

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
BEFORE THE STATE ENGINEER AND
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Application 12636 by N. C. Schanke to Appropriate Water
from Santa Maria Creek in San Diego County for Irrigation Purposes.

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Decision A. 12636 D. 676

Decided August 31, 1950

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER
RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON APRIL 19, 1950:

N. C. Schanke	Applicant
Paul Beerman, Acting Hydraulic Engineer) Representing the protestant City of San Diego
W. H. Simpson, Keeper of Dams	
D. M. Bakewell, Secretary-Manager	Representing the protestant Santa Fe Irrigation District
Dean Howell, San Diego County Supervisor) Interested Parties
John Merriam, Engineer and Lee Hunt, Conservationist, Soil Conservation Service	
E. C. Bernhard, Director, Ramona Irrigation District	
F. J. Durgan, President, Ramona Chamber of Commerce	
R. E. Foster, Director, Ramona Conservation District	
Charles D. Morehouse, Director Ramona Soil Conservation District) Associate Hydraulic Engineer Division of Water Resources Department of Public Works Representing the State Engineer.
J. J. Heacock	

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OPINION

General Description of the Project

The project contemplates the appropriation of 20 acre feet per annum to be collected between November 1 and May 1 of each season and utilized for irrigation. The proposed point of diversion is on Santa Maria Creek, within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T 12 S, R 1 E, S.B.B.&M. The impounding dam is described as an earth structure 17 feet high and 310 feet long. The reservoir is to have a surface area of 2 $\frac{1}{4}$ acres and a capacity of 20 acre feet. The conduit is to be a 4 inch steel pipe line 1700 feet long, 160 gallons per minute in stated capacity. The place of use is a 10 acre field of alfalfa, lying within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of the same Section 36. Irrigation is to extend from about May 1 to about November 1. The land to be irrigated reportedly has no other water right or source of water supply.

Protests

The City of San Diego protests that the proposed appropriation will endanger the water supply of that City and the water supply which it is obligated to furnish to the San Dieguito and Santa Fe Irrigation Districts and to the Del Mar Water, Light and Power Company. This protestant states that its diversion heads at Hodges Dam, within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, T 13 S, R 2 W, S.B.B.&M. It claims a right to the use of the water in question by virtue of prior appropriation and beneficial use since March, 1919. It argues that if the applicant is allowed to divert the 20 acre feet per annum applied for, the San Diego water supply will be impaired to that extent. It apprehends that approval of the application may set a precedent that will result in continued diminution of the supply to which the city is entitled.

The Santa Fe Irrigation District protests that any water taken from Santa Maria Creek will deprive that protestant of water which it needs and to which it is entitled. It bases its claim of right to use of the water in question upon contracts with the city of San Diego and upon a pending application to appropriate. It states that its present normal use is about 4300 acre feet annually but that drouth in 1948 forced a reduction to some 3200 acre feet, an amount that is insufficient.

In answer to the protests the applicant contends that his application to appropriate and store is reasonable and justified because of the lack of the City of San Diego of storage facilities adequate to catch or to effectually utilize the total runoff. He asserts that Hodges Dam frequently overflows, allowing large wastages into the ocean. He argues that it is unreasonable for a city to deprive farmers in one area of water which falls in that locality in order to supply it to farmers elsewhere. He asserts that Colorado River water or other imported water is not available to Ramona area farmers, whose only source of supply therefore is local water, whereas imported water is available to the City of San Diego.

Field Investigation

The applicant and the protestants having stipulated to an informal hearing as provided for in Section 733(b) of the California Administrative Code, a field investigation was conducted at the site of the proposed appropriation on April 19, 1950. The applicant and representatives of both protestants were in attendance at that investigation.

Records Relied Upon

Applications 12-2315, 11658 and 12636 and all data and information on file therewith.

Discussion

Spillage from Lake Hodges has occurred, according to Table 23, page 94, of Bulletin 55, Division of Water Resources, in 17 out of the 29 seasons of the period from 1918-19 to 1946-47. That spillage was 2270 acre feet during the 1945-46 season and 147,830 acre feet in the 1926-27 season; it amounted to 788,830 acre feet in the 29 seasons of record, or in average of 27,200 acre feet per season. Inasmuch as spillage from Lake Hodges has represented wastage as far as the protestants are concerned it follows that in 17 of the 29 seasons of record the protestants would not have been injured by the diversions proposed by the applicant.

The City of San Diego besides apparently holding an appropriative right (under Application 12-2315) to store up to the present capacity of Lake Hodges, also holds Application 11658. That application initiates an appropriation of 50 cubic feet per second plus 50,000 acre feet per annum at Sutherland damsite (Section 21, T 12 S, R 2 E), 50,000 acre feet per annum at Pamo damsite (Section 27, T 12 S, R 1 E) and 310,000 acre feet at Super Hodges damsite (Section 18, T 13 S, R 2 W). According to the application construction is to begin 2 years after the application is approved and the water is to be completely utilized within 20 years after the same approval date. Application 11658 is prior to Application 12636 but it is apparent that considerable time may elapse before rights under Application 11658 will be fully asserted. When the project under Application 11658 is sufficiently developed wastage presumably will be eliminated but wastage evidently will continue until that time, although in diminishing amounts.

From the facts above stated it is apparent that surpluses

have frequently occurred and will continue to occur for some years longer and that such surpluses may be taken and used in the manner proposed in Application 12636 without injury to the protestants. Application 12636 therefore should be approved, subject to the usual terms and conditions.

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ORDER

Application 12636 for a permit 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 State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 12636 be approved and that a permit be issued 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 31st day of August , 1950.



A. D. Edmonston
A. D. Edmonston, State Engineer.