

BEFORE THE DIVISION OF WATER RIGHTS
Department of Public Works
State of California

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IN THE MATTER OF APPLICATION NUMBER 2995, OF THE CITY OF SAN DIEGO
TO APPROPRIATE WATER FROM MATCHIN CREEK, IN SAN DIEGO COUNTY, FOR
MUNICIPAL PURPOSES

DECISION A-2995. D. ¹⁹~~22~~
Decided August 7, 1924.

PROTESTANTS:

Leopold and Hedwig Lipec
Wm. and Rose Matchin Block

APPEARANCES AT HEARING:

For applicant- S.J. Higgin and A.F.H. Wright
For Leopold and Hedwig Lipec- Leopold Lipec

Edward Hyatt, Jr., Acting Chief of Division of Water Rights

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O P I N I O N

This is an application filed by the City of San Diego on August 17, 1922, to appropriate 2000 acre feet per annum of the waters of Matchin Creek, tributary to Cottonwood Creek, in San Diego County, for municipal uses within the City of San Diego. The water will be diverted at a rate not to exceed 75 cubic feet per second between the period December 1st and May 31st of each season and will be transmitted to the storage system of the applicant thru the Dulzura conduit.

The protestants William and Rose Matchin Block are former owners of the lands now owned by protestants Leopold and Hedwig Lipec, and now hold a mortgage on their property which consists of approximately 160 acres riparian

to Matchin Creek lying a mile or more below the proposed point of diversion by applicant.

The Blocks have in the past endeavored to sell the waters of this stream to the applicant, for sums ranging from \$4000 to \$6000, and claimed to have a verbal agreement over same.

It was developed at the hearing held on December 15, 1923, before Examiner Baker that the Lipecs have about 20 acres of irrigable land, and are at present irrigating about four acres, using a 500-foot pipe line which would carry approximately 5 miner's inches under a four inch pressure when flowing to full capacity; that in the summer the discharge in the Creek drops to a flow of a half inch or less; that heavy flows occur only after heavy rains; and that the Lipecs use water for irrigation and other purposes the year around in some years.

It was also developed that they proposed to build a small storage reservoir at a point above their land, where a dam 50 feet high and 40 feet across the top would back the water up from 30 to 40 yards. This would develop a storage of around one to one-and-one-half acre feet. Lipeco stated that this dam could be constructed at a cost for materials of about two hundred dollars. This estimate, in view of prevailing experience, appears entirely too low, and it is doubtful if any structure of such height would be feasible on account of the limited storage capacity developed thereby.

There appears to be other riparian owners below Lipeco, according to his testimony, but no use of water is made by them.

The applicant has expressed a willingness to observe the rights of Mr. Lipeco and made provision for them, stating that they are only seeking to appropriate flood waters, which occur at infrequent intervals. If a 2-inch pipe

line were installed thru the diverting dam by applicant, with the intake of the pipe placed at a distance of two feet below the bottom of the intake of applicant's ditch, this would automatically allow for a discharge of approximately seven miner's inches to be by passed to satisfy riparian rights before any water was received by applicant. This would amply take care of the ordinary flows and would be more than the present capacity of protestant's diversion line. It would also have capacity to pass water sufficient to fill the reservoir proposed by protestant in from three to five days.

Such a procedure would amply and automatically take care of protestant's rights, and at the same time allow applicant to obtain an ample supply from flood flows in accordance with their intent expressed in their application.

O R D E R

Application No. 2995, for permit having been regularly filed with the Division of Water Rights, as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights being now fully informed in the matter;

IT IS HEREBY ORDERED, that application No. 2995 be approved and permit issued subject to such of the usual terms and conditions as may be appropriate and with the following special condition:

The applicant shall install a pipe of 2-inch inside diameter thru its diversion dam and maintain such pipe in condition to allow free passage of water thru same. The inlet to said pipe shall be placed at an elevation two feet below the bottom of the intake of applicant's diversion conduit.

Dated at Sacramento, California, this 7th day of Aug., 1924.

ACTING CHIEF OF DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA