

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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IN THE MATTER OF APPLICATIONS NO. 4127 BY THE CITY OF SAN
DIEGO, NO. 4380 BY RAYMOND TRUSSELL, NO. 4929 BY LA MESA LEMON
GROVE AND SPRING VALLEY IRRIGATION DISTRICT AND NOS. 5104
5105-5106 BY ERNEST W. CUFF; ALL TO APPROPRIATE WATER
FROM SANTA YSABEL CREEK IN SAN DIEGO COUNTY

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Decision No. 4380-4929-5104-5105-5106. D 147

Decided March 29, 1927

APPEARANCES AT HEARING HELD MARCH 1, 1927, AT SAN DIEGO

For the City of San Diego:

S. J. Higgins, City Attorney San Diego, Calif.

For Raymond Trussell:

L. N. Turrentine, Attorney Escondido, Calif.

For La Mesa, Lemon Grove & Spring Valley Irrigation District:

Sweet, Stearns & Forward, Attorneys Union Bldg., San Diego, Calif.

For Ernest W. Cuff:

No appearance

For Protestants E. H. & Cora B. Webb, San Dieguito Water Co., Edward R. Harris,
F. Herbert Judson, C. C. Marchus, Everett Peet, Fred E. Judson, Mary J. Wood,
Lester D. Rockwood, Ray Trussell, T. G. Schwert, Richard Henring, Mildred
Nehring, A. B. Judson, et ux., Eugene Boyle, Peter Georgeson, Ervin George-
son, W. G. Jennings, P. Menville, Don Moore, Lucie H. Dyer, San Diego County
Water Co., Del Mar Water, Light & Power Co.

Wright & McKee, Attorneys Southern Title Bldg., San Diego, Calif.

For F. M. and Mary Y. White, successors in interest to C. O. Harbell:

Gray, Cary, Ames & Driscoll, Attorneys Union Bldg., San Diego, Calif.

For W.E., Olive, W.N. and Nellie S. Bradbury:

A.M. Thompson, Attorney Watts Bldg., San Diego, Calif.

For Henry G. Fenton:

Crouch & Sanders

San Diego, Calif.

For Emma S. Doran, et al.:

W. A. Doran

San Marcos, Calif.

For Goodwin M. and Dorothy P. Trent:

Goodwin M. Trent

San Marcos, Calif.

EXAMINER:

Everett N. Bryan, Deputy Chief of
Division of Water Rights for
Edward Hyatt, Jr., Chief of Division

O P I N I O N

All of these applications propose the use of water from the watershed of a stream variously known as Santa Ysabel Creek, San Dieguito River, San Bernardo River and San Pasquale River.

Application 4127 was filed by the City of San Diego on July 31, 1924, and proposes the appropriation of 30 second feet and 60,000 A.F. for municipal purposes. Numerous protests were filed against this application and the applicant has been diligent in negotiating settlement of the protests by agreements, with the result that a number of the protests have been dismissed and there is prospect that the balance will be settled by agreement. The Division of Water Rights will accordingly defer further consideration of this application for the time being in order that the interested parties may pursue further their efforts toward a compromise.

Applications 4380 by Raymond Trussell and 4929 by La Mesa Lemon Grove and Spring Valley Irrigation District were withdrawn at the time of the hearing and may therefore be dismissed.

Applications 5104-5105 and 5106 by Ernest W. Cuff were filed July 17, 1926, and propose the use of a total of 0.58 second foot from certain tributaries near the headwaters for agricultural and domestic purposes at a subdivision owned by applicant. They are protested by San Dieguito Water Co.,

Edward R. Harris, et al. and the City of San Diego, all claiming prior rights to divert at points downstream.

All of the applications heard were completed in accordance with the Water Commission Act and the requirements of the Rules and Regulations of the Division of Water Rights, and being protested were set for a public hearing in the Supervisor's room of the Court House at San Diego at 10:00 o'clock A.M. on Tuesday, March 1, 1927. Of this hearing all applicants and protestants were duly notified and appearances thereat were as noted above.

Uncontroverted evidence submitted at the hearing shows that under its prior application, the City of San Diego proposes to impound the entire unappropriated yield of the source at Sutherland Reservoir some miles downstream from Mr. Cuff's project. The City's statements in this regard are very definite that there will be no water subject to appropriation when its project is consummated and Mr. Cuff has submitted no denial of this statement. Support for the City's contention in this matter is found in the fact that the City has heretofore acquired a thirty year lease on the Lake Hodges system of the San Dieguito Water Co. with an option to buy same, \$500,000 having been paid by the City under this agreement. In addition to this sum, the City has actually disbursed 20% of a total purchase price of \$829,000 for lands and water rights, proposing to acquire practically all of the remaining rights on the stream below Sutherland Reservoir. All of this has been done in order that the City may silence the claims of these prior and adverse rights.

We therefore believe it unnecessary to consider other protests against these applications, the City having made a conclusive and uncontroverted showing that all water in the source will be appropriated under its prior application. The plans of the city are well advanced and there is every prospect of consummation of its project although no action has been taken by this office on any part of the project.

O R D E R

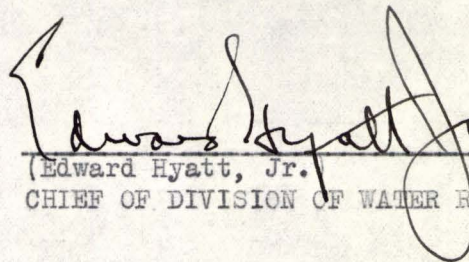
Applications Nos. 4127-4380-4929-5104-5105 and 5106 for permits to appropriate water having been filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held and the Division of Water Rights now being fully informed in the premises:

IT IS HEREBY ORDERED that said applications 4380 and 4929 be cancelled upon the records of the Division of Water Rights in accordance with applicants' requests

IT IS FURTHER ORDERED that said applications 5104, 5105 and 5106 be denied and cancelled upon the records of the Division of Water Rights.

IT IS FURTHER ORDERED that action on said application 4127 be deferred until further order is entered.

Dated at Sacramento this 29th day of March, 1927.



(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS

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