

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 18313 )  
of Poso Park Water and Improvement )  
Association to Appropriate from an )  
unnamed spring tributary to Poso )  
Creek in Tulare County )

Decision No. D 959

ADOPTED MAR 22 '60

Decision Denying Application

Poso Park Water and Development Association having filed Application 18313 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Section 737 of the California Administrative Code, Title 23, Waters; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board relying upon Application 18313 and all relevant information on file therewith, particularly the report of field investigation dated November 23, 1959, United States Geological Survey, "California Hot Springs" and "Glennville" quadrangles, 15-minute series, edition of 1956, and the Judgment and Decree, Action No. 14827, Tulare County Superior Court, entitled Vincent v. Berry et al., dated March 14, 1927, finds as follows:

1. Application 18313 is for a permit to appropriate 7,000 gallons per day, year round, from an unnamed spring

tributary to Poso Creek in Tulare County, to be used for domestic purposes within Poso Park Subdivision.

2. Beneficial use is presently being made of all the available flow of Poso Creek after June 15 of each year and until commencement of the rainy season, by the exercise of rights adjudicated by the Superior Court of Tulare County on March 14, 1927, in Vincent v. Berry.

3. There is no unappropriated water in Poso Creek after about June 15 of each year until the commencement of the rainy season. The applicant is presently obtaining water from other sources in sufficient quantity to meet its requirements during the remainder of the year.

4. The applicant represents the owners of real property in Poso Park Subdivision, or their successors, who were parties to Vincent v. Berry and whose rights to the use of water of Poso Creek and its tributaries were fully adjudicated by the decree in said action and who were permanently enjoined from diverting or appropriating any water except in accordance with said decree.

From the foregoing findings, the Board concludes that Application 18313 should be denied.

IT IS HEREBY ORDERED that Application 18313 be, and the same is, hereby denied.

