

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 17239)
of Francis O. Baker to Appropriate)
from an Unnamed Spring in)
San Diego County)

Decision No. D 967

ADOPTED JUN 2 '60

DECISION APPROVING APPLICATION

Francis O. Baker having filed Application 17239 for a permit to appropriate unappropriated water; a protest having been received; the applicant 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 17239 is for a permit to appropriate 500 gallons per day from an unnamed spring tributary to Temecula Creek in San Diego County between January 1 and December 31 of each year for domestic and fire protection purposes within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, T9S, R2E, SBB&M.

2. The flow of water from the named source, fluctuating somewhat from wet season to dry season but remaining fairly constant, derives its supply

from cracks, crevices, and fractures in relatively impervious material. The removal of native vegetation has salvaged the flow of water which otherwise would be totally lost by evapo-transpiration before reaching Temecula Creek.

3. Protestant Fallbrook Public Utility District holds License 4906 to divert from Santa Margarita River and various permits to store water in the proposed Fallbrook Reservoir on the same stream. The protestant's point of diversion and reservoir site are about 40 miles downstream from the applicant's point of diversion so that under natural conditions water from the named source would not reach the protestant.

4. There is unappropriated water available to supply the applicant, and subject to suitable conditions, such water may be diverted and used in in the manner proposed without causing substantial injury to the protestant or to any lawful user of water.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 17239 should be approved and that a permit should be issued to the applicant subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 17239 and all relevant

information on file therewith, particularly the report of the field investigation made on July 21, 1959; United States Geological Survey, Water Supply Paper 1423, "Phreatophytes"; United States Geological Survey quadrangle, Aguanga, California, of the 7 $\frac{1}{2}$ -minute series.

IT IS HEREBY ORDERED that Application 17239 be, and the same is, approved, and that a permit be issued to the applicant subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 500 gallons per day to be diverted between January 1 and December 31 of each year.

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

3. Construction work shall be completed on or before December 1, 1960.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1961.

5. Progress report shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

6. All rights and privileges under this permit, 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.

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

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member