes wrote.

Holmes pointed out in his letter, in addition to the need of settling the block N problem, that one question to be promptly settled related "to the more indefinite problem of determining the area and extent of other soft zones, intimated by Mr. Taylor, which have been covered with concrete."

"NONPLUSED"

Warren's answer to Holmes showed he was "nonplused" over Taylor's statement made to Holmes, himself, and those mentioned in Spielman's diary.

Warren, in an April 7 dated letter wrote: "Conditions of the left abutment have been much better than I had anticipated. We knew that there would be some areas that would have to be spanned, and undoubtedly the worst condition exists at the present time. The abutments were to be

widened so that all the designed load would be carried on rock. We knew that the entire foundation abutments must set as a unit, and upon my first visit to the site after the questionable point has been raised, I immediately directed Taylor to widen the blocks so that we would have ample rock on both sides of the less resistant area to carry the entire thrust from the arch ring."

CHANGE MADE

Later on in the letter, Warren wrote: "To be certain that the activities of the contractor have the proper direction and that there may be no uncertainties, questionable comments or misunderstandings, I am taking Mr. John Hallock from our general supervision office and putting him in full charge of the Matilija dam. With his background on the construction of more than 20 dams, his mature judgment and free reign from this office to see that we obtain a full and adequate job, both Bill Holmes and Don Warren will have added ease and comfort."

At approximately the same time the Taylor letter was written to Ryan, Warren, himself, sent a letter off to Edward Hyatt, chief of the division of water resources, over addition of data to a map.

Warren indicated that the photostatic copy of drawing No. FL-19, a copy that was used in the Berkey-Simonds-Bailey consulting report, purported to have originated in his office but had changes on it.

"The alleged geological information superimposed by others on our original map over our signature is not that of the actual foundation and does not in our opinion represent that formation," Warren wrote Hyatt. He declared the "said alleged geological data was superimposed on our map without our knowledge, authorization or consent."

Ryan pointed out today that the original map, FL-19 is in the office of the Donald R. Warren company with other original drawings or maps. Data had been added to a copy of the original map prepared by the Warren company and the additional data and material had been superimposed on the copy by direction of the consulting board—Dr. Charles P. Berkey, A. W. Simonds and Dr. Thomas L. Bailey.

Prints of the copy on which the consulting board had placed its material were sent out before an appropriate notation had been placed on the copy showing how the document had been prepared. Prints with an appropriate correction thereon are being sent to everyone who received one of the reports containing the first prints, Ryan said.

Matlija Overflow Sets Off Rumors

An authoritative source reported early this morning that water behind Matlija dam had reached the 1,025-foot elevation mark and that surplus water was being directed through the overflow pipe.

Approximately 250 acre feet of water is stored behind the dam, the report said. This is less than five percent of the total capacity of the dam reservoir.

However, water pouring through the overflow apparently started a rumor that grew in proportion as it was retold. About 11 a.m. today, a woman called The Star-Free press asking for confirmation that the dam was leaking badly and that water was flowing over the top.

A phone call to county authorities offered assurance that there is no immediate danger that the dam will collapse.

April 7, 1948

\$1,236,000

April 7, 1948

QUARREL BECOMES A LAWSUIT

ZONE 1's costly water system tribulations are now going to resolve themselves into a major court battle.

The supervisors have ordered suit brought against the Donald R. Warren company, designing and supervising engineers, in an effort to recover considerably more than a million dollars of Matilija dam's excessive costs.

The board not only declines to pay a pending claim of \$177,115.66 made by the concern for its Casitas dam plans and for other purported services, but it demands reimbursement, in large amounts, for the year-long fiasco in the canyon.

The gist of the dispute was picturesquely stated in a letter handed the board yesterday afternoon by its special counsel, S. V. O. Prichard.

"... the dam as originally designed by the Donald R. Warren company was merely a cartoon of the completed structure because of the failure . . . to conduct sufficient and adequate foundation explorations," he wrote.

This failure, it is charged, increased the costs of designs and construction, and makes necessary much further outlay in order to bring the structure up to a usable standard. "... the dam erected has not been properly designed and is not an adequate or economical dam within the meaning of the terms set forth in said contract," advised Prichard.

There are plenty of other allegations and claims in the county's case. The Warren company, naturally, will have an entirely different version to tell about the big concrete structure. Then a judge or a jury will have to decide who pays and how much. Just one more lively but non-water-bearing episode in the checkered career of Zone 1.

Action Follows Many Months Of Heated Controversy

(Continued from page 1)
order that the most suitable and economical kind of dam could be designed to meet the peculiar requirements of the damsite. It says the district did not learn there had been no foundation exploration until April, 1947, after the dam was about three fourths completed and after the district was committed by contract to the construction of an arch-type concrete dam.

3-WAY DAMAGES

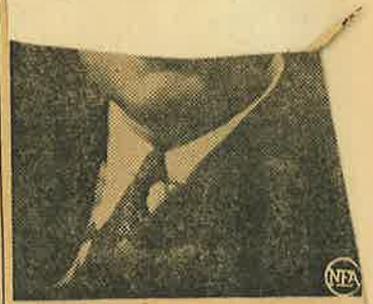
According to the complaint, the district suffered from failure to conduct foundation exploration in three ways: (1) cost and construction of the dam assertedly was increased, damaging the district in the sum of \$250,000; (2) the structure was not adequate or economical for the site and was not properly designed and is not adapted properly to the foundation structure, causing damages of \$500,000; (3) cost of grouting to make a safe and tight structure for storage of water, causing expenses that will amount to an estimated \$250,000.

In the second count it is alleged that the defendants instructed and allowed the contractors (Atkinson Kier Bressi and Bevanda) to pour concrete upon "incompetent and inadequate foundation material" under Block N when, it is alleged, no approval had been given by the state division of dams. The complaint asserts that the state division of dams required the removal of the "incompetent material" and that this work was done at cost-plus. Damages to the district for the extra cost-plus work are listed at \$150,000.

THIRD COUNT

It is charged in the third count that lack of foundation exploration to determine the location of adequate bedrock necessitated that the Warren company redesign the dam as excavation proceeded. This resulted in construction different from that represented in the plans and specifications prepared by the Warren company and caused the construction contractors to spend more than \$200,000 above the figure anticipated, the complaint charges.

to enter the complaint in superior court. Only supervisor absent from the meeting was Robert Lefever, who is said to be recuperating from a cold.



ERP HEAD—Paul G. Hoffman (above), president of the Studebaker corporation, South Bend, Ind., has been named a likely candidate for appointment to the post of head of the European Recovery Program.

Prichard Hired To Take Warren Case Into Court

(Continued from page 1)

them as soon as he has his study of safe yield for the Matilija dam completed. This was part of the job Conkling was given as a member of the Casitas dam consulting board.

AWAIT REPORT

County Flood Control District Engineer Robert L. Ryan told supervisors work on the Matilija pipelines has been stopped until Conkling's safe yield report is in.

Supervisors approved Ryan's request to ask the state division of water resources for permission to temporarily store water in the dam to elevation 1050. Ryan said the amount of storage would be based on local needs for water. He estimated that if the district can store to elevation 1050 it will have approximately 1,100 acre feet behind the dam.

SUBMIT LETTER

mit to the Warren company the list of names.

Supervisors ordered that the corrected prints and explanation be sent out.

Too Late To

EAST SIDE
Something nice, something different. 2 lg. bdrms., new hse.
EAST SIDE
3 bdrms., lg. lot. Price \$7,000. \$1,500 down, bal. \$50 mo.

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Salt Follows Dye Experiment:

April 17, 1948

Matilija Dam to Get Further Test Monday

A salt test will be started at Matilija dam Monday as a further examination for leakage in the dam's foundation, County Flood Control District Engineer Robert L. Ryan reported today.

Approximately 250 pounds of coarse, ground salt—about the same consistency as ice cream salt—will be poured into the reservoir waters behind the dam, and the path of the dissolved-in-water salt then will be traced.

The test will be similar to the dye experiment recently conducted but is expected to give more complete results. The dye test (potassium permanganate) did give evidence of leakage, since more potassium and manganese were found in the flow of water out of the dam after the test had been administered than before.

STUDY SAMPLES

Water samples for the test will be taken by Fruit Growers Laboratory, Inc. of Santa Paula. Company employes will take water samples at flowing grout holes prior to the time the salt is added to the water and from time to time afterward to determine the increase in salt content. By this method, it should be determined how much water from the reservoir is leaking through the dam. The questionable areas around blocks J. K and L, where leakage is thought to be heavy and earth

(See MATILIJA page 2)

Matilija Dam To Be Given Salt Test

(Continued from page 1)
formations are believed to be bad, especially will be watched.

The salt will be dumped into the dam water by workers shuttling salt-loaded sacks across the reservoir. Dr. Thomas L. Bailey, geological consultant, and Walter Loban, the county's resident engineer, are expected to conduct the test.

PERFORATION PLANNED

In the meantime, Ryan reported, work will be undertaken to relieve pressure on the dam's apron by perforating the apron with holes that will be slant drilled away from the dam. This project was suggested by John Spielman, state dam divisions official, on his visit to the damsite yesterday. The work is considered necessary because it is believed that the drain line beneath the apron has been plugged with grout.

Ryan also reported that the county is continuing with the grout program recommended by Consultant A. W. Simonds. Discussions also are underway with state fish and game commission officials for placement of a fish screen on the dam's outlet pipe; the fine-meshed screen would keep fish from going down the pipe.

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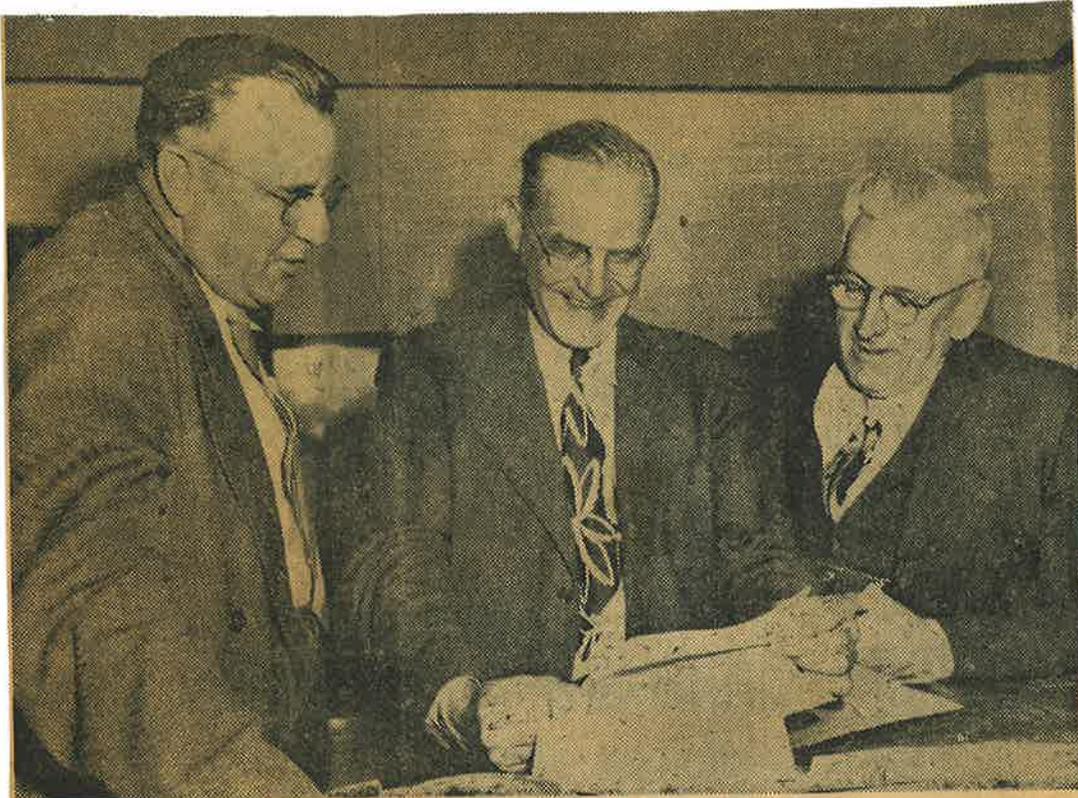


Photo by Midge Mossberg

'IN THE THICK OF BATTLE'—Expected to be in the thick of battle when the county flood control district's action against the Donald R. Warren company goes into court are the Big Three shown above: District Attorney M. Arthur Waite (left), County Flood Control District Engineer Robert L. Ryan (center) and Special Legal Consultant S. V. O. Prichard. This picture was snapped in one of the rare happy moments when Matilija dam was being discussed—not when news of the pending suit broke.

4-7-48

Text of Prichard Letter to Flood Control Board

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4-7-48

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Following is the text of the letter submitted today by Legal Counsel S. V. O. Prichard to county flood control district supervisors, urging them to carry the fight against the Donald R. Warren company into court.

"On Sept. 10, 1947, I was employed by your honorable body as special counsel for the Ventura county flood control district to investigate certain contracts to which the district was a party and the problems relating to the zone one bond issue and to make recommendations thereon.

"At the time of my employment there was pending the claim of the contractors Atkinson Kier Bressi and Bevanda upon their contract for the construction of the Matilija dam, for extra work and claimed additional cost resulting from the manner in which

the district's engineer (Warren) had required the work to be done, which the contractors claimed was contrary to the procedures etc. set forth in their contract. This claim was thereafter considered at length and a settlement with the contractors was concluded.

"There was also pending at the time of my employment the claim of the Donald R. Warren company for services purportedly rendered in the preparation of the plans and specifications for Casitas dam, the west roadway relocations above Casitas dam, the east road at Casitas dam and the conduit system. At that time the claim of the Donald R. Warren company was \$60,592.28. Since that time the Matilija dam has been completed and the Donald R. Warren company has resigned as the engineers for the district and they have enlarged their claim so that now they are demanding a total of \$177,115.66.

"The claim of the Donald R. Warren company has been considered very carefully by me and in the consideration of the claim I have collaborated with Mr. Waite, the district attorney. Upon mature consideration of the facts we are of the conclusion that the claim of the Donald R. Warren and company is totally without merit and should be denied.

"Upon the basis of the facts disclosed by our investigation we are of the conclusion that the Donald R. Warren and company had breached its contract of December 26, 1945, in a number of particulars, and that instead of paying to the Donald R. Warren and company any sum of money as demanded by them, the Donald R. Warren and company is actually indebted to the district in amounts greatly exceeding the amounts claimed by the Donald R. Warren and company.

"We are convinced in the first place that the Donald R. Warren and company has breached its contract of Dec. 26, 1945, by its failure to conduct foundation explorations at the Matilija damsite as required by that contract. We are convinced that the failure of the Donald R. Warren and company in this particular has proximately caused damage to the district by greatly increasing the cost of the designs and the construction of the dam, both during the course of construction up to the present time and in the outlay of funds which will be necessary to bring the structure which has been delivered to the district up to the standard requisite to the accomplishment of the purposes for which a dam was constructed on this site. We believe that the site selected has demonstrated itself to be not fully adapted to the type

(See PRICHARD page 2)

Prichard ⁴⁻²⁻⁵⁸ Letter to Flood Board

(Continued from page 1)

of structure which has been designed by the Donald R. Warren and company, and in this particular the dam erected has not been properly designed and is not an adequate or economical dam within the meaning of the terms set forth in said contract, and in this particular the district has been damaged.

"We believe that the district has been damaged further by the manner in which the Donald R. Warren and company programmed the work so that the work which should have been done at unit prices was necessarily done on a cost-plus basis as extra work. We refer particularly to the extra cost to which the district was put in connection with the excavation adjacent to Blocks M, N and O.

"We believe also that the expense to which the district was put in settling with the contractors is chargeable to the conduct of the Donald R. Warren and company and that the district should assert against the Donald R. Warren and company the claim of the contractors which, by the settlement made, has been reduced to \$86,000.

"Our investigation further reveals that a considerable amount of money has been paid to the Donald R. Warren company for construction supervision which ought not to have been paid. We are convinced from the investiga-

tion made that the dam as originally designed by the Donald R. Warren and company was merely a cartoon of the completed structure because of the failure of the Donald R. Warren and company to conduct sufficient and adequate foundation explorations. As the work of constructing the dam progressed and the foundation material was disclosed by excavation it was necessary for the Donald R. Warren and company to redesign the dam in its essential features. We are convinced further from the investigation that was made that this redesign of the dam was done by the men employed by the Donald R. Warren and company in large measure at least at the damsite and charged to the district as construction supervision, which is an improper charge under the terms of the contract made.

"In view of the facts disclosed by the investigation made, and as briefly outlined in the statements hereinbefore made, we recommend that the district deny the claim of the Donald R. Warren company in toto and that this board forthwith authorize the district attorney and such special counsel as they may choose to forthwith sue the Donald R. Warren and company to recover each and all of the foregoing items of damage which the district has

umps Whir and Gurgle:

Matilija Dam Gets Bentonite Treatment

Pumps whirred and a gravy-thin mixture gurgled through pipelines yesterday as 80,000 pounds of water-treated bentonite gushed into the Matilija dam reservoir.

The bentonite treatment was applied to the dam in the hopes that it will prove the answer for sealing off cracks and crevices in the foundation of the dam.

With equipment rented from the International Cementers, county crewmen dumped 100-pound sacks of dry, powder-like bentonite into a mixer, added water, and thinned the mixture down to the consistency of thin gravy in approximately 12 to 1 proportions. The mixture throughout the day then was pumped through a manifold across the foot bridge at the top of the dam.

Three hoses leading from the manifold were lowered from the foot bridge into the reservoir so that the bentonite mixture could gurgle into the dam water. As work progressed under the supervision of Walter Loban, the county's resident engineer, and Huso Festich, construction superintendent, the hoses carrying the bentonite were moved from the left to the right abutment of the dam.

Thus, by the day's end, the entire area behind the span of the dam had been bathed with the bentonite. Men manning a skiff and a raft eased across the dam water to move the hoses and keep them adjusted.

The bentonite sank to the bottom of the reservoir, being pumped in at a rate of about 120 pounds

each machine in an establishment.

The council discussed this ordinance with the operators yesterday, but could take no official action because it lacked a quorum.

a minute. Bentonite swells under water, enters cracks and glues up areas.

Matilija dam leaders expect the mixture will fill most of the cracks that are known to exist in the dam foundation but they are fearful about bentonite proving the solution for the area beneath blocks J, K and L. Tests taken beneath these blocks so far indicate that trouble there may be more extensive than the bentonite can cure; that excavation operations may be necessary.

Effectiveness of the bentonite treatment will be gauged by testing water that filters from grout holes near the apron of the dam, Loban said.

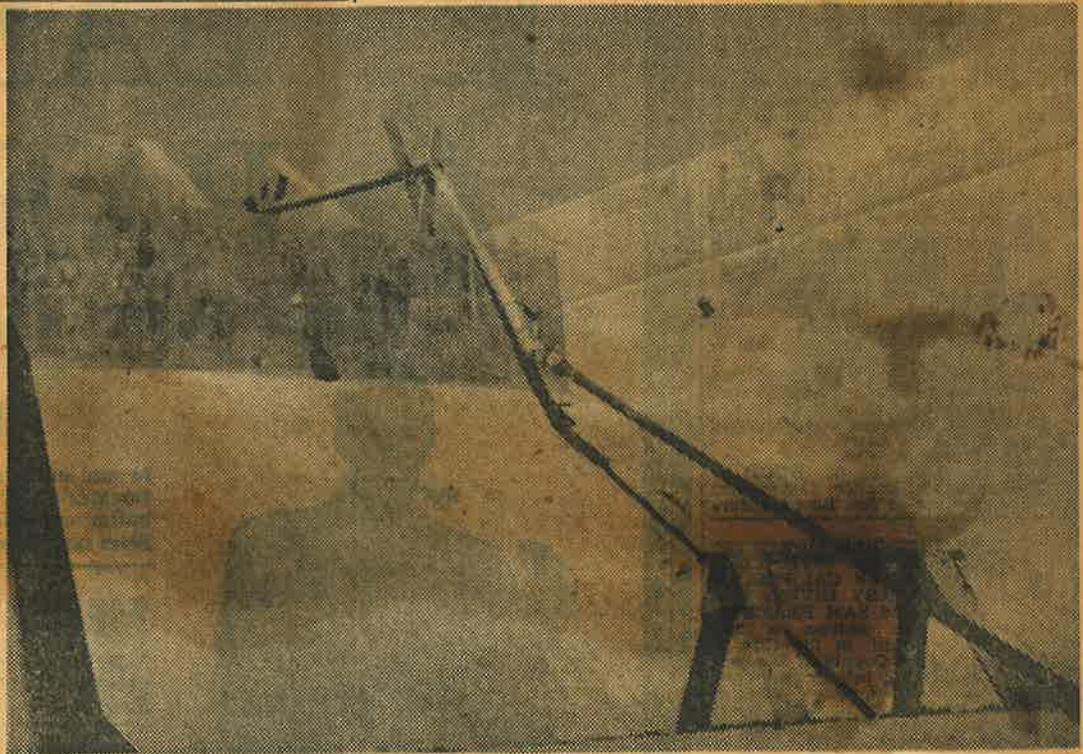




Photo by Midge Mossberg

'THIN GRAVY' FOR MATILJA DAM—Here's the way the reservoir of Matilja dam got a thin-gravy bath of bentonite mixture yesterday. The dry bentonite was dumped, as shown above, from sacks into a mixer, where it was thinned with water. From the mixer it was pumped via a manifold over the thrust block of the left abutment (second picture). Then the soup material flowed into one of three hoses, which were lowered from the foot bridge atop the dam into the reservoir, where the mixture gurgled out and sank. The top photo depicts workers guiding the hose lines into the reservoir.

MAKE SURE! 4-14-48

Editor, The Star-Free Press:

I don't believe the person writing on the dam builders article would sluff off a mistake as easy as that when hundreds of lives are endangered. Or maybe she doesn't remember the mistake which cost so many lives in our valley in March, 1928. I'll never forget that! It almost took my life along with my entire family.

The amount of compensation paid survivors can never repay for the loss of life. I'm in favor of full investigation, and if need be, start from the bottom and make darn sure the dam is absolutely safe in all respects.

THELMA McCRAWLEY SHAW
Rt. 1 Box 118
Fillmore, Calif.

April 21, 1948

SLOW MOTION FOR ZONE 1

ZONE 1's water project has passed into a period of slow motion. We have a Matilija dam that cannot yet store water, if indeed we had any water to store. We have no distributing system; and as for the Casitas dam, we have only some plans which we do not know yet if we wish to use in their present form.

Nor, as far as The Star-Free Press can see, are we likely to have another burst of construction activity until a good many months have passed.

Recommended steps for making the Matilija dam usable, for making its foundation reasonably impervious are being carried out systematically. But they will require time. Right now, this delay is not serious, with another rainy season more than six months away. If the percolation can be reduced to a minimum this summer, that unit may be ready by next fall.

Meanwhile, a board of consultants is studying the safe net yield of the two proposed reservoirs, studying the geology of the Casitas site, presumably studying the question of design for the earth-fill dam proposed to be erected there, and also reviewing the questions of what distributing system will be needed and exactly where located.

The zone's \$3,400,000 fund, provided by the 1945 bond issue, is running low. More money will be needed to complete the project and make it of service to the taxpayers. How much, should be determined this time with accuracy. When the people of the zone are again asked to vote bonds, the estimate must be one in which the supervisors have confidence. It must be one, based on careful studies of competent men, that the people can feel assured will be sufficient.

If we make haste slowly in this period of seeming slow motion, and come out with a right result next time, the present lull can be cheerfully forgiven.

* * *

State Wants To Look

THE state division of dams wants to look over the newest and yet-to-be-filed report of county consultants before it grants further storage in Matilija dam.

That was made apparent to county flood control supervisors yesterday afternoon in a letter from William Holmes, state division of dams official. In response to the county's request to store water in Matilija dam to 1,050 elevation (storage now is authorized to elevation 1,025), Holmes reported that the state wishes to study the additional grouting program recommended by consultants before it grants the request.

CALL IN EXPERT

The county called in A. W. Simonds, grouting expert, for a second time early this month to make recommendations after trouble developed around several blocks at the dam. But Simonds' official report has not yet been made to the supervisors although most of his recommendations are being carried out at the dam. County Flood Control District Engineer Robert L. Ryan told supervisors that Simonds' report has gone to Dr. Charles Berkey, geological consultant, for approval and will be forwarded to the county afterwards.

Supervisors, hoping to get approval soon for more water storage at the dam, authorized Ryan to forward the consultants' report to the state as soon as it is received and filed here.

SALT TEST

Ryan also posted the supervisors on the salt test that was made Monday at the dam as an experiment to test leakage; he told the board results are expected this week. He also gave a progress report on grouting and received permission to extend the contract of Frank Howard for core holing and grouting.

A request that approximately \$9,000 be set up to pay for purchase of such equipment as grouting machine assembly, desk furniture, electrical equipment and the like from the contractors who built Matilija dam—Atkinson Kier Bressi and Bevanda—was taken under advisement for a week.

At their meeting, supervisors also received a letter from Joseph Gallagher, rights-of-way agent on the dam and the Ventura river levee project. Gallagher suggested, since property acquisition on the two projects is fairly cleared, that his contract be terminated. Supervisors decided to take the request under advisement but indicated they thought May 1 would be a good time to terminate the contract, with loose ends of acquisition work to be cleared away in the interim.

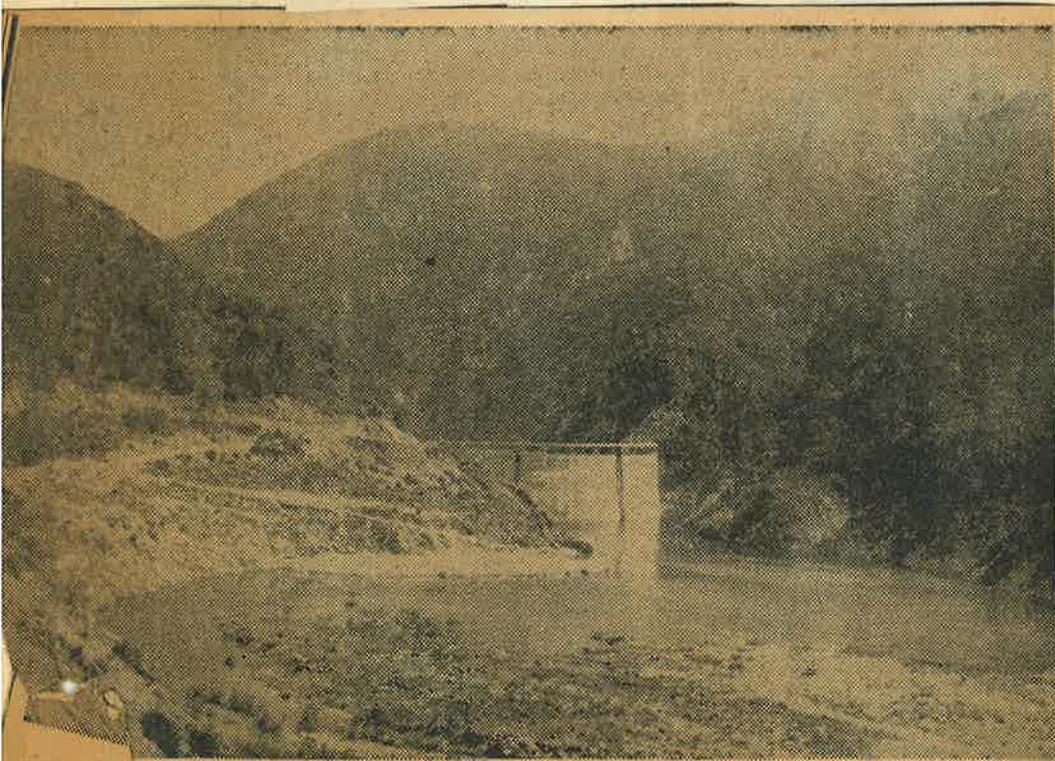
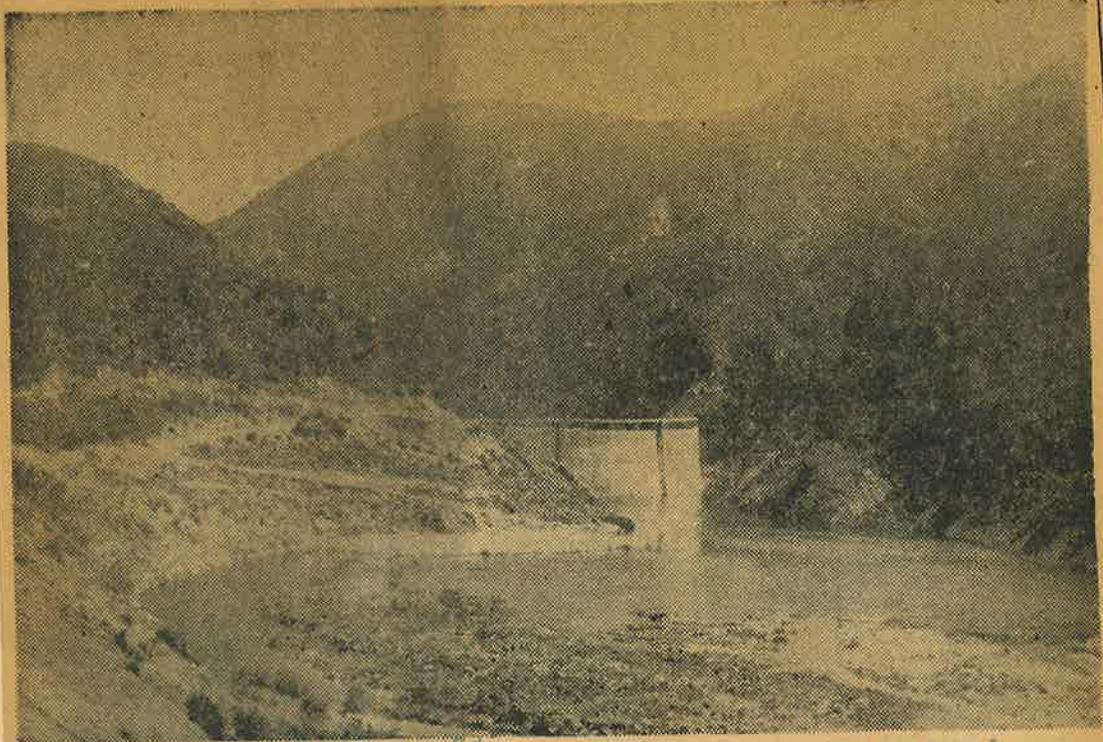


Photo by Midge Mossberg

SLOWLY, RISING—Thanks to the recent rains, water behind Matilija dam is slowly rising and stretching back into the canyon area. This scene shows the dam with about 250 acre feet of water behind it. It is into these waters, close to the concrete arch, that dam workers yesterday "sowed" 300 pounds of coarse salt as a new test was started to determine leakage of the dam's foundation.



4-20-48

Photo by Midge Mossberg

SLOWLY, IT'S RISING—Thanks to the recent rains, water behind Matilija dam is slowly rising and stretching back into the canyon area. This scene shows the dam with about 250 acre feet of water behind it. It was into these waters, close to the concrete arch, that dam workers yesterday "sowed" 300 pounds of coarse salt as a new test was started to determine leakage of the dam's foundation.



4-20-48

Photo by Midge Mossberg

FINISHING TOUCH—Matilija dam workers fling the last bit of salt into reservoir waters as they wind up the first portion of the newest leakage test on the dam. Yesterday, 300 pounds of coarse salt was dissolved in the dam waters by dragging salt-loaded bags back and forth through the water. Now, water samples are being taken at grout holes near J, K and L blocks to determine the salt content and to see if the salt-treated water is leaking through or under the dam.