

1 This unnamed creek flows Westerly for approximately  
2 5 and  $\frac{1}{2}$  miles, originating on lands of Vail Company on Pauba  
3 Rancho then crossing lands of Vail Company in Section 28, Township  
4 7 South, Range 2 West, then through lands of Vail Company in  
5 Temecula Rancho to its confluence with Murrieta Creek on said  
6 Temecula Rancho.

#### 7 LONG CANYON CREEK

8 27

9 Long Canyon Creek is an intermittent stream. The  
10 drainage area of said creek lies wholly on the lands of Vail  
11 Company.

12 The headwaters of said creek originate on Pauba Rancho  
13 Southwesterly from Buck Mesa flowing Westerly across Temecula  
14 Rancho for a total distance of about 6 miles to its confluence  
15 with Murrieta Creek.

16 Long Canyon Creek is underlain with younger alluvium  
17 for a distance of approximately 5 miles before its confluence  
18 with Murrieta Creek as shown on U. S. Exhibit 15 L.

#### 19 SANTA ROSA CREEKS

20 28

21 The Santa Rosa Rancho is the headwaters for both the  
22 DeLuz and Sandia Creek, said creeks join the Santa Margarita  
23 River downstream from the lands of Vail Company. The drainage  
24 area of DeLuz and Sandia Creeks on the Santa Rosa Rancho is  
25 shown by Vail Company Exhibits "B1" and "B2". There are located  
26 along the course of both DeLuz and Sandia Creeks on Vail Company  
27 property of Santa Rosa Rancho stringers of younger alluvial fill  
28 as shown on U. S. Exhibits "67" and "69".

29 Also on the Santa Rosa Rancho are various unnamed creeks  
30 and watercourses which drain directly, without joining any named  
31 tributaries, into the main stem of the Santa Margarita River.

32

29

1 Certain portions of the lands of the Vail Company as  
2 described herein, are within the "Ground Water Area", as found in  
3 Findings and Interlocutory Judgement Number 30, as depicted therein  
4 on United States Exhibits "277" and "277A", said Exhibits, Findings,  
5 and Judgement are incorporated herein by reference.

## PAUBA VALLEY

30

6 Located on Vail Company lands throughout the Pauba  
7 Valley (and Nigger Canyon), there are deposits of younger alluvium,  
8 as shown on U. S. Exhibits 15 L and 275. The material comprising  
9 the younger alluvial fill of Nigger Canyon and the Easternmost  
10 portion of the Pauba Valley is coarse detritus of a highly  
11 permeable nature. Underlying the younger alluvial fill of the  
12 Pauba Valley are substantially impervious lenticular deposits of  
13 indurated alluvium, interspersed with aquifers of porous alluvium.

14 A portion of the subsurface waters flowing from the  
15 mouth of Nigger Canyon, at the Easterly end of the Pauba Valley,  
16 are trapped beneath or confined as to their vertical movement by  
17 the impervious lenticular bodies of indurated alluvium. Waters  
18 moving or percolating downstream in the vertically confined but  
19 porous aquifers of the Pauba Valley, toward the semi-barrier of  
20 the Wildomar Fault, produce an area of artesian pressure upstream  
21 from said fault. Said area of artesian pressure and/or vertical  
22 confinement is below the level of all irrigation wells but the  
23 Navy (8S, 2W, 17M, S.B.B.M.) Well in the Pauba Valley, and is  
24 pierced only by wells over 400 feet in depth. Water from said  
25 confined aquifer are identified by their characteristic high  
26 sodium content as compared to the low sodium content as is found  
27 in the waters from the shallower aquifers in the younger alluvium  
28 above the confining, lenticular bodies of indurated alluvium.

31  
32 16

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31

1           The waters in the Murrieta Creek drainage area do not  
2 recharge the ground waters of the Temecula Creek drainage area and  
3 the waters of the Temecula Creek drainage area do not recharge  
4 the ground waters of the Murrieta Creek drainage area, as  
5 explained more fully in Findings 38 and 43 of Interlocutory  
6 Judgement Number 30.

## 7                           VAIL DAM

8                           32

9           Vail Company is the owner of a concrete structure known  
10 as Vail Dam located on the Rancho Pauba across the bed of  
11 Temecula Creek at the head of Nigger Canyon within the Northwest  
12 one-quarter of the Northwest one-quarter of projected Section 10,  
13 Township 8 South, Range 1 West, of San Bernardino Base Meridian  
14 in the County of Riverside. This structure is 132.5 feet high  
15 (sea level datum 1482.5) with the spillway crest at a gauge  
16 height of 120 feet (sea level datum 1470.0), the length at its  
17 crest is 750 feet and the spillway crest is 510 feet.

18                           33

19           Behind Vail Dam is a storage reservoir which at gauge  
20 height 120 has 1,080 surface acres, capable of storing at said  
21 gauge height 49,500 acre feet of water all on Vail property.  
22 Vail Dam has been in operation since November 13, 1948.

23                           34

24           Vail Dam was built pursuant to Permit Number 7032 duly  
25 issued by the State of California on February 13, 1948, approving  
26 an application to appropriate, store and divert waters of Temecula  
27 Creek tributary to the Santa Margarita being Application Number  
28 11518, duly filed August 16, 1946, by Vail Company.

29                           35

30           Vail Company, under said permit, may appropriate, divert  
31 and impound 40,000 acre feet of water from the flow of Temecula  
32 Creek and streams tributary thereto from about November 1st of

17

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1 each year to about April 30th of the succeeding year, to be used  
2 for irrigation and domestic purposes.

3 36

4 Said permit issued by the State of California has a  
5 priority date as of August 16, 1946, and provides that waters  
6 appropriated pursuant to said permit may be used on Vail Company  
7 lands as described in Application Number 11518, Vail Company  
8 Exhibit "A".

9 37

10 Pursuant to said permit issued by the State of California  
11 and in compliance therewith, Vail Company has, since November 13,  
12 1948, impounded, stored and put to reasonable and beneficial use  
13 surplus waters of Temecula Creek when said waters were available.  
14 Impoundments have been made in varying amounts and the maximum  
15 amount in any one year since the operation of Vail Dam was 12,500  
16 acre feet. Due to lack of rainfall and subsequent run-off in the  
17 years since Vail Dam has been in operation, Vail Company has been  
18 unable to impound at Vail Dam the 40,000 acre feet annual storage  
19 as provided for in said permit as found herein.

20 38

21 The rights granted by the foregoing permit are subject  
22 and junior to prior vested rights in and to the waters of the  
23 Santa Margarita-Temecula River as such rights are, in these  
24 proceedings, determined to exist.

25 39

26 There have been at times, prior to the construction of  
27 Vail Dam, surplus waters sufficient to provide the 40,000 acre  
28 feet of annual storage as provided and set forth in the permit,  
29 subject to the conditions therein contained. The Court makes no  
30 finding that such surplus waters will be available in the future  
31 and reserves continuing jurisdiction of this cause and the  
32 parties thereto to prohibit, restrict or control, upon proper

18

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1 showing, any extraction, diversion, or use of water under said  
2 rights to appropriate. The right to appropriate surplus waters  
3 of said Creek is subject to the jurisdiction of Water Rights  
4 Board of the State of California and the laws of said State.

5 40

6 Vail Company is the owner of all rights granted under  
7 said permit and have, insofar as physically possible, heretofore  
8 complied with all terms and conditions of same and such rights  
9 are valid and in good standing.

10 41

11 Waters discharged from Vail Dam are metered and then  
12 flow through Nigger Canyon in an open earthen channel within the  
13 stream bed of Temecula Creek for a distance of 6,000 feet where  
14 said waters are measured and diverted into a concrete distribution  
15 system for use downstream therefrom on Vail Company lands.

16 42

17 A portion of the waters so released from Vail Dam and  
18 flowing in the open channel of Temecula Creek, which is composed  
19 of gravels and other porous materials, percolate into the sub-  
20 surface of said creek and recharge the underground basin of Pauba  
21 Valley.

22 43

23 Vail Company also makes use of water stored in the  
24 reservoir behind Vail Dam for stock watering, fishing and  
25 recreational purposes.

26 44

27 The construction of Vail Dam has been a benefit to the  
28 Santa Margarita River Stream System, in that the structure has  
29 conserved substantial quantities of water. The capture of flood  
30 waters and the subsequent release thereof has made available an  
31 additional quantity of water to owners situated downstream from  
32 Vail Company lands. In the water years 1952 and 1958 a total of

1 78,000 acre feet of water, entering the stream system below Vail  
2 Dam was wasted into the ocean at Ysidora.

3 DIVERSION AND DISTRIBUTION

4 45

5 MAIN IRRIGATION SYSTEM

6 Vail Company lands are irrigated, by flooding between  
7 borders, or in furrows (and to a minor extent by sprinklers), said  
8 methods of irrigation are in common use for similarly grown crops  
9 and are accepted and proper farming practices.

10 Vail Company has installed and used a system for  
11 transporting water, to the place of use, consisting of concrete  
12 main and lateral pipes interconnected with various wells and  
13 reservoirs all of which are shown on Vail Company Exhibit "L".

14 Water can be, and is, supplied to this system by releases  
15 from Vail Dam or by pumping from irrigation wells in the Pauba  
16 Valley.

17 All waters pumped, or released from Vail Dam are metered  
18 before entering said system.

19 The reservoirs connected with this distributing system  
20 are used to provide temporary and non-seasonal storage and head  
21 for irrigation, watering stock and recreational purposes.

22 All land heretofore irrigated by the Vail Company Southerly  
23 and Easterly of the Townsight of Temecula, as shown on Vail  
24 Company Exhibit "J", have been supplied by water from this main  
25 irrigation system.

26 46

27 OTHER IRRIGATION SYSTEMS

28 In addition to the main irrigation system, hereinabove  
29 described, there are, on Vail Company lands, three other  
30 irrigation systems for furnishing water to lands heretofore  
31 irrigated. Said lands are shown on Vail Company Exhibit "J" as  
32 plots 1, 2, 3 and 4, Northerly of the Townsight of Temecula, as  
shown thereon.

47

1 Vail Company has installed on their overlying land as  
2 shown on Vail Company Exhibit "J", plot (1), a system of concrete  
3 irrigation pipes for flood and furrow irrigation of said land.  
4 Water for said land has been supplied for 30 years from a well  
5 located on overlying adjoining land. Waters entering this system  
6 are metered.

48

8 Vail Company has installed on their land as shown on  
9 Vail Company exhibit "J", plot (2), an irrigation system  
10 consisting of two wells and concrete pipes for flood and furrow  
11 irrigation of said land. There are, on said land, two reservoirs  
12 connected with said system used to establish temporary storage  
13 and head for irrigation and stock watering. The hereinabove  
14 described system has not been in operation for the past ten years.

49

16 Vail Company has installed on their land as shown on  
17 Vail Company Exhibit "J", plots (3) and (4), an irrigation system  
18 consisting of one well and concrete pipes for flood and furrow  
19 irrigation of said land. There are, on said lands two reservoirs  
20 connected with said system used to establish temporary storage  
21 and head for irrigation and stock watering. The quantity of water  
22 supplied to this system is measured.

23 OTHER WELLS AND IMPOUNDMENTS

50

25 There exist, throughout Vail Company lands, numerous  
26 wells and necessary appurtenances for supplying domestic water.  
27 Domestic wells on Vail Company lands, excepting those on the  
28 Santa Rosa Rancho, are listed and located on Vail Company Exhibits  
29 "L" and "M".

31 21

51

1 Throughout Vail Company lands, numerous wells and  
 2 necessary appurtenances thereto, exist for the purpose of  
 3 watering stock. With the exception of the Santa Rosa Rancho,  
 4 said wells are listed and located on Vail Company Exhibit "L" and  
 5 "M".

52

7 It has been the practice, in the historical past, to  
 8 construct upon Vail Company lands structures for the impoundment  
 9 of surface run-off for watering cattle and other beneficial  
 10 purposes. Such structures are of the character as more fully  
 11 described in Interlocutory Judgement 28 and made a part hereof.

53

13 All means and methods of diversion and abstraction of  
 14 surface and ground waters of the Santa Margarita River stream  
 15 system by the Vail Company, and uses thereof, are reasonable,  
 16 beneficial and proper.

## RIPARIAN STATUS

54

19 Lands of the Vail Company in the Pauba, Little Temecula,  
 20 and Temecula Ranchos (findings 5, 6, 7, 8, 9, 10, herein) are  
 21 riparian to Temecula Creek within the watershed of said creek.

22 Lands of the Vail Company in the Temecula Rancho  
 23 (findings 7, 8, herein) are riparian to the Murrieta Creek and  
 24 Santa Margarita River within the watershed of said creek and  
 25 river.

26 Lands of the Vail Company in the Pauba Rancho (findings  
 27 5, 6, herein) are riparian to Tualota, Santa Gertrudis, Long  
 28 Canyon, Wilson, Arroyo Seco, and Kolb Creeks, within the watersheds  
 29 of said creeks.

30 Lands of the Vail Company in the Temecula Rancho  
 31 (findings 7, 8, herein) are riparian to Santa Gertrudis and Long  
 32 Canyon Creeks, within the watershed of said creeks.

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1           Lands of the Vail Company in the Nueva portion and the  
2 Murrieta Tract of the Santa Rosa Rancho (findings 11, 12, 13,  
3 herein) are riparian to Murrieta Creek, Slaughterhouse Canyon,  
4 Cole Canyon, Miller Canyon and DeLuz Creeks, within the watersheds  
5 of said creeks.

6           Lands of the Vail Company in the Vieja portion of the  
7 Santa Rosa Rancho (findings 11, 14, 15, 16, herein, excepting  
8 therefrom lands heretofore described in finding 16 herein) are  
9 riparian to the Santa Margarita River, DeLuz Creek, and Sandia  
10 Creek, within the watersheds of said river and creeks.

11           Lands of the Vail Company in Sections 23 and 24, of  
12 Township 8 South, 2 West, (finding 18 - 3, 4, herein), are  
13 riparian to the Santa Margarita River.

14           Lands of the Vail Company, consisting of the Northeast  
15 40 acres of Lot 25, Block 1 of the Pauba Land and Water Company  
16 (finding 17 -2, herein) are riparian to Temecula Creek.

17           Lands of the Vail Company in Lots 6 and 7, Block 3 of  
18 the Pauba Land and Water Company (finding 17 - 1, 12, herein),  
19 are riparian to Long Canyon and Murrieta Creeks.

20           Lands of the Vail Company, as described in finding 17,  
21 item 11, herein, are riparian to Pechanga Creek.

22           Vail Company has numerous parcels of land in the Township  
23 of Temecula (finding 18, herein), as shown on Exhibit "A" attached  
24 hereto, the riparian status of which is shown on U. S. Exhibit 277  
25 and determined in Interlocutory Judgement Number 30, which is made  
26 a part hereof.

27           In addition to the streams which have been set forth  
28 herein, there are other unnamed streams, tributaries, and water-  
29 courses that abut on or traverse Vail Company lands and, to such  
30 extent, Vail Company has riparian rights thereto.

31  
32

IRRIGABLE ACRES

55

1 Lands of the Vail Company in the Pauba Rancho, as  
 2 described in Findings 5, and 6, herein, contain 27,617.1 acres  
 3 riparian to Temescula Creek. Of said lands, 18,499.4 acres are  
 4 susceptible to practical and profitable irrigation and upon which  
 5 water may be beneficially used.

56

7 Lands of the Vail Company in the Little Temescula Rancho  
 8 as described in Findings 9, and 10, herein, contain 1,726.7 acres  
 9 riparian to Temescula Creek. Of said lands, 1,608.7 acres are  
 10 susceptible to practical and profitable irrigation and upon which  
 11 water may be beneficially used.

57

13 Lands of the Vail Company in the Temescula Rancho, as  
 14 described in Findings 7, and 8, herein, contain 10,282.1 acres  
 15 riparian to Murrieta and Temescula Creeks. Of said lands, 9,587.3  
 16 acres are susceptible to practical and profitable irrigation and  
 17 upon which water may be beneficially used.

58

19 Vail Company lands, described in Finding 17 (1 to 12  
 20 inclusive) herein, are listed as to acreage of the parcels and  
 21 the amount of land in said parcels which is susceptible to  
 22 practical and profitable irrigation and upon which water may be  
 23 beneficially used, as follows:

Finding 17	Total Acres	Irrigable Acres
1	130.2	112.2
2	40.0	17.0
26	139.2	Undetermined
4	96.2	Undetermined
27	40.0	32.0
6	127.8	112.8
28	18.5	Undetermined
8	140.2	Undetermined
29	13.0	Undetermined
10	396.6	Undetermined
30	444.9	419.2
12	1.5	1.5
31		
32	24	647.7

59

1           Lands of the Vail Company in the Township of Temecula  
2 as described in Finding 18, herein, contain an undetermined  
3 acreage susceptible to practical and profitable irrigation and  
4 it is probable that any future beneficial use of water on said  
5 lands will be for purposes other than agriculture.

60

7           Lands of the Vail Company on the Santa Rosa Rancho,  
8 within the drainage area of Deluz Creek, contain 9,859.7 acres  
9 riparian to said creek, 830.5 acres of which are susceptible to  
10 practical and profitable irrigation and upon which water may be  
11 beneficially used.

61

12           Lands of the Vail Company on the Santa Rosa Rancho,  
13 within the drainage area of Sandis Creek and the main stem of  
14 the Santa Margarita River, contain 13,771.6 acres which are  
15 riparian, within their respective watersheds to said creek and  
16 river. Contained within said lands, there are 2,674.1 acres which  
17 are susceptible to practical and profitable irrigation and upon  
18 which water may be beneficially used.

62

19           Lands of the Vail Company on the Santa Rosa Rancho,  
20 within the drainage area of Murrieta Creek, contain 13,928.7  
21 acres riparian to said creek, 3,286.7 acres of which are  
22 susceptible to practical and profitable irrigation and upon which  
23 water may be beneficially used.

63

24           Within the Tualota Creek sub-watershed on the lands of  
25 Vail Company on the Pauba Rancho, there are 627.4 acres riparian  
26 to said creek, of which 295.5 acres are susceptible to practical  
27 and profitable irrigation and upon which water may be beneficially  
28 used.

OVERLYING STATUS

64

1 Vail Company lands of the Pauba Rancho within the  
2 exterior boundaries of the Murrieta-Temecula ground water area  
3 and the Aguanga ground water area as shown on U. S. Exhibit 277  
4 and determined in Interlocutory Judgements 30 and \_\_\_\_\_, said  
5 Judgements being made a part hereof, have such overlying rights  
6 to the use of water from said area as were determined in said  
7 Judgements.

65

8  
9 Vail Company lands of the Little Temecula Rancho within  
10 the exterior boundaries of the Murrieta-Temecula ground water area,  
11 as shown on U. S. Exhibit 277 and contained in Interlocutory  
12 Judgement Number 30, have such overlying rights to the use of  
13 water from said area, as were in said finding so determined.

66

14  
15 Vail Company lands of the Temecula Rancho within the  
16 exterior boundaries of the Murrieta-Temecula ground water area,  
17 as shown on U. S. Exhibit 277 and contained in finding Inter-  
18 locutory Judgement Number 30, have such overlying rights to the  
19 use of water from said area, as were in said finding so determined.

67

20  
21 Vail Company lands, described in finding 17 (1 to 12  
22 inclusive) herein, within the exterior boundaries of the  
23 Murrieta-Temecula ground water area as contained in Interlocutory  
24 Judgement Number 30, have such overlying rights to the use of  
25 water from said area, as were in said findings so determined.

68

26  
27 Lands of the Vail Company in the Township of Temecula  
28 as described in finding 18 herein and further described in  
29 Exhibit "A", attached, are in the Murrieta-Temecula ground water  
30 area, as shown on U. S. Exhibit 277 and contained in Interlocutory  
31 Judgement Number 30, have such overlying rights to the use of water  
32 from said area, as were in said finding so determined.

69

1 Vail Company lands on the Santa Rosa Rancho which overlie  
2 the Murrista-Temecula ground water area as shown on U. S. Exhibit  
3 277, have such overlying rights to the use of water from said area,  
4 as were determined in Interlocutory Judgement Number 30, which is  
5 made a part hereof.

70

6 Vail Company lands on the Pauba Rancho, within the  
7 Tualota sub-watershed, have overlying rights to Tualota Creek  
8 and the waters in the younger alluvium of Tualota Valley as  
9 determined in Interlocutory Judgement Number 31, which is made a  
10 part hereof.

71

11 Vail Company lands on the Santa Rosa Rancho, within the  
12 drainage area of Deluz Creek, have overlying rights to the use of  
13 water from said area, as was determined in Interlocutory Judgement  
14 Number 32 which is made a part hereof.

72

15 Vail Company lands on the Santa Rosa Rancho, within the  
16 drainage area of Sandia Creek and the main stem of the Santa  
17 Margarita River have overlying rights to the use of water from  
18 the areas within their respective watersheds. Interlocutory  
19 Judgement Number 29, for Sandia Creek, is made a part hereof.

73

20 Vail Company lands on the Santa Rosa Rancho, within the  
21 drainage area of Murrista Creek, have overlying rights to the use  
22 of water from said area as was determined in Interlocutory Judge-  
23 ment Number 30 which is made a part hereof.

74

24 Waters underlying Vail Company lands, not within the  
25 Murrista-Temecula Ground Water Area (Interlocutory Judgement  
26 Number 30) and not within the Aguanga Ground Water Area  
27 (Interlocutory Judgement \_\_\_\_\_), and not contained within the younger  
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1 alluvial material within the beds and banks of the creeks which  
2 traverse Vail Company lands are local vagrant percolating waters  
3 not part of the stream system. Said areas, lands, and younger  
4 alluvial material, hereinabove mentioned are graphically depicted  
5 on Vail Company Exhibits "U", "EM", and U. S. Exhibits 15, 277,  
6 210C, 15L, 275, 206C.

7 That within the boundaries of the Murrieta-Temscula  
8 Ground Water Area there are ground-water storage units, as shown  
9 on United States Exhibits 17 and 18 and made a part hereof,  
10 containing 418,000 acre feet of water available for use.

11 75

12 Attached to these findings is a copy of Vail Company  
13 Exhibit "EM", titled "Lands of Vail Company in Riverside County",  
14 said map is for general orientation and descriptive purposes only,  
15 due to the small scale.

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