

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 14561)
and Application 18156 by Paul D. Bradshaw,)
et al., to appropriate from Brians Creek)
in Riverside County)

Decision No. D 955

ADOPTED MAR 7 '60

Decision Approving Applications

Paul D. Bradshaw, Arthur W. Carey, Ewart W. Goodwin, and Charles F. Sawday having filed Application 14561 and Paul D. Bradshaw, Eldred Northrup, Ewart W. Goodwin, and Charles F. Sawday having filed Application 18156 for permits to appropriate unappropriated water; a protest to both applications having been received from Fallbrook Public Utility District and a protest to Application 14561 having been received from Sidney Triggs and Shirley R. Shippee; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for under Section 737 of the California Administrative Code, Title 23, Waters; and an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, relying upon Applications 14561 and 18156 and all relevant information on file therewith, particularly the report of the field investigation made on September 22, 1959, Division of Water Resources Bulletin 57, Decision D 897 of the State Water Rights Board, and USGS Temecula, Fallbrook, and Bonsall quadrangles, 7½ minute series, finds as follows:

1. Applications 14561 and 18156 are each for a permit to appropriate 35 acre-feet of water per annum from Brians Creek by on-stream storage in two separate previously constructed and used reservoirs, the water to be collected between December 1 and May 1 of each year. The water is to be used for irrigation purposes within a common place of use on 150 acres of land.

2. Brians Creek is tributary to Sandia Creek, which flows into the Santa Margarita River above the Fallbrook Dam site.

3. The property of protestants Sidney Triggs and Shirley R. Shippee is located a few hundred feet below the applicants' lower dam. These protestants pump water from a well adjacent to Brians Creek for irrigation and domestic purposes. Applicants' project tends to contribute to the underground water supply to the advantage of these protestants.

4. Fallbrook Public Utility District holds Permits 8511, 11356, and 11357 (Applications 11587, 12178 and 12179) which authorize storage of a total of 30,000 acre-feet per annum at the proposed Fallbrook Reservoir on Santa Margarita River. It also holds License 4906 for 2.5 cubic feet per second direct diversion at the reservoir site.

5. The estimated 48-year mean seasonal runoff into Fallbrook Reservoir available for storage under present conditions is 20,400 acre-feet per annum.

6. Pending litigation between the Federal Government and Fallbrook over rights to waters of the Santa Margarita River may delay completion of Fallbrook's project for several years.

7. There is unappropriated water available to supply the applicants until such time as Fallbrook Public Utility District makes full use of the water available for storage at its reservoir site.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 14561 and 18156 should be approved and that permits should be issued to the applicants subject to the usual terms and conditions set forth in the following Order.

ORDER

Applications 14561 and 18156 for permits to appropriate unappropriated water having been filed, protests having been received, stipulations to proceedings in lieu of hearing having been submitted, an investigation having been made, and the State Water Rights Board having considered all of the available information and now being fully informed in the premises:

IT IS HEREBY ORDERED that Applications 14561 and 18156 be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and the following terms and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 35 acre-feet per annum by storage under each permit to be collected between December 1 and May 1 of each season.

2. The maximum amount herein stated may be reduced in the licenses if investigation warrants.

3. Complete application of the water to the proposed uses shall be made on or before December 1, 1962.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until licenses are issued.

5. All rights and privileges under these permits, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. The right to use water under these permits is subject to Permits 8511, 11356 and 11357 (Applications 11587, 12178 and 12179) of Fallbrook Public Utility District and may at such time as full beneficial use is made under said permits be reduced in amount or terminated after hearing and further order by the State Water Rights Board.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on this
day of _____, 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member