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FILED

ENTERED

SEP 22 1959

APR 7 - 1961

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By *[Signature]*
Deputy Clerk

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FALLBROOK PUBLIC UTILITY DISTRICT,
COSETTE S. GARNER, JACK GARNER, et al.,

Defendants.

#1
No. 1247-SD-C

~~PREPARED~~
INTERLOCUTORY JUDGMENT *[Signature]*

This matter coming on regularly before this Court on September 22, 1959, and based upon the evidence of this case and upon an agreement between counsel for the above named defendants and counsel for the United States of America, ~~the Court~~ make Findings of Fact, Conclusions of Law and Judgment, as to the above named defendants, subject to objections from other defendants in the within proceedings:

~~THE~~ FINDINGS OF FACT

1. Defendants Jack Garner, Cosette S. Garner, et al., are the apparent owners of the lands described in the Answer which they filed in this case. That land description is incorporated into these findings by reference and made a part of them.
2. A portion of the above named defendants' lands are located within the watershed of the Santa Margarita River, the rights in which are the subject matter of this case.

1 3. In the Answer of the above named defendants are described
2 certain lands which are located outside of the watershed of the Santa
3 Margarita River. This case does not relate to those lands or any
4 rights to the use of water appurtenant to them and the United States of
5 America makes no claim in regard to those rights to the use of water.

6 4. As to the lands within the watershed of the Santa Margarita
7 River, the defendants above named disclaim any right, title and interest
8 in and to the rights to the use of water appurtenant to those lands.

9 *J*

~~Proposed~~ CONCLUSIONS OF LAW

10
11 1. The above named defendants have no rights to the use of
12 the waters of the Santa Margarita River or its tributaries.

13 2. The United States of America has no right to the use of
14 water in regard to the lands of the above named defendants which are
15 situated outside of the watershed of the Santa Margarita River.

16 *J*

~~Proposed~~ INTERLOCUTORY JUDGMENT

17 Based on the foregoing proposed Findings of Fact and Con-
18 clusions of Law, it is hereby

19 ORDERED, ADJUDGED AND DECREED:

20 1. The above named defendants are the apparent owners of the
21 lands described in their Answer.

22 2. The above named defendants have no right, title or in-
23 terest in or to the waters of the Santa Margarita River or its trib-
24 utaries.

25 3. The United States of America has no right, title or in-
26 terest in and to the waters appurtenant to the lands of defendants
27 situated outside of the watershed of the Santa Margarita River.

28 4. The defendants above named and their successors in in-
29 terest, are forever restrained from asserting, claiming or setting up
30 any right, title or interest in and to rights to the use of water in
31 the Santa Margarita River or its tributaries.
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5. The United States of America, and its successors in interest, are forever restrained from asserting, claiming or setting up any right, title or interest in and to any rights to the use of water appurtenant to the lands of the defendants outside of the watershed of the Santa Margarita River.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, based upon the decisions of the United States Court of Appeals for the Ninth Circuit, California v. United States, 235 F 2d 647 (C.A. 9, 1956), that this is not a final decree but is interlocutory in character and by reason of the declaration by this Court that all parties are adverse one to another, thus dispensing with cross-pleadings, all other parties to this proceeding may object to these Findings of Fact, Conclusions of Law and Interlocutory Judgment and will be given full opportunity upon due notice to interpose their objections to these Findings of Fact, Conclusions of Law and Interlocutory Judgment.

Dated: 9/22/59 James M. Carter
James M. Carter
Judge, United States District Court

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FILED

SEP 22 1959

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By: *William H. Veeder*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FALLBROOK PUBLIC UTILITY DISTRICT,
COSETTE S. GARNER, JACK GARNER, et al.,

Defendants.

No. 1247-SD-C

STIPULATION

Counsel for the United States of America and the above named
defendants, do hereby mutually stipulate and agree that this Court may
enter the attached and accompanying Proposed Interlocutory Judgment,
Findings of Fact and Conclusions of Law.

UNITED STATES OF AMERICA

William H. Veeder

William H. Veeder, Attorney
Department of Justice

Phil D. Swing

Phil D. Swing, Attorney for
Defendants Cosette S. Garner,
Jack Garner, et al.