

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

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In the Matter of Application 12177 by Martin Grammer to Appropriate Water from an Unnamed Stream Tributary to San Luis Rey Drainage in San Diego County for Domestic Purposes and Irrigation.

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Decision A. 12177 D. 623

Decided October 13, 1949.

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IN ATTENDANCE AT INVESTIGATION CONDUCTED BY THE DIVISION OF WATER RESOURCES AT THE SITE OF THE PROPOSED APPROPRIATION ON MAY 10, 1949:

Martin Grammer	Applicant
J. B. Dixon	Manager, Escondido Mutual Water Company, Protestant
George Cromwell	Consulting Engineer, Vista Irrigation District, Protestant
J. J. Heacock	Associate Hydraulic Engineer, Division of Water Resources, Department of Public Works, Representing the State Engineer

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OPINION

General Description of the Project

Application 12177, filed November 28, 1947 by Martin Grammer contemplated originally a diversion of 27 gallons per minute. The source designated in the application is an unnamed stream tributary to San Luis Rey River drainage and the point of diversion thereon is to be located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T 10 S, R 2 E, SEB&M.

Water is to be diverted throughout the year and used for domestic purposes and irrigation on Lots 1, 2 and 3 of Section 24 of the same township. The project is to serve 12 persons, 20 head of live stock and 1 acre of garden and orchard. Diversion is to be effected by an earth dam 6 feet high and 18 feet long, the water flowing by gravity to the place of use through 1,200 lineal feet of 2 inch steel pipe line. Irrigation is to extend from May to November, both inclusive.

Protests

The Escondido Mutual Water Company protested that the proposed appropriation will diminish the supply appropriated by that Company more than 50 years ago and used beneficially ever since, its diversion heading in Section 33 of T 10 S, R 1 E, SBB&M.

The Carlsbad Mutual Water Company protested that the proposed appropriation will deplete the surface and subsurface flow reaching that company's point of diversion and riparian lands, and that it may reduce the flow of San Luis Rey River to a stage insufficient to prevent the intrusion of salt water into Mission Basin. It states that its point of diversion is located within Section 18 of T 11 S, R 4 W, SBB&M and that it holds both riparian and appropriative rights.

The Vista Irrigation District states that it diverts water at a point within Section 10 of T 11 S, R 2 E, SBB&M, that it owns Henshaw Reservoir which since its completion in 1922 has impounded all water tributary thereto without spillage, and that by prior appropriation and continued beneficial use it has perfected a right to all such water.

No answer to any of the above outlined protests was submitted by the applicant.

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 May 10, 1949 by an engineer of the Division. The applicant was present during that investigation as were representatives of Escondido Mutual Water Company and Vista Irrigation District. Carlsbad Mutual Water Company was not represented at the investigation.

Records Relied Upon

Application 12177 and all data and information on file therewith.

Discussion

The applicant's proposed point of diversion lies some 6 miles up stream from Henshaw Dam, along the course followed by San Luis Rey River drainage, and the intake of Carlsbad Mutual Water Company is more than 35 miles down stream from the same dam. That Henshaw Dam impounds all runoff reaching it from points up stream, as claimed by the Vista Irrigation District in its protest, and has not spilled since its installation many years ago, is substantially supported by information before this office from other sources. Henshaw Dam as a practical matter has come to be regarded as the effective head of the lower San Luis Rey River. From these circumstances it follows that the diversion proposed by Applicant Grammer will not injure Carlsbad

Mutual Water Company, whose protest is therefore dismissed as insufficient.

During the investigation it developed that the objections of Escondido Mutual Water Company and Vista Irrigation District sprang from apprehension that storage of winter runoff was involved. Such storage in their estimation would have more effect upon Henshaw Reservoir, upon which they are dependent, than would direct diversion during the summer months. Also, at the investigation it was the consensus of opinion that the firm supply susceptible of being developed at the proposed point of diversion would not exceed 1 miner's inch.

Subsequent to the investigation the Vista Irrigation District by letter dated May 23, 1949 agreed to withdraw its protest on condition that the applicant reduces the amount applied for to 1 miner's inch and reduces his diversions for storage to a maximum of 100,000 gallons for any one season. Likewise the Escondido Mutual Water Company by letter dated July 18, 1949 agreed to the withdrawal of its protest provided that direct diversion be limited to a maximum flow of 11 gallons per minute and that storage be limited to the equivalent of that flow for a period of 7 days. By letter dated July 20, 1949 Applicant Grammer agreed to reduce the amount of water applied for to 1 miner's inch and to limit his storage of water at any one time to 100,000 gallons. The parties evidently having reached substantial agreement, Application 12177 has been amended by deleting from paragraph 2(a) the expression "27 gal. per minute" and substituting therefor the expression "1 miner's inch," and the protests by Escondido Mutual Water Company and Vista Irrigation District are regarded as having been withdrawn, subject to the inclusion, in such permit as

may be issued, of a clause limiting regulatory storage under the application to 100,000 gallons at any one time.

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ORDER

Application 12177 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 12177 be approved and that a permit be issued to the applicant, subject to such of the usual terms and conditions as may be appropriate and subject also to the following special term or condition, to wit:

Amounts if any which may be stored for the purpose of regulation in connection with diversions made under this permit shall not exceed one hundred thousand (100,000) gallons at any one time.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 13th day of October, 1949.


Edward Hyatt, State Engineer

