

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

oOo

In the Matter of Applications 5994 and 6864 of Coleman M. Gray  
to Appropriate from Castro Creek, Tributary to San Luis Rey  
River in San Diego County for Irrigation Purposes.

oOo

DECISION A. 5994, 6864 D-309

Decided

*March 14, 1932*

oOo

APPEARANCES AT HEARING HELD FEBRUARY 14, 1929, UPON APPLICATION 5994

For Applicant

Coleman M. Gray

George H. Stone

For Protestants

Jennie P. Magee, as one of the executors of the )  
Last Will and Testament of Victoria P. de Magee, )  
deceased, Jennie P. Magee, individually, Beatrice May, )  
Louis A. Magee, Maria Antonia Johnson, Anna Elliott, )  
Louisa Magee, and Ora T. Magee )

Lewis J. Utt

Hugh Magee and Florence M. S. Magee, individually, )  
and Hugh Magee as one of the executors of the Last )  
Will and Testament of Victoria P. de Magee, deceased )

Miguel Estudillo  
A. M. Thompson

EXAMINER: Harold Conkling, Chief of the Division of Water Rights,  
Department of Public Works, State of California.

oOo

APPEARANCES AT HEARING HELD NOVEMBER 4, 1931, UPON APPLICATIONS 5994 and 6864  
AND RECONVENED ON DECEMBER 15, 1931.

For Applicant

Coleman M. Gray

George H. Stone

For Protestants

Jennie P. Magee as one of the executors of the )  
Last Will and Testament of Victoria P. de Magee, )  
deceased. )  
Jennie P. Magee, individually )  
Beatrice May )  
Louis A. Magee )

Miguel Estudillo

For Protestants (Continued)

Maria Antonia Johnson )

Anna Elliott )

Louisa Magee )

Ora T. Magee )

Hugh Magee as one of the executors of the Last Will )  
and Testament of Victoria P. de Magee, deceased )

Miguel Estudillo

Hugh Magee, individually )

Florence M.S. Magee )

**EXAMINER:** Harold Conkling, Deputy in Charge of Water Rights, Division of  
Water Resources, Department of Public Works, State of California.

oOo

O P I N I O N

GENERAL DISCUSSION

Subsequent to the hearing held in the matter of Applications 5994 and 6864 on December 15, 1931, a stipulation was entered into between the applicant Coleman M. Gray and the protestants Hugh Magee and Jennie Magee, Executor and Executrix of the Estate of Victoria P. de Magee, deceased, Hugh Magee individually, Louisa Magee and the heirs of Victoria P. de Magee, to the effect that the protests might be considered dismissed provided Coleman M. Gray would reduce his application to 435,000 gallons of water per month as measured by meter to be furnished by applicant, the said 435,000 gallons to be equivalent to a continuous flow of 0.90 statutory miners inch (0.0225 cubic foot per second).

It was further stipulated that said water might be diverted from Castro Creek at a point at least 300 feet above the present intake of applicant which point was under date of February 23, 1932, described by applicant as situated 1792.71 feet north and 2107.95 feet east of the south quarter corner of Section 18, T 9 S, R 1 W, S.B.B. & M., being within Lot 6 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 18.

Application 6864 has been amended accordingly both as to amount and location of point of diversion and applicant has consented to the cancellation of Application 5994 upon the approval of Application 6864 for an amount of water not to exceed 0.0225 cubic foot per second.

O R D E R

Applications 5994 and 6864 for permits to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, a public hearing having been held and the Division of Water Resources now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 5994 be rejected and cancelled upon the records of the Division of Water Resources, and

IT IS HEREBY FURTHERED ORDERED that Application 6864 be approved for an amount of water not to exceed 0.0225 cubic foot per second and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works,  
this 14 day of *March*, 1932.

EDWARD HYATT, State Engineer

BY *Harold Conkling*  
Deputy

TES:MP

