

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

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In the Matter of Application 7038 of United States, Cleveland National Forest to appropriate from the Surface Water of Vallecitos Spring No. 2 Tributary to Vallecitos Creek and Salton Sea in San Diego County for Domestic Purposes.

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DECISION A. 7038 D - 321

Decided

*June 13, 1932.*

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APPEARANCES AT HEARING HELD AT SAN DIEGO, MAY 12, 1932.

For Applicant

United States Cleveland National Forest

P. A. Whitacre

For Protestant

Robert C. McCall

M. W. Conkling

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

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O P I N I O N

Application 7038 was filed by United States Cleveland National Forest on August 15, 1931. It proposes an appropriation of 0.066 of a cubic foot per second throughout the entire year from surface water of Vallecitos Spring No. 2 within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 34, T 14 S, R 5 E, S.B.B.&M. for domestic purposes at club buildings and 75 family cabins within the Laguna Recreational Area, Cleveland National Forest, being within Sections 2 and 3, T 15 S, R 5 E, S.B.B.&M. The application was protested by Robert C. McCall.

Filed by C. C.

### PROTEST

Robert C. McCall claims a right to appropriate 2.0 c.f.s. of the waters of Storm Canyon to which Vallecitos Spring No. 2 is tributary by virtue of Application 6360, Permit 3606 and alleges in effect that should Application 7038 be approved he would be forced to abandon his home on account of insufficiency of the water supply.

### HEARING SET IN ACCORDANCE WITH SECTION 1a OF THE WATER COMMISSION ACT

Application 7038 was completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Resources and being protested was set for a public hearing in accordance with Section 1a of the Water Commission Act on May 12, 1932, at 9:30 o'clock A.M. in Main Auditorium, Chamber of Commerce Building, San Diego, California. Of this hearing applicant and protestant were duly notified.

### GENERAL DISCUSSION

At the hearing protestant's attorney stated that he understood that at times there were more than 2.0 second feet flowing in the source from which Mr. McCall diverts and that he had no objection to applicant diverting this excess from the stream provided that protestant's prior rights were not interfered with and to the issuance of a permit subject to prior vested rights.

As any permit issued by this office is issued expressly subject to vested rights the protest may be dismissed.

### CONCLUSION

The use to which applicant proposes to put the water is useful and beneficial and as it appears that at times there is unappropriated

Water available for appropriation by applicant, it is our opinion that Application 7038 should be approved subject to vested rights.

O R D E R

Application 7038 for a permit to appropriate water having been filed with the Division of Water Resources as above stated, a protest 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 7038 be approved 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 of the State of California, this *13th* day of *June*, 1932.

EDWARD HYATT, State Engineer

By *Harold Conkling*  
Deputy

WES:MP

