

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

ADOPTED SEP 26 '62

In the Matter of Application 19833)
of H. G. and Gwen Laurie M. Smits)
to Appropriate from an Unnamed Stream)
Tributary to Santa Ysabel Creek in)
San Diego County)

Decision D 1099

DECISION DENYING APPLICATION

H. G. and Gwen Laurie M. Smits having filed Application 19833 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 19833 is for a permit to appropriate 200 acre-feet per annum (afa) by storage to be collected from October 1 of each year to April 30 of the succeeding year for irrigation purposes from an unnamed stream tributary to Santa Ysabel Creek in San Diego County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, T13S, R1W, SBB&M.

2. The applicants propose the construction of a reservoir on the unnamed stream at a point approximately 4 miles

below the unnamed stream's point of origin. Water is to be pumped from this reservoir to recharge an underground basin from which water will be extracted for the irrigation of 65 acres of land. The unnamed stream flows from the applicants' point of diversion approximately 3.5 miles to join Santa Ysabel Creek at a point below the high water line of Lake Hodges and from that point it continues into the San Dieguito River.

3. On November 9, 1961, there was no flow in the unnamed stream. In normal years it is dry by about April 1, in wet years by about May 1, and in dry years by about March 1.

4. Prior to December 19, 1914, a predecessor of the protestant City of San Diego initiated an appropriation of water by means of a dam subsequently constructed to form Lake Hodges which is located on the San Dieguito River just below the Santa Ysabel Creek-unnamed stream junction. In 1921 a predecessor of protestant was issued Certificate No. 10 pursuant to Application 12-2315 fixing the time for completion of said appropriation, which was completed within the time allowed. Protestant also holds Permit 7942 pursuant to which it has constructed Sutherland Dam and Reservoir on Santa Ysabel Creek to increase its storage facilities on the San Dieguito River system to 63,230 acre-feet. This permit also authorizes construction of an enlarged Hodges project which has not been initiated due to lack of water.

5. Protestant has purchased during the past few years approximately 12,000 afa of supplementary water from the Colorado River in order to meet its needs.

6. The watershed above Lake Hodges has produced enough water to fill the protestant's presently constructed storage facilities in only seven of the past forty-six years of record.

7. As the application is for irrigation purposes, a permit for the limited period within which water surplus to the protestant's needs and present facilities occurs would be of little or no value to the applicants, particularly in view of the fact that the protestant has a valid prior permit authorizing further appropriations from the common source of water.

8. Sufficient unappropriated water does not exist in the source named in Application 19833 to justify the approval of the application.

9. Denial of this application should not be construed as in any way affecting the applicants' right as an overlying owner to extract ground water.

From the foregoing findings, the Board concludes that Application 19833 should be denied.

The records, documents, and other data relied upon in determining the matter are: Application 19833 and all relevant information on file therewith, particularly the report of the field investigation made November 9, 1961, the files of Application 12-2315 and Permit 7942 (Application 11658); U. S. Geological Survey Water Supply Papers, "Surface Water Supply of the United States, Part 11, Pacific Slope Basins in California"; the United States Geological Survey Escondido, Poway Valley, and San Pasqual

quadrangles, 7½-minute series, dated 1948, 1952, and 1954, respectively.

IT IS HEREBY ORDERED that Application 19833 be, and the same is, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member