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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN MATEO

11 In the matter of the)
12 Determination of the Rights)
13 to the Various Claimants to)
14 the Waters of)
15 PURISIMA CREEK STREAM SYSTEM)
16 San Mateo County, California)

NO. 278007

MODIFIED AND AMENDED
DECREE

17 The above-entitled cause having come on regularly for
18 hearing, trial, and determination on December 5, 10, and 19, 1984,
19 before this court sitting without a jury; all parties in interest
20 having been duly and regularly notified of said hearing, trial and
21 determination; the State Water Resources Control Board (herein-
22 after referred to as the "Board") having filed with the clerk of
23 this court a certified copy of the Order of Determination and
24 Further Order of Determination Amending and Supplementing the
25 Order of Determination together with the original evidence filed
26 with or taken before the Board and certified by it; exceptions
27 having been filed and considered; a decree having been entered; a
28 motion having been granted to modify said decree; the Court now
affirms said Order of Determination as it is modified by the
Further Order of Determination Amending and Supplementing the
Order of Determination, except to the extent that it is modified
herein, and renders this decree determining the rights of all

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1 parties involved in this proceeding as follows:

2 IT IS ORDERED ADJUDGED AND DECREED that the several rights
3 of all existing claimants in and to the use of water of Purisima
4 Creek Stream System, in San Mateo County, California, are deter-
5 mined and established to be as hereinafter set forth:

6 1. The stipulation dated February 26, 1985, March 14,
7 1985, and March 15, 1985 by and between the S. H. Cowell
8 Foundation, the Regents of the University of California, and J. L.
9 Debendetti, Jr., et al., is accepted and its terms are adopted
10 herein except for the agreement of the University not to water
11 stock direct from Purisima Creek. This agreement is personal to
12 the University and is not binding on the University's successors or
13 assigns. Since it is personal, it should not be made a part of
14 this decree. However, the court understands that this agreement
15 can be enforced among its parties.

16 Definitions

17 2. "Water Code" means the State of California Water Code.

18 3. "Stream System" means the Purisima Creek Stream
19 System. It includes Purisima Creek, Whittemore Gulch, other tribu-
20 taries from their headwaters to the outflow into the Pacific Ocean
21 in San Mateo County, California, and water in subterranean streams
22 which flow in known and definite channels and which contribute to
23 the Purisima Creek Stream System.

24 4. "Claimant" means a party who has filed a proof of
25 claim of water right in and to the use of Purisima Creek Stream
26 System, or who, having filed or refused to file such a proof of
27 claim properly, has had his right determined pursuant to provisions
28 of Water Code Section 2577.

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1 5. "Directly apply to beneficial use" means the direct
2 conveyance and application of water diverted to beneficial use
3 without intermediate storage, except such reasonable regulatory
4 storage as may be practiced for the purpose of creating a con-
5 venient head for irrigation or other beneficial use allowed herein.

6 6. "Natural flow" means such flow as will occur at the
7 point in a stream from the runoff of the watershed which it drains,
8 from springs and seepage which naturally contribute to the stream,
9 and from waste and return flow from dams, conduits, and irrigated
10 lands, as distinguished from water released directly from storage
11 for redirection and use, or water imported from another watershed
12 which is released directly to the natural channel for conveyance to
13 the place of beneficial use.

14 7. "Watershed" means the drainage area which contributes
15 or flows directly to the water supply of a stream or lake.

16 State Water Resources Control Board Map

17 8. State Water Resources Control Board Map, hereinafter
18 referred to as SWRCB map, was prepared by the Board from surveys
19 made in 1978 and 1979 and updated in 1983 and 1984 to reflect the
20 Board's determination as set forth herein. It is entitled
21 "Purisima Creek Stream System, Showing Diversions and Irrigated
22 Lands, San Mateo County, California," dated 1984 and is on file in
23 this proceeding. The SWRCB map comprises one sheet which is
24 incorporated and attached herein.

25 General Entitlement

26 9. The several claimants in this proceeding are entitled
27 to the use of water of Purisima Creek Stream System on their lands
28 described under their respective names in Schedule 1, and shown on

1 the SWRCB map, from points of diversion described in Schedule 2,
2 during the periods of time specified in the paragraph entitled
3 "Seasons of Use" in the amount allotted from the various sources
4 under the priorities and for the uses set forth after their respec-
5 tive names in Schedules 3 and 4. The points of measurement of the
6 amount of water allotted shall be at the points of diversion from
7 the stream system unless otherwise specified. Nothing herein
8 contained shall, or shall be construed to, allocate to any claimant
9 a right to divert from Purisima Creek Stream System, at any time, a
10 quantity of water in excess of an amount reasonably necessary for
11 his beneficial use, nor to permit him to exercise his right in such
12 a manner as to unreasonably impair quality of the natural flow.

13 Priority of Rights

14 10. In Schedule 3 the allotments to various claimants from
15 the Purisima Creek Stream System are set forth under numbered
16 priorities. Within a given priority level all rights are equal in
17 priority and correlative in right with all other rights of the same
18 priority level appearing within the schedule. If sufficient water
19 is unavailable to supply all of the allotments within a priority
20 level, the available supply shall be prorated in accordance with
21 the proportionate amount of water allocated to each allotment. No
22 user of water is entitled to use any water until the allotments to
23 all lower numbered priority levels have been filled. Thus, rights
24 to water in the Second Priority are inferior and subordinate to all
25 rights to water in the First Priority, but are superior in priority
26 and entitled to full satisfaction ahead of the Third Priority.

27 The priorities are set as follows:

28 a. All active inside residential domestic water

1 rights are in First Priority.

2 b. All active riparian rights for outside residential
3 domestic use including water for domestic animals, irrigation and
4 commercial stockwatering are in the Second Priority.

5 c. All pre-1914 appropriative rights for irrigation
6 and commercial stockwatering are in the Third Priority.

7 d. The post-1914 appropriative right of Lindsay
8 Mickles for storage of water for agricultural use is in the Fourth
9 Priority.

10 e. The post-1914 appropriative right of the San Mateo
11 Junior College District for storage of water for irrigation use is
12 in the Fifth Priority.

13 f. Unexercised riparian rights will receive priori-
14 ties in order of the dates of their applications for activation.
15 These priorities shall be subordinate to all pre-existing uses of
16 water. Unexercised riparian rights may be activated and quantified
17 in accordance with Provisions 19 through 21.

18 g. New applications for appropriation of water shall
19 be processed in accordance with Part 2 of Division 2 of the Water
20 Code (commencing with Section 1200).

21 Post-1914 Appropriations

22 11. Pursuant to Water Code Section 2819, the Board shall
23 continue to administer incomplete appropriations initiated by
24 application under the provisions of the Water Commission Act or the
25 Water Code, as in other cases. When the Board issues a license
26 confirming appropriative rights which are presently incomplete, the
27 licensee or the Board may petition the court for a supplemental
28 decree confirming the right in accordance with the license. The

1 following appropriations from Purisima Creek Stream System are
2 presently incomplete.

3 a. Lindsay Mickles is entitled to collect and store
4 25 acre-feet of water at Diversion Points 7, 8, 9, and 10 from
5 December 1 of each year to May 1 of the succeeding year as
6 provided by, and subject to, the conditions of Permit 17312
7 (Application 24619).

8 b. The San Mateo County Junior College District is
9 entitled to collect and store 17 acre-feet of water at Diversion
10 Point 31 on a tributary of Purisima Creek from October 1 of each
11 year to April 30 of the succeeding year for irrigation of 30 acres,
12 as provided by, and subject to, the conditions of Permit 17903
13 (Application 26059).

14 Seasons of Use

15 12. Allotments by direct diversion for irrigation shall be
16 for continuous use from March 1 to October 31 of each year. Allot-
17 ments by direct diversion for domestic and stockwatering purposes
18 shall be for continuous use throughout the year.

19 Domestic and Stockwatering Use

20 13. Domestic use is limited to water applied exclusively
21 for household purposes, watering of domestic animals and irrigation
22 of up to one-half acre of yard, garden and family orchard. Allot-
23 ments for inside of residence domestic use and 200 gallons per day
24 for watering of domestic animals are in the First Priority class of
25 Schedule 3. Domestic irrigation is included in the Second Priority
26 class.

27 14. Stockwatering is limited to water required by commer-
28 cial livestock. All allotments designated for stockwatering in

1 Schedule 3 are for water taken under control for stockwatering
2 purposes. For livestock having access to and drinking directly
3 from Purisima Creek and its tributaries allotments are limited to
4 actual use of the livestock as required. When water is taken under
5 control by pumping from the creek amounts shall be limited as
6 follows:

7	Milch cows	30	gallons per day
8			(gpd) per head
9	Ranch cattle and horses	15	gpd per head
10	Hogs and goats	2.5	gpd per head
11	Sheep	1.5	gpd per head

12 To prevent waste of water diverted from Purisima Creek into
13 watering troughs, surplus water shall be returned to the stream by
14 means of a return conduit. Automatic shut-off devices may be
15 installed on pumps as an alternative procedure. Water allotted for
16 stockwatering shall not be used for any other purpose.

17 Irrigation Use

18 15. Irrigation use is limited to the application of water
19 for the purpose of meeting moisture requirements of growing crops.
20 All allotments for present irrigation are set forth in their
21 priority level in Schedules 3 and 4. Future use of water under
22 unexercised riparian rights shall be initiated as set forth in
23 Paragraphs 19, 20, 21, and 22.

24 Combined Uses

25 16. Claimants diverting water under allotments for irriga-
26 tion use are entitled to use water for domestic and stockwatering
27 purposes incidental to the aforesaid major uses. However they are
28 not entitled to divert in addition thereto their First Priority

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1 allotments for domestic use unless the supply available under the
2 inferior priority class allotment is insufficient to provide such
3 incidental needs. In such event, the First Priority allotment is
4 to be measured at the point of use.

5 Equivalent Flow to Provide Adequate Head

6 17. All quantities of water allotted to the several
7 claimants for direct application to beneficial use in Schedule 3,
8 are expressed in terms of continuous flow. However, such claimants
9 may rotate the use of water and thus apply water to the place of
10 use at a greater rate than indicated by the quantity of continuous
11 flow so allotted. The several claimants may also divert, for
12 limited periods of time, convenient "heads" to achieve the same
13 purpose. Such practice of rotation or use of a convenient "head"
14 shall not result in the use by any such claimant of a total
15 quantity of water during any thirty-day period in excess of the
16 equivalent of claimant's continuous allowance. It is further
17 provided that such practice of rotation or use of convenient
18 "heads" shall not cause an unreasonable interference in the regime
19 and quantity of available natural flow to which others are entitled
20 or which would adversely impact the existing fisheries.

21 Special Provisions

22 18. In Schedule 3 all actual uses of water for domestic
23 purposes including all planned domestic purposes where all
24 necessary discretionary governmental approvals have been granted
25 are allotted First Priority rights in accordance with Water Code
26 Section 106.

27 Unexercised Riparian Rights

28 19. Section 2, Article X of the California Constitution

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1 prohibits unreasonable use, unreasonable method of use or unreason-
2 able method of diversion of water. Future use of water under
3 unexercised riparian rights is unreasonable when supply is inade-
4 quate to satisfy the rights set forth in this decree and any
5 supplemental decree, and use should be allowed only when water is
6 surplus to the decreed rights. Therefore, the rights to divert
7 water to presently dormant riparian land will receive a priority as
8 of the date of application to the Court or the Board.

9 20. a. All claimants and other persons not named in this
10 decree owning land riparian to streams in the Purisima Creek Stream
11 System upon which they do not presently exercise riparian rights to
12 the use of water; or upon which they do not exercise riparian
13 rights to the extent planned for the future and whose unexercised
14 rights are not defined in this decree, shall have their rights
15 defined, and shall exercise said rights only in accordance with the
16 provisions of this paragraph.

17 b. Any person identified in subparagraph (a) above
18 may apply to the court under paragraph 21 or to the Board under
19 paragraph 22 for definition of an unexercised riparian right which
20 is not defined in this decree or in any supplemental decree. If
21 the court finds that water is available and that such person pro-
22 poses diligently, reasonably and beneficially to exercise such
23 right, the court shall define the right in terms consistent with
24 such proposed reasonable beneficial use. Any riparian right
25 defined pursuant to this paragraph shall be the subject of a
26 supplemental decree and shall possess a priority as of the date of
27 application to the court or to the Board, as the case may be.

28 c. Riparian rights defined pursuant to this paragraph

1 shall be subject (1) to all rights which are defined in this
2 decree, including any supplemental decree, as said decree exists on
3 the date of application to the court or to the Board by a riparian
4 claimant; and (2) to any appropriative right initiated by applica-
5 tion in accordance with Part 2 (commencing with Section 1200) of
6 Division 2 of the Water Code, prior to the date of application to
7 the court or to the Board by a riparian claimant.

8 Reserved Jurisdiction

9 21. The court reserves continuing jurisdiction, to review
10 its decree and to change or modify the same as the interests of
11 justice may require. The court, in its discretion, exercises its
12 continuing jurisdiction upon application of any party hereto, or
13 successor in interest thereto, or upon its own motion or the motion
14 of the State Water Resources Control Board.

15 Changes in the Exercise of Rights

16 22. Any party who wishes to change or modify the exercise
17 of his rights set forth in the decree may request the Board to
18 investigate said change or modification. If the Board investigates
19 a change or modification, it shall notify all affected parties of
20 its investigation and give them an opportunity to object to the pro-
21 posed change. If any affected party objects to the proposed change
22 or modification, the Board shall hold a hearing or other proceed-
23 ings in lieu of hearing. After investigating, the Board shall file
24 its report. The report shall state whether the proposed change or
25 modification is in accordance with applicable law and shall make a
26 recommendation regarding change or modification of the decree. The
27 court shall, after reviewing and appraising any changes or modifi-
28 cations of the decree recommended by the Board, enter such changes

1 or modifications as a supplement to its decree. The Board shall be
2 reimbursed for its expenses of such investigation. Proceedings on
3 the apportionment of the expense shall closely conform with the
4 provisions of Article 13, Chapter 3, Part 3, Division 2 of the
5 Water Code, commencing with Section 2850. Nothing in this para-
6 graph shall restrict any right which any person may have under any
7 statute or common law to change or modify the exercise of his
8 rights set forth in this decree.

9 Variable Duty of Water

10 23. At times when the flow of water in Purisima Creek at
11 the Purisima Creek Road upper bridge is between the total flow
12 allocated in Schedule 3 (0.750 cfs) and 3.52 cfs, each claimant
13 listed in Schedule 4 shall have a right to divert water for irriga-
14 tion in the quantities calculated according to the percentages of
15 flow set forth in Schedule 4. When the flow is less than 0.750 cfs
16 but more than 0.334 cfs, the diversions for irrigation in the third
17 priority shall be reduced in accordance with the graph attached to
18 Schedule 4 until the flow drops to 0.334 cfs or less. When the
19 flow is at 0.334 cfs or less, the diversions in the third priority
20 shall cease. At times when the flow exceeds 3.52 cfs, water sur-
21 plus to that allocated in this decree will be present. Such flow
22 may be allocated to holders of presently unexercised riparian
23 rights in accordance with the procedure set forth herein and to
24 persons who receive permits to appropriate the water under pro-
25 visions of the Water Code.

26 Restriction of Change of Point of Diversion

27 24. Claimants, Kings Mountain Mutual Water Company and
28 Sierra Morena Springs Water Company (Etienne, et al.) are

1 restricted to use of water from the springs located at the points
2 of diversion described in Schedule 2 as Points of Diversion 1A, 1B
3 and 2. The above-named claimants shall not divert water from the
4 channels of Purisima Creek or its tributary streams.

5 Effects of the Decree

6 25. Each and every claimant, his or her agents, succes-
7 sors, grantees and assigns, are hereby perpetually enjoined and
8 restrained from doing anything in violation of the terms or pro-
9 visions of this judgment and decree, and from diverting any water
10 from said Purisima Creek Stream System as defined herein at any
11 time in excess of a quantity reasonably necessary for, and actually
12 applied to, reasonable beneficial use, under and by reasonable
13 methods of diversion and use, and from doing anything, directly or
14 indirectly, that will obstruct or interfere with any right of
15 another adjudged and decreed herein.

16 26. This decree is conclusive and determines all existing
17 rights in the Purisima Creek Stream System as defined herein.

18 27. This judgment supersedes and modifies all inconsistent
19 former judgments and decrees as to the rights to the flow of the
20 Purisima Creek Stream System. However, this judgment does not
21 supersede rotation or ditch agreements consistent herewith.

22 28. Permits and licenses initiated by application under
23 provisions of the Water Commission Act or the Water Code shall
24 continue to be administered by the Board as in other cases. If the
25 Board revokes any permit or license or approves changes in a permit
26 or license and court review of such action is sought, the court
27 shall in its discretion upon motion of any party to the Board's
28 proceeding, enter a supplemental decree confirming the Board's

1 action.

2 29. Any claimant who has failed to appear and submit proof
3 of his claim as provided in Chapter 3, Part 3 of Division 2 of the
4 Water Code, shall be barred and estopped from subsequently assert-
5 ing any rights heretofore acquired upon the Purisima Creek Stream
6 System as defined herein, and has forfeited all rights to water
7 heretofore claimed by him on said stream system, other than as
8 provided in this decree, unless entitled to relief under the laws
9 of this state.

10 30. The parties to this adjudication shall by May 1, 1985,
11 appoint a watermaster to distribute water in accordance with this
12 decree. This court retains continuing jurisdiction to approve any
13 watermaster appointed under this provision, to appoint a water-
14 master if the parties do not do so by May 1, 1985, or to appoint a
15 replacement watermaster if the parties do not do so within 30 days
16 after an appointed watermaster ceases to perform duties under this
17 decree. Any party to the adjudication or the State Water Resources
18 Control Board may petition the court to approve or appoint a water-
19 master under this provision, or the court may take steps to do so
20 on its own motion. All fees, costs and expenses of the watermaster
21 shall be borne proportionately by the parties in the same ratio
22 that their individual water rights bear to the total water rights
23 herein allocated.

24 31. All persons diverting water from Purisima Creek shall
25 install and maintain meters in their conveyance lines conveniently
26 located so as to be accessible for reading by the watermaster.
27 Meters in irrigation lines shall be calibrated to show instanta-
28 neous flow in gallons per minute and all meters shall show

1 cumulative amounts in gallons, cubic feet or acre-feet. Access to
2 the electric meters and to the place of use of water shall also be
3 provided to the watermaster. All meters shall be properly
4 installed by May 1, 1985, and operative throughout each
5 watermastering season. Diversions for stockwatering conforming to
6 the provisions of Paragraph 14 are exempt from the meter
7 requirements.

8 Water Rights Disputes in Watermaster Service Area

9 32. When a watermaster service area is created in accord-
10 ance with this decree, the watermaster shall distribute the water
11 in accordance with this decree. If a water rights dispute arises
12 between users, the watermaster shall regulate those diversions as
13 set forth in this decree and as necessary to settle the dispute.
14 Any party who alleges that the watermaster is not regulating his
15 water right in accordance with this decree may apply to the Board
16 to investigate said allegations. The Board shall notify all
17 affected parties of its investigation and give them an opportunity
18 to respond to the allegations. If any affected party requests a
19 hearing or other proceedings in lieu of hearing, the Board shall
20 duly notice and schedule a hearing or other proceedings in lieu of
21 hearing. Following its investigation the Board shall file a report
22 with the court. The report shall explain whether the watermaster
23 has regulated the water right in accordance with this decree and
24 shall set forth the Board's recommendation to the court for any
25 change, modification, or clarification of this decree. Any change,
26 modification or clarification of this decree recommended by the
27 Board shall be entered, subject to Court review and approval, as a
28 supplemental decree. The Board shall be reimbursed for its

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1 expenses in connection with this paragraph.

2 Statements of Diversion and Use

3 33. All persons diverting water under water rights other
4 than appropriative water rights initiated after December 19, 1914,
5 are required to file statements of Diversion and Use in accordance
6 with Part 5.1 of Division 2 of the Water Code commencing with
7 Section 5100; provided, however, that if a watermaster is appointed
8 to administer this decree, the watermaster shall file such state-
9 ments with the State Water Resources Control Board annually, and
10 shall include the identity of persons who have diverted water, the
11 general place of use, and the quantity of water diverted at each
12 diversion point.

13 Riparian Owners

14 34. The following claimants, and others not presently
15 identified, own lands which have unexercised riparian rights.
16 Since their rights on these lands are unexercised they are not
17 allotted water in this decree for use on these lands. If the court
18 authorizes their use of water from the creek in a supplemental
19 decree pursuant to Paragraph 19 they will receive a priority sub-
20 ordinate to all pre-existing uses.

- 21 Wayne and Kathryn Oler
- 22 Clyde E. Beffa, et al.
- 23 Maria Whelan
- 24 S. H. Cowell Foundation
- 25 J. L. Debenedetti, et al.
- 26 William Holz
- 27 William E. and Judith C. Johnson
- 28 Karen P. Shrier

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- 1 Donald M. Layne
- 2 Lindsay Mickles
- 3 R. E. and Barbara A. Saleme
- 4 Univesity of California Regents
- 5 Richard J. and Ruth K. Elkus
- 6 William T. Wilkins
- 7 Kings Mountain Mututal Water Company

8 Some of these claimants also have land upon which they
9 presently exercise riparian or appropriative rights. The points of
10 diversion and places of use for the exercised rights are set forth
11 in Schedules 1 and 2 and are allotted water pursuant to Schedules 3
12 and 4 and Paragraph 11 herein.

13 Procedures for activation of use of water by the above
14 parties, and by others who are presently unidentified, or for
15 expansion of use by other riparians, under unexercised riparian
16 rights are set forth in Paragraphs 20, 21 and 22.

17 35. If and when Michael and Charlene Avila obtain from the
18 State Water Resources Control Board a permit to appropriate water
19 by direct diversion from Purisima Creek for inside domestic use and
20 for outside domestic use, for use on their parcel within the NW1/4
21 of the NW1/4 of Section 10, T6S, R5W, MDB&M, their appropriation
22 shall have the following priorities under this decree: (1) 500
23 gallons per day for inside domestic use shall be in the first
24 priority; (2) 500 gallons per day for outside domestic use shall be

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1 in the third priority; (3) any water appropriated by the Avilas for
2 this parcel in excess of 1000 gallons per day shall receive a
3 priority in accordance with the provisions of Paragraph 10(g).

4 Dated: OCT -8 1985

HARLAN K. VEAL

Judge of the Superior Court

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SCHEDULE 1

DESCRIPTION OF PLACES OF USE
OF WATER FROM PURISIMA CREEK STREAM SYSTEM

Name	Use ^{1/}	Acres	Subdivision	Section	Township:Range			
					MDB&M			
Avila, Michael & Charlene	Dom		NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
Beffa, Clyde E., et al	Dom Irr	5	SW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
		6	SE ¹ / ₄ of NE ¹ / ₄	10	6S	5W		
		20	NE ¹ / ₄ of SE ¹ / ₄	10	6S	5W		
		1	NW ¹ / ₄ of SE ¹ / ₄	10	6S	5W		
		6	SE ¹ / ₄ of SE ¹ / ₄	10	6S	5W		
		11	SW ¹ / ₄ of SE ¹ / ₄	10	6S	5W		
		2	NE ¹ / ₄ of NW ¹ / ₄	15	6S	5W		
		13	NW ¹ / ₄ of NE ¹ / ₄	15	6S	5W		
		64	TOTAL					
Beffa, Clyde E. Jr. & Kathleen K.	Irr	2	SW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
		1	NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
		3	TOTAL					
Cowell, S. H. Foundation	Dom Irr	24	SE ¹ / ₄ of SE ¹ / ₄	8	6S	5W		
		36	SW ¹ / ₄ of SE ¹ / ₄	8	6S	5W		
		10	SE ¹ / ₄ of SW ¹ / ₄	8	6S	5W		
		5	SW ¹ / ₄ of NW ¹ / ₄	16	6S	5W		
		11	NW ¹ / ₄ of SW ¹ / ₄	16	6S	5W		
		2	SW ¹ / ₄ of SW ¹ / ₄	16	6S	5W		
		20	NE ¹ / ₄ of SE ¹ / ₄	17	6S	5W		
		19	SW ¹ / ₄ of NE ¹ / ₄	17	6S	5W		
		2	NW ¹ / ₄ of SE ¹ / ₄	17	6S	5W		
		32	SE ¹ / ₄ of NE ¹ / ₄	17	6S	5W		
		23	NE ¹ / ₄ of NE ¹ / ₄	17	6S	6W		
		39	NW ¹ / ₄ of NE ¹ / ₄	17	6S	5W		
		4	NE ¹ / ₄ of NW ¹ / ₄	17	6S	5W		
		13	SE ¹ / ₄ of SE ¹ / ₄	17	6S	5W		
				240	TOTAL			
				9	SW ¹ / ₄ of SW ¹ / ₄	16	6S	5W
				1	NW ¹ / ₄ of SW ¹ / ₄	16	6S	5W
				8	SE ¹ / ₄ of SE ¹ / ₄	17	6S	5W
		18	TOTAL					
	Stk		SW ¹ / ₄ of SW ¹ / ₄	22	6S	5W		

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^{1/} Dom - Domestic, Irr - Irrigation, Stk - Stockwatering

SCHEDULE 1 (Continued)

Name	Use ^{1/}	Acres	Subdivision	Section	Township:Range		
					MDB&M		
Debenedetti, J. I., et al.	Dom	3	NE ¹ / ₄ of NE ¹ / ₄	20*	6S	5W	
	Irr	20	NW ¹ / ₄ of NW ¹ / ₄	21*	6S	5W	
		4	SW ¹ / ₄ of NW ¹ / ₄	21*	6S	5W	
		16	NE ¹ / ₄ of NW ¹ / ₄	21*	6S	5W	
		20	SE ¹ / ₄ of NW ¹ / ₄	21*	6S	5W	
		2	NE ¹ / ₄ of NE ¹ / ₄	21*	6S	5W	
		12	NW ¹ / ₄ of NE ¹ / ₄	21*	6S	5W	
		22	SW ¹ / ₄ of NE ¹ / ₄	21*	6S	5W	
		<u>99</u>	TOTAL				
			6	SE ¹ / ₄ of SE ¹ / ₄	16*	6S	5W
			11	SW ¹ / ₄ of SW ¹ / ₄	15*	6S	5W
			12	NW ¹ / ₄ of SW ¹ / ₄	15*	6S	5W
			2	NE ¹ / ₄ of NE ¹ / ₄	20*	6S	5W
			6	NW ¹ / ₄ of NW ¹ / ₄	21*	6S	5W
			18	SW ¹ / ₄ of SW ¹ / ₄	21*	6S	5W
			30	NE ¹ / ₄ of SW ¹ / ₄	21*	6S	5W
			5	SE ¹ / ₄ of SW ¹ / ₄	21*	6S	5W
			19	NW ¹ / ₄ of SW ¹ / ₄	21*	6S	5W
			24	SW ¹ / ₄ of NW ¹ / ₄	21*	6S	5W
		15	SE ¹ / ₄ of NW ¹ / ₄	21*	6S	5W	
		5	SW ¹ / ₄ of NE ¹ / ₄	21*	6S	5W	
		1	SE ¹ / ₄ of NE ¹ / ₄	21*	6S	5W	
		2	NE ¹ / ₄ OF NE ¹ / ₄	21*	6S	5W	
		6	NW ¹ / ₄ of SE ¹ / ₄	21*	6S	5W	
		<u>162</u>	TOTAL				
Etienne, John R. & Carolyn & Sierra Morena Springs Water Company	Dom		NE ¹ / ₄	6	6S	4W	
			NW ¹ / ₄	5	6S	4W	
			SE ¹ / ₄	31	5S	4W	
Fahy, Ronald D. & Carol	Dom		NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W	
	Irr	1/2	NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W	
Glynn, Christina	Irr	5	SW ¹ / ₄ of NW ¹ / ₄	11	6S	5W	
		1	NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W	
		<u>6</u>	TOTAL				
Holz, William	Dom						
	Irr	1	N ¹ / ₂ of NW ¹ / ₄	11	6S	5W	
Johnson, William E. & Judith C.	Dom		NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W	
			NE ¹ / ₄ of NE ¹ / ₄	10	6S	5W	

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*Projected Section

SCHEDULE 1 (Continued)

Name	Use ^{1/}	Acres	Subdivision	Section	Township:Range	
					MDB&M	
Kings Mountain Mutual Water Company	Dom		S $\frac{1}{2}$	8	6S	4W
Karen P. Shrier	Dom		W $\frac{1}{2}$ of NW $\frac{1}{4}$	11	6S	5W
			E $\frac{1}{2}$ of NE $\frac{1}{4}$	10	6S	5W
Layne, Donald M.	Dom	3	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	15	6S	5W
	Irr	13	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	15	6S	5W
	Stk	2	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	15	6S	5W
		<u>18</u>	TOTAL			
Mickles, Lindsay	Dom	2	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	6S	5W
	Stk	9	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	6S	5W
	Irr	<u>11</u>	TOTAL			
Middleton, Ronald	Dom		NE $\frac{1}{4}$ of NW $\frac{1}{4}$	15	6S	5W
Minaidis, John Jr., & Tom and June	Dom		N $\frac{1}{2}$ of SE $\frac{1}{4}$	2	6S	5W
Moran, Margaret A.	Dom		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	6S	5W
			NE $\frac{1}{4}$ of NW $\frac{1}{4}$	21	6S	5W
Oler, Wayne & Kathryn	Dom	2 $\frac{1}{2}$	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	6S	5W
	Irr					
Peter, Robert & Margaret	Dom	2	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	11	6S	5W
	Irr		SE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	6S	5W
San Mateo Community College District	Irr	11	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	16	6S	5W
		10	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	6S	5W
		5	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	16	6S	5W
		4	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	5S	5W
		<u>30</u>	TOTAL			
Saleme, R. E. & Barbara A.	Dom		SE $\frac{1}{4}$ of SE $\frac{1}{4}$	2	6S	5W
			SW $\frac{1}{4}$ of SE $\frac{1}{4}$	2	6S	5W
			SE $\frac{1}{4}$ of SW $\frac{1}{4}$	2	6S	5W
			NE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	6S	5W
University of California Regents	Dom		S $\frac{1}{2}$ of NE $\frac{1}{4}$	15	6S	5W
	Stk		N $\frac{1}{2}$ of SE $\frac{1}{4}$	15	6S	5W
			SE $\frac{1}{4}$ of NW $\frac{1}{4}$	15	6S	5W
Whelan, Maria	Dom		E $\frac{1}{2}$ of SE $\frac{1}{4}$	2	6S	5W

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SCHEDULE 2
LOCATION OF POINTS OF DIVERSION

Name of Diversion System	Diversion No. on SWRCB Map	Location of point of diversion			
		Legal sub-division in which diversion occurs MDB&M	Reference corner for distance and bearing MDB&M	Bearing from reference corner	Distance from reference corner in feet
Kings Mountain Mutual Water Co. Pump #1	1A	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 8 T6S R4W	NW Corner Sec 8	S37°E	4900'
Kings Mountain Mutual Water Co. Pump #2	1B	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 8 T6S R4W	NW Corner Sec 8	S38°E	3550'
Etienne & Sierra Moreno Springs Water Co. pump	2	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 5, T6S R4W	NW Corner Sec. 5	S12°E	1300'
Whelan (Proposed)	3	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 2, T6S R5W			
Minaidis Pump	4	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 2, T6S R5W	SE Corner Sec. 2	N59°W	1500'
Saleme (Proposed)	5	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 2, T6S R5W			
Mickles	6	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Proj Sec. 11, T6S R5W	N $\frac{1}{4}$ Corner Sec. 11	S33°W	900'
Mickles Reservoir #1	7	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Proj. Sec. 11 T6S, R5W	N $\frac{1}{4}$ Corner Sec. 11	S40°E	1300'
Mickles Reservoir #2	8	SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Proj. Sec. 11 T6S, R5W	N $\frac{1}{4}$ Corner Sec. 11	S30°E	1750'
Mickles Reservoir #3	9	SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Proj. Sec. 11 T6S, R5W	N $\frac{1}{4}$ Corner Sec. 11	S19°E	2650'
Mickles Reservoir #4	10	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Proj. Sec. 11 T6S, R5W	N $\frac{1}{4}$ Corner Sec 11	S12°W	2900'

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SCHEDULE 2 (Continued)
LOCATION OF POINTS OF DIVERSION

Name of Diversion System	Diversion No. on SWRCB Map	Location of point of diversion			
		Legal sub-division in which diversion occurs MDB&M	Reference corner for distance and bearing MDB&M	Bearing from reference corner	Distance from reference corner in feet
Holz Domestic Pump	11	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, T6S R5W	NW Corner Sec. 11	S52°E	1900'
Holz Irrigation Pump	12	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, T6S R5W	NW Corner Sec. 11	S52°E	1900'
Fahy Pump	13	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, T6S R5W	NW Corner Sec. 11	S42°E	1650'
Avila Pump	14	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, T6S R5W	NW Corner Sec. 11	S38°E	1650'
Beffa Pump #1	15	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, T6S R5W	NW Corner Sec. 11	S2°E	2100'
Johnson Pump	16	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, T6S R5W	NE Corner Sec. 10	S9°W	2450'
Shrier Pump	17	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, T6S R5W	NE Corner Sec. 10	S9°W	2450'
Peter Pump	18	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, T6S R5W	NE Corner Sec. 10	S9°W	2450'
Oler Pump	19	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, T6S R5W	NE Corner Sec. 10	S9°W	2450'
Beffa Pump #2	20	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 10, T6S R5W	SE Corner Sec. 10	N23 $\frac{1}{2}$ °W	2000'
Beffa Pump #3	21	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 10 T6S R5W	SE Corner Sec. 10	N60°W	1720'

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SCHEDULE 2 (Continued)
LOCATION OF POINTS OF DIVERSION

Name of Diversion System	Diversion No. on SWRCB Map	Location of point of diversion			
		Legal sub-division in which diversion occurs MDB&M	Reference corner for distance and bearing MDB&M	Bearing from reference corner	Distance from reference corner in feet
Beffa Pump #4	22	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 15, T6S, R5W	NE Corner Sec. 15	S72°W	2125'
Middleton Pump	23	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 15, T6S R5W	NE Corner Sec. 15	S69°W	2450'
Univ. of Calif. Regents Pump	24	SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 15, T6S R5W	N $\frac{1}{4}$ Corner Sec. 15	S1°E	1440'
Layne Domestic Pump	25	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 15, T6S R5W	N $\frac{1}{4}$ Corner Sec. 15	S5°W	1600'
Layne Irrigation & Stockwatering Pump	26	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 15, T6S R5W	N $\frac{1}{4}$ Corner Sec. 15	S5°W	1600'
S. H. Cowell Domestic and Stockwatering Pump	27	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 21, T6S R5W	N $\frac{1}{4}$ Corner Sec. 21	S34°E	1050'
Moran Domestic Pump	28	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 21, T6S R5W	N $\frac{1}{4}$ Corner Sec. 21	S34°E	1050'
Debenedetti, et al. Irrigation Pump	29	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 21, T6S R5W	N $\frac{1}{4}$ Corner Sec. 21	S29°E	1100'
Debenedetti, et al. Domestic Pump	30	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 21, T6S R5W	N $\frac{1}{4}$ Corner Sec. 21	S29°E	1100'
San Mateo Comm. College District	31	SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16, T6S R5W	SW Corner Sec. 16	N80°E	1650'
S. H. Cowell Foundation Pump	32	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 20, T6S R5W	NE Corner Sec. 20	S70°W	300'

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SCHEDULE 3

ALLOTMENTS TO VARIOUS CLAIMANTS
FROM PURISIMA CREEK STREAM SYSTEM

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in 1000*		
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity
Kings Mountain Mutual Water Co.	1A & 1B	Dom		8.3		
Etienne, John R & Sierra Morena Spring Water Co.	2	Dom		9.0		
Whelan, Maria	3	Dom		0.5	0.5	
Minaidis, John Jr. & Minaidis, Tom and June	4	Dom		0.635**		
Saleme, R. E. & Barbara A.	5	Dom		0.5	0.5	
Mickles, Lindsay	6	Dom Stk Irr	11	2.5	0.5 1.2 9.0	
Holz, William	11 12	Dom Irr Stk	1	0.5	0.5 0.8 0.015	

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*One thousand gallons per day = 0.707 gallons per minute = 0.00155 cfs
**License 9456, Application 18508

SCHEDULE 3

ALLOTMENTS TO VARIOUS CLAIMANTS
FROM PURISIMA CREEK STREAM SYSTEM

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in 1000 Gallons Per Day		
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity
Fahy, Ronald & Carol	13	Dom Irr	0.5	0.5 0.4		
Avila, Michael & Charlene	14	Dom		0.5		0.5*
Beffa, Clyde E. S. et al.	15,20 21,22	Dom Irr	64	1.0	1.0 52.1	
Beffa, Clyde E. Jr.	15	Irr	3	—	2.4	
Glynn, Christina	15	Irr	6	--	4.9	
Johnson, William E. & Judith C.	16	Dom		0.5	0.5	
Shrier, Karen P.	17	Dom		0.5	0.5	
Peter, Robert & Margaret	18	Dom Irr	2	0.5	0.5 1.6	
Oler, Wayne & Kathryn	19	Dom & Stk Irr	2.5	0.5	0.5 2.0	
Middleton, Ronald	23	Dom		0.5	0.5	
Regents, Univ. of California	24	Dom Stk		2.4	1.0 0.750	
Layne, Donald M.	25,26	Dom Stk Irr	18	1.0	0.5 1.5 14.7	

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*Subject to obtaining a permit to appropriate water. These allotments are not included in the totals of first and third priorities.

SCHEDULE 3

ALLOTMENTS TO VARIOUS CLAIMANTS
FROM PURISIMA CREEK STREAM SYSTEM

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in 1000 Gallons Per Day		
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity
S. H. Cowell Foundation	27	Dom Stk		0.5	0.5 1.5	
Moran, Margaret A.	28			0.5	0.5	
Debenedetti, J. L. Jr., et al.	29	Irr Irr	99 162		80.6	107.9
Debenedetti, J. L. Jr., et al.	30	Dom		1.5	1.5	
S. H. Cowell Foundation	32	Dom Irr Irr	18 242	1.5	1.5 14.7	161.2
Total			<u>629.0</u>	<u>33.3</u> (0.052) (cfs)	<u>199.7</u> (0.309) (cfs)	<u>269.1</u> (0.416) (cfs)

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*15,500 gallons per day (0.025) cfs are allotted from diversion downstream from the upper Purisima Creek Road bridge.

SCHEDULE 4

RIGHTS OF CLAIMANTS WHEN TOTAL FLOW EXCEEDS 0.750 CFS

<u>Name of Claimant</u>	<u>Second* Priority</u>	<u>Third* Priority</u>	<u>Total*</u>	<u>Percent of Flow**</u>
Whelan	0.5	-	0.5	0.107
Salene	0.5	-	0.5	0.107
Mickles	10.7	-	10.7	2.282
Holz	1.3	-	1.3	0.277
Fahy	0.9	-	0.9	0.192
Beffa, Clyde E. Sr.	53.1	-	53.1	11.327
Beffa, Clyde E. Jr.	2.4	-	2.4	0.512
Glynn	4.9	-	4.9	1.045
Johnson	0.5	-	0.5	0.107
Shrier	0.5	-	0.5	0.107
Peter	2.1	-	2.1	0.448
Oler	2.5	-	2.5	0.533
Middleton	0.5	-	0.5	0.107
Regents, Univ of California	1.8	-	1.8	0.384
Layne	16.7	-	16.7	3.562
Cowell (Lower)	2.0	-	2.0	0.426
Moran	0.5	-	0.5	0.107
Debenedetti	82.1	107.9	190.0	40.529
Cowell (Upper)	<u>16.2</u>	<u>161.2</u>	<u>177.4</u>	<u>37.841</u>
TOTAL	199.7 (0.309 cfs)	269.1 (0.416 cfs)	468.8*** (0.725 cfs)	100.000

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*Allotments from Schedule 3 in 1,000 gallons per day. One cubic foot per second equals 646,317 gallons per day.

**Percentage of total flow in excess of 16,000 gpd (0.025 cfs) allotted to each claimant when flow equals or exceeds 484,800 gpd (0.750 cfs) at Purisima Creek Road upper bridge. (See Paragraph 23)

***Eleven-year average minimum flow of Purisima Creek minus 16,000 gpd First Priority allotments.

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ALLOTMENTS OF MAJOR DIVERTERS AT FLOWS
 BELOW 484,800 GALLONS PER DAY

