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APR 25 1961 *20*

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

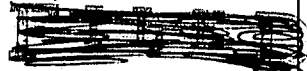
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By *William H. [unclear]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

LODGED



APR 25 1961

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

1 UNITED STATES OF AMERICA,

2
3 Plaintiff,

No. 1247-SD-C

4 vs.

5 FALLBROOK PUBLIC UTILITY
6 DISTRICT, et al.,

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND INTERLOCUTORY
JUDGMENT NUMBER *27*
REGARDING KNOX PROPERTY

7 Defendants.

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15 FINDINGS OF FACT

16 I

17 That the lands of defendants Garner L. Knox, Flora S.
18 Knox and Walter G. Knox are located in general in southern
19 Riverside County, in what is known as Aguanga Valley, upstream
20 from Vail Dam and are particularly described in U. S. Exhibit
21 210 B which description is incorporated by reference herein.

22 II

23 That all of the lands described in Finding I abut
24 upon or are traversed by Temecula Creek, a tributary of the
25 Santa Margarita River.

26 III

27 That all of the ground waters which underlie the
28 lands described in Finding I add to and support and are a
29 part of the Santa Margarita River.

30 IV

31 It is true that at the present time 100 acres of the

cd

1 land described in Finding I are irrigable.

2 V

3 It is true that the present apparent owners of the land
4 described in Finding I, Garner L. Knox, Flora S. Knox and Walter
5 G. Knox and their predecessors have irrigated permanent pasture
6 of approximately forty (40) acres and starting in 1950 to date
7 approximately seventy (70) acres of said land as permanent
8 pasture and that from 1953 to date they have irrigated approxi-
9 mately thirty (30) acres of winter grain; that said irrigation
10 has been accomplished by the use of both the surface and ground
11 waters of the Santa Margarita River; that at the present time
12 there are three (3) water producing wells on the property
13 described in Finding I; it is true that there exists a surface
14 diversion of water from Temecula Creek upstream from the lands
15 described in Finding I and the water so diverted is carried by
16 a pipeline to a reservoir on said lands described in Finding I;
17 it is true that said water is diverted into said reservoir con-
18 tinually throughout the year and is stored in said reservoir for
19 purposes of obtaining a head for irrigation and that said storage
20 is not seasonal and that said diverted and stored water is used
21 to irrigate the lands described in Finding I; that from 1949 to
22 date the land owners have used approximately 209 acre feet per
23 year for such purposes. It is also true that said owners and
24 their predecessors have made use of water from various of said
25 wells for domestic purposes for three family residence buildings
26 on said land for many years last past.

27 VI

28 It is true that all of the uses of water described in
29 Finding V are proper riparian uses.

30 VII

31 It is not true that there has been in the past or that

3)

1 there is at present any use of the waters of the Santa Margarita
2 River or its tributaries on the lands described in Finding I,
3 which has been open and notorious, under a claim of right and
4 adverse or hostile to any downstream water right claimant.

5 VIII

6 It is not true that the use of the waters of said
7 Temecula Creek on the lands described in Finding I have had
8 any effect on the amount of water available to downstream water
9 claimants other than that which would be evidenced from a
10 normal and proper reasonable riparian use.

11 IX

12 It is not true that there is any appropriative right
13 to the use of the waters of the Santa Margarita River and its
14 tributaries on the lands described in Finding I.

15 Dated: April 25, 1961.

16
17 
18 UNITED STATES DISTRICT JUDGE

19
20 CONCLUSIONS OF LAW

21 I

22 That the lands described in Finding I are riparian
23 to Temecula Creek.

24 II

25 That ground waters which underlie said land are part
26 of the Santa Margarita River.

27 III

28 That the present uses of water on said lands are
29 proper riparian uses.

30 IV

31 That there does not exist any prescriptive or

1 appropriate right to use the waters of said River on said
2 lands.

3 Dated: April 25, 1961.

4
5 
6 UNITED STATES DISTRICT JUDGE

7
8 INTERLOCUTORY JUDGMENT

9
10 This matter having been submitted to this Court for
11 the entry of Findings of Fact, Conclusions of Law and Inter-
12 locutory Judgment and good cause appearing therein,

13 NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND
14 DECREED that the lands described in Findings of Fact I, which
15 description is incorporated herein by reference, are riparian
16 to Temecula Creek, a tributary of the Santa Margarita River.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
18 ground waters underlying said lands described in Findings of
19 Fact I which description is incorporated herein by reference
20 are a part of the Santa Margarita River.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
22 there is no prescriptive or appropriative right to use the
23 waters of the Santa Margarita River and its tributaries on any of
24 the lands described in Findings of Fact I which description
25 is incorporated herein by reference.

26 Dated: 4-25, 1961.

27
28 
29 UNITED STATES DISTRICT JUDGE