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ENTERED

MAY 7 - 1963

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

1 STANLEY MOSK, Attorney General
of the State of California
2 F. G. GIRARD, Deputy Attorney General
Library and Courts Building
3 Sacramento 14, California
Hickory 5-4711, Ext. 5448
4 Attorneys for State
5 of California

FILED

MAY 7 - 1963

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

8 IN THE UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,	}	No. 1247-SD-C
12 Plaintiff,		
13 vs.	}	INTERLOCUTORY JUDGMENT NO. 24A PERTAINING TO <u>LAKE O'NEILL STIPULATION</u>
14 FALLBROOK PUBLIC UTILITY DISTRICT, et al.,		
15 Defendants.		

17 From the records in this case, it appears as follows:

- 18 1. That the United States of America and the
- 19 Fallbrook Public Utility District on April 13, 1961, entered
- 20 into a stipulation respecting the appropriate rights to the
- 21 use of waters of the Santa Margarita River for Lake O'Neill.
- 22 2. That on said date of April 13, 1961, this Court
- 23 approved said stipulation.
- 24 3. That on April 13, 1961, Interlocutory Judgment
- 25 No. 24 was entered by this Court, which judgment concerns the
- 26 appropriate rights to the use of the waters of the Santa
- 27 Margarita River for Lake O'Neill.
- 28 4. That the provisions of paragraphs 1, 2, and 3 of
- 29 said Interlocutory Judgment No. 24 are identical to sub-paragraphs
- 30 1 and 2 of paragraph I and paragraph II of said stipulation.
- 31 5. That said Interlocutory Judgment No. 24 and the

[Handwritten mark]

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1 provisions of said stipulation are not inconsistent, but in
2 fact equivalent.

3 It appearing to this Court that it would be desirable
4 to incorporate into Interlocutory Judgment No. 24 the stipula-
5 tion referred to herein, and to have said stipulation made a
6 part of said Interlocutory Judgment No. 24.

7 Now therefore, insofar as the United States of America
8 and Fallbrook Public Utility District are concerned, IT IS
9 HEREBY ORDERED, ADJUDGED, AND DECREED that the stipulation
10 between the United States of America and the Fallbrook Public
11 Utility District, filed April 13, 1961, be and the same hereby
12 is incorporated into and made a part of Interlocutory Judgment
13 No. 24; that said stipulation provides as follows:

14 "FILED 4/13/61

15 "IN THE UNITED STATES DISTRICT COURT

16 SOUTHERN DISTRICT OF CALIFORNIA

17 SOUTHERN DIVISION

18 "UNITED STATES OF AMERICA,)

19 Plaintiff,)

21 vs.)

22 FALLBROOK PUBLIC UTILITY)
23 DISTRICT, et al.,)

24 Defendants.)

No. 1247-SD-C

STIPULATION RESPECTING THE
APPROPRIATIVE RIGHTS TO THE USE
OF WATERS OF THE SANTA MARGARITA
RIVER FOR LAKE O'NEILL

25 "It is hereby stipulated and agreed by and between the
26 United States of America and the Fallbrook Public Utility
27 District that:

28 I

29 "1. The United States of America is the owner of, and
30 title resides in it, to a non-statutory appropriative
31 storage right to the use of water in the Santa

1 Margarita River with a priority date of 1883, during
2 the period from April 1st through October 31st of
3 each irrigation season, to divert Santa Margarita
4 River water through the headworks of the Lake O'Neill
5 ditch, at the rate not to exceed twenty (20) cubic
6 feet per second and annually to store that water in
7 Lake O'Neill in a quantity not to exceed eleven
8 hundred (1100) acre feet per year; provided, however,
9 that if the dead storage in Lake O'Neill is less than
10 one hundred (100) acre feet, the United States of
11 America may divert a quantity of Santa Margarita
12 River water sufficient to bring the dead storage up
13 to one hundred (100) acre feet or a maximum appropri-
14 ative right of twelve hundred (1200) acre feet
15 annually.

16 "2. The United States of America in the exercise of its
17 storage right for Lake O'Neill, in so far as possible,
18 shall attempt to fill Lake O'Neill from the winter
19 and spring runoff during the period from the first
20 (1st) of November through the thirty-first (31st) of
21 March of each irrigation season; provided, however,
22 that if Lake O'Neill is not filled on April 1st of
23 any irrigation season, the United States of America
24 shall have the right to continue to divert Santa
25 Margarita River water until Lake O'Neill is filled;
26 provided further, that the United States of America
27 shall have the right to divert Santa Margarita River
28 water throughout the irrigation season in quantities
29 sufficient to offset seepage and evaporation losses
30 for the purpose of keeping Lake O'Neill filled to
31 capacity.

1 "3. The above described appropriative right to the use
2 of water in the Santa Margarita River for Lake O'Neill,
3 title to which resides in the United States of America,
4 is prior to any appropriative right to the use of
5 water claimed by the Fallbrook Public Utility District,
6 in the Santa Margarita River.

7 II

8 "This stipulation does not in any way relate to the
9 riparian rights to the use of water, or any other
10 rights to the use of water, in the Santa Margarita
11 River, if any, title to which may be ultimately
12 decreed in the United States of America.

13 "UNITED STATES OF AMERICA

14 William H. Veeder
15 WILLIAM H. VEEDER
16 Attorney for United States
17 of America

18 FALLBROOK PUBLIC UTILITY DISTRICT

19 Franz R. Sachse
20 FRANZ R. SACHSE
21 Attorney for Fallbrook Public
22 Utility District

23 "APPROVED:

24 Allen C. Bowen
25 ALLEN C. BOWEN
26 Lt.Col. USMCR
27 Officer in Charge
28 Office of Ground Water Resources

29 "Approved 4/13/61

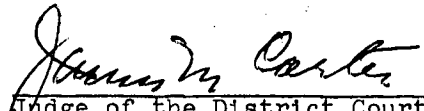
30 James M. Carter
31 U.S.District Judge"

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
those defendants in this cause not a party to said stipulation

1 and their rights to the use of the waters of the Santa Margarita
2 River and its tributaries are not affected by said stipulation,
3 or by its incorporation into Interlocutory Judgment No. 24, and
4 said stipulation is not applicable to said defendants.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
6 United States of America and the Fallbrook Public Utility Dis-
7 trict, as to each other, have such rights, duties, privileges,
8 and immunities as follow from the specific provisions of Inter-
9 locutory Judgment No. 24, and the stipulation by this Interlocu-
10 tory Judgment No. 24A incorporated into and made a part thereof.

11 DATED: May 7, 1963.

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14 Judge of the District Court
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