

PURISIMA CREEK ADJUDICATION

**Further Order of Determination
Amending and Supplementing
the Order of Determination**

In the Matter of the Determination of the Rights
of the Various Claimants to the Water of
Purisima Creek Stream System in
San Mateo County
California

1984



BEFORE THE STATE WATER RESOURCES CONTROL BOARD
OF THE STATE OF CALIFORNIA

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OF THE STATE OF CALIFORNIA

In the Matter of the Determination of)
the Rights of the Various Claimants)
to Waters of)

PURISIMA CREEK STREAM SYSTEM)

in San Mateo County, California.)

WR Order 84-9

FURTHER ORDER OF
DETERMINATION,
AMENDING AND
SUPPLEMENTING THE
ORDER OF DETERMINATION

The State Water Resources Control Board (hereinafter referred to as Board) having taken, at the direction of the Superior Court of California, County of San Mateo, further evidence in the above-entitled proceeding regarding the exceptions to the Order of Determination in a hearing held on March 16, 1984; the Board having considered stipulations among the claimants and all evidence in the record; the Board finds as follows:

1. On April 21, 1983, the State Water Resources Control Board (hereinafter referred to as Board) adopted its Order of Determination in this matter. In accordance with Water Code §2750 et seq., the Board filed the Order of Determination and the supporting documents with the clerk of the Superior Court, San Mateo County and received from the Court an order setting a time for hearing on the Order of Determination.

2. Exceptions to the Order of Determination were made on behalf of S. H. Cowell Foundation; Wayne and Kathryn Oler; J. L. Debenedetti, Jr., et al.; Michael and Charlene Avila; and the Regents of the University of California. These exceptions were discussed at a Readiness Conference before the Court on November 29, 1983. As a result of that discussion, the Court determined that further evidence should be taken to establish the validity of the exceptions. Consequently, the Court ordered that the proceeding be returned to the Board to take further evidence, consider any stipulations among the claimants, and make a further determination. The issues to be considered by the Board were limited to the issues raised in the exceptions. The Board held a prehearing conference and an evidentiary hearing on the exceptions. As a result of the prehearing conference and subsequent discussions, some of the exceptions were resolved. The Board's findings on each exception are set forth below.

3. Exception of Michael and Charlene Avila.

The Avilas excepted to the Order of Determination because it does not recognize a riparian right for their parcel, and consequently allocates them no water from Purisima Creek. They sought to obtain water by establishing that their parcel is riparian to Purisima Creek. After settlement discussions held during the prehearing conference, the other participants at the conference stipulated as follows: that "Michael and Charlene Avila may apply to the Board for rights to appropriate 500 gallons per day (GPD) for inside domestic use and 500 GPD for outside domestic use; the undersigned claimants will not protest

this application; and the Board may provide in a supplemental or revised Order that if and when the Avilas obtain such appropriative rights, their rights may be placed in first and third priorities, respectively." This stipulation was signed by attorneys for the Avilas; Wayne and Kathryn Oler; the Regents of the University of California; J. L. Debenedetti, Jr., et al.; and Cowell Foundation.

The Board sent copies of the stipulation to all of the parties to the adjudication in advance of the hearing, to give parties who did not sign the stipulation an opportunity to object to the proposal at the hearing. No party objected to this proposal at or before the hearing. Consequently, we should include a provision in our Further Order enabling the Avilas to use 500 gallons of water per day in the first priority and 500 gallons of water per day in the third priority, if they obtain a permit to appropriate 1000 gallons or more per day.

4. Exception of Debenedetti to the allotment to Clyde L. Beffa, Sr.

Debenedetti excepted to the allocation to Beffa of water in the second priority to irrigate 64 acres, arguing that the acreage should be reduced. After the prehearing conference and negotiations with Beffa, Debenedetti filed a pleading with the Board withdrawing this exception.

5. Exception of Debenedetti to the allotment to the Cowell Foundation.

Water was allocated to the Cowell Foundation in the second and third priorities for irrigation of a total of 258 acres. Debenedetti excepted to this allocation, arguing that only 144 acres of Cowell's land should be irrigated under existing pre-1914 appropriative rights or under active riparian rights. After the prehearing conference and further negotiations, Debenedetti and Cowell Foundation reached an agreement pursuant to which Debenedetti filed a pleading with the Board withdrawing this exception and Cowell Foundation agreed not to oppose placement in the third priority of 31 acres of inactive riparian land held by Debenedetti. This 31 acres inadvertently had been placed in the second priority in the Order of Determination. However, the Olers pointed out in their exception that it, like their land, had not been irrigated for many years but was being treated as an actively irrigated parcel, while theirs was treated as inactive. As discussed infra regarding the Oler parcel, the Debenedetti land was inadvertently included in the allocation for second priority water in the Order of Determination. It is riparian land for which riparian water rights had been inactive for about 40 years at the time of the Board's hearing in 1980 which resulted in the Order of Determination. As such, it should have been treated in the Order of Determination like other parcels with unexercised riparian rights. Cowell's subsequent agreement, concurred in by the other exceptors and not objected to by any claimants, is the basis for removing this parcel from the ranks of parcels with unexercised riparian rights and putting it in the third

priority. Absent this special agreement among the claimants, the Board would have placed it in inactive status in the Further Order which follows these findings.

6. Exception of Cowell that water meters should be required.

S. H. Cowell Foundation (Cowell) excepted to the Order of Determination, arguing that water meters should be required at each diversion point in the Purisima Creek Stream System. In support of its argument, Cowell cited Water Code §4103. Water Code §4103 requires water measuring devices on conduits in watermaster service areas administered by the Department of Water Resources under Water Code §§4000-4407, when such devices are required by the Department of Water Resources. The Order of Determination does not require that the watermaster for Purisima Creek be provided by the Department of Water Resources. Consequently, Water Code §4103 would not have any direct application to the Purisima Creek Stream System unless the claimants to water on Purisima Creek Stream system engaged the Department of Water Resources to do their watermastering.

The representatives of Avilas, the Regents of the University of California, Debenedetti, and Cowell signed a stipulation after the prehearing conference which includes a provision that water meters should be required. However, Olers' representative refused to agree to this point and crossed it off the copy of the stipulation he signed. A copy of the stipulation, before it was signed, was sent to all claimants of water who had not appeared at the prehearing conference, to

afford them an opportunity to object to its provisions at the hearing. No claimant, including Olers, testified against the inclusion in the Order of Determination of a provision requiring water meters. However, the representative of the Regents of the University of California presented evidence that a controlled quantity of water could be supplied to watering troughs with automatic shut-off devices or return conduits without the need for a water meter. The amount used would depend on the number of livestock using the troughs, and could be estimated accurately. Since the livestock also drink directly from the creek without measurement, metering stockwater would not accurately determine the amount used for this purpose. The representative of the Regents asked that an exception be made to the water meter requirement for these troughs.

Cowell presented evidence during the hearing on March 16, 1984, which supports the need for water meters for all other diversions from Purisima Creek Stream System. This evidence shows, among other things, that water meters are more accurate and more easily read than the alternative way to measure water diverted, which is to rate the electric meters on the water pumps used by the diverters. Since the water in Purisima Creek is very limited in quantity, and users in the lower part of the Creek depend upon upstream users taking no more than their allotment, it is important to use the most accurate means to measure diversions. Consequently, we will include a provision in the Order of Determination requiring

water meters except for diversions to stockwatering troughs which conform to the provisions of Paragraph 13 of the Order of Determination.

7. Exception of Regents of the University of California.

The Regents excepted to the Order of Determination arguing that they should be allocated an additional 500 gallons per day in the second priority. In their brief presented at the hearing on March 16, 1984, the Regents argued that this 500 gallons per day should be attributed to outside domestic use on one-half acre surrounding the first of two residences. The first residence has been unoccupied at various times and was removed and replaced recently. No evidence has been presented that there has ever been a lawn or garden around the first residence.

However, at least one stockwatering trough usually has been located adjacent to the first residence. Additionally, the evidence shows that livestock have been kept on the property continuously for many years, to the maximum of the parcel's carrying capacity, and have been watered from Purisima Creek. Because of continuous use of water for livestock, we find that the Regents have an active riparian right to use water sufficient to maintain livestock at the ranch's carrying capacity. The right to this use of water is in the second priority.

8. Exception of Wayne and Kathryn Oler.

In their exception, the Olers requested that they be allotted water sufficient to irrigate ten acres of land in the second priority. The Oler parcel, which was owned by Beavers at the time of the 1980 hearing, is approximately 17 acres. The Olers contracted to purchase the land on September 19, 1982, and completed their purchase on December 15, 1982.

a. Arguments made in support of the exception.

In their exception, the Olers argued that they had been led to believe that the parcel has riparian rights and that further steps to protect the water rights were unnecessary. As we stated in the findings accompanying the Order of Determination, the parcel (designated therein as the Beavers' parcel) is riparian. Consequently, the Olers were not misled in this regard.

However, as also stated in the findings accompanying the Order of Determination, Purisima Creek cannot supply all of the present diversions with sufficient water to satisfy usual allocations of water. Consequently, we took steps in the Order of Determination to control further new diversions of water from Purisima Creek. (See finding number 2.a., accompanying the Order of Determination.) Thus, as authorized in In Re Waters of Long Valley Stream System, 25 Cal.3d 339, 158 Cal.Rptr. 350 (1979), and in order to ensure that the waters of the Purisima Creek Stream System are put to beneficial use to the fullest extent of which they are capable and to prevent the waste or unreasonable use or unreasonable method of use of water, as required by California Constitution, Article X, Section 2, we

decided that all unexercised riparian rights should be placed in priorities after all water rights being exercised at the time of the 1980 hearing. These rights would then be activated and given scope, nature and priority when they were activated. This procedure is intended to avoid, to the extent possible, making such small allocations of water that no user of water would receive a useful supply. The allocations made to users of water who were active at the time of the 1980 hearing are already particularly small. (The 1980 hearing was chosen as the cutoff date because that is the last date for which the Board has current evidence of water use for all water users of Purisima Creek Stream System. See Finding 5, accompanying Order of Determination.) If all of the inactive riparian users were allocated water, nobody would have enough water during the dry period of the year.

Since the Oler parcel is a riparian parcel for which there was no substantial evidence presented of active use of water within the previous 17 years, we placed it among the inactive riparian parcels.

Placement of a parcel in inactive status does not extinguish the riparian rights associated with the parcel. In Re Waters of Long Valley Stream System, supra, at 25 Cal.3d 359-360; 158 Cal.Rptr. 361-362 makes this point clearly.

Consequently, Olers' argument that this handling extinguishes their riparian right is inapposite. Their argument is more reasonably focused on whether their parcel should be designated inactive. The Long Valley decision does not say how

long water reasonably can be unused before the Board must designate the use as inactive for purposes of adjudicating a stream system. In the case of the Oler parcel, the evidence at the 1980 hearing established only that 4.74 acres ever had been irrigated. The evidence shows that this 4.74 acres was last irrigated by the Beffas in about 1963. Thus, 17 years passed between the last irrigation of this acreage and the 1980 hearing, when it was still unirrigated. This period is substantial. Further, Beavers, who owned the parcel at the time of the 1980 hearing, gave no evidence that he planned to resume irrigating the 4.74 acres. Under these facts, it would be inequitable to place the 4.74 acres in active status while placing other dormant lands in inactive status. Fifteen claimants had property placed in inactive status in the Order of Determination. All unirrigated lands should be treated alike unless they have been unirrigated for such a short time that it is clear that the lack of irrigation is due to drought, crop rotation, or other temporary conditions.

Olers point out that a 31-acre riparian parcel held by Debenedetti was classified as active in the Order of Determination, when in fact in 1980 it had been unirrigated for approximately 40 years, after a dam washed out. That parcel, described as 2 acres in the NE1/4 of NE1/4, Section 21, T6S, R5W, MDB&M; 12 acres in the NW1/4 of SW1/4, Section 15, T6S, R5W, MDB&M; 6 acres in the SE1/4 of SE1/4, Section 16, T6S, R5W; 11 acres in the SW1/4 of SW1/4, Section 15, T6S, R5W, should have been placed in inactive status. If no stipulation had been

reached among the several exceptors, without objection from other parties, allowing this parcel to be placed in the third priority, we would herein place it in inactive status with its priority to be determined at a later time.

The Olers point out that they have expended considerable sums in the expectation that they have active water rights in a high priority. However, the evidence shows that the great bulk of their expenditures were made after they received a copy of the Order of Determination. Consequently, these expenditures are not a good basis for treating the Olers differently from other riparians whose use of water was inactive at the time of the 1980 hearing.

b. New evidence of an active riparian right.

During the hearing on March 16, 1984, evidence was received that approximately 2.5 acres of Olers' parcel was already planted with trees when Oler acquired the parcel. Circumstantial evidence was received that these trees were irrigated by the Beavers after they were planted. Olers have irrigated either these trees or substituted trees since they acquired the parcel. Additionally, the 1980 transcript contains testimony by Mr. Beavers that his wife had been irrigating young trees on the parcel, although he did not testify to the amount of acreage covered with trees. Based on evidence from the two hearings, we find that Olers have active riparian rights in the second priority to irrigate 2.5 acres of trees. Consequently, we have included an allotment for irrigation of the 2.5 acres in the Further Order of Determination.

IT IS HEREBY ORDERED that the following changes by made in the Order of Determination adopted April 21, 1983:

1. A new Paragraph 34 is added to read as follows:

34. The court should include the following paragraph in the decree:

"If and when Michael and Charlene Avila obtain from the State Water Resources Control Board a permit to appropriate water by direct diversion from Purisima Creek for inside domestic use and for outside domestic use, for use on their parcel within the NW1/4 of the NW1/4 of Section 10, T65, R5W, MDB&M, their appropriation shall have the following priorities under this decree: (1) 500 gallons per day for inside domestic use shall be in the first priority; (2) 500 gallons per day for outside domestic use shall be in the third priority; (3) any water appropriated by the Avilas for this parcel in excess of 1000 gallons per day shall receive a priority in accordance with the provisions of Paragraph 9(g)."

2. A new Paragraph 30 is added to read as follows:

30. The court should include the following paragraph in the decree:

"All persons diverting water from Purisima Creek shall install and maintain meters in their conveyance lines conveniently located so as to be accessible for reading by the watermaster. Meters in irrigation lines shall be calibrated to show instantaneous flow in gallons per minute and all meters shall show cumulative amounts in gallons, cubic feet or acre-feet. Access to electric meters and to the place of use of water shall also be provided to the watermaster. All meters shall be properly installed and operative throughout each watermastering season. Diversions for stockwatering conforming to the provisions of Paragraph 13 are exempt from the meter requirements."

3. Paragraph 19(b) is amended to read:

"(b) Any person identified in subparagraph (a) above may apply to the court under Paragraph 20 or to the board under Paragraph 21 for definition of an unexercised riparian right which

is not defined in this decree or in any supplemental decree. If the court finds that water is available and that such person proposes diligently, reasonably and beneficially to exercise such right, the court shall define the right in terms consistent with such proposed reasonable beneficial use. Any riparian right defined pursuant to this paragraph shall be the subject of a supplemental decree and shall possess a priority as of the date of application to the court or to the Board, as the case may be."

4. Existing Paragraph 30 is renumbered as Paragraph 31.

5. Existing Paragraph 31 is renumbered as Paragraph 32.

6. (a) Existing Paragraph 32 is renumbered as paragraph 33.

(b) Therein, the names Wayne and Kathryn Oler are substituted for Lloyd R. and Lila L. Beavers and the name Maria Whelan is substituted for Robert Williamsen, Jr.; the name Michael J. Kinsch is deleted.

(c) The last sentence of renumbered Paragraph 33 is amended to read:

"Procedures for activation of use of water by the above parties, and by others who are presently unidentified, or for expansion of use by other riparians, under unexercised riparian rights are set forth in Paragraphs 19, 20, and 21."

7. Schedules 1, 2, 3, and 4 are amended and attached.

8. The graph attached to Schedule 4 is amended and attached.

9. The State Water Resources Control Board map is amended and attached.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a fully, true and correct copy of the order of determination duly and regularly adopted at a meeting of the State Water Resources Control Board held July 19, 1984.

Aye:

Carole A. Onorato
Warren D. Noteware
Kenneth W. Willis

No:

Absent:

Abstain:

Darlene E. Ruiz

for Walter J. Pettit
Michael A. Campos
Executive Director

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	Dam		NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
Beffa, Clyde E., et al	Dam							
		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	
			<u>64</u>	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		
		<u>3</u>	TOTAL					
Cowell, S. H. Foundation	Dam							
	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		
		<u>240</u>	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
	<u>18</u>	TOTAL						
	Stk		SW ¹ / ₄ of SW ¹ / ₄	22	6S	5W		

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

SCHEDULE 1 (Continued)

Name	Use ^{1/}	Acres	Subdivision	Section	Township:Range			
					MDB&M			
Debenedetti, J. I., et al.	Dam	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	Dam		NE ¹ / ₄	6	6S	4W		
			NW ¹ / ₄	5	6S	4W		
			SE ¹ / ₄	31	5S	4W		
Fahy, Ronald D. & Carol	Dam		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	Dam							
	Irr	1	N ¹ / ₂ of NW ¹ / ₄	11	6S	5W		
Johnson, William E. & Judith C.	Dam		NW ¹ / ₄ of NW ¹ / ₄	11	6S	5W		
			NE ¹ / ₄ of NE ¹ / ₄	10	6S	5W		

*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					
	Irr	2 $\frac{1}{2}$	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	6S	5W
Peter, Robert & Margaret	Dom		SW $\frac{1}{4}$ of NW $\frac{1}{4}$	11	6S	5W
	Irr	2	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
			N $\frac{1}{2}$ of SE $\frac{1}{4}$	15	6S	5W
Whelan, Maria	Dom		E $\frac{1}{2}$ of SE $\frac{1}{4}$	2	6S	5W

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'

SCHEDULE 2 (Continued)
LOCATION OF POINTS OF DIVERSION

Name of Diversion System	Diversion No. on SWRCB Map	Legal sub-division in which diversion occurs MDB&M	Location of point of diversion		
			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'

SCHEDULE 2 (Continued)
LOCATION OF POINTS OF DIVERSION

Name of Diversion System	Diversion No. on SWRCB Map	Legal sub-division in which diversion occurs MDB&M	Location of point of diversion		
			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'

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 Pri- ority	SECOND Pri- ority	THIRD Pri- ority
Kings Mountain Mutual Water Co.	1A& 1B	Dam		8.3		
Etienne, John R & Sierra Morena Spring Water Co.	2	Dam		9.0		
Whelan, Maria	3	Dam		0.5	0.5	
Minaidis, John Jr. & Minaidis, Tom and June	4	Dam		0.635**		
Saleme, R. E. & Barbara A.	5	Dam		0.5	0.5	
Mickles, Lindsay	6	Dam Stk Irr	11	0.5	0.5 1.2 9.0	
Holz, William	11 12	Dam Irr	1	0.5	0.5 0.8	

*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 Pri- ority	SECOND Pri- ority	THIRD Pri- ority
Fahy, Ronald & Carol	13	Dom Irr	0.5	0.5 0.4		
*Avila, Michael & Charlene	14	Dom		0.5	0.5	
Beffa, Clyde E. Sr. 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	0.5 0.9	
Layne, Donald M.	25,26	Dom Stk Irr	18	0.5	0.5 1.5 14.7	

* 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*		
				FIRST Pri- ority	SECOND Pri- ority	THIRD Pri- ority
S. H. Cowell Foundation	27	Dom Stk		0.5	0.5 1.5	
Moran, Margaret A.	28	Dom		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			629.0	31.3* (0.048) (cfs)	199.3 (0.308) (cfs)	269.1 (0.416) (cfs)

*13,500 gallons per day (0.021) cfs are allotted from diversion downstream from the upper Purisima Creek Road bridge.

SCHEDULE 4

RIGHTS OF CLAIMANTS WHEN TOTAL FLOW EXCEEDS 0.745 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
Saleme	0.5	—	0.5	0.107
Mickles	10.7	—	10.7	2.284
Holz	1.3	—	1.3	0.278
Fahy	0.9	—	0.9	0.192
Beffa, Clyde E. Sr.	53.1	—	53.1	11.336
Beffa, Clyde E. Jr.	2.4	—	2.4	0.512
Glynn	4.9	—	4.9	1.046
Johnson	0.5	—	0.5	0.107
Schrier	0.5	—	0.5	0.107
Peter	2.1	—	2.1	0.448
Oler	2.5	—	2.5	0.534
Middleton	0.5	—	0.5	0.107
Regents, Univ of California	1.4	—	1.4	0.300
Layne	16.7	—	16.7	3.565
Cowell (Lower)	2.0	—	2.0	0.427
Moran	0.5	—	0.5	0.107
Debenedetti	82.1	107.9	190.0	40.563
Cowell (Upper)	<u>16.2</u>	<u>161.2</u>	<u>177.4</u>	<u>37.873</u>
TOTAL	199.3 (0.308 cfs)	269.1 (0.416 cfs)	468.4*** (0.724 cfs)	100.000

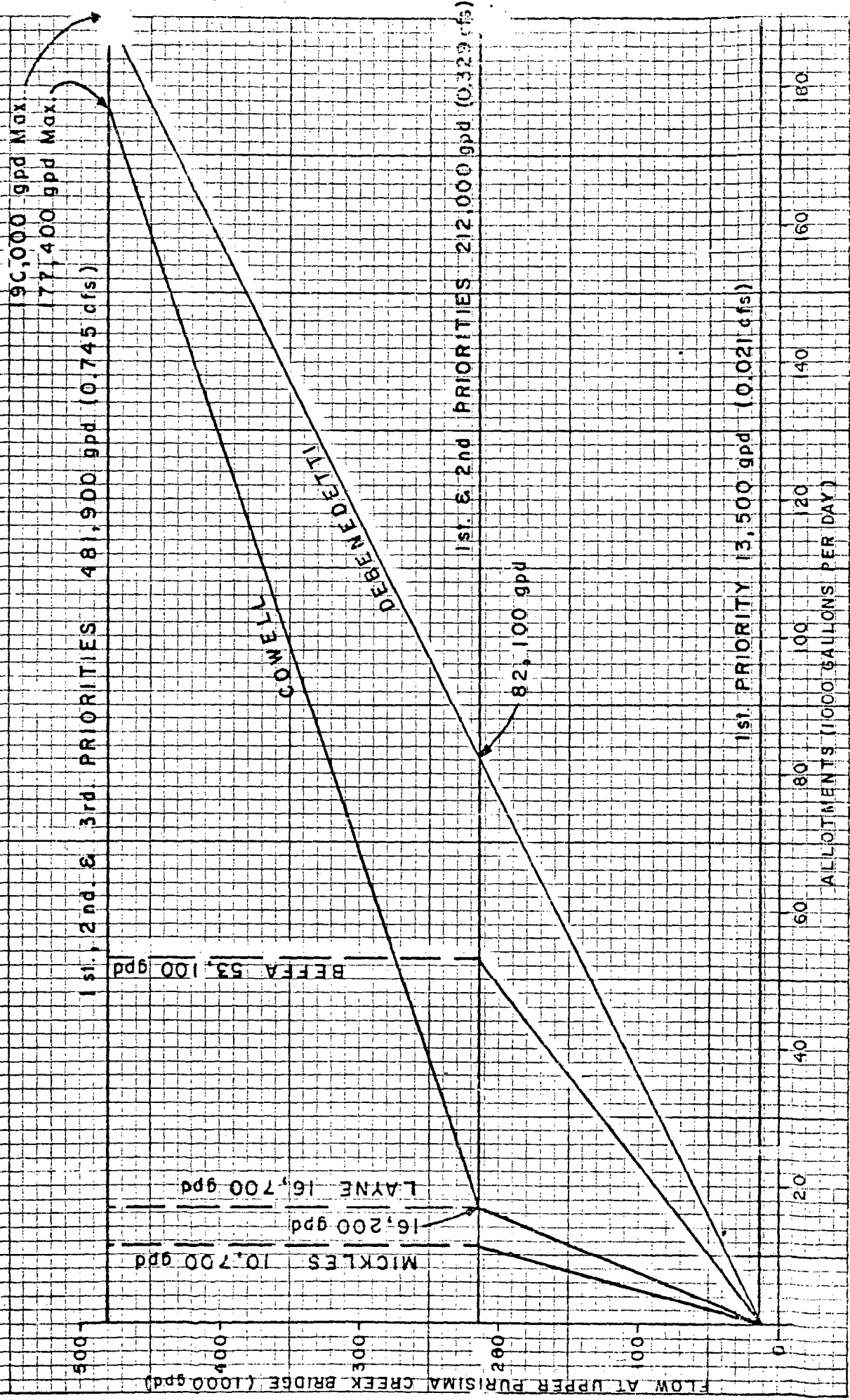
*Allotments from Schedule 3 in 1,000 gallons per day. One cubic foot per second equals 646,317 gallons per day.

**Percentage of total flow in excess of 13,500 gpd (0.021 cfs) allotted to each claimant when flow equals or exceeds 481,900 gpd (0.745 cfs) at Purisima Creek Road upper bridge. (See Paragraph 22)

***Eleven-year average minimum flow of Purisima Creek minus 13,500 gpd First Priority allotments.

ALLOTMENTS OF MAJOR DIVERTERS AT FLOWS

BELOW 481,900 GALLONS PER DAY



FLOW AT UPPER PURISIMA CREEK BRIDGE (1000 gpd)

ALLOTMENTS (1000 GALLONS PER DAY)