

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

oOo

In the Matter of Application 11870 of Ralph E. Dixon to Appropriate Unappropriated Water from Jack Creek, Tributary to Escondido Creek in San Diego County for Domestic and Irrigation Purposes.

oOo

Decision A. 11870 D. 597

Decided February 17, 1949

oOo

IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION, ON AUGUST 11, 1948.

✓ Ralph E. Dixon
✓ Charles W. Bozarth, Sr.
J. J. Heacock

Applicant
Protestant
Associate Hydraulic Engineer,
Division of Water Resources,
Department of Public Works,
For the State Engineer

OPINION

General Description of the Project

The application was filed with the Division of Water Resources by Ralph E. Dixon on May 9, 1947. It contemplates a diversion of 1500 acre-feet per annum to be collected between January 1 and December 31 of each season, from Jack Creek, tributary to Escondido Creek, in San Diego County, for domestic purposes and irrigation. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T 12 S, R 2 W, SBB & M. The storage dam is to be an earth fill, 70 feet high from streambed to overflow level and 190 feet in top length. The reservoir which is to be known as the Dixon Reservoir will flood lands in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of the section above named; it will have a surface area of 51.7 acres and a capacity of 1487 acre-feet. Water is to be conveyed from the reservoir

by means of a welded steel pipe line 8 inches in diameter and 1200 feet long. The place of use is to be a tract lying within the SE $\frac{1}{4}$ of Section 1 of T 12 S, R 2 W and the SW $\frac{1}{4}$ of Section 6 of T 12 S, R 1 W, SBB & M, where a total of 70.7 acres, chiefly in orchard, are to be irrigated and 4 residence sites supplied for domestic purposes, including garden and stock watering. The irrigation season is said to extend from about May 1 to about December 15. The land to be irrigated is reported to have another source of supply, i.e., a supply pumped from wells, estimated at 30 acre-feet per annum.

Protest

Charles W. Bozarth, Sr. apprehends decrease of yield from his well which is situated 1400 feet downstream from the applicant's proposed dam site. He states that this well is 350 feet distant from Jack Creek, implies that it is fed in part from that stream, claims riparian ownership, asserts that he has irrigated 37 of his 47 acres and intends to plant the remainder during 1948. He desires a guarantee that the proposed dam will not decrease the output of his well or unreasonably increase his pumping head. He states that his protest may be disregarded and dismissed if the applicant can assure him that his well will not suffer or that the applicant will supply him with an amount equal to any decrease in yield. He states that water was first used on his place in 1922 at a rate of 350 gallons per minute for the irrigation of 20 acres of alfalfa, by pumping, day and night, for 2 weeks out of each month; that 17 additional acres were gradually planted to citrus trees and that 8 more acres are about to be planted to avocados. He describes his diversion point as being located at the SE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T 12 S, R 2 W, SBB & M.

In answer to the protest the applicant represents that the dam proposed in the application will benefit the protestant by controlling extreme high flows

and stabilizing the perennial flow. He states that he cannot guarantee the water level in protestant's well because of the numerous factors other than the proposed dam, affecting the water plane.

Field Investigation

The applicant and the protestant 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 August 11, 1948 by an engineer of the Division. Both the applicant and the protestant were present during the investigation.

Records Relied Upon

Application 11870 and all data and information on file therewith.

Discussion

There are no measurements of runoff from Jack Creek. Records on comparable streams in the area suggest that the runoff from the watershed tributary to the proposed storage dam is extremely variable. The applicant's engineer estimates that runoff entering the reservoir will average 100 acre-feet per square mile of tributary watershed (about 320 acre-feet in all) per annum, that runoff varies from zero to several hundred per cent of average, and that a sufficient, firm supply may be developed by means of a reservoir of 1500 acre-feet capacity, which will however require carrying over some stored water, on occasion, for as much as six years.

From the evidence adduced it appears improbable that Jack Creek contributes materially to the ground water supply tapped by the protestant's well. According to the report of the investigating engineer the reach of Jack Creek from the proposed dam site to the junction of that stream with Escondido Creek is rather precipitous and shows little evidence of underflow. The protestant's well, according to the protest, lies between Jack Creek and Escondido Creek, being 350 feet from the former and 300 feet from the latter. Relative locations, topography and

relative size of the two watersheds point to the probability that the protestant's well is fed chiefly from Escondido Creek drainage rather than from Jack Creek. From the investigation it appears that the presence of a volume of water impounded by an earth dam 1400 feet upstream from the well in question may be expected to improve the ground water situation rather than impair it. The protestant acknowledges that the project as proposed would probably benefit him but fears that the proposed reservoir may be sold to a third party, with resultant exportation of Jack Creek water from its natural course. Such fear is not considered to be a basis for valid objection to the approval of Application 11870 as that application definitely specifies both point of diversion and place of use and no permit based thereon could authorize exportation for use elsewhere. For the reasons mentioned and in the absence of evidence that the proposed diversion will otherwise injure the protestant, the protest appears insufficiently supported and is consequently dismissed.

In view of the dismissal of the protest and because it does not appear that other downstream rights will be adversely affected by the proposed appropriation no bar is seen to the approval of Application 11870 which should therefore be approved and permit issued, subject to the usual terms and conditions.

oOo

ORDER

Application 11870 for a permit to appropriate water having been filed, a field investigation having been made, a stipulated hearing having been held in accordance with Article 13, Section 733(b) of the Administrative Code and the State Engineer now being fully informed in the premises:

IT IS HEREBY ORDERED that Application 11870 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 17th day of February, 1949.


Edward Hyatt, State Engineer

