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1 **RAMSEY CLARK**
2 **Assistant Attorney General**
3 **Department of Justice**
4 **Washington 25, D. C.**

ENTERED

MAY 8 - 1963

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

Attorney for the UNITED STATES OF AMERICA

FILED

MAY 8 - 1963

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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

10 **SOUTHERN DIVISION**

11
12 **UNITED STATES OF AMERICA,**) **No. 1247-SD-C**
13) **Plaintiff,**) **FINDINGS OF FACT, CONCLUSIONS**
14) **v.**) **OF LAW AND INTERLOCUTORY**
15) **FALLBROOK PUBLIC UTILITY**) **JUDGMENT NO. 44**
16) **DISTRICT, et al.,**) **RESPECTING THE RIGHTS TO THE**
17) **Defendants.**) **USE OF WATER OF THE UNITED**
18) **STATES OF AMERICA WITHIN**
19) **FOREST RESERVES AND AREAS**
20) **ADMINISTERED PURSUANT TO THE**
21) **TAYLOR GRAZING ACT**

22 **In regard to the lands of the United States of**
23 **America in the Santa Margarita River watershed, situated**
24 **within Forest Reserves or located in areas administered**
25 **pursuant to the Taylor Grazing Act of June 28, 1934 (Ch. 865,**
26 **48 Stat. 1269), this Court makes and enters the following**
27 **Findings of Fact, Conclusions of Law and Interlocutory**
28 **Judgment:**

29 **FINDINGS OF FACT**

30 **FINDING I**

31 **All of the lands of the United States of America to**
32 **which these Findings of Fact, Conclusions of Law and**

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1 Interlocutory Judgment pertain were ceded to it by the Treaty
2 of Guadalupe Hidalgo, which was proclaimed July 4, 1848.

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FINDING II

Forest Lands:

By the Proclamation dated February 22, 1897 (29 Stat. 893 et seq.), establishing the San Jacinto National Forest, there were withdrawn from settlement, location, sale or entry all of the following lands:

- a. The Palomar Division of the Cleveland National Forest, the lands of which are described in the tabulation marked Exhibit A and made a part of this Interlocutory Judgment by reference;
- b. The Trabuco Division of the Cleveland National Forest, the lands of which are described in the tabulation marked Exhibit A-1 and made a part of this Interlocutory Judgment by reference;
- c. The San Bernardino National Forest, the lands of which are described in the tabulation marked Exhibit A-2 and made a part of this Interlocutory Judgment by reference.

FINDING III

Temecula Creek rises in the Palomar Division of the Cleveland National Forest on the eastern slope of the Coastal Range in San Diego County, Section three (3), Township ten (10) South, Range two (2) East, S.B.M. From there it

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1 proceeds in a northerly and easterly direction a distance of
 2 approximately two (2) miles where it turns and proceeds north
 3 and westerly traversing Dodge Valley and Oak Grove Valley
 4 where it has its confluence with Chihuahua Creek in Section
 5 eighteen (18), Township nine (9) South, range two (2) East,
 6 S.B.M., proceeding in a generally northwesterly direction
 7 through a deeply incised area for a distance of approximately
 8 one (1) mile. Continuing in its north and westerly course
 9 Temecula Creek crosses Aguanga Valley where it has its
 10 confluence with Tule Creek in Section thirty-four (34),
 11 Township eight (8) South, Range one (1) East, S.B.M., from/it
 12 proceeds northwesterly through Rader Valley, Nigger Valley
 13 and enters Vail Lake, a short distance above where it had its
 14 confluence with Wilson Creek in the state of nature.
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17 FINDING IV

18 Tributaries of Temecula Creek Rising 19 in the Palomar Division of Cleveland 20 National Forest:

21 The following streams tributary to Temecula Creek
 22 rise in the Palomar District of the Cleveland National
 23 Forest:

- 24 a. Kohler Canyon Creek rises in Section four (4),
 25 Township ten (10) South, Range two (2) East
 26 and flows generally northeasterly across
 27 Section thirty-three (33), Twenty-eight (28)
 28 and twenty-one (21), all in Township nine (9)
 29 South, Range two (2) East, S.B.M. where it
 30 has its confluence with Temecula Creek.
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 32 b. Rattle Snake Creek rises in Section thirty

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(30) and flows generally north and easterly across Section twenty-nine (29), twenty-eight (28), and twenty-one (21), Township nine (9) South, Range two (2) East, where it enters Temecula Creek.

c. Long Canyon Creek rises in the National Forest in Section twenty-six (26), Township nine (9) South, Range one (1) East, proceeding northwesterly across Sections twenty-three (23) and twenty-two (22), Township nine (9) South, Range one (1) East. Continuing north and westerly across Sections thirty-two (32) and twenty-nine (29), it enters Temecula Creek after leaving the National Forest when it entered the last mentioned Section, all in Township eight (8) South, Range one (1) East, S.B.M.

d. Cottonwood Creek rises in Section twenty-five (25), traverses Section fourteen (14), all in Township nine (9) South, Range one (1) East, and proceeds in a northwesterly direction where it leaves the National Forest near the center of the south boundary of Section thirty-four (34), Township eight (8) South, Range one (1) East, where that stream continues its course to its confluence with Temecula Creek near the center of the northern boundary of Section thirty-three (33),

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Township eight (8) South, Range one (1) East.

e. Arroyo Seco Creek rises in Section fourteen (14), Township nine (9), South, Range one (1) West, and proceeds northerly to Section thirty-six (36), Township eight (8) South, Range one (1) West, and proceeds northwesterly across that Section traversing Sections twenty-five (25), twenty-six (26), twenty-seven (27), and twenty-two (22), all in Township eight (8) South, Range one (1) West, where that stream enters Pauba Grant of Vail Company and continues into Vail Lake where in a state of nature it had its confluence with Temecula Creek.

f. Numerous unnamed creeks and arroyos: Throughout the Cleveland National Forest are numerous springs and unnamed creeks and arroyos which drain into Temecula Creek and tributaries of that stream.

FINDING V

In the Trabuco District of the Cleveland National Forest, Nelson Creek, Coleman Creek and numerous unnamed creeks and springs arise upon and traverse those lands draining into DeLuz Creek or tributaries of that stream.

FINDING VI

San Bernardino National Forest:

Cahuilla Creek rises on the slopes of Thomas Mountain and flows southwesterly across Section thirty-three (33) traversing the

1 northeast quarter (NE 1/4) of Section
2 thirty-two (32), all in Township six (6) South,
3 Range three (3) East, where it enters the
4 Ramona Indian Reservation. Also rising in
5 Section Thirty-three (33), Township six (6)
6 South, Range three (3) East, is a major
7 tributary of Cahuilla Creek. There is like-
8 wise a tributary of Wilson Creek which
9 rises in Section six (6), which traverses the
10 northwest corner of Section seven (7), all in
11 Township seven (7) South, Range two (2) East,
12 entering Wilson Creek in Section twelve (12),
13 Township seven (7) South, Range one (1)
14 East. In addition to the streams last
15 mentioned, there are numerous springs,
16 unnamed creeks and arroyos within the water-
17 shed of the Santa Margarita River which are
18 located on the lands of the San Bernardino
19 National Forest, including Duval Spring
20 located in the Southeast Quarter of Section
21 six (6), Township seven (7) South, Range
22 Two (2) East.

FINDING VII

Vagrant, Local, Percolating Ground Waters:

23 All of the ground waters found in the basement
24 complex and weathered basement complex, as distinguished
25 from alluvium, as depicted on Exhibits 15, 15E, 67, 216C,
26 275, 276, 277, 278 and 281, found with the Cleveland National

1 Forest and the San Bernardino National Forest, are vagrant,
2 local, percolating, not a part of any surface or sub-surface
3 stream, or sub-surface basin of the Santa Margarita River or
4 its tributaries.

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6 FINDING VIII

7 WATER USES ON FOREST RESERVES

8 Palomar District of Cleveland National Forest

9 (a) Present use:

10 The sources of water, location, present uses,
11 maximum intended use, and points of diversion by the United
12 States of America of the Santa Margarita River system within
13 the Palomar District of the Cleveland National Forest are set
14 forth on the attached copy of Water Use Inventory, USA-Pltf's
15 Exhibit 147, which is marked Exhibit B and made a part of
16 this Interlocutory Judgment by reference. Likewise set forth
17 in Exhibit B are the names of individual defendant permittees
18 who have been allowed to use waters arising upon the Palomar
19 Division of the Cleveland National Forest, the sources of
20 water, points of diversion and present uses. (Findings XXII
21 and XXIII.)

22
23 FINDING IX

24 (b) Planned Future Use:

25 Planned future use of water in the Palomar Division
26 of the Cleveland National Forest is set forth in USA-Pltf's
27 Exhibit 146, a copy of which is attached marked Exhibit C and
28 made a part of this Interlocutory Judgment by reference, which
29 Exhibit C discloses the source of water, location, planned
30 future use and related data. (See Findings XXII and XXIII.)
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FINDING X

Trabuco Division of Cleveland National Forest

(c) Present Use:

The source of water, location, present uses, and points of diversion by permittees allowed by the United States of America to use waters arising upon the Trabuco Division of the Cleveland National Forest are set forth on the attached copy of Water Use Inventory, USA-Pltf's Exhibit 148, which is marked Exhibit D and made a part of this Interlocutory Judgment by reference. (See Findings XXII and XXIII.)

FINDING XI

(d) Planned Future Use:

Planned future uses by the United States of America in the Trabuco Division of the Cleveland National Forest, are set forth in the attached copy of USA-Pltf's Ex. 149, marked Exhibit E, which is attached to this Interlocutory Judgment and by reference made a part of it. In that exhibit are set forth the source of water, location, point of diversion, planned maximum intended use and related data. (See Findings XXII and XXIII.)

FINDING XII

Wells have been drilled within the Palomar District of the Cleveland National Forest at the following locations:

1. Oak Grove Station, situated in the Southeast quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section seventeen (17) Township nine (9) South, Range two (2) East; 8 inches in diameter and 62 feet deep; used for domestic, recreation, fire fighting and related uses;

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estimated use of 350,000 gallons annually with estimated increase to 450,000 gallons annually;

2. Dripping Springs Camp Grounds, in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section twenty-two (22), Township eight (8) South, Range one (1) West; eight inches in diameter, 73 feet deep, with present uses 50,000 gallons annually with an increase to 100,000 gallons anticipated; the waters are used for domestic, recreation, fire fighting and related purposes;

3. Also located at the Dripping Springs Camp Ground is a dug well 28 feet deep, located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section twenty-two (22), Township eight (8) South, Range one (1) West. The waters are used for domestic, recreation, fire fighting and related purposes.

FINDING XIII

The waters arising upon or traversing the Cleveland and San Bernardino National Forests are presently used for domestic, recreation, stock watering, fire fighting, wild life and other beneficial purposes.

FINDING XIV

By the Executive Order No. 6910, dated November 26, 1934, there was withdrawn from entry, settlement, location

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1 or sale, pursuant to the provisions of the Taylor Grazing
2 Act of June 28, 1934 (Ch. 865, 48 Stat. 1269, 43 U.S.C. 315
3 et seq.) all of the lands described in the attached Exhibit
4 F, which exhibit is incorporated into this Interlocutory
5 Judgment by reference and made a part of it.
6

7 FINDING XV

8 A. Aguanga Ground Water Area:

9 Attached and made a part of this Interlocutory
10 Judgment by reference is Exhibit G, which sets forth the
11 descriptions of the lands of the United States of America
12 overlying the Aguanga Ground Water Area, all as more par-
13 ticularly described in Interlocutory Judgment No. 40. The
14 ground waters within that Area which underlie those lands are
15 part of the Santa Margarita River system, add to and contribute
16 to the flow of that stream.
17

18 FINDING XVI

19 B. Land which are traversed by or abut upon
20 Wilson and Temecula Creeks:

21 Likewise set forth in the above mentioned Exhibit G
22 are the lands within the Aguanga Ground Water Area, which are
23 traversed by or abut upon Wilson and Temecula Creeks, based
24 upon this Court's finding that the geological contacts
25 between the older and younger alluvium constitute the bed
26 and banks of the stream, all as more fully set forth in the
27 above-mentioned Interlocutory Judgment No. 40.
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29 Finding XVII

30 This Court finds that of the acreages set forth on
31 Exhibit G, overlying the Aguanga Ground Water Area, or which
32 are traversed by or abut upon Temecula or Wilson Creek or

1 both, which is irrigable in character, totals 287.18 acres.

2 FINDING XVIII

3 A reasonable water duty for each acre of land
4 referred to in Finding XVII is four (4) acre-feet per acre
5 and a reasonable project loss would be ten percent (10%) for
6 those lands totaling an annual maximum water duty for them of
7 1,263.59 acre-feet.
8

9 FINDING XIX

10 This Court further finds that the United States of
11 America also owns the lands administered pursuant to the
12 Taylor Grazing Act, the descriptions of which are set-forth
13 on Exhibit G of this Interlocutory Judgment, which overlie
14 ground waters or which are traversed by or abut upon streams
15 tributary to the Santa Margarita River, the waters of which
16 add to, are a part of and contribute to the Santa Margarita
17 River. A reasonable annual water duty for the irrigable
18 acreage set-forth in Exhibit G is four (4) acre feet per acre,
19 and a reasonable project loss would be ten percent (10%) for
20 a maximum annual diversion duty for each acre of that land of
21 four and four-tenths (4.4) acre feet, from the sources set
22 forth in the following tabulations:
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- 25 1. There are 37.2 irrigable acres overlying the
26 Anza-Cahuilla Ground Water Area or which abut
27 upon or are traversed by Cahuilla Creek or
28 its tributaries, with a maximum annual
29 water duty of 163.68 acre feet from those
30 sources.
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- 32 2. There are 8.2 irrigable acres overlying the

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Murrieta-Temecula Ground Water Area or which abut upon or are traversed by Pechanga Creek or its tributaries, with a maximum annual water duty of 36.08 acre feet from those sources.

3. Lands which are traversed by or abut upon Temecula Creek which are irrigable in character total 5.8 acres with a maximum annual water demand for those lands of 25.52 acre-feet from Temecula Creek.
4. Lands which are traversed by or abut upon Tualota Creek which are irrigable in character total 10.91 acres with a maximum annual water duty for those lands of 48 acre-feet from Tualota Creek.
5. Lands which are traversed by or abut upon Rainbow Creek which are irrigable in character total 2 acres with a maximum annual water duty for those lands of 8.8 acre-feet from Rainbow Creek.
6. Lands which are traversed by or abut upon DeLuz Creek which are irrigable in character total 5.7 acres with a maximum annual water duty for those lands of 25.08 acre-feet from DeLuz Creek.
7. Lands which are traversed by or abut upon Chihuahua Creek, a tributary of Temecula Creek, which are irrigable in character

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total 75.6 acres with a maximum annual demand for those lands of 332.64 acre-feet from Chihuahua Creek.

Historically the waters which arise upon, flow across or underlie the lands described in Exhibit F and G have been diverted or pumped for stock watering, domestic purposes, recreation, wild life and other beneficial uses and in connection with the lands described in Exhibits F and G there will be a continuing need for water for the purposes mentioned.

FINDING XX

Unnamed Springs and Creeks:

There are unnamed springs, cienagas, creeks, arroyos and alluvial fills, situated upon the lands described in attached Exhibits F and G, the waters of which do not flow or percolate beyond the exterior boundaries of those lands.

FINDING XXI

Vagrant, Local, Percolating Waters:

All of the ground waters found in the basement complex and weathered basement complex, as distinguished from alluvium, as depicted on Exhibits 15, 15E, 67, 216C, 275, 276, 277, 278 and 281, found with the lands described in Exhibits F and G of this Interlocutory Judgment, are vagrant, local, percolating, not a part of any surface or sub-surface stream, or sub-surface basin of the Santa Margarita River or its tributaries.

FINDING XXII

The factual statements and conclusions contained in these Findings of Fact and Conclusions of Law, which relate

1 to gross acreages, irrigable acreages, irrigated acreages and
2 water duty, quantities of water, presently used and planned
3 future use, shall be prima facie evidence in any subsequent
4 proceeding before this Court in this cause. As used herein,
5 prima facie evidence is that which shall suffice for the
6 proof of a particular fact until contradicted or overcome by
7 other evidence.
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10 **FINDING XXIII**

11 Except as otherwise provided herein, these Findings
12 of Fact, Conclusions of Law and Interlocutory Judgment do not
13 adjudge or determine as among any of the parties to this cause
14 the rights to the use upon the lands to which the judgment
15 pertains of the surface flow or flood flow of the Santa
16 Margarita River or its tributaries which arise upon, flow
17 across or flow from the National Forest lands or the lands
18 administered pursuant to the Taylor Grazing Act. This Court
19 as in all other Interlocutory Judgment retains continuing
20 jurisdiction over the use of all surface and flood waters.
21

22 **CONCLUSIONS OF LAW**

23 **CONCLUSION I**

24 **Title to National Forest Lands**

25 Fee simple title to the lands comprising the
26 Cleveland National Forest, and the San Bernardino National
27 Forest, within the watershed of the Santa Margarita River,
28 subject to existing easements, licenses and permits, resides
29 in the United States of America, and has resided in it since
30 the Treaty of Guadalupe Hidalgo, proclaimed July 4, 1848.
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CONCLUSION II

Rights To the Use of Water Upon
National Forest Lands

Since February 22, 1897, date of withdrawal of the lands comprising the Cleveland National Forest and the San Bernardino National Forest, those lands were no longer open to settlement, location, sale or entry, pursuant to the Public Land Laws, and the Acts of 1866, 1870 and the Desert Land Act of 1877 (43 U.S.C. 321, 661), respecting the acquisition of rights to the use of water, were no longer applicable to those lands. Descriptions of those lands are set forth in Exhibits A, A-1, and A-2 of this Interlocutory Judgment.

CONCLUSION III

Subject to the rights to the use of water in Temecula Creek, DeLuz Creek, Cahuilla Creek, Wilson Creek, and their tributaries, all of which are tributaries of the Santa Margarita River, which rights were acquired prior to the Treaty of Guadalupe Hidalgo of 1848, or acquired prior to February 22, 1897, pursuant to the Acts of 1866, 1870 and the Desert Land Act of 1877 (43 U.S.C. 321, 661), the United States of America is the owner of and entitled to exercise the rights to the use of the waters of those streams and their tributaries which arise upon, traverse, or flow across, or through the lands of the Cleveland National Forest and the San Bernardino National Forest, including all ground waters which add to or contribute to the Santa Margarita River or its tributaries, found in the alluvial deposits located within those National Forests, for use upon those lands, all as

1 provided in Conclusion of Law numbered IV.

2 CONCLUSION IV

3 The United States of America, subject to vested
4 rights referred to in Conclusion of Law numbered III, is the
5 owner of rights to the use of water in and is entitled to use
6 for any beneficial purposes upon those lands from each of the
7 sources referred to in Exhibit B of this Interlocutory
8 Judgment, USA-Pltff's Ex. 147, the quantities of water from the
9 sources within the Cleveland National Forest set forth in that
10 Exhibit, and may increase those uses up to the maximum
11 quantities of water prescribed under the heading "Planned
12 Future Use" from each of the sources set forth in that
13 Exhibit; provided, however, that these Conclusions of Law are
14 subject to the provisions of Finding numbered XXII and XXIII
15 above.
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18 CONCLUSION V

19 Subject to the vested rights to the use of water
20 referred to in Conclusions of Law numbered III above, the
21 United States of America, within the Cleveland National Forest
22 is the owner of the rights to the use of water from the
23 sources referred to in Exhibits C and E respectively of this
24 Interlocutory Judgment, USA-Pltff's Ex. 146 and Ex. 149, and
25 entitled to utilize the waters from those sources, for
26 beneficial purposes upon those lands up to the maximum yearly
27 consumption as set forth in those Exhibits; provided, however,
28 that these Conclusions of Law are subject to the provisions
29 of Finding numbered XXII and XXIII above.
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CONCLUSION VI

The United States of America, subsequent to the date of withdrawal, has by revocable permit allowed certain individuals to divert and utilize waters arising upon the lands of the Cleveland National Forest, all as set forth in Exhibits B and D of this Interlocutory Judgment, USA-Pltff's Exs. 147 and 148. Subject to the terms of those permits those uses may continue unless and until the United States of America exercises its right to revoke the permits. The holders of the permits have no vested rights, title or interest in and to the waters which they divert and use against the United States of America pursuant to their revocable permits; provided, however, that as to the waters diverted for use off of the lands of the National Forest the California laws respecting the appropriation of rights to the use of water have application as to individual users.

CONCLUSION VII

There resides in the United States of America title to and the right to utilize within the Cleveland National Forest and the San Bernardino National Forest all of the waters in the springs, streams, arroyos, creeks, sub-flow, or subterranean basins, which do not now and historically have not passed beyond the boundaries of those National Forest lands.

CONCLUSION VIII

Ground Waters

The United States of America is the owner of all rights to the use of the vagrant, local and percolating ground

1 waters and is entitled to use those waters found in the
2 basement complex or weathered basement complex within the
3 Cleveland and San Bernardino National Forests. As the issue
4 of the respective rights among claimants to the vagrant, local
5 and percolating waters not a part of the Santa Margarita
6 River stream system is not before this Court, those rights
7 are not here adjudicated.
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10 **CONCLUSION IX**

11 Title to Lands Administered Pursuant
12 To Taylor Grazing Act

13 Fee simple title to the lands administered pursuant
14 to the Taylor Grazing Act and described in Exhibit F of this
15 Interlocutory Judgment, within the watershed of the Santa
16 Margarita River, subject to existing easements, licenses and
17 permits, resides in the United States of America, and has
18 resided in it since the Treaty of Guadalupe Hidalgo, proclaimed
19 July 4, 1848.

20 **CONCLUSION X**

21 Rights To the Use of Water Upon
22 Taylor Grazing Act Lands

23 Since November 26, 1934, date of withdrawal, pursuant
24 to the Taylor Grazing Act, of lands described in Exhibit F of
25 this Interlocutory Judgment, those lands were no longer open
26 to settlement, location, sale or entry, pursuant to the Public
27 Land Laws, and the Acts of 1866, 1870 and the Desert Land Act
28 of 1877 (43 U.S.C. 321, 661), respecting the acquisition of
29 rights to the use of water, were no longer applicable to
30 those lands.
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CONCLUSION XI

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Subject to the rights to the use of waters in the streams and basins referred to in Findings XVII and XIX above, acquired prior to the Treaty of Guadalupe Hidalgo of 1848, or acquired prior to November 26, 1934, pursuant to the Act of 1866, 1870 and the Desert Land Act of 1877 (43 U.S.C. 321, 661), the United States of America is the owner of and entitled to exercise the rights to the use of waters of those streams and their tributaries which arise upon, traverse, or flow across, or through the lands described in Exhibits F and G, including all ground waters which add to or contribute to the Santa Margarita River or its tributaries, found in the alluvial deposits located within those lands, for use upon those lands, all as provided for in Conclusion of Law numbered XII.

CONCLUSION XII

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The United States of America, subject to vested rights of the nature referred to in Conclusion of Law numbered XI, is the owner of and entitled to exercise the rights to the use of water, from each of the sources referred to in Findings XVII and XIX and is entitled to divert, pump and extract water from those sources for any beneficial purpose in quantities not to exceed those specified in Findings XVIII and XIX, all as referred to in the last Findings; provided, however, that these Conclusions of Law are subject to the provisions of Finding numbered XXII above as to the prima facie nature of findings and as to the surface and flood waters, referred to in Finding XXIII.

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CONCLUSION XIII

There resides in the United States of America title to and the right to utilize all of the waters which arise upon, flow over, across or percolate or flow through the lands described in Exhibit F of this Interlocutory Judgment, that do not now and historically have not passed beyond the boundaries of those lands which are administered pursuant to the Taylor Grazing Act.

CONCLUSION XIV

Vagrant, Local, Percolating Ground Waters

The United States of America is the owner of all rights to the use of the vagrant, local and percolating ground waters and is entitled to use those waters found in the basement complex or weathered basement complex within the lands described in Exhibit F of this Interlocutory Judgment. As the issue of the respective rights among claimants to the vagrant, local and percolating waters not a part of the Santa Margarita River stream system is not before this Court, those rights are not here adjudicated.

CONCLUSION XV

Decree Quieting Title to All Rights of United States of America

The United States of America is entitled to have quieted its title in and to all of the rights to the use of water referred to in the preceding Findings of Fact and Conclusions of Law against any and all claims of all of the defendants and each of them, their heirs, executors, administrators and assigns, and is entitled to have the defendants and each of them, their heirs, executors, administrators and

1 assigns enjoined and restrained forever from asserting,
2 claiming or setting up any title or interests in or to the
3 rights to the use of the waters title to which resides in the
4 United States of America in the Santa Margarita River or its
5 tributaries.
6

7
8 **INTERLOCUTORY JUDGMENT**

9 This Court having entered its Finding of Fact and
10 Conclusions of Law, all as set forth above, respecting rights
11 to the use of water in connection with the lands of the United
12 States of America situated within the Cleveland National
13 Forest and the San Bernardino National Forest; having likewise
14 entered the above set forth Findings of Fact and Conclusions
15 of Law relative to the uses by individual permittees who have
16 been allowed to divert and use waters within or from the
17 Palomar and Trabuco Divisions of the Cleveland National Forest,
18 and having entered Findings of Fact, Conclusions of Law
19 respecting rights to the use of water in connection with the
20 lands of the United States of America, described in Exhibit F
21 of this Interlocutory Judgment, which lands are administered
22 pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.),
23

24
25 **GOOD CAUSE APPEARING THEREFOR:**

26 **IT IS HEREBY**

27
28 **ORDERED, ADJUDGED AND DECREED, as follows:**

29 **I**

30 The United States of America is now the owner and
31 has at all times since the Treaty of Guadalupe Hidalgo in
32 1848 been the owner in fee simple, subject to existing

1 easements, licenses and permits, of the lands comprising the
2 Cleveland National Forest and the San Bernardino National
3 Forest, all of which lands are described with particularity
4 in attached Exhibits A, A-1 and A-2 of this Interlocutory
5 Judgment.
6

7 II

8 From and after February 22, 1897, date of withdrawal
9 of the lands comprising the Cleveland National Forest and the
10 San Bernardino National Forest, from settlement, location,
11 sale or entry, those lands and the right to use the waters
12 including ground waters rising upon or flowing upon, across
13 or percolating through them, were no longer subject to
14 unlimited acquisition, pursuant to the provisions of the
15 Public Land Laws and the Acts of 1866, 1870 and the Desert
16 Land Act of 1877 (43 U.S.C. 321, 661).
17

18 III

19 IT IS FURTHER ORDERED, DECLARED, ADJUDGED, AND
20 DECREED, that the United States of America is the owner of and
21 entitled to utilize the ground waters in the basement complex
22 and weathered basement complex found within the Cleveland
23 National Forest and San Bernardino National Forest which are
24 not part of the Santa Margarita River system; provided,
25 nevertheless, that this decree does not relate in any way to
26 the respective rights of owners in and to the vagrant, local
27 and percolating waters referred to in this provision.
28

29 IV

30 IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
31 DECREED, that the United States of America is the owner of
32

1 all rights to the use of water and is entitled to utilize
2 all of the waters which arise upon, flow over or across or
3 percolate or flow through the lands within the Cleveland
4 National Forest and the San Bernardino National Forest but
5 which do not, and have not historically passed beyond the
6 boundaries of the National Forests.
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V

IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
DECREED, that subject to the rights to the use of water in
Temecula Creek, DeLuz Creek, Cahwilla Creek, Wilson Creek,
and tributaries to those streams, all of which are
tributaries of the Santa Margarita River, which rights were
acquired prior to the Treaty of Guadalupe Hidalgo of 1848, or
acquired prior to February 22, 1897, pursuant to the Acts of
1866, 1870 and the Desert Land Act of 1877 (43 U.S.C. 321,
661), the United States of America is the owner of and
entitled to exercise rights to the use of waters of those
streams and their tributaries which arise upon, traverse, or
flow across, or through the lands of the Cleveland National
Forest and the San Bernardino National Forest, including all
ground waters which add to or contribute to the Santa
Margarita River or its tributaries, found in the alluvial
deposits located with those National Forests. The United
States of America, in regard to those National Forests, is
decreed the right to continue its present uses, or any other
beneficial uses and may increase the amounts of water used
by it, up to the planned yearly consumption, all as set forth
in Exhibits B, C, D, and E of this Interlocutory Judgment,

1 respectively USA-Pltf's Ex. 146, 147, 148 and 149; provided,
2 however, this provision is subject to the limitations
3 contained in Finding numbered XXII above as to the
4 prima facie nature of findings and as to surface and flood
5 waters, referred to in Finding numbered XXIII.

6
7 VI

8 IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
9 DECREED that the United States of America is the owner of the
10 rights to the use of all of the waters in the springs and
11 other sources concerning which it has issued permits to
12 individuals, all as set forth in Exhibits C and D, USA-Pltf's
13 Ex. 147 and 148; provided, however, the present holders of
14 those permits may continue to use the waters from those
15 sources unless and until the permits are cancelled by the
16 United States of America, or until such time as the State of
17 California has cancelled any permit or license it may have
18 issued. Provided, further, that the waters used off of the
19 National Forests are subject to the provisions of Conclusions
20 of Law numbered VI.
21

22
23 VII.

24 IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
25 DECREED, that the United States of America is now the owner
26 and has at all times since the Treaty of Guadalupe Hidalgo in
27 1848 been the owner in fee simple, subject to existing
28 easements, licenses and permits, of the lands described in
29 Exhibit F, those lands being administered pursuant to the
30 Taylor Grazing Act.
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VIII

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2 From and after November 26, 1934, date of withdrawal
3 of the lands described in Exhibit F, from settlement, location,
4 sale or entry, those lands and the right to use the waters or
5 ground waters rising upon or flowing upon, across or
6 percolating through them were no longer subject to unlimited
7 acquisition pursuant to the provisions of the Public Land
8 Laws and the Acts of 1866, 1870 and the Desert Land Act of
9 1877 (43 U.S.C. 321, 661).
10

IX

11
12 IT IS FURTHER ORDERED, DECLARED, ADJUDGED AND
13 DECREED, that the United States of America is the owner of
14 and entitled to utilize the ground waters in the basement
15 complex and weathered basement complex found within the lands
16 described in Exhibit F which are not part of the Santa
17 Margarita River system; provided, nevertheless, that this
18 decree does not relate in any way to the respective rights of
19 owners in and to the vagrant, local and percolating waters
20 referred to in this provision.
21
22

X

23
24 IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
25 DECREED, that the United States of America is the owner of all
26 rights to the use of water and is entitled to utilize all of
27 the waters which arise upon, flow over or across or
28 percolate or flow through the lands described in Exhibit F,
29 but which do not, and have not historically, passed beyond
30 the boundaries of those lands.
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XI

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IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND DECREEED, that subject to the rights to the use of waters in the streams and basins referred to in Findings XVII and XIX above, acquired prior to the Treaty of Gundalupe Hidalgo of 1848, or acquired prior to November 26, 1934, pursuant to the Acts of 1866, 1870 and the Desert Land Act of 1877 (43 U.S.C. 321, 661), the United States of America is the owner of and entitled to exercise rights to the use of waters of those streams and their tributaries which arise upon, traverse, or flow across, or through the lands described in Exhibits F and G, including all ground waters which add to or contribute to the Santa Margarita River or its tributaries, found in the alluvial deposits located within those lands, for use upon those lands. The United States of America may exercise those rights and divert, pump and use the waters from the sources set forth in Exhibit G upon those lands up to the maximum annual quantities specified or referred to in the above set forth Findings numbered XVIII and XIX; provided, however, this provision is subject to the limitations contained in Findings numbered XXII and XXIII above as to the prima facie nature of findings and as to surface and flood waters.

XII

Decree as to Forest Reserve Lands

IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND DECREEED, that the title of the United States of America, its successors and assigns, in and to the rights to the use of

1 water as set forth in this Interlocutory Judgment, in
2 connection with the Cleveland and the San Bernardino National
3 Forests, subject to the rights referred to in paragraph V
4 above of this Interlocutory Judgment, and to the extent and
5 in the amounts herein declared in paragraph V of this
6 Interlocutory Judgment, be and the same are hereby forever
7 quieted against any and all of the defendants in this cause,
8 their successors, administrators, executors and assigns and
9 those defendants and each of them, and their heirs, successors,
10 administrators, and assigns are forever restrained from
11 asserting, claiming, or setting up any right, title or
12 interest in or to the rights to the use of water of the United
13 States of America decreed by this Interlocutory Judgment.

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16 XIII

17 Decree As to Lands Administered
18 Pursuant to Taylor Grazing Act

19 IT IS FURTHER ORDERED, ADJUDGED, DECLARED AND
20 DECREED, that the title of the United States of America, its
21 successors and assigns, in and to the rights to the use of
22 water as set forth in this Interlocutory Judgment, in
23 connection with the lands described in Exhibits F and G of
24 this Interlocutory Judgment, which are administered pursuant
25 to the Taylor Grazing Act, to the extent and in the amounts
26 herein declared, subject to the rights and limitations
27 referred to in paragraph XI above of this Interlocutory
28 Judgment, be and the same are hereby forever quieted against
29 any and all adverse claims of all of the defendants in this
30 cause, their successors, administrators, executors and
31

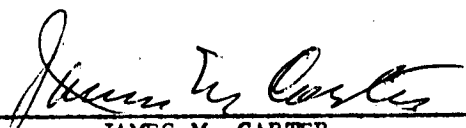
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assigns and those defendants and each of them, and their heirs, successors, administrators, and assigns, are forever restrained from asserting, claiming, or setting up any right, title or interest in or to the rights to the use of water of the United State of America decreed by this Interlocutory Judgment.

XIV

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, based upon the decision 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 Order 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: 5/8/63



JAMES M. CARTER
Judge, United States District Court

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DESCRIPTION OF LANDS WITHIN THE CLEVELAND NATIONAL FOREST
WHICH ARE EITHER WITHIN THE SANTA MARGARITA RIVER WATERSHED
OR ARE TRAVERSED BY THE SANTA MARGARITA RIVER WATERSHED LINE

W $\frac{1}{2}$, and SE $\frac{1}{4}$ of Section 30.

All of Section 31 except the following:

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of NW $\frac{1}{4}$
of SE $\frac{1}{4}$; and Lots 3, 6 and 7; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$;
and NE $\frac{1}{4}$ of SW $\frac{1}{4}$; and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$.

Section 32.

SW $\frac{1}{4}$ of Section 33.

All in Township 8 South, Range 1 East

S $\frac{1}{2}$; NW $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of NE $\frac{1}{4}$;
N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
NE $\frac{1}{4}$ of Section 3.

Sections 4, 5, 6, 7, 8, 9 and 10.

W $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 11.

SW $\frac{1}{4}$ of Section 12.

Sections 13, 14, 15, 16 and 17.

All of Section 18, except the SW $\frac{1}{4}$ of SE $\frac{1}{4}$.

W $\frac{1}{2}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 19.

SW $\frac{1}{4}$ of NW $\frac{1}{4}$; W $\frac{1}{2}$ of SW $\frac{1}{4}$; NE $\frac{1}{4}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of
NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20.

Sections 21, 22, 23, 24 and 25.

Lot 1 (NW $\frac{1}{4}$ of NE $\frac{1}{4}$), and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30.

All in Township 9 South, Range 1 East

Lots 15 and 16 (S $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 17.

Lots, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15
and 16 (W $\frac{1}{2}$ and SE $\frac{1}{4}$) of Section 18.

Section 19.

Interlocutory Judgment #44
Exhibit A Page 1

- 2 and 13 ($W\frac{1}{2}$ of $SW\frac{1}{4}$); Lot 14 ($SE\frac{1}{4}$ of $SW\frac{1}{4}$); and Lot
- 3 15 ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 20.
- 4 Lots 3, 4, 5, 6, 11, 12, 13 and 14 ($W\frac{1}{2}$) and Lots 9,
- 5 10, 15 and 16 ($SE\frac{1}{4}$) of Section 28.
- 6 Sections 29, 30, 31, 32 and 33.
- 7 Lot 4 and 5 ($W\frac{1}{2}$ of $NW\frac{1}{4}$); $W\frac{1}{2}$ of Lots 3 and 6 ($W\frac{1}{2}$ of $E\frac{1}{2}$ of $NW\frac{1}{4}$);
- 8 and Lots 9, 10, 11, 12, 13, 14, 15 and 16 ($S\frac{1}{2}$)
- 9 of Section 34. All in Township 9 South, Range 2 East
- 10 Sections 2, 3, 4 and 5. All in Township 10 South, Range 2 East
- 11 $E\frac{1}{2}$ of Fractional Section 22.
- 12 Fractional Section 23.
- 13 $N\frac{1}{2}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, and $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 25.
- 14 Section 26 and 27.
- 15 $W\frac{1}{2}$ of $SW\frac{1}{4}$, $W\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$, and $E\frac{1}{2}$ of $SE\frac{1}{4}$ of
- 16 Section 28.
- 17 $S\frac{1}{2}$, $NW\frac{1}{4}$, and $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 29.
- 18 Sections 30, 31, 32, 33, 34 and 35.
- 19 $W\frac{1}{2}$ of $W\frac{1}{2}$; $SE\frac{1}{4}$ of $NW\frac{1}{4}$; $SE\frac{1}{4}$ of $SW\frac{1}{4}$; $NE\frac{1}{4}$ of $NE\frac{1}{4}$, and
- 20 $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 36. All in Township 8 South, Range 1 West
- 21 $E\frac{1}{2}$ of $E\frac{1}{2}$; $SW\frac{1}{4}$ of $SE\frac{1}{4}$; $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$; $S\frac{1}{2}$ of $SW\frac{1}{4}$; $NW\frac{1}{4}$ of $NW\frac{1}{4}$; and
- 22 $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 1.
- 23 All of Section 2 except: $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$; $NE\frac{1}{4}$ of
- 24 $SE\frac{1}{4}$ of $NW\frac{1}{4}$; $N\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$; $S\frac{1}{2}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of
- 25 $NE\frac{1}{4}$; $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$; and $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$.
- 26 Sections 3, 4, 5, 6, 9, 10, 11, 12, 13, 14 and 15.
- 27 All in Township 9 South, Range 1 West
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- 30 Section 1. All in Township 9 South, Range 2 West
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Interlocutory Judgment #44
Exhibit A Page 2

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TRABUCO AREA

Sections 14, 23, 26 and 27 EXCLUDING
portions within Homestead Entry Surveys

No. 48, 49 and 54.

All in Township 8 South, Range 5 West, SBPM.

INTERLOCUTORY JUDGMENT NO. 44

Exhibit A-1

1 DESCRIPTION OF LANDS WITHIN THE SAN BERNARDINO NATIONAL FOREST
2 WHICH ARE EITHER WITHIN THE SANTA MARGARITA RIVER WATERSHED OR ARE
3 TRAVERSED BY THE SANTA MARGARITA RIVER WATERSHED LINE
4

5 Sections 14, 23 and 24.

6 North half of Sections 25 and 26. All in T6S,R1E

7
8 Sections 30, 31, 32 and 33. All in T6S,R2E

9
10 Sections 28, 29, 32, 33 and 34.
11 EXCEPT from Section 32 the South half of the
12 Southeast quarter, the East half of the South-
13 west quarter, and the Northwest quarter of the
14 Southwest quarter. AND EXCEPT the Southwest
15 quarter of Southwest quarter in Section 33. All in T6S,R3E

16 Sections 4, 6, 8, 10, 16, 18 and 19.
17 North half, and North half of Southeast quarter,
18 and Southwest quarter of Section 20. All in T7S,R2E

19
20 Southwest quarter of Section 1
21 Sections 2, 3 and 12 All in T7S,R3E

22
23 South half of fractional Section 7,
24 Southwest quarter of Section 8
25 Section 16
26 South half, and South half of North half of
27 Section 17.

28 Fractional Section 18. All in T7S,R4E

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WATER USE INVENTORY
SANTA MARGARITA WATERSHED - PALOMAR DISTRICT
CLEVELAND NATIONAL FOREST SEPT 1958

PRESENT USE

No.	Water Source United States of America Owner-User	Point of Diversion	Place of Use
1	Sourdough Springs	SW ⁴ NE ⁴ Sec. 25 T9S R1E	Same as Point of Diversion
2	Eagle Craig Spring	SE ⁴ SE ⁴ Sec. 14 T9S R1W	" "
3	Aguanga Mtn Spring	SW ⁴ NW ⁴ Sec. 19 T9S R2E	" "
4	Crosley	NE ⁴ SE ⁴ Sec 10 T9S R1W	" "
5	Long Canyon Spring	SE ⁴ NW ⁴ Sec. 16 T9S R1E	" "
6	Cutea Valley Spring	SW ⁴ SW ⁴ Sec. 17 T9S R1E	" "
7	Surface Catchment Halfway-Palomar TT Jn'tn	SW ⁴ NE ⁴ Sec. 4 T10S R2E	" "
8	Surface Catchment Deer Flat Quail Gussler	NE ⁴ SE ⁴ Sec. 4 T9S R1E	" "
9	Surface Catchment Quail Gussler	NE ⁴ SW ⁴ Sec. 30 T9S R2E	" "
10	Surface Catchment Quail Gussler	NE ⁴ NE ⁴ Sec. 31 T9S R2E	" "
11	Surface Catchment Halfway-Quail Gussler	SW ⁴ NE ⁴ Sec. 4 T10S R2E	" "

INTERLOCUTORY JUDGMENT # 44
EXHIBIT B - Page 1
[Substance of USA-Plt's
Exhibit 147]

3571

WATER USE INVENTORY - SANTA MARGARITA WATERSHED - PALOMAR DISTRICT
CLEVELAND NATIONAL FOREST SEPT, 1958

EXHIBIT B - Continuation of Page 1

No.	Type	INFORMATION ON PRESENT USE			PLANNED FUTURE USE			Expected Use Date
		Use Period	Yearly Consumption	Date System First Used	Type and Numbers	Use Period	Yearly Consumption	
1	Fire Wildlife	5/1-11/30 Yearlong	10,000 Gals. 600 Gals.	5/15/37	Recreation 6 Units	5/1-11/30	25,680 Gals.	1963
2	Fire	5/1-11/30	2,100 Gals.	7/1/39	Fire Wildlife Recreation	5/1-11/30 Yearlong	7,900 Gals. 600 Gals.	1960
3	Fire Wildlife	5/1-11/30 Yearlong	10,000 Gals. 600 Gals.	8/1/37				
4	Fire	5/1-11/30	4,700 Gals.	8/1/39	Fire	5/1-11/30	5,300 Gals.	1965
5	Fire	5/1-11/30	10,000 Gals.	1/44	Wildlife	Yearlong	600 Gals.	1961
6	Fire	5/1-11/30	10,000 Gals.	5/1/55	Recreation 40 (10 Units)	5/1-11/30	42,800 Gals.	1966
7	Fire	5/1-11/30	2,300 Gals.	6/10/55	Fire	5/1-11/30	7,700 Gals.	1967
8	Wildlife	Yearlong	600 Gals.	1949	No Planned expansion			
9	Wildlife	Yearlong	600 Gals.	1949	No Planned expansion			
10	Wildlife	Yearlong	600 Gals.	1949	No Planned expansion			
11	Wildlife	Yearlong	600 Gals.	1949	No Planned expansion			

INTERMOUNTAIN JUDGMENT # 44

EXHIBIT B - Page 2

[Substance of USA-Plt.'s
Exhibit 147]

3572

WATER USE INVENTORY - SANTA MARGARITA WATERSHED - PALOMAS DISTRICT
CLEVELAND NATIONAL FOREST SEPT. 1958

EXHIBIT B continued

PRESENT USE

No.	Water Source United States of America Owner	Point of Diversion	Water Right Status		
			Application	Permit	License
12	Oak Grove Spring User: Lloyd, M.M.	NE ⁴ NE ⁴ , s. 20 T9S R2E	6893	3719	2843
13	Unnamed Spring User: Lloyd, M.M.	SW ⁴ NW ⁴ , s. 20 T9S R2E	7731	4259	2844
14	Hillside Cienega (Lohman Springs) User: Reedy, Marvin	SE ⁴ SE ⁴ , s. 29 T8S RLW	10269	5926	
15	Spring in Kohler Canyon User: Oviatt, James	NE ⁴ NE ⁴ , s. 33 T9S R2E			
16	Unnamed Spring User: Payne, Frank A.	NE ⁴ NE ⁴ , s. 4 T9S R1E			
17	Unnamed Spring User: Grammer, Martin	SE ⁴ SW ⁴ , s. 34 T9S R2E	10806	6279	4356
18	Diversion on Cottonwood Creek User: Barre, Ruth E.	SE ⁴ SE ⁴ , s. 3 T9S R1E			
19	Unnamed Spring User: Jurkovich, Robert M.	NW ⁴ NE ⁴ , s. 25 T6S RLW	8484	4696	
20	Unnamed Spring in Rattle- snake Canyon User: Pursche, Carl P.	NE ⁴ NW ⁴ , s. 28 T9S R2E	11161	6499	
21	Unnamed Spring User: Williamson, Leonard L. & Sarah	NE ⁴ SW ⁴ , s. 12 T9S R1E	9137		3268
22	Sawyer Spring User: Appel	NE ⁴ NE ⁴ , s. 31 T8S R1E			
23	Clear Springs User: White, Forrest (Clear Springs Ranch)	NW ⁴ NE ⁴ , s. 33 T8S RLW			
24	MacMillan Spring User: MacMillan, M. J.	SE ⁴ NE ⁴ , s. 3 T10S R2E			

INTERLOCUTORY JUDGMENT # 44

EXHIBIT B - Page 3

[Substance of USA-Pltf's
Exhibit 147]

3573

WATER USE INVENTORY - SANTA MARGARITA WATERSHED - PALOMAR DISTRICT
CLEVELAND NATIONAL FOREST SEPT. 1958

EXHIBIT B - Continuation of Page 3

No.	Water Amounts			Information on Present Use				Date System First Used
	Applied For	Estimate of Needs	Licensed	Place of Use	Type and Number	Use Period	Yearly Consumption	
12	Unknown		820 GPD	NE4 NE4 s.20 T9S R2E	Domestic	Yearlong		1931
13	7200 GPD		7200 GPD	NE4 NE4 s.20 T9S R2E	Irr. 5 ac.	Yearlong	11.75 a.f.	1933
14	3500 GPD	250 GPD 7.05 a.f.		W2 NW4 s.28 T8S R1W	Dom. 5 Irr. 3 ac.	5/1-11/30		12/27/38
15		2000 GPD 11.75 a.f.		SE4 SW4 s.16 T9S R2E	Dom. 4 Irr. 5 ac.	5/1-11/30		1914
16		250 GPD 7.05 a.f.		SW4 SW4 s.34 T8S R1E	Dom. 5 Irr. 3 ac.	5/1-11/30		6/ /44
17	16,000 GPD		2880 GPD	SE4 SE4 NW4 s. 34 T9S R2E	Irr. 3 ac. Dom. 3	Yearlong		8/11/41
18	2 GPM	200 GPD		NE4 s.3 T9S R1E	Dom. 4	Yearlong		1/16/34
19	Unknown	250 GPD		SW4 SE4 s.24 T8S R1W	Dom. 5	Yearlong		11/22/35
20	16,000 GPD	200 GPD 11.75 a.f.		SW4 s. 21 T9S R2E	Dom. 4 Irr. 5 ac.	5/1-11/30		11/11/45
21	0.5 cu.ft.			SE4 NW4 s. 12 T9S R1E	Dom. 5 Irr. 50 ac.	Yearlong	117.5 a.f.	9/21/31
22	150 GPD 11.75 a.f.	150 GPD 11.75 a.f.		SW4 s. 25 T8S R1E	Dom. 3 Irr. 5 ac.	Yearlong 5/1-11/30	11.75 a.f.	Unknown
23		400 GPD		SW4 SE4 s.28 T8S R1W	Dom. 8	Yearlong	146,000 Gals.	Unknown
24		150 GPD		SE4 NE4 s. 3 T10S R2E	Dom. 3	Yearlong	54,750 Gals.	1938

INTERLOCUTORY JUDGMENT # 44
EXHIBIT B - Page 4
[Substance of USA-Plf's
Exhibit 147]

3574

WATER USE INVENTORY

SANTA MARGARITA WATERSHED

PALOMAR DISTRICT CLEVELAND NATIONAL FOREST
SEPT 1958

No.	Water Source United States of America, Owner	Location Section, Town- ship, Range	Type of Use	Information on Planned Future Use			
				Number of People	Expected Use Period	Yearly Consumption	Expected First Use Date
1	Devils Hole Spring	SE ⁴ SW ⁴ Sec.36 T8S RLW	Fire Wildlife		5/1-11/30 Yearlong	10,000 Gal. 600 Gal.	1960
2	Long Canyon	SW ⁴ NE ⁴ Sec.16 T9S R 1E	Recreation (10 Units)	40	5/1-11/30	132,000 Gal.	1967
3	Cottonwood Creek	SW ⁴ NW ⁴ Sec.14 T9S R1E	Recreation (4 Units)	16	5/1-11/30	56,800 Gal.	1968
4	Sawyer Springs	NE ⁴ NE ⁴ Sec.31 T8S R1E	Recreation (6 Units)	24	5/1-11/30	85,200 Gal.	1965
5	Cottonwood Creek	NW ⁴ SW ⁴ Sec.15 T9S R1E	Wildlife		Yearlong	4 Ac. Ft.	1967
6	Long Canyon	NE ⁴ NW ⁴ Sec.9 T9S R1E	Wildlife		Yearlong	.8 Ac. Ft.	1968
7	Cutca Valley Branch Long Canyon Creek	SE ⁴ SE ⁴ Sec.18 T9S R1E	Wildlife		Yearlong	.1 Ac. Ft.	1966
8	Arroyo Seco Creek	NE ⁴ NE ⁴ Sec.27 T8S RLW	Wildlife		Yearlong	48 Ac. Ft.	1963
9	S.C.A.-Br. of Kolb Cr.	NE ⁴ SE ⁴ Sec.32 T8S RLW	Fire		5/1-11/30	10,000 Gal.	1964
10	S.C.A.-Br. of Arroyo Seco	NW ⁴ SE ⁴ Sec.2 T9S RLW	Fire		5/1-11/30	10,000 Gal.	1962
11	S.C.A.- W. Br. Long Canyon	NE ⁴ NW ⁴ Sec.18 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1961
12	Surface Catchment Apron	SW ⁴ SE ⁴ Sec.23 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1966
13	Surface Catchment Apron	SW ⁴ SW ⁴ Sec.23 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1966
14	Surface Catchment Apron	NE ⁴ NE ⁴ Sec.25 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1963
15	Surface Catchment Apron	NE ⁴ NE ⁴ Sec.29 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1960
16	Surface Catchment Apron	SE ⁴ SE ⁴ Sec. 29 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1967
17	Surface Catchment Apron	SW ⁴ NW ⁴ Sec.34 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1968
18	Surface Catchment Apron	SE ⁴ SE ⁴ Sec.3 T10S R2E	Fire		5/1-11/30	10,000 Gal.	1961
19	Surface Catchment Apron	NW ⁴ SW ⁴ Sec.3 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1966

INTERLOCUTORY JUDGMENT #44
EXHIBIT C - Page 1
[U.S.A.-Pltf. Ex. 146] 3575

WATER USE INVENTORY - Continued

SANTA MARGARITA WATERSHED PALOMAR DISTRICT CLEVELAND NATIONAL FOREST SEPT 1958

No.	Water Source United States of America, Owner	Location Section, Town- ship, Range	Type of Use	Information on Planned Future Use			
				Number of People	Expected Use Period	Yearly Consumption	Expected First Use Date
20	Surface Catchment Apron	NW4 NW4 Sec.15 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1965
21	Surface Catchment Apron	SW4 NW4 Sec.28 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1966
22	Surface Catchment Apron	SE4 NE4 Sec.35 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1967
23	Surface Catchment Apron	SW4 NE4 Sec.25 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1968
24	Surface Catchment Apron	NE4 NE4 Sec.30 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1966
25	Surface Catchment Apron	NW4 SW4 Sec.31 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1967
26	Surface Catchment Apron	NE4 SW4 Sec.32 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1967
27	Surface Catchment Apron	SW4 NW4 Sec.32 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1967
28	Surface Catchment Apron	SW4 NE4 Sec.6 T9S R1W	Fire		5/1-11/40	10,000 Gal.	1968
29	Surface Catchment Apron	SW4 SW4 Sec.5 T9S R1W	Fire		5/1-11/30	10,000 Gal.	1968
30	Surface Catchment Apron	SW4 SW4 Sec.30 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1963
31	Surface Catchment Apron	SW4 SW4 Sec.27 T8S R1W	Fire		5/1-11/30	10,000 Gal.	1963
32	Surface Catchment Apron	NE4 SE4 Sec.1 T9S R1W	Fire		5/1-11/30	10,000 Gal.	1964
33	Surface Catchment Apron	SE4 NE4 Sec.3 T9S R1W	Fire		5/1-11/30	10,000 Gal.	1964
34	Surface Catchment Apron	SW4 SW4 Sec.3 T9S R1W	Fire		5/1-11/30	10,000 Gal.	1962
35	Surface Catchment Apron	SE4 SE4 Sec.13 T9S R1W	Fire		5/1-11/30	10,000 Gal.	1965
36	Unnamed Spring (Roadside Cut)	NW4 SW4 Sec. 24 T9S R1W	Fire Recreation (8 Units)	32	5/1-11/30	10,000 Gal. 113,600 Gal.	1961
17	Surface Catchment Apron	SE4 NW4 Sec.32 T8S R1E	Fire		5/1-11/30	10,000 Gal.	1965

INTERLOCUTORY JUDGMENT #44
EXHIBIT C - Page 2
[U.S.A.-Flt. Ex. 146]

WATER USE INVENTORY - Continued

SANTA MARGARITA WATERSHED PALOMAR DISTRICT CLEVELAND NATIONAL FOREST SEPT 1958

No.	Water Source United States of America, Owner	Location Section, Town- ship, Range	Type of Use	Information on Planned Future Use			
				Number of People	Expected Use Period	Yearly Consumption	Expected First Use Date
38	Surface Catchment Apron	SW4 SW4 Sec.33 T8S R1E	Fire		5/1-11/30	10,000 Gal.	1965
39	Surface Catchment Apron	SW4 NE4 Sec.4 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1965
40	Surface Catchment Apron	NE4 NE4 Sec.6 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1968
41	Surface Catchment Apron	SW4 SE4 Sec.6 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1966
42	Surface Catchment Apron	NW4 NW4 Sec.7 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1967
43	Surface Catchment Apron	NE4 SW4 Sec.11 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1962
44	Surface Catchment Apron	SE4 NE4 Sec.14 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1963
45	Surface Catchment Apron	SE4 SW4 Sec.13 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1964
46	Surface Catchment Apron	NW4 SE4 Sec.24 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1961
47	Surface Catchment Apron	SW4 NW4 Sec.22 T9S R1E	Fire		5/1-11/30	10,000 Gal.	1961
48	Surface Catchment Apron	SW4 NW4 Sec.18 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1969
49	Surface Catchment Apron	NE4 NE4 Sec.19 T9S R2E	Fire		5/1-11/30	10,000 Gal.	1964
50	Unnamed Spring (N. of Gomez Trail Junction and Palomar Truck Trail)	NW4 NW4 Sec.25 T9S R1W	Fire Recreation (8 Units)	32	5/1-11/30	10,000 Gal. 113,600 Gal.	1960

INTERIM JUDGMENT #44
EXHIBIT C - Page 3
[U.S.A. v. Plt. Ex. 146]

3577

WATER USE INVENTORY
 SANTA MARGARITA RIVER WATERSHED - TRABUCO DISTRICT
 CLEVELAND NATIONAL FOREST
 PRESENT USE T6 & T7S, R1W and T8S, R5W, SBBEM

Map Reference	Water Source	Point of Diversion Site		Name of User	Water Rights Status		
		Location	Land Owner		Application	Permit	License
1	Nelson Creek, a branch of Cottonwood Creek	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ -Sec.23	United States Cleveland N.F.	E.A.Cook	9291	5201	
		NW $\frac{1}{4}$ of SW $\frac{1}{4}$ -Sec.24 T8S R5W	E.A.Cook				
1A	Nelson Creek, a branch of Cottonwood Creek	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ -Sec.23	United States Cleveland N.F.	E.A.Cook	18151		
		NW $\frac{1}{4}$ of SW $\frac{1}{4}$ -Sec.24 T8S R5W	E. A. Cook				
2	Srpings in Coleman Creek Canyon, a branch of Nelson Creek	SW $\frac{1}{4}$ of SE $\frac{1}{4}$ -Sec.23 T8S R5W	United States Cleveland N.F. & Claytor	Cyril M. Ewing	9242	2596	

	Water Amounts			Place of Use	Information on Present Use			Date First Used
	Applied For	Estimated Needs	Licensed		No. of People	Use Period	Yearly Consumption	
1	Unknown			Pvt land of E.A. Cook NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec.24 T8S R5W	Domestic and Irrigation	Year Long		3/1/1936
1A	14,650 GPD			As above	Domestic and Irrigation Stock Watering & Recreation	Year Long		5/5/58
2	.025 sec. ft. or approx. 16,000 GPD			Pvt. land of C.M.Ewing S $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec.24 T8S R5W	Domestic and Irrigation	Year Long		11/22/35

WATER USE INVENTORY
 SANTA MARGARITA RIVER WATERSHED - TRABUCCO DISTRICT
 CLEVELAND NATIONAL FOREST
 PRESENT USE T6 & T7S, R4W and T8S, R5W, SBB2N

MAP Refer- ence	Future Use			
	No. of People	Use Period	Yearly Con- sumption	Expected Use Date
1	Private land outside National Forest Boundary. No predictions made on use			
1A	As Above			
2	As Above			

SANTA MARGARITA R. WATERSHED TRABUCO DISTRICT
CLEVELAND NATIONAL FOREST

9/11/50 FUTURE USE T6 & T7S, R1W and T8S, R5W SEBBA

Map Reference	Water Source	Point of Diversion Site	
		Location	Land Owner
3	Springs Creek near headwaters of Nelson Cr, a branch of Cottonwood Creek	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ - Sec.23 T8S R5W	United States Cleveland N.F.
4	Surface $\frac{1}{2}$ Catchment	SW $\frac{1}{4}$ of NE $\frac{1}{4}$ - Sec.23 T8S R5W	United States Cleveland N.F.
5	" "	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ - Sec.27 T8S R5W	" "
6	" "	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ - Sec.26 T8S R5W	" "
7	" "	SW $\frac{1}{4}$ of SW $\frac{1}{4}$ - Sec.26 T8S R5W	" "

1/ Large concrete or asphalt aprons, similar to quail gusslers, will serve as funnels for delivery of surface run-off and rain water to storage tanks during the winter months for use during the dry summer fire season.

SANTA MARGARITA N. WATERSHED TRABUCO DISTRICT
CLEVELAND NATIONAL FOREST

9/11/58

FUTURE USE

T6 & T7S, R2W and T8S, R2W, S8M2M

Map Reference	Information on Planned Future Use					Expected 1st Use Date	Water Rights Status
	User	Type	No. of People	Expected Use Period	Yearly Consumption		
3	United States Cleveland N.F.	Public Camp-Ground 30 Units	120	Year Long	Approx. 2.7 acre-feet (2000 GPD 10/1-4/30 8000 GPD 5/1 - 9/30)	1961	None Initiated
4	"	Fire Protection	Fire Use Only	5/1 - 1/1	10,000 gallons/year	1961	" "
5	"	"	"	"	" "	1962	" "
6	"	"	"	"	" "	1963	" "
7	"	"	"	"	" "	1962	" "

2 WHICH ARE EITHER WITHIN THE SANTA MARGARITA RIVER WATERSHED
3 OR ARE TRAVERSED BY THE SANTA MARGARITA RIVER WATERSHED LINE
4 AND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

5 The following lands in Township 6 South, Range 1 East; SBBM:

6 Lots 1, 2, 3 and 4 in Section 22.

7 NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$,
8 all in Section 26.

9 E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$,
10 and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 28.

11 S $\frac{1}{2}$ of the NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 32.

12 SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, and E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$,
13 all in Section 36.

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15 The following lands in Township 7 South, Range 1 East; SBBM:

16 Lot 3, and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 4.

17 N $\frac{1}{2}$ of the N $\frac{1}{2}$, and SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$, all in Section 10.

18 W $\frac{1}{2}$ of Section 12.

19 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ in Section 14.

20 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 24.

21 Lots 3 and 4 and E $\frac{1}{2}$ of the SW $\frac{1}{4}$ in Section 30.

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23 The following lands in Township 7 South, Range 2 East; SBBM:

24 Fractional Section 12.

25 NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 13.

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27 The following lands in Township 7 South, Range 3 East; SBBM:

28 Lots 5,6,7,8 and fractional NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (NW $\frac{1}{4}$, EXCEPT for the NW $\frac{1}{4}$ of the
29 NW $\frac{1}{4}$); and Lot 4 (NW $\frac{1}{4}$ of the NE $\frac{1}{4}$), and SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 4.

30 Lots 5,6,7 and 8 (NE $\frac{1}{4}$) in Section 6.

31 Lot 1 in Section 8.

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all in Section 13.
S $\frac{1}{2}$ of SE $\frac{1}{4}$, in Section 18.
SE $\frac{1}{4}$ of Section 19.
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36.

The following lands in Township 7 South, Range 4 East; SBEM:

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20.
Entire Section 28.
Lot 1 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of fractional Section 30.

The following lands in Township 8 South, Range 1 East; SBEM:

Lots 1, 2, 3 and 4; & S $\frac{1}{2}$ of NE $\frac{1}{4}$; & the SW $\frac{1}{4}$ of Section 4.
Lots 3 and 4 of Section 5.
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7.
Lots 3 and 4 of Section 10.
SW $\frac{1}{4}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SW $\frac{1}{4}$ & the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 13.
Lots 1,2,3,4,5,7,8 and 12 of Section 15.
E $\frac{1}{2}$, Section 16.
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 17.
E $\frac{1}{2}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, & the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 20.
N $\frac{1}{2}$, N $\frac{1}{2}$ of the S $\frac{1}{2}$, & the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 21.
Lots 10,11,12,13,14 and 15 and W $\frac{1}{2}$ of Lots 9 and 16 of Section 22.
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 23.
Lots 5,6,7 and 8; & SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, SECTION 24.
N $\frac{1}{2}$ & N $\frac{1}{2}$ of S $\frac{1}{2}$, Section 25.
Lots 1,2,4 and 5 of Section 26.
N $\frac{1}{2}$ of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, & the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$,
Section 27.
SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 30.
SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ & the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 33.

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The following lands in Township 8 South, Range 2 East; SBDM:

- SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 7.
- NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ & the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 8.
- Lots 5,6,7,8, 11 and 12 of Section 11.

The following lands in Township 8 South, Range 2 East; SBDM:

- Lots 17, 18 and 19 of Section 12.
- NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 14.
- W $\frac{1}{2}$, Section 16.
- S $\frac{1}{2}$, Section 17.
- Lots 2 and 4; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; E $\frac{1}{2}$ of the NE $\frac{1}{4}$; and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 18.
- Lots 1, 2 and 4; SE $\frac{1}{4}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, & the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 19.
- NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ & the S $\frac{1}{2}$ of the S $\frac{1}{2}$, Section 20.
- S $\frac{1}{2}$ of the SW $\frac{1}{4}$ & the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 21.
- SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22.
- S $\frac{1}{2}$ of the S $\frac{1}{2}$, Section 23.
- NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ & the S $\frac{1}{2}$ of the S $\frac{1}{2}$, Section 24.
- Section 25.
- E $\frac{1}{2}$ of the NE $\frac{1}{4}$ & the S $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 26.
- N $\frac{1}{2}$ & the SW $\frac{1}{4}$, Section 27.
- N $\frac{1}{2}$ of the NW $\frac{1}{4}$ & the S $\frac{1}{2}$, Section 28.
- N $\frac{1}{2}$ & the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ & the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 29.
- Lots 1, 2 and 3; NE $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; & the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 30.
- NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 31.
- N $\frac{1}{2}$ of the N $\frac{1}{2}$; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the S $\frac{1}{2}$ & the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 32.
- NW $\frac{1}{4}$ & the S $\frac{1}{2}$, Section 33.
- NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ & the S $\frac{1}{2}$, Section 34.
- NW $\frac{1}{4}$ & the W $\frac{1}{2}$ of the NE $\frac{1}{4}$; & the S $\frac{1}{2}$, Section 35.
- NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, E $\frac{1}{2}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$; & the S $\frac{1}{2}$, Section 36.

1 The following lands in Township 8 South, Range 3 East; SBEM:

- 2 Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Section 7.
- 3 Lots 7, 8 and 12 of Section 8.
- 4 Lots 14 of Section 9.
- 5 E $\frac{1}{2}$ of the NW $\frac{1}{4}$ & the S $\frac{1}{2}$, Section 16.
- 6 NE $\frac{1}{4}$; E $\frac{1}{2}$ of the SE $\frac{1}{4}$; & Lot 4, Section 18.
- 7 Lots 3 and 4 and E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 19.
- 8 NW $\frac{1}{4}$, W $\frac{1}{2}$ of the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; S $\frac{1}{2}$ of the SE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; & the E $\frac{1}{2}$
- 9 of the NE $\frac{1}{4}$, Section 20.
- 10 Section 22, 26, 28, 29, and 30 (All entire).
- 11 NE $\frac{1}{4}$; E $\frac{1}{2}$ of W $\frac{1}{2}$; Lots 1 to 4; & the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 31.
- 12 Sections 32,33,34 and 36 (All entire).

13 The following lands in Township 8 $\frac{1}{2}$ South, Range 3 East; SBEM:

- 14 Sections 31, 32, 33, 34, 35 and 36 (All entire).

16 The following lands in Township 9 South, Range 1 East; SBEM:

- 17 W $\frac{1}{2}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$, all in Section 2.
- 18 NE $\frac{1}{4}$ in Section 11.
- 19 W $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 12.

21 The following lands in Township 9 South, Range 2 East; SBEM:

- 22 Lots 1 through 12 in Section 1.
- 23 Lots 1 through 14 in Section 2.
- 24 Section 3.
- 25 Lots 1,2,3,4,8,9,15 and 16 in Section 4.
- 26 Lots 1,2,7,8 and 9 in Section 5.
- 27 Lots 2,3,4,6,7,9,10 and 11 in Section 8.
- 28 Lots 8 and 12 in Section 9.
- 29 Lots 1,2,3,4 & 5 and E $\frac{1}{2}$ of Lot 16 in Section 10.
- 30 Lots 1,4,7,8,12,13 and 14 in Section 11.
- 31 Lot 1 and Lots 3 through 16 in Section 12.

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1 Section 13.

2 Section 14, EXCEPT for Lot 13.

3 Lot 8 in Section 15.

4 Lot 15 in Section 16.

5 Lot 6, S $\frac{1}{2}$ of Lot 7, Lots 9, 10 and 13 in Section 21.

6 Lot 12 and N $\frac{1}{2}$ of Lot 14, and the SE $\frac{1}{4}$ of Lot 14, and S $\frac{1}{2}$ of Lot 10, and Lot
7 15, all in Section 22.

8 Lots 1, 2, 3, 6, 7 and 8 in Section 23.

9 Lots 1,2,4,6,7 and 8 in Section 24.

10 N $\frac{1}{2}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ in Section 25.

11 Lots 9, 15 and 16 in Section 26.

12 Lot 17 (N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$) and E $\frac{1}{2}$ of Lot 2 in Section 27.

13 Lot 4 (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) in Section 28.

14

15 The following lands in Township 9 South, Range 3 East; SBBM:

16 S $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ in Section 3.

17 S $\frac{1}{2}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ in Section 4.

18 Section 5.

19 Lots 8 and 9 (N $\frac{1}{2}$ of NW $\frac{1}{4}$), Lot 10 (Fractional SE $\frac{1}{4}$ of NW $\frac{1}{4}$), Lots 11, 12 and 13
20 (being fractional NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, respectively),

21 SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 6.

22 N $\frac{1}{2}$ of NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and S $\frac{1}{2}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$, in
23 Section 7.

24 SE $\frac{1}{4}$ of NW $\frac{1}{4}$, in Section 8.

25 N $\frac{1}{2}$ of NW $\frac{1}{4}$ in Section 9.

26 N $\frac{1}{2}$ of N $\frac{1}{2}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 10.

27 S $\frac{1}{2}$ in Section 11.

28 N $\frac{1}{2}$ of N $\frac{1}{2}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 12.

29 Lots 1, 2 & 3, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 18.

30 NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$, in Section 19.

31 SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of W $\frac{1}{2}$, and E $\frac{1}{2}$ in Section 20.

32

33

- 2 Lot 7 and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 6.
- 3 SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 10.
- 4 SW $\frac{1}{4}$ of SW $\frac{1}{4}$, in Section 26.

6 The following lands in Township 6 South, Range 2 West; SBEM:

- 7 Lot 4, S $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 4.
- 8 Section 14.
- 9 NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 20.
- 10 NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 24.

12 The following lands in Township 6 South, Range 3 West; SBEM:

- 13 Lots 1 and 2, and S $\frac{1}{2}$ of SE $\frac{1}{4}$, all in Section 30.
- 14 N $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 32.

16 The following lands in Township 6 South, Range 4 West; SBEM:

- 17 NW $\frac{1}{4}$ of NW $\frac{1}{4}$, in Section 24.

19 The following lands in Township 7 South, Range 1 West; SBEM:

- 20 Lot 4 in Section 2.
- 21 Lot 7 in Section 6.
- 22 E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 8.
- 23 Lots 4, 5 and 6 in Section 12.
- 24 Fractional Section 32.
- 25 W $\frac{1}{2}$ and SE $\frac{1}{4}$, in Section 34.

27 The following lands in Township 7 South, Range 2 West; SBEM:

- 28 N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 2.

30 The following lands in Township 8 South, Range 1 West; SBEM:

- 31 Fractional Section 4.
- 32 Lots 2 and 3 in Section 12.

1 Lots 4, 5 6 and 7 in Section 13.

2 SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SW $\frac{1}{4}$, all in Section 19.

3 W $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 20.

4 SE $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 24.

5
6 The following lands in Township 8 South, Range 2 West; SBBM:

7 Lots 4 and 5, S $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of fractional Section 23.

8 S $\frac{1}{2}$ of S $\frac{1}{2}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 24.

9 SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and Lot 2 in Section 29.

10 Lot 5, in Section 30.

11 E $\frac{1}{2}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, and Lot 4 in Section 31.

12 NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$, in Section 32.

13
14 The following lands in Township 8 South, Range 3 West; SBBM:

15 SE $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 23.

16 Lots 1, 2 and 3, and S $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 24.

17 W $\frac{1}{2}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$, in Section 25.

18 E $\frac{1}{2}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 26.

19 Lots 1 and 2 in Section 31.

20 S $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 33.

21
22 The following lands in Township 8 South, Range 4 West, SBBM:

23 S $\frac{1}{2}$ of S $\frac{1}{2}$, in Section 26.

24 SE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 27.

25 S $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, in Section 31.

26 W $\frac{1}{2}$ of SE $\frac{1}{4}$, in Section 32.

27 SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 33.

28 NE $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 34.

29 N $\frac{1}{2}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, in Section 35.

30
31 The following lands in Township 8 South, Range 5 West; SBBM:

32 Section 36.

33 E $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 25.

Interlocutory Judgment #44
Exhibit F Page 7

1 The following lands in Township 9 South, Range 2 West; SBEM:

2 SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, in Section 4.

3 Lots 2,3,5 and 6 in Section 6.

4

5 The following lands in Township 9 South, Range 3 West; SBEM:

6 NW $\frac{1}{4}$ of NW $\frac{1}{4}$, in Section 1.

7 Lot 4 in Section 3.

8 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 10.

9 NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 15.

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11 The following lands in Township 9 South, Range 4 West; SBEM:

12 Lot 1, in Section 9.

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14 The following lands in Township 9 South, Range 5 West; SBEM:

15 Fractional Section 3.

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Interlocutory Judgment #44
Exhibit F Page 8

LANDS OF THE UNITED STATES OF AMERICA OVERLYING AGUANGA GROUND WATER AREA				WATERSHED	TOTAL ACRES	IRRIGABLE ACRES
1	81E	Sec. 4	SW $\frac{1}{4}$	Wilson	407.0	79.3
2		Sec. 7	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	40.0	1.2
3		Sec. 16	E $\frac{1}{2}$	"	320.0	102.5
4		Sec. 17	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	40.0	5.7
5		Sec. 20	E $\frac{1}{2}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$	Temecula & Wilson	280.0	4.4
6		Sec. 21	Entire, EXC S $\frac{1}{2}$ of SW $\frac{1}{4}$	Temecula & Wilson	560.0	40.58
7		Sec. 22	Lots 10-15; W $\frac{1}{2}$ of Lots 9 & 16	Temecula	287.8	11.1
8		Sec. 27	N $\frac{1}{2}$ of NW $\frac{1}{4}$; NW $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$	Temecula	200.0	19.3
9	81W	Sec. 13	Lots 4, 5, 6, 7	Temecula & Wilson	136.6	23.1
10						287.18
11						
12						
13	LANDS OF THE UNITED STATES OF AMERICA OVERLYING ANZA-CAHUILLA GROUND WATER AREA					
14	73E	Sec. 4	NW $\frac{1}{4}$ of NE $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$; NW $\frac{1}{4}$	Cahuilla	231.6	30.2
15		Sec. 8	Lot 1	Cahuilla	40.0	7.0
16						37.2
17						
18	LANDS OF THE UNITED STATES OF AMERICA OVERLYING THE MURRIETA-TEMECULA GROUND WATER AREA					
19	82W	Sec. 23	Lots 4, 5, S $\frac{1}{2}$ of SW $\frac{1}{4}$; SE $\frac{1}{4}$	Pechanga	302.6	8.2
20						8.2
21						
22						
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		TOTAL ACRES	IRRIGABLE ACRES
1	LANDS OF THE UNITED STATES OF		
2	AMERICA WHICH ARE TRAVERSED BY		
	<u>OR ABUT UPON TEMECULA CREEK</u>		
3	92E Sec. 21 Lot 6' S $\frac{1}{2}$ of Lot 7; Lots 9, 10	141.3	0
4	Sec. 22 Lot 12, N $\frac{1}{2}$ of Lot 14, SE $\frac{1}{4}$ of Lot 14,		
5	S $\frac{1}{2}$ of Lot 10, Lot 15	137.4	1.9
6	Sec. 23 Lots 1, 2, 3, 6, 7, 8	249.8	<u>3.9</u>
7			5.8
8			
9	LANDS OF THE UNITED STATES OF		
10	AMERICA WHICH ARE TRAVERSED BY		
	<u>OR ABUT UPON TUCALOTA CREEK</u>		
11	71E Sec. 4 Lot 3; SE $\frac{1}{4}$ of SE $\frac{1}{4}$	83.6	<u>10.91</u>
12			10.91
13			
14	LANDS OF THE UNITED STATES OF		
15	AMERICA WHICH ARE TRAVERSED BY		
	<u>OR ABUT UPON RAINBOW CREEK</u>		
16	92W Sec. 4 SE $\frac{1}{4}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$	98.5	2.0
17	93W Sec. 10 SW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.0	<u>0</u>
18			2.0
19			
20			
21	LANDS OF THE UNITED STATES OF		
22	AMERICA WHICH ARE TRAVERSED BY		
	<u>OR ABUT UPON DE LUZ CREEK</u>		
23	84W Sec. 27 SE $\frac{1}{4}$; S $\frac{1}{2}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$	400.	5.7
24	Sec. 31 S $\frac{1}{2}$ of SW $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$	120.0	0
25	Sec. 32 W $\frac{1}{2}$ of SE $\frac{1}{4}$	80.0	0
26	85W Sec. 25 E $\frac{1}{2}$ of NW $\frac{1}{4}$	80.0	0
27	Sec. 36	652.9	<u>0</u>
28			5.7
29			
30			
31			
32			

LANDS OF THE UNITED STATES OF AMERICA WHICH ARE TRAVERSED BY OR ABUT UPON THE SANTA MARGARITA RIVER		TOTAL ACRES	IRRIGABLE ACRES
83W	Sec. 31 Lots 1, 2	29.2	0
	Sec. 33 $S\frac{1}{2}$ of $NW\frac{1}{4}$; $W\frac{1}{2}$ of $NE\frac{1}{4}$; $SE\frac{1}{4}$ of $NE\frac{1}{4}$; $NE\frac{1}{4}$ of $SE\frac{1}{4}$; $N\frac{1}{2}$ of $SW\frac{1}{4}$	320.0	0
			0
LANDS OF THE UNITED STATES OF AMERICA WHICH ARE TRAVERSED BY OR ABUT UPON CHIHUAHUA CREEK-- A TRIBUTARY OF TEMECULA CREEK			
92E	Sec. 8 Lots 2, 3, 4, 6, 7, 9, 10, 11	308.7	0
	Sec. 9 Lot 12	38.0	0
	Sec. 11 Lots 1, 4, 7, 8, 12, 13, 14	309.9	34.0
	Sec. 12 Entire Section with exception of Lot 2	589.5	5.0
93E	Sec. 6 Entire, EXC $N\frac{1}{2}$ of $NE\frac{1}{4}$; $SE\frac{1}{4}$ of $NE\frac{1}{4}$, Tract 37	382.0	30.1
	Sec. 7 $N\frac{1}{2}$ of $NE\frac{1}{4}$, & $SW\frac{1}{4}$ of $NE\frac{1}{4}$, & $S\frac{1}{2}$ of $NW\frac{1}{4}$, & $W\frac{1}{2}$ of $SE\frac{1}{4}$, & $SW\frac{1}{4}$	401.4	6.5
			75.6