

MFLMD
Orey

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

FILED

LODGED

NOV 8 - 1962

NOV - 5 1962

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

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

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

ENTERED

NOV 8 - 1962

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

UNITED STATES OF AMERICA
Plaintiff,
vs.
FALLBROOK PUBLIC UTILITY
DISTRICT, et al.,
Defendants.

No. 1247-SD-C

ORDER AMENDING FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
INTERLOCUTORY JUDGMENT NO. 37

NAVAL ENCLAVE

This Court on *April 6, 1962* entered Findings of Fact,
Conclusions of Law and Interlocutory Judgment No. 37.

Jack

Good cause appearing, it is now hereby ordered that
Finding of Fact 26, Finding of Fact 27, Conclusion of Law 27,
and Interlocutory Judgment 18 be amended in said Findings of
Fact, Conclusions of Law and Interlocutory Judgment No. 37 to
read as set forth in the Exhibit attached hereto and made a
part hereof.

Dated: *11-8-62*

James W. Carter
JUDGE

1 AMENDMENTS TO FINDINGS OF FACT, CONCLUSIONS OF LAW
2 AND INTERLOCUTORY JUDGMENT NO. 37.

3
4 FINDING OF FACT NO. 26

5 Sewage Effluent Discharges

6 That in a state of nature the ground waters which are
7 contained within the younger alluvial deposits within the
8 Naval Enclave have as their principal source of recharge the
9 surface waters of the Santa Margarita River and its tributaries,
10 and to a lesser extent precipitation upon said area. That under
11 present conditions the United States of America has contributed
12 to the recharge of the ground waters within said younger alluvial
13 deposits within the Naval Enclave by a comprehensive program
14 of processing sewage and returning the effluent therefrom to
15 the younger alluvial deposits. That the waters of the sewage
16 effluent returned had previously been diverted from said Santa
17 Margarita River. That such return of sewage effluent to the
18 younger alluvial deposits is made from Plant No. 1 at locations
19 in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 10 South, Range 4
20 West, S.B.M.; and in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township
21 10 South, Range 4 West, S.B.M.; from Plant No. 8 at a location
22 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 10 South, Range
23 5 West, S.B.M.; from Plant No. 3 at a location in the NW $\frac{1}{4}$ of
24 the NE $\frac{1}{4}$ of Section 26, Township 10 South, Range 5 West, S.B.M.;
25 from Plant No. 2 at a location in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section
26 35, Township 10 South, Range 5 West, S.B.M.; and from Plant
27 No. 13 at a location in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10,
28 Township 11 South, Range 5 West, S.B.M.; and has been made
29 in the following amounts from the following plants:

30 - - - - -
31 - - - - -

1.

X 2

SEWAGE EFFLUENT DISCHARGES (Acre Feet)

Water Year	Plant No. 1	Plant No. 2	Plant No. 3	Plant No. 8	Plant No. 13
1944			228.45		
1945			373.90		
1946			354.64		
1947			345.50		
1948			477.61		
1949			474.66		
1950			470.74		
1951			536.96		
1952	282.00	172.88	631.94		
1953	1171.74	866.93	681.48		
1954	1094.02	704.93	509.14	54.65	25.02
1955	1054.85	732.03	586.38	153.01	181.36
1956	1045.38	724.14	683.15	249.47	258.89
1957	843.98	788.50	588.05	243.07	225.87
1958	880.05	756.09	570.59	274.67	229.08
1959	693.81	707.44	440.10	204.98	422.03
1960	728.22	677.38	390.42	252.04	513.03
1961	761.55	709.68	337.85	311.74	414.76

23 The practices described hereinabove are commendable
 24 and by reason thereof the United States of America is making a
 25 most efficient use of the natural water supply.

26 Exportation of water from the watershed by the United
 27 States are set forth in Finding No. 10. Finding No. 26, above,
 28 sets forth the amount of sewage effluent returned to the
 29 watershed. Evapo-transpiration and other losses, if material,
 30 are subject to calculatbn. Insofar as exportation affects the
 31 riparian right of the United States to call upon upstream users

1 to release water or curtail reasonable and beneficial water
2 uses so as to allow water to reach the Naval Enclave, the
3 annual exportation charged against the United States shall
4 be the excess of gross exportation annually over annual
5 sewage effluent return to the ground waters, which will be
6 hereafter called the "net U.S. water exportation."

7

8

FINDING OF FACT NO. 27

9 Water Conservation Practices
10 Within the Naval Enclave

11 That the United States of America has diligently
12 attempted to make the maximum and most efficient use of the waters
13 available within the Naval Enclave and in connection therewith
14 has entered into a comprehensive control of phreatophytes and
15 other water-loving vegetation, and has constructed spreading
16 works to increase the natural percolation of surface waters
17 into the younger alluvial deposits. These conservation practices
18 have in fact resulted in the conservation of water in a sub-
19 stantial amount. In the water year of 1961-1962 (October 1,
20 1961 through September 30, 1962) by the use of these artificial
21 spreading works the United States of America was able to increase
22 the percolation of surface waters into the younger alluvial de-
23 posits within the Naval Enclave by approximately 2,700 acre feet
24 of water, and if in fact said artificial spreading facilities
25 had not been in operation, said 2,700 acre feet of water would
26 have wasted into the Pacific Ocean during said 1961-1962 water
27 year.

28 At the request of the United States or any other party,
29 the Court will from year to year take evidence and make findings
30 as to the amount of water which the United States in years sub-
31 sequent to the water year of 1961-1962 has been able by artificial

1 spreading to place in the younger alluvial deposits and which
2 water would have otherwise wasted into the ocean. This annual
3 calculation as to amount shall be hereinafter referred to as
4 "water saved by artificial spreading by the U.S."

5

6

CONCLUSION OF LAW NO. 27

7

That except as to reasonable and proper riparian uses
8 on lands within the Naval Enclave upstream from the point of con-
9 fluence of the Santa Margarita River with DeLuz Creek in Section
10 29, Township 9 South, Range 4 West, S.B.M. and the rights as
11 provided in Interlocutory Judgment No. 24 (Lake O'Neill), no
12 upstream riparian, overlying owner, prescriptor or appropriator
13 shall be required to release water or ^{water} ~~water~~ ^{water} reasonable and
Just 14 beneficial water uses so as to allow water to reach the Naval
15 Enclave for any purpose, unless and until net U.S. water expor-
16 tation from the Santa Margarita River watershed by the United
17 States of America has been reduced to zero and the ground water
18 levels within the younger alluvial deposits which underlie the
19 Santa Margarita River downstream from said point of confluence
20 of said DeLuz Creek with the Santa Margarita River have been
21 restored to that level at which they would have been if prior
22 net U.S. water exportations had not taken place.

23

Notwithstanding the above provisions of this paragraph,
24 the United States may each year deduct the amount of the "water
25 saved by artificial spreading by the U.S." from the "Net U.S.
26 water exportations" for the purpose of reducing the "Net U.S.
27 water exportations" to zero or to a minus figure.

28

INTERLOCUTORY JUDGMENT NO. 18

29

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that except
30 as to reasonable and proper riparian uses on lands within the
31 Naval Enclave upstream from the point of confluence of the Santa

1 Margarita River with DeLuz Creek in Section 29, Township 9
2 South, Range 4 West, S.B.M., and such rights to the use of
3 water as provided in Interlocutory Judgment No. 24 (Lake
4 O'Neill), no upstream riparian, overlying owner, prescrip-
5 or appropriator shall be required to release water or curtail
6 reasonable and beneficial water uses so as to allow water to
7 reach the Naval Enclave for any purpose unless and until net
8 U.S. water exportations by the United States of America from
9 the Santa Margarita River watershed is reduced to zero and
10 the ground water levels within the younger alluvial deposits
11 downstream from said point of confluence of said DeLuz Creek
12 with the Santa Margarita River have been restored to that level
13 at which they would have been if prior net U. S. exportations
14 had not taken place;

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
16 notwithstanding the above provisions of this paragraph, the
17 United States may each year deduct the amount of the "water
18 saved by artificial spreading by the U.S." from the "Net U.S.
19 water exportations" for the purpose of reducing the "Net U.S.
20 water exportations" to zero or to a minus figure.

21
22
23
24
25
26
27
28
29
30
31