

MFLM *[Signature]*

FILED

JAN 25 1963

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

ENTERED

JAN 25 1963

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

LODGED

JAN 25 1963

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

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
FALLBROOK PUBLIC UTILITY DISTRICT,)
a public service corporation of)
the State of California, et al.,)
)
Defendants.)

No. 1247-SD-C

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND INTERLOCUTORY
JUDGMENT NO. 31 SANTA
GERTRUDIS CREEK SUB-WATERSHED

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND INTERLOCUTORY JUDGMENT No. 31,
RESPECTING LANDS RIPARIAN TO THE
SANTA MARGARITA RIVER OR OVERLYING
GROUND WATERS WHICH FEED OR CONTRIBUTE
TO THE SANTA MARGARITA RIVER, WITHIN
THE SANTA GERTRUDIS CREEK SUB-WATERSHED
UPSTREAM FROM THE TEMECULA-MURRIETA
GROUND WATER AREA.

I

Lands which are subject of
this Interlocutory Judgment:

This Interlocutory Judgment concerns lands which are
located within the watershed of the Santa Margarita River, and
within the sub-watershed of Santa Gertrudis Creek, upstream from
the boundaries of the Murrieta-Temecula Ground Water Area, as
the same is described in Interlocutory Judgment No. 30, herein.

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
32

II

Santa Gertrudis Creek:

Santa Gertrudis Creek rises in the Northeast Quarter of the Southwest Quarter of Section 18, Township 7 South, Range 1 West, S.B.B.M.. It flows Westerly and Southwesterly over basement complex across the North Half of the Southwest Quarter of Section 18, and the East Half of Section 13, Township 7 South, Range 2, West. From said Section 13 Santa Gertrudis Creek flows Southerly into the Pauba Grant of Vail Ranch and the Murrieta-Temecula Ground Water Area, covered by Interlocutory Judgment No. 30. Santa Gertrudis Creek flows Southerly, Southwesterly and Westerly through the Pauba Grant to the Southeast Quarter of the Northeast Quarter of Fractional Section 22, Township 7 South, Range 2 West where it leaves the Murrieta-Temecula Ground Water Area. It flows Westerly, through the Fractional Section 22 to where it reenters the Murrieta-Temecula Ground Water Area in the Northeast Quarter of the Northeast Quarter of Section 21, Township 7 South, Range 2 West. The portion of Santa Gertrudis Creek flowing through said Fractional Section 22 is underlain with older alluvium.

III

Tucalota Creek:

Tucalota Creek rises in the Southwest Quarter of Section 26, Township 6 South, Range 1 East, S. B. B. M.. It flows Southwesterly through the Southwest Quarter of said Section 26, and across Section 34 of Township 6 South, Range 1 East. In the Southwest Quarter of the Northwest Quarter of said Section 34 it enters Weber Valley, an alluvial filled valley approximately two miles in length. The alluvium over which Tucalota Creek flows through this valley varies in width from a few feet to approximately one-quarter mile. Tucalota Creek continues through Weber Valley across said Section 34 and across the Southeast Quarter of Section 33, Township 6 South, Range 1 East and across Section 4,

1 Township 7 South, Range 1 East. It leaves Weber Valley in the
2 Northwest Quarter of the Northwest Quarter of Section 9, Town-
3 ship 7 South, Range 1 East and flows Westerly over basement comple:
4 across the Northeast Quarter of the Northeast Quarter of Section 8,
5 Township 7 South, Range 1 East. It then flows over a narrow
6 stringer of alluvium across the Northwest Quarter of the Northeast
7 Quarter, and the North Half of the Northwest Quarter of Section 8,
8 Township 7 South, Range 1 East and the Northeast Quarter of the
9 Northeast Quarter of Section 7, Township 7 South, Range 1 East.
10 It flows Westerly across basement complex for approximately 900
11 feet and then enters an unnamed alluvial filled valley in the
12 Northwest Quarter of the Northeast Quarter of Section 7, Township 7
13 South, Range 1 East. This alluvial filled valley extends along
14 Tucalota Creek for approximately one and one-half miles and
15 northward along an unnamed tributary of Tucalota Creek for
16 approximately one and one-half miles. The alluvium in this valley
17 varies in width from a few feet to approximately one-half mile.
18 Tucalota Creek runs Southwesterly through the valley last des-
19 cribed, through the Northwest Quarter of the Northeast Quarter and
20 the Northwest Quarter of Section 7, Township 7 South, Range 1 East
21 the Southeast Quarter of the Northeast Quarter and the Southeast
22 Quarter of Section 12, Township 7 South, Range 1 West. Tucalota
23 Creek then flows Westerly and Northwesterly over basement complex
24 across the Southwest Quarter of said Section 12 and Section 11,
25 Township 7 South, Range 1 West.

26 In the Northwest Quarter of the Southwest Quarter of
27 said Section 11, Tucalota Creek enters Tucalota Valley, which is an
28 alluvial filled valley. The alluvium in Tucalota Valley extends
29 along Tucalota Creek for approximately two and one-half miles
30 from the Northwest Quarter of the Southwest Quarter of said Sectio
31 11 to approximately the Western boundary of the Northeast Quarter
32 of the Southeast Quarter of Section 8, Township 7 South, Range 1

1 West. The alluvium along Tucalota Creek through Tucalota Valley
 2 varies in width from a few feet to approximately one-fourth mile.
 3 Tucalota Creek flows Westerly through Tucalota Valley across the
 4 South Half of Section 10, Township 7 South, Range 1 West; for
 5 approximately one and one-half miles across the Northeastern
 6 portion of the Pauba Grant of the Vail Ranch, the Southwestern
 7 corner of Fractional Section 9, Township 7 South, Range 1 West,
 8 and the Northeast Quarter of the Southeast Quarter of Fractional
 9 Section 8, Township 7 South, Range 1 West. In the Northeast
 10 Quarter of the Southeast Quarter of said Section 8 Tucalota Creek
 11 leaves Tucalota Valley and flows Northwesterly over basement
 12 complex for approximately one mile across said Section 8, the
 13 Southwest Corner of Section 5, Township 7 South, Range 1 West,
 14 and the East Half of the Southeast Quarter of Section 6, Township
 15 7 South, Range 1 West.

16 In the Northeast Quarter of the Southeast Quarter of
 17 Section 6, Township 7 South, Range 1 West, Tucalota Creek enters
 18 Auld Valley. Auld Valley is underlain primarily with older allu-
 19 vium and weathered basement complex. There is a stringer of allu-
 20 vium which extends along Tucalota Creek from approximately the
 21 center of the Northeast Quarter of the Southeast Quarter of Section
 22 6 to the center of the Northwest Quarter of the Northeast Quarter of
 23 Section 18, Township 7 South, Range 2 West. This stringer of allu-
 24 vium varies in width from a few feet to approximately one-quarter
 25 mile. Tucalota Creek proceeds Westerly, Northwesterly and South-
 26 westerly through Auld Valley across the North Half of the South
 27 Half of Section 6, * * * * *

28 *****
 29 *****
 30 *****
 31 *****
 32 *****

4

1 Township 7 South, Range 1 West, the North Half of Section 1,
 2 Township 7 South, Range 2 West, the South Half of Section 2, Town-
 3 ship 7 South, Range 2 West, the South Half of the South Half of
 4 Section 3, Township 7 South, Range 2 West, Section 9, Township 7
 5 South, Range 2 West and the South Half of Section 8, Township 7
 6 South, Range 2 West. From approximately the center of the North-
 7 west Quarter of the Northeast Quarter of Section 18, Township 7
 8 South, Range 2 West, Tualota Creek flows Westerly and Southwesterly
 9 over basement complex across the Northwest Quarter of the North-
 10 east Quarter, the Southeast Quarter of the Northwest Quarter, and
 11 the Southwest Quarter of said Section 18. At approximately the
 12 center of the Southwest Quarter of the Southwest Quarter of said
 13 Section 18, Tualota Creek enters younger alluvium, it flows
 14 Southerly through this younger alluvium into the Murrieta-
 15 Temecula Ground Water Area, in the Northwest Quarter of the North-
 16 west Quarter of Fraction Section 19, Township 7 South, Range 2
 17 West. Within the Murrieta-Temecula Ground Water Area Tualota
 18 Creek joins Santa Gertrudis Creek.

19 IV

20 Other Tributaries of Santa Gertrudis Creek:

21 In addition to Tualota Creek, there are numerous
 22 smaller stream tributary to Santa Gertrudis Creek, both named and
 23 un-named. The source, course and direction of such tributaries is
 24 delineated upon United States Exhibits 15 and 15-E in these pro-
 25 ceedings, to which reference is made.

26 V

27 Characteristics of Santa Gertrudis 28 Creek and Tualota Creek:

29 Throughout their courses as described in these Findings,
 30 Santa Gertrudis Creek and its tributaries are intermittent streams
 31 both as to time and place of flow. Each of said streams flow
 32 generally through and over areas of basement complex and residuum,

1 and to a lesser extent through and over areas of older alluvium.
2 Each of said streams flow in part through and over beds composed
3 of thin mantles of younger alluvium. The courses of Santa
4 Gertrudis Creek and its tributaries, and the geological materials
5 over which said streams flow, are delineated upon United States
6 Exhibits 15 and 15E in this cause.

7 VI

8 Bed and Banks of Santa Gertrudis
9 Creek and Its Tributaries:

10 The basement complex, residuum and older alluvium de-
11 lined upon Exhibits 15 and 15E are generally non-water-bearing,
12 and are composed of considerably more compacted material than
13 the younger alluvium delineated upon said Exhibits. As a result
14 thereof, ground waters found within such areas of younger
15 alluvium do not move laterally or vertically into the adjoining
16 or underlying materials, but on the contrary move through the
17 younger alluvium in the identical direction as the surface flow
18 of such streams, when surface flow exists. Ground waters found
19 within such areas of younger alluvium are an integral part of
20 the surface and sub-surface flow of the stream, and are contained
21 within a known and defined channel, to wit, the younger alluvial
22 deposits, and are contained within bed and banks, to wit, the
23 basement complex, residuum or older alluvium delineated upon
24 Exhibits 15 and 15E.

25 VII

26 Land Ownership:

27 Attached hereto marked Exhibit A and made a part hereof
28 by reference is a master alphabetical list of the apparent owners
29 of all parcels of land which are the subject of this Interlocutory
30 Judgment, together with the parcel number of each such parcel, and
31 a reference to Exhibit B where the legal description of each such
32 parcel may be found.

1 Attached hereto marked Exhibit B and made a part hereof
2 by reference is a tabulation setting forth the exact legal des-
3 criptions and apparent ownerships of all parcels of land which are
4 the subject of this Interlocutory Judgment.

5 VIII

6 Riparian Lands:

7 (a) Attached hereto marked Exhibit C-1 and made a
8 part hereof by reference is a tabulation of apparent owners and
9 parcel numbers of the smallest tract of land held under one chain
10 of title, a part of which abuts upon or is traversed by Santa
11 Gertrudis Creek within the area covered by this Interlocutory
12 Judgment. The said tabulation includes complete legal description
13 of each such parcel, and in certain cases contains also other
14 information concerning gross acreage, irrigable acreage, wells,
15 surface diversions and like data.

16 (b) Attached hereto marked Exhibit C-2 and made a
17 part hereof by reference is a tabulation of apparent owners and
18 parcel numbers of the smallest tract of land held under one chain
19 of title, a part of which abuts upon or is traversed by Tualota
20 Creek within the area covered by this Interlocutory Judgment.
21 The said tabulation includes complete legal description of each
22 such parcel, and in certain cases contains also other information
23 concerning gross acreage, irrigable acreage, wells, surface di-
24 versions and like data.

25 (c) Attached hereto marked Exhibit C-3 and made a
26 part hereof by reference is a tabulation of apparent owners and
27 parcel numbers of the smallest tract of land held under one chain
28 of title which abut upon or are traversed by other tributaries of
29 Santa Gertrudis Creek in areas in which such tributaries are
30 underlain with substantial deposits of younger alluvium, as
31 shown on Exhibits 15 and 15-E in these proceedings. The said
32 tabulation includes complete legal description of each such parcel

1 and in certain cases contains also other information concerning
2 gross acreage, irrigable acreage, wells, surface diversions and
3 like data.

4 IX

5 Lands Riparian to
6 Un-named Creeks and Gullies.

7 In addition to the named tributaries of the Santa
8 Gertrudis Creek within the areas which is the subject of this
9 Interlocutory Judgment there are numerous small creeks, gullies,
10 and watercourses tributary to the Santa Gertrudis River. In the
11 main such minor watercourses flow over consolidated rocks or
12 basement complex, but there are limited areas in which shallow
13 alluvial deposits underlie the stream channel. In all such
14 cases such shallow alluvial deposits rest upon consolidated rock
15 or basement complex and are laterally contained by consolidated
16 rock or basement complex and the ground waters contained in such
17 alluvial deposits are in direct contact with and are an integral
18 part of the surface flows, at such times as surface flows exist
19 in such creeks, gullies or watercourses. The ground waters con-
20 tained in such alluvial deposits are in a known and defined
21 channel, to wit, the younger alluvial deposits.

22 X

23 Jurisdiction reserved as to
24 such Minor Watercourses.

25 Said small creeks, gullies or watercourses have not been
26 considered in detail in this proceeding, nor has any party to this
27 cause requested detailed findings thereon. Should any party to
28 this cause in the future desire detailed findings as to such
29 minor watercourses, this Court will make such findings upon such
30 request, and this Court expressly reserves jurisdiction to consider
31 such requests if and when they may arise.

32 *****

XI

Minor Surface Impoundments.

There are within the area which is subject of this Interlocutory Judgment many structures which are used for the impoundment of surface run-off for the purpose of providing stock water, to encourage ground water re-charge, for the purpose of soil conservation, recreation or other beneficial purposes. There is no evidence that such structures or impoundments presently constitute an unreasonable, wasteful or non-beneficial use of water. None of such structures or impoundments have been constructed or are maintained under the authority of any Permit or License of the State of California, and none of said structures have been maintained adversely to any party to this cause.

Those minor surface impoundments as described in this Finding are of the same type as those considered in Interlocutory Judgment No. 28, (Miscellaneous Surface Impoundments).

XII

Effect of such Minor Surface Impoundments:

That all such structures and impoundments as are described in Finding XI above intercept surface runoff of waters of the Santa Margarita River System, which runoff would in a state of nature contribute to the Santa Margarita River; that while the impact of any such individual impoundment on the available water supply of the Santa Gertrudis Creek is at present de minimis, the cumulative effect of such structures and impoundments may at a future date become substantial and require regulation or control.

XIII

Vagrant, local, percolating waters, and surface waters other than those herein covered by specific findings.

All ground waters within the area which is the subject of this Interlocutory Judgment found within deposits of consolidated rock, weathered basement complex, or basement complex, as

9

1 depicted upon U.S.A. Exhibits 15 and 15E herein, are vagrant,
2 local, percolating waters, not a part of the Santa Gertrudis Creek
3 or any tributary thereto. All surface waters which flow upon de-
4 posits of consolidated rock, weathered basement complex or basement
5 complex in said area are a part of the waters of the Santa
6 Gertrudis Creek or its tributaries.

7
8 XIV

9 There are no appropriative rights to the use of the
10 waters of Santa Gertrudis Creek or its tributaries, either vested
11 or inchoate, within the area subject of this Interlocutory
12 Judgment.

13 XV

14 Prescriptive Rights.

15 No surface diversion or use of any of the waters found
16 within the areas is subject of this Interlocutory Judgment have
17 been open, notorious, adverse or hostile to any party to this
18 cause and no prescriptive right to the use of any of said waters
19 by reason of such diversion or use now exists.

20 XVI

21 Prima Facie Evidence.

22 On the Exhibits attached hereto and made a part hereof
23 by reference there appear certain factual statements concerning
24 lands within the area that is subject of this Interlocutory Judg-
25 ment, concerning such matters as wells, gross acreages, irrigable
26 acreages and surface diversions. Such factual statements as
27 pertain to wells and surface diversions are as of the date of this
28 Interlocutory Judgment true. The factual statements which pertain
29 to gross acreages and irrigable acreages are based upon evidence
30 introduced into this case by the United States of America with an
31 express assurance from its counsel that apportionment was not
32 being sought at this stage of the litigation. Because of this
fact, and the fact that the Court is not at this time making any

1 order apportioning or regulating the use of the waters involved
 2 herein, such fact pertaining to gross acreages and irrigable
 3 acreages are not material to any issue decided by this Interlocu-
 4 tory Judgment. In the exercise of the Court's continuing juris-
 5 diction in this cause, said facts may be material to an issue
 6 presented in the future. Therefore, this Court finds that such
 7 factual statements contained in said Exhibits which pertain to
 8 gross acreages and irrigable acreages are supported by the
 9 evidence and such factual statements shall be prima-facie evidence
 10 thereof in any subsequent proceedings before this Court in this
 11 cause. As used herein, prima facie evidence is that which
 12 suffices for the proof of the particular fact until contradicted
 13 or overcome by other evidence.

14 CONCLUSIONS OF LAW

15 1.

16 All ground waters found within areas of residuum or
 17 basement complex within the area subject of this interlocutory
 18 Judgment do not add to, contribute to or support the waters of
 19 the Santa Gertrudis Creek and its tributaries, and are vagrant,
 20 local, percolating waters, not a part of the Santa Gertrudis Creek
 21 system.

22 2.

23 All surface waters which flow over and upon lands which
 24 are within the area subject of this Interlocutory Judgment are a
 25 part of the Santa Gertrudis Creek system and subject to the con-
 26 tinuing jurisdiction of this Court.

27 3.

28 All ground waters found within areas of younger alluvium
 29 within the area subject of this Interlocutory Judgment are a part
 30 of the Santa Gertrudis Creek system and subject to the continuing
 31 jurisdiction of this Court.

32 *****

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
32

4.

All lands listed by parcel number upon Exhibit C-1 hereunto attached and made a part hereof by reference have a correlative riparian right to the use of the waters of the Santa Gertrudis Creek and its tributaries.

5.

All lands listed by parcel number upon Exhibit C-2 hereunto attached and made a part hereof by reference have a correlative riparian right to the use of the waters of Tualota Creek and its tributaries.

6.

All lands listed by parcel number upon Exhibit C-3 hereunto attached and made a part hereof by reference have a correlative riparian right to the use of the waters of the stream which abuts upon or traverses said lands as shown on U.S.A. Exhibits 15 and 15-E, herein.

7.

All lands listed by parcel number upon Exhibit A which abut upon or are traversed by any un-named creek, gully or watercourse have a correlative riparian right to the use of the waters of such creek, gully or watercourse.

8.

The exercise of the riparian rights described in Conclusions of Law 4, 5, 6 and 7 herein are subject to the continuing jurisdiction of the Court.

9.

There are ^{no} appropriative rights to the use of the waters of Santa Gertrudis Creek or its tributaries, either vested or inchoate, within the areas subject of this Interlocutory Judgment.

10.

No prescriptive rights or rights by adverse user exist to any of the surface or underground waters within the area which

1 is subject of this Interlocutory Judgment.

2 11.

3 That at the present status of this case the issue of
4 apportionment, or the quantity or proportion of waters to which
5 any lands are entitled has not been presented, and this Court
6 has taken no evidence directed to establishing whether any water
7 uses pursuant to riparian or overlying rights are reasonable or
8 unreasonable, and rights which may exist as to the use of such
9 waters and this issue is left open, is not decided herein, and
10 shall be litigated by this Court when and if it becomes necessary
11 to do so. In the exercise of this continuing jurisdiction this
12 Court will judge and pass upon the issue of such riparian or over-
13 lying rights based upon the facts as they may then appear and
14 pursuant to California law.

15 INTERLOCUTORY JUDGMENT

16 1.

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all
18 ground waters within deposits of basement complex or residuum
19 within the area subject of this Interlocutory Judgment are vagrant,
20 local percolating waters which do not add to, support, nor con-
21 tribute to the Santa Gertrudis Creek.

22 2.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
24 rights of the owners of the lands referred to in paragraph 1 of
25 this Interlocutory Judgment, and their heirs, successors and
26 assigns to the use of the said ground waters are forever quieted
27 in them and against the rights of the United States of America
28 and all other parties having rights to the use of the waters of
29 the Santa Gertrudis Creek system.

30 3.

31 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
32 owners of said lands referred to in paragraph 1 of this Interlocu-

1 Judgment, their heirs, successors and assigns, are forever
2 restrained from asserting rights in or to the waters of the Santa
3 Gertrudis Creek or its tributaries, excepting rights to surface
4 waters which flow over and upon said lands.

5 4.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
7 rights inter-sese of the owners of said lands referred to in
8 paragraph 1 of this Interlocutory Judgment to the use of the under-
9 lying vagrant, local, percolating ground waters have not been
10 adjudged, determined or decreed in these proceedings.

11 5.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
13 surface waters flowing over or upon lands within the area subject
14 of this Interlocutory Judgment are a part of the Santa Gertrudis
15 Creek system and are subject to the continuing jurisdiction of
16 this Court.

17 6.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
19 ground waters found within areas of younger alluvium within the
20 area which is subject of this Interlocutory Judgment are a part
21 of the waters of the Santa Gertrudis Creek system and subject to
22 the continuing jurisdiction of this Court.

23 7.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
25 lands listed by parcel numbers on Exhibits C-1, C-2, C-3, hereunto
26 attached and made a part hereof by reference have a correlative
27 riparian right to the use of the waters of the Santa Gertrudis
28 Creek system.

29 8.

30 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
31 lands listed by parcel numbers in Exhibit A, attached hereto and
32 made a part hereof by reference, which abut upon or are traversed

1 by any named or un-named creek, gully or watercourse within the
2 area subject of this Interlocutory Judgment, have a correlative
3 riparian right to the use of the waters of such creek, gully or
4 watercourse.

5 9.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
7 correlative riparian rights to the use of waters within the area
8 subject of this Interlocutory Judgment as adjudged in paragraphs
9 6, 7 and 8 of this Interlocutory Judgment are subject to the
10 continuing jurisdiction of this Court.

11 10.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
13 issue of apportionment has not been presented and this Court has
14 taken no evidence directed to establishing whether the use of
15 any waters herein adjudged to be subject to the continuing juris-
16 diction of this Court are reasonable or unreasonable as to amount
17 of water used in the light of correlative rights which may exist
18 as to such waters, and this issue is left open, is not decided
19 herein, and shall be litigated by this Court if and when in the
20 future it becomes necessary to do so.

21 11.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
23 rights inter-sese of the owners of said lands within the area
24 subject of this Interlocutory Judgment to the use of the ground
25 waters contained therein have not been adjudged, determined or
26 decreed in this proceedings.

27 12.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no
29 appropriative rights to the use of waters of Santa Gertrudis Creek
30 or its tributaries, either vested or inchoate, exist within the
31 area which is subject of this Interlocutory Judgment.

32 *****

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
32

13.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no prescriptive rights to the use of any of the waters within the area subject of this Interlocutory Judgment now exist.

14.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the construction or maintenance of any structure for the impoundment of surface run-off of the waters within the area subject of this Interlocutory Judgment as the same are defined herein has not resulted in the acquisition of any prescriptive right or any right by reason of adverse user against any party to this cause, and the continued maintenance of such structures, or the impoundment of water therein shall not in the future give rise to any prescriptive right or right by adverse user against any party to this cause, his heirs, successors or assigns.

15.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, based upon the decision of the United States Court of Appeals for the Ninth Circuit, California v. U. S., 235 F2d 647, that this is not a final decree, but is interlocutory in character and by reason of the Order by this Court that all parties are adverse, one to the other, thus dispensing with cross pleadings, all 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 prior to the entry of final judgment in this cause.

16.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Interlocutory Judgment is not appealable, is not final and shall not be operative until made a part of the final judgment, and this Court expressly reserves jurisdiction to modify or vacate it,

1 either upon its own motion or upon motion of any party to this
2 proceeding until such time as final judgment in this case is
3 entered.

4 Dated: Jan 25 1963

5 James M. Carter
6 Judge

9 NOTE: The parcel numbers appearing on Exhibits A, B, C-1, C-2 and
10 C-3 attached are explained as follows: The first number refers to the
11 Township; the second number refers to the Range; the next number or
12 numbers refer to the Section or Sections or parts of Sections; the final
13 number or numbers separated by a dash is the parcel number, thus: 72N-8, 13-
14 141 indicates Township 7 South, Range 2 West, Sections 8 and 13-Parcel 141.

ALPHABETICAL INDEX OF
SANTA GERTRUDIS CREEK SUB-WATERSHED

<u>NAME</u>	<u>PARCEL NUMBER</u>	<u>EXHIBIT "B"</u> <u>PAGE</u>
AULD, Barbara Ann	72W-1, 2, 3, 11, 12 - 132	7
AULD, William K.	72W-1, 2, 3, 11, 12 - 132	7
BAATZ, Elmer	72W-1-129	6
BALLINGER, Bert	71E-6-48	1
BASHAW, J. N. & Helen J.	72W-2-133	8
BOREL, A. F. & Louise	72W-8, 13, 18 - 141	9
BRYAN, A. L.	71W-9-96	5
BRYAN, Florence	71W-9-96	5
BRYAN, Miriam A.	71W-9-96	5
BRYAN, William R.	71W-9-96	5
BUTTON, Jesse D. & Lola T.	71W-7-94	4
CEAS, Albert N.	72W-8-143	9
CEAS, Etienne	72W-7-140	9
CHAFFEY, Andrew Elswood Stewart	61E-33-34-25	1
DIETTERICK, Mary R.	72W-1-130	6
DUNCAN, Tom W. & Frances W.	71W-74	4

<u>NAME</u>	<u>PARCEL NUMBER</u>	<u>EXHIBIT "B" PAGE</u>
GARTLER, Stanley	72W-1-131	7
HALL, Gordon W. & Richard W. Lorine V.	71W-12-101	6
HILLIARD, C. S.	72W-7-18-139	9
HOTCHKISS, Ray B. & Minnie J.	61W-31-81	4
JERNIGAN, Earl P. & Dorothy L.	71E-4-59	2
KERR, Elswood Chaffey	61E-33-34-25	1
MEEK, Nathan A., Jr. & Wilma	81W-31-81	4
MILHOLLAND, George W. & Nellie	71W-10-97	5
MURRAY, Kathleen Chaffey	61E-33,34-25	1
NEW, Fred W. & ... Kathryn A.	71E-6-62	3
NICOLAS, Marius A. & Mary	72W-3, 4, 9, 10, 22, 135	8
OCCIDENTAL COLLEGE	71E-6, 7; 71W-12 - 63	3
POLLARD, Clarence O. & Florence	71E-7, 8, 9 - 61	2
RAWSON, Lewis	71W-67	3A

<u>NAME</u>	<u>PARCEL NUMBER</u>	<u>EXHIBIT "B" PAGE</u>
ROBERTS, John L.	71W-67	3A
ROBERTSON, Alma C.	72W-1, 2, 3, 11, 12 - 132	7
SERVEL, Leon J. & Clementine	72W-18-148	10
SHIPLEY, Roy E. & Beryl	61W-67	3A
SHIPMAN, William H. & Virginia G.	61W-67	3A
SHOCKLEY, Edwin T. & Emmelyn F.	71E-4-60	2
SHUMATE, Olive O.	72W-1-129	6
SPEROU, George James & Marjorie V.	71W-12-99	5
STANLEY, Augusta Greene	61E-34-53	1
THORPE, Daisy E.	71W-11-98	5
VAIL COMPANY		10
WILSON, Bessie M.	71W-8-95	5

RIPARIAN AND OVERLYING LANDS WITHIN
SANTA GERTRUDIS CREEK SUB-WATERSHED

Parcel 61E-33-34 - 25:

All of Section Thirty-three (33), and the West Half of the Southwest Quarter, and South Half of Northwest Quarter of Section Thirty-four (34), Township Six (6) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: KERR, Elswood Chaffey
MURRAY, Kathleen Chaffey
CHAFFEY, Andrew Elswood Stewart

Parcel 71E-6-48:

The Northeast Quarter, and the East Half of the Northwest Quarter; the North Half of the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section Six (6), Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: BALLINGER, Bert

Parcel 61E-34-53:

The Northeast Quarter of the Northwest Quarter, the East Half, and the East Half of the Southwest Quarter of Section Thirty-four (34), Township Six (6) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: STANLEY, Augusta Greene

Parcel 71E-4-59

That portion of the South Half of Section Four (4), Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California, described as follows: Beginning at the Southwest corner thereof; thence North along the West line 1961 feet; thence North 89°22' East to the East line of said Section Four (4); thence South along the East line to the Southeast corner thereof; thence West along the South line to the point of beginning. EXCEPT THEREFROM the Southeast Quarter of the Southeast Quarter.

Apparent Owners: JERNIGAN, Earl P.
JERNIGAN, Dorothy L.

Parcel 71E-4-60

The North Half of Section Four (4), Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California EXCEPT the Northeast Quarter of the Northwest Quarter. Also, that portion of the South Half of said Section lying Northerly of a line described as follows: Beginning at a point in the West line of said Section, distant North 0°23' West 1961 feet from the Southwest Corner thereof; thence North 89°33' East to East line of said Section.

Apparent Owners: SHOCKLEY, Edwin T. & Emmelyn F.

Parcel 71E-7, 8 & 9 - 61

The Northeast Quarter of Section Seven (7); the Northeast Quarter and the North Half of the Northwest Quarter of Section Eight (8); and a 933 1/3 foot square in the Northwest corner of Section Nine (9), Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: POLLARD, Clarence O. & Florence H.

Parcel 71E-6-62:

The South Half of the Southeast Quarter of Section Six (6), Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: NEW, Fred W. & Kathryn A.

Parcel 71E-6, 7; 71W-12-63:

Lots 4, 5 and 6 (being the West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter), and the South Half of the Southwest Quarter of Section Six (6). Also that portion of the West Half and the Southeast Quarter of Section Seven (7), lying Northeasterly of Highway 194, in Township Seven (7) South, Range One (1) East, San Bernardino Base and Meridian, in the County of Riverside, State of California. Also, those portions of the East seven-eighths of Lot 8, and the Southeast Quarter of Section Twelve (12), lying Easterly of Highway 194; and the Northeast Quarter of the Northeast Quarter of Section Twelve (12), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: OCCIDENTAL COLLEGE

Parcel 61W-67:

The East Half, and the East Half of the East Half of the West Half of Section Thirty-one (31), Township Six (6) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: SHIPLEY, Roy E. & Beryl
SHIPMAN, William H. & Virginia G.

Parcel 71W-67:

Government Lots 4, 5, 6, 8, 9, 10, and the East Half of the Southwest Quarter of Section Six (6); the Northwest Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the East Half of the Northwest Quarter, and Government Lot 1 of Section Eight (8); All of Section Ten (10) EXCEPT the Southeast Quarter; All of Section Five (5); all in Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: RAWSON, Lewis
ROBERTS, John L.

Parcel 71W-74:

The West Half of the Southeast Quarter and those portions of the Northeast Quarter of the Southeast Quarter and Government Lot 8 of Section Twelve (12) lying Westerly of State Highway 194 (EXCEPTING therefrom the West Half of the West Half of the Northwest Quarter of Lot 8), all in Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: DUNCAN, Tom W. & Frances W.

Parcel 61W-31-81:

Governments Lots 1, 2, 3 and 4, and the West Half of the East Half of the West Half of Section Thirty-one (31), Township Six (6) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: HOTCHKISS, Ray B. & Minnie J.

MEEK, Nathan A., Jr. & Wilma

Parcel 71W-7-94:

All of Section Seven (7), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: BUTTON, Jesse D. & Lola T.

Parcel 71W-8-95:

The East Half of the Southwest Quarter, and Government Lots 2 and 3 of Section Eight (8), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: WILSON, Bessie M.

Parcel 71W-9-96:

Section Nine (9), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: BRYAN, A. L., Florence, Miriam A. & William R.

Parcel 71W-10-97:

The Southeast Quarter of Section Ten(10), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: MILHOLLAND, George W. & Nellie M.

Parcel 71W-11-98:

All of Section Eleven (11), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: THORPE, Daisy E.

Parcel 71W-12-99:

The Southeast Quarter of the Southeast Quarter of Section Twelve (12), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: SPEROU, George James and Marjorie V.

Parcel 71W-12-101:

The Southwest Quarter of Section Twelve (12), Township Seven (7) South, Range One (1) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: HALL, Gordon W. & Lorine V.

Parcel 72W-1 - 129:

The South Half, and that portion of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section One (1), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California, described as follows: Beginning at the Southeast Corner of said Northwest Quarter; thence North on the East line of said Northwest Quarter 10 rods; thence West and parallel with the South line of said Northwest Quarter 16 rods; thence South and parallel with the East line of said Northwest Quarter 10 rods to the South line of said Northwest Quarter; thence East along said South line 16 rods to the point of beginning.

Apparent Owners: BAATZ, Elmer
SHUMATE, Olive O.

Parcel 72W-1-130:

The Northeast Quarter of Section One (1), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: DIETTERICK, Mary R.

Parcel 72W-1-131:

North Half of the Northwest Quarter of Section One (1), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: GARTLER, Stanley

Parcel 72W-1, 2, 3, 11, 12 - 132:

The South Half of the Northwest Quarter of Section One (1), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California, EXCEPT that portion described as follows: Beginning at the Southeast corner of said Northwest Quarter; thence North on the East line of said Northwest Quarter 10 rods; thence West and parallel with the South line of said Northwest Quarter 16 rods; thence South and parallel with the East line of said Northwest Quarter 10 rods to the South line of said Northwest Quarter; thence East along said South line 16 rods to the point of beginning. Also, the West Half of the Northeast Quarter; the South Half of the Northwest Quarter; the Southeast Quarter of the Northeast Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter, and the Southwest Quarter of Section Two (2), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California. Also, the East Half of Section Three (3), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California, within Tocalota Creek watershed EXCEPT that portion described as follows: Beginning at a point within said East Half from which the West Quarter section course bears South 89° 52' West 3692.20 feet; thence North 89° 52' East 450.40 feet; thence South 402.40

Parcel 72W-1, 2, 3, 11, 12 - 132 Cont:

feet; thence South 76°02' West 101.62 feet; thence North 74°05' West 90.10 feet; thence North 64°59' West 275.85 feet; thence North 03°03' West 284.92 feet to the point of beginning. Also, the North Half and the Southeast Quarter of Section Eleven (11), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California. Also, the North Half of the North Half of Section Twelve (12), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: AULD, William K.
ROBERTSON, Alma C.
AULD, Barbara Ann

Parcel 72W-2-133:

The Southeast Quarter of the Southeast Quarter of Section Two (2), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: BASHAW, J. N. & Helen J.

Parcel 72W-3, 4, 9, 10, 22 - 135:

Those portions of the West Half of Section Three (3), the Southeast Quarter of Section Four, and all of Section Nine within the Tualota Creek Watershed, and Section Ten (10) and Twenty-two (22), in Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owners: NICOLAS, Marius A. & Mary

Parcel 72W-7-18-139:

The Southeast Quarter of the Southeast Quarter of Section Seven (7), and the Northeast Quarter of Section Eighteen (18), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: HILLIARD, C. S.

Parcel 72W-7-140:

The North Half of the Southeast Quarter of Section Seven (7), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: CEAS, Etienne

Parcel 72W-8, 13, 18 - 141:

The Southwest Quarter and the Northeast Quarter of Section Eight (8); Also, Section Thirteen (13), ~~XXXXXXXXXXXXXXXXXXXX~~ Also, the Northwest Quarter of Section Eighteen (18), all in Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: BOREL, A. F. & Louise

Parcel 72W-8-143:

The Southeast Quarter of Section Eight (8), Township Seven (7) South, Range Two (2) West, San Bernardino Base and Meridian, in the County of Riverside, State of California.

Apparent Owner: CEAS, Albert N.

Parcel 72W-18-148:

The South Half of Section Eighteen (18), Township Seven (7) South,
Range Two (2) West, San Bernardino Base and Meridian, in the County
of Riverside, State of California.

Apparent Owners: SERVEL, Leon J. & Clementine

Parcel

That portion of the Pauba Grant within the watershed of Tusalota
Creek.

Apparent Owners: VAIL COMPANY.

LANDS RIPARIAN TO SANTA GERTRUDIS CREEK

Parcel 72W-22-135

Sec. 22, T7S, R2W.

Apparent Owners: NICOLAS, Marius A. & Mary

Gross Acreage 320.0 Wells:

Irrigable Acreage 169.9

Surface Diversions:

Parcel 72W-13-141

Sec. 13, T7S, R2W, 1/4 Sec. 14

Apparent Owners: BOREL, A. F. & Louise

Gross Acreage 640.0 Wells:

Irrigable Acreage 553.7

Surface Diversions:

which section of the Santa Gertrudis Creek

LANDS RIPARIAN TO TUCALOTA CREEK

Parcel 61E-33, 34 - 25

Sec 33 & W $\frac{1}{2}$ of SW $\frac{1}{4}$, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 34, T6S, R1E.

Apparent Owners: KERR, Elswood Chaffey
MURRAY, Kathleen Chaffey
CHAFFEY, Andrew Elswood Stewart.

Gross Acreage 800.0 Wells:

Irrigable Acreage 171.9

Surface Diversions:

Parcel 61E-34-53

NE $\frac{1}{4}$ of NW $\frac{1}{4}$; E $\frac{1}{2}$; &, E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 34, T6S, R1E.

Apparent Owner: STANLEY, Augusta Greene

Gross Acreage 455.0 Wells:

Irrigable Acreage None

Surface Diversions:

Parcel 71E-4-59

Por of S $\frac{1}{2}$ of Sec 4, T7S, R1E, daf: Beg at SW Cor thereof; th N
along W li 1961'; th N 89° 22' E to E li of sd Sec; th S along sd E
li to SE Cor thereof; th W along S li to pob EXC SE $\frac{1}{4}$ of SE $\frac{1}{4}$

Apparent Owners: JERNIGAN, Earl P. & Dorothy L.

Gross Acreage 200.0 Wells: 71E-4N1 - Windmill, Dom.
4P1 - Electric, Irri.

Irrigable Acreage 154.3

Surface Diversions:

Parcel 71E-4-60

N $\frac{1}{2}$ of Sec 4, T7S, R1E, EXC NE $\frac{1}{4}$ of NW $\frac{1}{4}$; &, that por of S $\frac{1}{2}$ of sd
Sec. lying Nly of a li daf: Beg at a pt in W li sd Sec, dist N
0° 23' W 1961' fr SW Cor thereof; th N 89° 33' E to E li sd Sec.

Apparent Owners: SHOCKLEY, Edwin T. & Emmelyn F.

Parcel 71E-4-60 Cont.

Gross Acreage 368.3 Wells: 71E-4F1 - Windmill - Dry
 4F2 - Domestic - Stock
 Irrigable Acreage 234.2 4G1 - Windmill - Stock
 4L1 - Gas driven
 Surface Diversions:
 71E-4L - Reservoir

Parcel 71E-7, 8 & 9 - 61

NE $\frac{1}{4}$ of Sec 7; NE $\frac{1}{4}$ & N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec 8; &, a 933 1/3' sq in NW
 Cor of Sec 9, T7S, R1E.

Apparent Owners: POLLARD, Clarence O. & Florence H.
 Gross Acreage 423.8 Wells: 71E-7A1 - Windmill - Stock
 7A2 - Dug Well, Dom. 30' deep
 Irrigable Acreage 253.4 7A3 - Abandoned
 Surface Diversions: 7A4 - Dry Hole
 8D1 - Domestic
 781E-7A Desilting Basin 7B1 - Poultry, 49'6"
 100'x10'x60' with concrete spill deep, 10" Casing
 781E-8A Check Dam, 1 Acre Area 10' to 12' 7B2 - Poultry, 48'7"
 deep. Approx 10A.F. Cap. deep, 10" Casing
 Swimming Pool - Bottom out. Water level 36'
 20'x40'x5' more or less

Parcel 71E-7; 71W-12-63

Por of W $\frac{1}{2}$ & SE $\frac{1}{4}$ of Sec 7 lying NEly of Hwy 194, T7S, R1E. Also
 those por of E 7/8 of Lot 8 & SE $\frac{1}{4}$ of Sec 12 lying Ely of Hwy 194
 & NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 12, T7S, R1W.

Apparent Owner: OCCIDENTAL COLLEGE
 Gross Acreage 576.2 Wells: 71E-7C1 - Irri.
 7D1 - Windmill, Dom.
 Irrigable Acreage 391.2 7D2 - Irri.
 7D3 - Irri. Dom.
 Surface Diversions: 7E1 - Not used
 7E2 - Not used
 71E-7E & 71W-12H - Two Earth Dams inter-
 connected. Paved Spillway 7E3 - Not used
 10 A.F. combined Cap. 7E4 - Not used
 71E-7D - Swimming Pool & Reservoir
 Capacity 80,000 gal.

Parcel 71W-67

Govt. Lots 4, 5, 6, 8, 9 & 10; & E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec 6; Also NW $\frac{1}{4}$ of
 NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$ & Govt Lot 1 of Sec 8; Sec 10 EXC SE $\frac{1}{4}$;
 Sec. 5, T7S, R1W.

Apparent Owners: RAWSON, Lewis
 ROBERTS, John L.

Parcel 71W-67 Cont:

Gross Acreage 1401.62 Wells: None

Irrigable Acreage 245.70

Surface Diversions:

None

Parcel 71W-74:

W $\frac{1}{2}$ of SE $\frac{1}{4}$ & those por of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ & Govt Lot 8 of Sec. 12
lying Wly of State Hwy 194 EXC W $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of sd Lot 8

Apparent Owners: DUNCAN, Tom W. & Frances W.

Gross Acreage 114.8

Wells: 71W-12J1 - Domestic
12K1 - Irr. & Stock
12K2 - Irr. & Stock

Irrigable Acreage 78.1

Surface Diversions:

71W-12K2 Reservoir
50' diam x 6.5' deep

Parcel 71W-8-95:

E $\frac{1}{2}$ of SW $\frac{1}{4}$ & Govt Lots 2 & 3 of Sec. 8, T7S, R1W.

Apparent Owners: WILSON, Bessie M.

Gross Acreage 120.8

Wells: 71W-8L1
8L2

Irrigable Acreage 67.1

Surface Diversions:

Parcel 71W-9-96:

Sec. 9, T7S, R1W.

Apparent Owners: BRYAN, A. L., Florence, Miriam A. & William R.

Gross Acreage 474.3

Wells:

Irrigable Acreage 214.5

Surface Diversions:

Parcel 71W-10-97

SE $\frac{1}{4}$ of Sec. 10, T7S, R1W.

Apparent Owners: MILHOLLAND, George W. & Nellie M.

Gross Acreage 160.0 Wells: 71W-10R1

Irrigable Acreage 153.6

Surface Diversions:

71W-10R1 Check Dam
2 $\frac{1}{2}$ ' high, 60' long

Parcel 71W-11-98

Sec. 11, T7S, R1W.

Apparent Owner: THORPE, Daisy E.

Gross Acreage 640.0 Wells:

Irrigable Acreage 171.7

Surface Diversions:

Parcel 71W-12-99

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec 12, T7S, R1W.

Apparent Owner: SPEROU, George James & Marjorie V.

Gross Acreage 40.00 Wells:

Irrigable Acreage 14.70

Surface Diversions:

Parcel 71W-12-101

SW $\frac{1}{4}$ of Sec. 12, T7S, R1W.

Apparent Owners: HALL, Gordon W. & Lorine V.

Gross Acreage 160.0 Wells:

Irrigable Acreage 37.7

Surface Diversions:

Parcel 72W-1-130

NE $\frac{1}{4}$ of Sec. 1, T7S, R2W.

Apparent Owner: DIETTERICK, Mary R.

Gross Acreage 160.0 Wells:

Irrigable Acreage 125.8

Surface Diversions:

Parcel 72W-1-131

N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 1, T7S, R2W.

Apparent Owner: GARTLER, Stanley

Gross Acreage 80.0 Wells:

Irrigable Acreage 38.6

Surface Diversions:

Parcel 72W-1, 2, 3 - 132

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 1, T7S, R2W EXC por daf: Beg at SE Cor sd NW $\frac{1}{4}$; th N on E li sd NW $\frac{1}{4}$ 10 rods; th W & p/w S li sd NW $\frac{1}{4}$ 16 rods; th S & p/w E li sd NW $\frac{1}{4}$ 10 rods to S li sd NW $\frac{1}{4}$; th E along sd S li 16 rods to pob. Also, W $\frac{1}{2}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$; &, SW $\frac{1}{4}$ of Sec. 2, T7S, R2W. Also, E $\frac{1}{2}$ of Sec 3, T7S, R2W within watershed EXC por daf: Beg at a pt within sd E $\frac{1}{2}$ fr which the W $\frac{1}{4}$ Sec course bears S 89° 52' W 3692.20'; th N 89° 52' E 450.40'; th S 402.40'; th S 76° 02' W 101.62'; th N 74° 05' W 90.10'; th N 64° 59' W 275.85'; th N 03° 03' W 284.92' to pob.

Apparent Owners: AULD, William K.
ROBERTSON, Alma C.
AULD, Barbara Ann

Gross Acreage	765.9	Wells: 72W-2L1
		2M1 - Windmill
Irrigable Acreage	684.8	2P1
		2P2
		1F1 - Windmill

Surface Diversions:

Parcel 72W-2-133

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 2, T7S, R2W

Apparent Owners: BASHAW, J. N. & Helen J.

Gross Acreage	40.0	Wells:
Irrigable Acreage	40.0	

Surface Diversions:

Parcel 72W-3, 4, 9, 10 - 135

Portion of W $\frac{1}{2}$ of Sec 3; SE $\frac{1}{4}$ of Sec 4; Sec 9 within Tucalota Creek Watershed, & Sec. 10, All in T7S, R2W.

Apparent Owners: NICOLAS, Marius A. & Mary

Gross Acreage	1550.4	Wells: 72W-10D1 - Windmill
		Dom., Stock, & Irri
Irrigable Acreage	1326.3	

Surface Diversions:

Parcel 72W-7-18-139

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7; &, NE $\frac{1}{4}$ of Sec 18, T7S, R2W.

Apparent Owner: HILLIARD, C. S.

Gross Acreage 200.0

Wells: 72W-7R1 - Dom.

Irrigable Acreage 151.4

Surface Diversions:



Parcel 72W-7-140

N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec 7, T7S, R2W.

Apparent Owner: CEAS, Etienne

Gross Acreage 80.0

Wells:

Irrigable Acreage 80.0

Surface Diversions:



Parcel 72W-8, 18 - 141

SW $\frac{1}{4}$ & NE $\frac{1}{4}$ of Sec 8; NW $\frac{1}{4}$ of Sec 18, T7S, R2W.

Apparent Owners: BOREL, A. F. & Louise

Gross Acreage 454.2

Wells:

Irrigable Acreage 368.7

Surface Diversions:

72W-8N Reservoir - Spring fed
Earthen dikes and natural ground contour
Approx. Cap. 4 A.F.

Parcel 72W-8-143

SE $\frac{1}{4}$ of Sec 8, T7S, R2W.

Apparent Owner: CEAS, Albert N.

Gross Acreage 160.0 Wells:

Irrigable Acreage 145.3

Surface Diversions:

72W-8R3 3 Earthen Dams - 1 dam 15' high 60' long
2 check dams 6' to 8' high and 40' long

Parcel 72W-18-148

S $\frac{1}{2}$ of Sec 18, T7S, R2W

Apparent Owner: SERVEL, Leon J. & Clementine

Gross Acreage 338.8 Wells:

Irrigable Acreage 211.2

Surface Diversions:

Parcel

That portion of Pauba Grant within watershed of Tucalota Creek

Apparent Owner: VAIL COMPANY

Gross Acreage 627.4 Wells:

Irrigable Acreage 295.5

Surface Diversions:

LANDS RIPARIAN TO TRIBUTARIES OF
SANTA GERTRUDIS CREEK AND TUCALOTA CREEK

Parcel 71E-6-48

NE $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$; &, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T7S, R1E.

Apparent Owner: BALLINGER, Bert

Gross Acreage 367.5

Wells: 7S1E-6C1 Reported as 125' deep & produces 15 miner's inches Feeds 7S1E6B surface diversion

Irrigable Acreage 208.5

Surface Diversions:

7S1E6B Reported as 7 acres 10' deep. Plastic lined. Earth filled, fed from well 7S1E6C1 on South bank. Capacity 70 A.F.
7S1E6A - Check Dam 8'x80'x190' - - - - -

6K1 - Reported 130' deep pumped dry
6K2 - Reported 171' deep Feeds surface diver.

Parcel 71E-6-62

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 6, T7S, R1E.

Apparent Owner: NEW, Fred W. & Kathryn A.

Gross Acreage 79.2

Wells: 71E-6Q1 - Dom. & Stock

Irrigable Acreage 68.0

Surface Diversions:

Parcel 71E-6-63

Lots 4, 5 & 6 (W $\frac{1}{2}$ of NW $\frac{1}{4}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$); &, S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 6, T7S, R1E.

Apparent Owner: OCCIDENTAL COLLEGE

Gross Acreage 203.3

Wells: 71E-6P1 - Not used

Irrigable Acreage 123.8

Surface Diversions:

Parcel 61W-67

E $\frac{1}{2}$; &, E $\frac{1}{2}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 31, T6S, R1W.

Apparent Owner: ~~SHIPLEY, Wm. E.~~ & Beryl
SHIPMAN, William H. & Virginia G.

Gross Acreage 393.20 Wells:

Irrigable Acreage 69.5

Surface Diversions:

Parcel 61W-31-81

Govt. Lots 1, 2, 3 & 4; &, W $\frac{1}{2}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 31, T6S, R1W

Apparent Owners: HOTCHKISS, Ray B. & Minnie J.
MEEK, Nathan A. Jr. & Wilma

Gross Acreage 232.6 Wells:

Irrigable Acreage 92.7

Surface Diversions:

Parcel 71W-7-94

Sec 7, T7S, R1W.

Apparent Owners: BUTTON, Jesse D. & Lola T.

Gross Acreage 612.8 Wells:

Irrigable Acreage 353.0

Surface Diversions:

Parcel 72W-1-129

S $\frac{1}{2}$ & that por of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T7S, R2W dat: Beg at SE Cor of sd NW $\frac{1}{4}$; th N on E li sd NW $\frac{1}{4}$ 10 rods; th W & p/w S li sd NW $\frac{1}{4}$ 16 rods; th S & p/w E li sd NW $\frac{1}{4}$ 10 rods to S li sd NW $\frac{1}{4}$; th E along sd S li 16 rods to pob.

Apparent Owners: BAATZ, Elmer
SHUMATE, Olive O.

Gross Acreage 321.0 Wells:

Irri Acreage 307.6

Surface Diversions:



Parcel 72W-11, 12-132

N $\frac{1}{2}$ & SE $\frac{1}{4}$ of Sec 11; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec 12, T7S, R2W.

Apparent Owners: AULD, William K.
ROBERTSON, Alma C.
AULD, Barbara Ann

Gross Acreage 800.0 Wells:

Irrigable Acreage 258.9

Surface Diversions:

