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STANLEY MOSK, Attorney General  
of the State of California  
F. G. GIRARD, Deputy Attorney General  
Library and Courts Building  
Sacramento 14, California  
Hickory 5-4711, Ext. 5448

FILED MAY 7, 1963  
ENTERED MAY 7, 1963

Attorneys for State of California

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff  
  
vs.  
  
FALLBROOK PUBLIC UTILITY  
DISTRICT, et al.,  
  
Defendants.

No. 1247-BD-C

INTERLOCUTORY JUDGMENT  
NO. 24A PERTAINING TO  
LAKE O'NEILL STIPULATION

From the records in this case, it appears as follows:

1. That the United States of America and the Fallbrook Public Utility District on April 13, 1961, entered into a stipulation respecting the appropriative rights to the use of waters of the Santa Margarita River for Lake O'Neill.
2. That on said date of April 13, 1961, this Court approved said stipulation.
3. That on April 13, 1961, Interlocutory Judgment No. 24 was entered by this Court, which judgment concerns the appropriative rights to the use of the waters of the Santa Margarita River for Lake O'Neill.
4. That the provisions of paragraphs 1, 2 and 3 of said Interlocutory Judgment No. 24 are identical to sub-paragraphs 1 and 2 of paragraph I and paragraph II of said stipulation.
5. That said Interlocutory Judgment No. 24 and the provisions of said stipulation are not consistent, but in fact equivalent.

It appearing to this Court that it would be desirable to incorporate into Interlocutory Judgment No. 24 the stipulation referred to herein, and to

1 have said stipulation made a part of said Interlocutory Judgment No. 24.

2 Now therefore, insofar as the United States of American and Fallbrook  
3 Public Utility District are concerned, IT IS HEREBY ORDERED, ADJUDGED AND  
4 DECREED that the stipulation between the United States of America and the  
5 Fallbrook Public Utility District, filed April 13, 1961, be and the same  
6 hereby is incorporated into and made a part of Interlocutory Judgment No.  
7 24; that said stipulation provides as follows:

8 "FILED 4/13/61

9 "IN THE UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 SOUTHERN DIVISION

12 "UNITED STATES OF AMERICA, )  
13 Plaintiff, )  
14 vs. )  
15 FALLBROOK PUBLIC UTILITY )  
16 DISTRICT, et al., )  
17 Defendants. )

No. 1247-BD-C

SIPULATION RESPECTING THE  
APPROPRIATIVE RIGHTS TO THE USE  
OF WATERS OF THE SANTA MARGARITA  
RIVER FOR LAKE O'NEILL

18 "It is hereby stipulated and agreed by and between the United States  
19 of America and the Fallbrook Public Utility District that:

20 I

21 "1. The United States of America is the owner of, and title resides in  
22 it, to a non-statutory appropriative storage right to the use of  
23 water in the Santa Margarita River with a priority date of 1883,  
24 during the period from April 1st through October 31st of each irri-  
25 gation season, to divert Santa Margarita River water through the  
26 headwords of the Lake O'Neill ditch, at the rate not to exceed twenty  
27 (20) cubic feet per second and annually to store that water in Lake  
28 O'Neill in a quantity not to exceed eleven hundred (1100) acre feet  
29 per year; provided, however, that if the dead storage in Lake O'Neill  
30 is less than one hundred (100) acre feet, the United States of America  
31 may divert a quantity of Santa Margarita River water sufficient to  
32 bring the dead storage up to one hundred (100) acre feet or a maximum

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appropriative right of twelve hundred (1200) acre feet annually.

"2. The United States of America in the exercise of its storage right for Lake O'Neill, in so far as possible, shall attempt to fill Lake O'Neill from the winter and spring runoff during the period from the first (1st) of November through the thirty-first (31st) of March of each irrigation season;

provided, however, that if Lake O'Neill is not filled on April 1st of any irrigation season, the United States of America shall have the right to continue to divert Santa Margarita River water until Lake O'Neill is filled; provided further, that the United States of America shall have the right to divert Santa Margarita River water throughout the irrigation season in quantities sufficient to offset seepage and evaporation losses for the purpose of keeping Lake O'Neill filled to capacity.

"3. The above described appropriative right to the use of water in the Santa Margarita River for Lake O'Neill, title to which resides in the United States of America, is prior to any appropriative right to the use of water claimed by the Fallbrook Public Utility District, in the Santa Margarita River.

II

"This stipulation does not in any way relate to the riparian rights to the use of water, or any other rights to the use of water, in the Santa Margarita River, if any, title to which may be ultimately decreed in the United States of America.

"UNITED STATES OF AMERICA

William H. Veeder P  
WILLIAM H. VEEDER  
Attorney for United States  
of America

FALLBROOK PUBLIC UTILITY  
DISTRICT

" Franz R. Sachse  
FRANZ R. SACHSE  
Attorney for Fallbrook Public  
Utility District

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4 "APPROVED:

5  
6 Allen C. Bowen  
ALLEN C. BOWEN

7 Lt. Col. USMCR  
8 Officer in Charge  
9 Office of Ground Water Resources

10 "Approved 4/13/61

11 James M. Carter

12 U. S. District Judge"

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that those defendants  
14 in this cause not a party to said stipulation and their rights to the use of  
15 the waters of the Santa Margarita River and its tributaries are not affected  
16 by said stipulation, or by its incorporation into Interlocutory Judgment No.  
17 24, and said stipulation is not applicable to said defendants.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of  
19 American and the Fallbrook Public Utility District, as to each other, have  
20 such rights, duties, privileges, and immunities as follow from the specific  
21 provisions of Interlocutory Judgment No. 24, and the stipulation by this  
22 Interlocutory Judgment No. 24A incorporated into and made a part thereof.

23 DATED: May 7, 1963.

24 (Signed) JAMES M. CARTER  
25 Judge of the District Court  
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1 STANLEY MOSK, Attorney General  
2 of the State of California  
3 F. G. GIRARD, Deputy Attorney General  
4 Library and Courts Building  
5 Sacramento 14, California  
6 Hickory 5-4711, Ext. 5448  
7 Attorneys for State of California

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 1247-SD-C

Plaintiff

vs.

FALLBROOK PUBLIC UTILITY  
DISTRICT, et al.,

INTERLOCUTORY JUDGMENT  
NO. 24A PERTAINING TO  
LAKE O'NEILL STIPULATION

Defendants.

From the records in this case, it appears as follows:

1. That the United States of America and the Fallbrook Public Utility District on April 13, 1961, entered into a stipulation respecting the appropriate rights to the use of waters of the Santa Margarita River for Lake O'Neill.
2. That on said date of April 13, 1961, this Court approved said stipulation.
3. That on April 13, 1961, Interlocutory Judgment No. 24 was entered by this Court, which judgment concerns the appropriate rights to the use of the waters of the Santa Margarita River for Lake O'Neill.
4. That the provisions of paragraphs 1, 2 and 3 of said Interlocutory Judgment No. 24 are identical to sub-paragraphs 1 and 2 of paragraph I and paragraph II of said stipulation.
5. That said Interlocutory Judgment No. 24 and the provisions of said stipulation are not consistent, but in fact equivalent.

It appearing to this Court that it would be desirable to incorporate into Interlocutory Judgment No. 24 the stipulation referred to herein, and to

1 have said stipulation made a part of said Interlocutory Judgment No. 24.

2 Now therefore, insofar as the United States of American and Fallbrook  
3 Public Utility District are concerned, IT IS HEREBY ORDERED, ADJUDGED AND  
4 DECREED that the stipulation between the United States of America and the  
5 Fallbrook Public Utility District, filed April 13, 1961, be and the same  
6 hereby is incorporated into and made a part of Interlocutory Judgment No.  
7 24; that said stipulation provides as follows:

8 "FILED 4/13/61

9 "IN THE UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11 SOUTHERN DIVISION

12 "UNITED STATES OF AMERICA, )  
13 Plaintiff, )  
14 vs. )  
15 FALLBROOK PUBLIC UTILITY )  
16 DISTRICT, et al., )  
17 Defendants. )

No. 1247-SD-C

SIPULATION RESPECTING THE  
APPROPRIATIVE RIGHTS TO THE USE  
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RIVER FOR LAKE O'NEILL

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" Frans R. Sachse  
FRANZ R. SACHSE  
Attorney for Fallbrook Public  
Utility District

"APPROVED:

Allen C. Bowen  
ALLEN C. BOWEN

Lt. Col. USMC  
Officer in Charge  
Office of Ground Water Resources

"Approved 4/13/61

James M. Carter

U. S. District Judge"

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that those defendants in this cause not a party to said stipulation and their rights to the use of the waters of the Santa Margarita River and its tributaries are not affected by said stipulation, or by its incorporation into Interlocutory Judgment No. 24, and said stipulation is not applicable to said defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of American and the Fallbrook Public Utility District, as to each other, have such rights, duties, privileges, and immunities as follow from the specific provisions of Interlocutory Judgment No. 24, and the stipulation by this Interlocutory Judgment No. 24A incorporated into and made a part thereof.

DATED: May 7, 1963.

(Signed) JAMES M. CARTER  
Judge of the District Court