

1 WILLIAM R. ATTWATER, Chief Counsel
2 ANDREW H. SAWYER, Assistant Chief Counsel
3 BARBARA J. LEIDIGH, Senior Staff Counsel
4 901 P Street
5 Sacramento, California 95814
6 (916) 324-5757

7 Attorneys for the State Water
8 Resources Control Board

(ENDORSED)
FILED

FEB 22 1989

WARREN SLOCUM, County Clerk
By Edna Arnold
DEPUTY CLERK

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN MATEO

11 In the Matter of the)
12 Determination of the Rights)
13 of the Claimants to the)
14 Water of the)
15 PURISIMA CREEK STREAM SYSTEM)
16 in San Mateo County, California.)

NO. 278007

ORDER MODIFYING DECREE

Date: January 6, 1989

Time: 10:00 a.m.

Dept.: 4

17 The court having held a hearing on the motion of Donald
18 M. Layne and Laura J. Layne and Wayne and Katherine Oler for an
19 order modifying the decree in the above-entitled case to increase
20 the quantities of water allotted to them for irrigation in the
21 second priority; all interested persons having appeared in person
22 or through counsel; the court having fully considered said motion
23 filed herein, the evidence presented, the memoranda of points and
24 authorities filed by the interested parties, and the oral
25 argument of counsel and parties representing themselves; and good
26 cause appearing therefor:

IT IS HEREBY ORDERED:

27 1. The Modified and Amended Decree supplementing
order of this court filed June 20, 1988 (hereinafter r

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OFFICE OF THE
CHIEF COUNSEL

File	261.6
Folder	Purisima
Item	Order Modifying Decree

1 as "Decree") is hereby modified as follows:

2 a. The allotment to Wayne and Katherine Oler under
3 Schedule 3 in the second priority for irrigation use is increased
4 from 2000 gallons per day to 3000 gallons per day, for a total
5 second priority allotment to the Olers of 3500 gallons in the
6 Second Priority column under Schedule 4;

7 b. the allotment to Donald M. Layne and Laura J.
8 Layne in the second priority for irrigation use is increased from
9 14,700 gallons per day to 22,050 gallons per day, for a total
10 second priority allotment to the Laynes of 24,050 gallons per day
11 in the Second Priority column under Schedule 4;

12 c. the total allotment to the second priority
13 under Schedule 3 and in the Second Priority column of Schedule 4
14 is revised upward from 199,700 gallons per day to 208,050 gallons
15 per day (expressed in Schedule 3 as 208.05 times 1000 gallons per
16 day);

17 d. the total at the bottom of the "Total" column
18 in Schedule 4 is revised from 469,300 gallons per day to 477,650
19 gallons per day;

20 e. the total of the first and second priority
21 allotments shown on the graph following Schedule 4 is increased
22 from 217,200 gallons per day to 225,550 gallons per day;

23 f. the total of the first, second, and third
24 priority allotments shown on the graph following Schedule 4 is
25 increased from 486,800 gallons per day to 495,150 gallons per
26 day.

27 2. The attached Schedules 3 and 4, and the graph

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1 following Schedule 4, are hereby substituted for the versions of
2 Schedules 3 and 4 and the graph attached to the June 20, 1988
3 order supplementing the Decree, and are incorporated into the
4 Decree.

5 3. Paragraph 23 of the 1985 Decree as amended on
6 June 20, 1988 shall be and hereby is amended to read as follows:

7 "23. At times when the flow of water in Purisima
8 Creek at the Purisima Creek Road upper bridge is
9 between the total flow allocated in Schedule 3 (0.793
10 cfs) and 3.52 cfs, each claimant listed in Schedule 4
11 shall have a right to divert water for irrigation in
12 the quantities calculated according to the percentages
13 of flow set forth in Schedule 4. When the flow is less
14 than 0.793 cfs but more than 0.376 cfs, the diversion
15 for irrigation in the third priority shall be reduced
16 in accordance with the graph attached to Schedule 4
17 until the flow drops to 0.376 cfs or less. When the
18 flow is at 0.376 cfs or less, the diversions in the
19 third priority shall cease. At times when the flow
20 exceeds 3.52 cfs, water surplus to that allocated in
21 this decree will be present. Such flow may be
22 allocated to holders of presently unexercised riparian
23 rights in accordance with the procedure set forth
24 herein and to persons who receive permits to
25 appropriate the water under provisions of the Water
26 Code."

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4. No further applications to modify the Decree herein shall be filed before January 1, 1991.

Dated:

FEB 22 1989

HARLAN K. VEAL

Harlan K. Veal, Judge

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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 ¹ Gallons Per Day		
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity
Kings Mountain						
Mutual Water Co.	1A& 1B	Dom		8.3		
Etienne, John R. & Sierra Morena Spring Water Co.	2	Dom		9.0		
Whelan, Maria	3	Dom		0.5	0.5	
Minaidis, John, Jr. & Minaidis, Tom and June	4	Dom		0.635 ²		
Saleme, R.E. & Barbara A.	5	Dom		0.5	0.5	
Mickles, Lindsay	6	Dom Stk Irr	11	2.5	0.5 1.2 9.0	
Holz, William	11 12	Dom Irr Stk	1	0.5	0.5 0.8 0.015	
Fahy, Ronald & Carol	13	Dom Irr	0.5	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.	15a	Dom Irr	3	0.5	2.4	
Glynn, Christina	15b	Dom Irr	6	0.5	4.9	
Johnson, William E. & Judith C.	16	Dom		0.5	0.5	
Shrier, Karen P.	17	Dom		0.5	0.5	

¹ One thousand gallons per day = 0.707 gallons per minute = 0.00155 cfs

² License 9456, Application 18508

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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 Prior- ity	SECOND Prior- ity	THIRD Prior- ity
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 3.0	
Middleton, Ronald	23	Dom		0.5	0.5	
Regents, Univ of California	24	Dom Stk		2.4	1.0 0.750	
Layne, Donald M.	25,26	Dom Stk Irr	18	1.0	0.5 1.5 22.05	
S.H. Cowell Foundation	27	Dom Stk		0.5	0.5 1.5	
Moran, Margaret A.	28			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			<u>629.0</u>	<u>34.8</u> (0.054) (cfs)	<u>208.05</u> (0.321) (cfs)	<u>269.6</u> (0.417) (cfs)

*17,500 gallons per day (0.027 cfs) are allotted from diversion downstream from the upper Purisima Creek Road Bridge.

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SCHEDULE 4

Rights of Claimants When Total Flow Exceeds 0.793 cfs

Name of Claimant	Second ¹ Priority	Third ¹ Priority	Total ¹	Percent of Flow ²
Whelan	0.5	-	0.5	0.107
Saleme	0.5	-	0.5	0.107
Mickles	10.7	-	10.7	2.282
Holz	1.3	-	1.3	0.277
Fahy	0.9	-	0.9	0.192
Avila		0.5	0.5	0.107
Beffa, Clyde E. Sr.	53.1	-	53.1	11.327
Beffa, Clyde E. Jr.	2.4	-	2.4	0.512
Glynn	4.9	-	4.9	1.045
Johnson	0.5	-	0.5	0.107
Shrier	0.5	-	0.5	0.107
Peter	2.1	-	2.1	0.448
Oler	3.5	-	3.5	0.533
Middleton	0.5	-	0.5	0.107
Regents, Univ of California	1.8	-	1.8	0.384
Layne	24.05	-	24.05	3.562
Cowell (Lower)	2.0	-	2	0.426
Moran	0.5	-	0.5	0.107
Debenedetti	82.1	107.9	190	40.529
Cowell (Upper)	16.2	161.2	177.4	37.841
TOTAL	208.05 (0.321 cfs)	269.6 (0.417 cfs)	477.65 ³ (0.739 cfs)	100.000

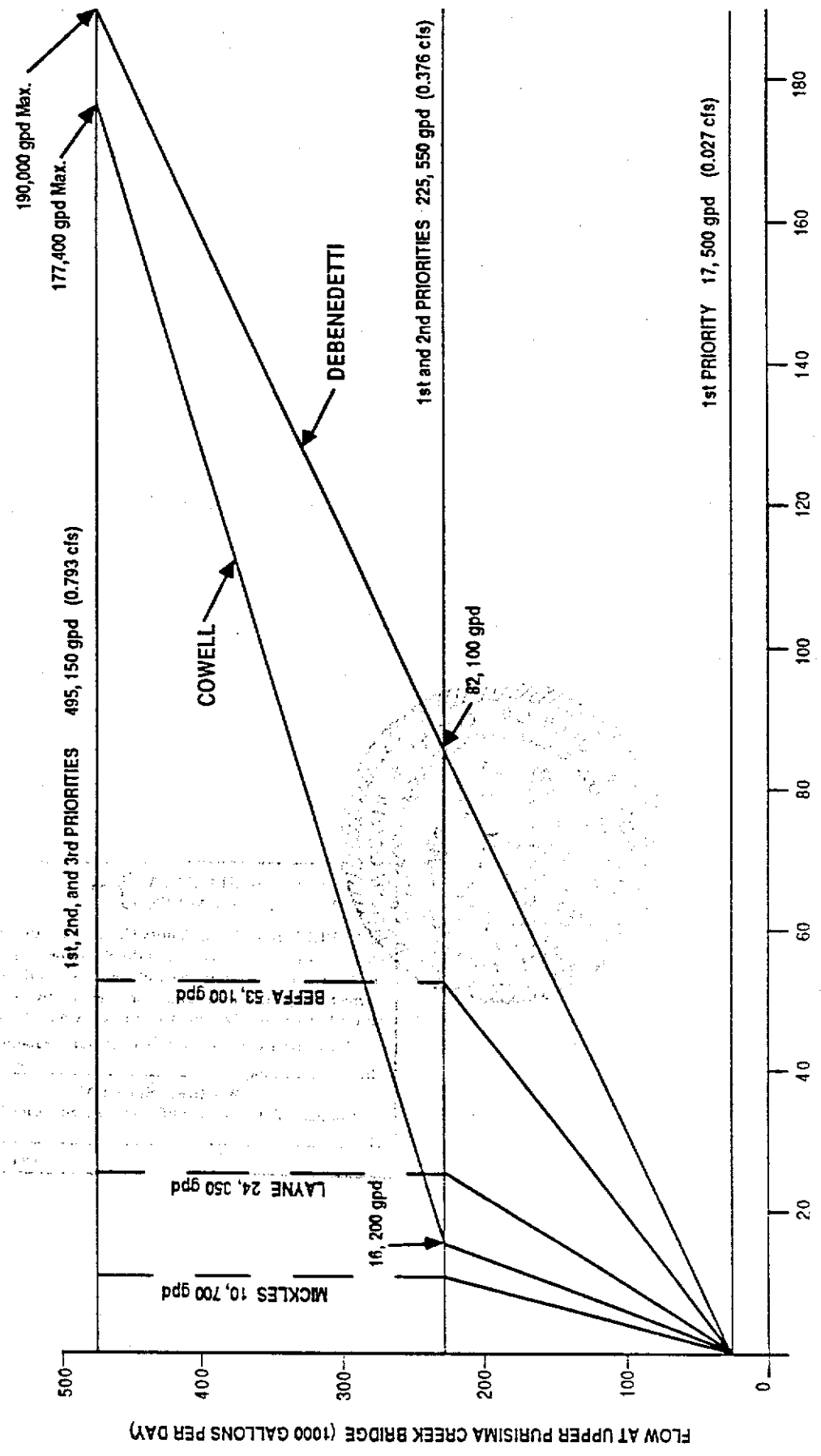
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¹ Allotments from Schedule 3 in 1,000 gallons per day. One cubic foot per second equals 646,317 gallons per day.

² Percentage of total flow in excess of 17,500 gpd (0.027 cfs) allotted to each claimant when flow equals or exceeds 495,150 gpd (0.793 cfs) at Purisima Creek Road upper bridge (see Paragraph 23).

³ Eleven-year average minimum flow of Purisima Creek minus 17,500 gpd First Priority allotments.

ALLOTMENTS OF MAJOR DIVERTERS AT FLOWS BELOW 495,150 GALLONS PER DAY



ALLOTMENTS (1000 GALLONS PER DAY)

1 PROOF OF SERVICE

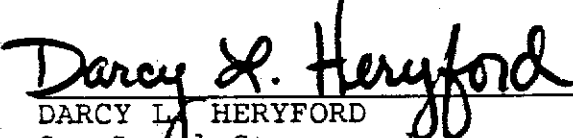
2 RE: IN RE PURISIMA CREEK STREAM SYSTEM (San Mateo County Superior
3 Court No. 278007)

4 I, Darcy L. Heryford declare that I am over 18 years of
5 age and not a party to the within action. I am employed in
6 Sacramento County at 901 P Street, Sacramento, CA 95814. My
7 mailing address is P. O. Box 100, Sacramento, CA 95801.

8 I served on each of the parties shown on the attached
9 list a true copy of the following document: "Order Modifying
10 Decree".

11 On February 15, 1989, this document was placed in
12 envelopes addressed to these parties, respectively, and were then
13 sealed and deposited in the United States mail at Sacramento,
14 California, with the postage thereon fully prepaid.

15 I declare under penalty of perjury that the foregoing is
16 true and correct and that this declaration was executed
17 February 15, 1989, at Sacramento, California.

18
19 
20 DARCY L. HERYFORD
21 Sr. Legal Stenographer
22
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PURISIMA CREEK ADJUDICATION

Mailing List

(9-22-88)

Curtis May
14729 Skyline Boulevard
Woodside, CA 94062

Ronald and Carol Fahy
Route 1, Box 313F
Half Moon Bay, CA 94019

John R. Etienne and Sierra Morena
Springs Water Company
635 Mariners Island Boulevard
San Mateo, CA 94404

Richard J. and Ruth K. Elkus
P. O. Box 432
Redwood City, CA 94064

Donald M. Layne
200 Clock Tower Place
Carmel Valley, Ca 92923

Robert and Margaret Peter
Route 1, Box 313 RMP
Half Moon Bay, CA 94019

Karen P. Shrier
Purisima Creek Road
Half Moon Bay, CA 94019

Ronald Middleton
R. R. 1, Box 316
Half Moon Bay, CA 94019

Wayne Oler
2209 Purisima Creek Road
Half Moon Bay, CA 94019

Alan J. English
2570 Purisima Creek Road
Half Moon Bay, CA 94019

R. E. & Barbara A. Saleme
2500 Purisima Creek Road
Route 1, Box 3135
Half Moon Bay, CA 94019

Timothy E. Moran
1212 Verde Road
Half Moon Bay, CA 94019

J. L. DeBenedetti, Jr., et al.
P. O. Box 498
Santa Cruz, CA 95061

Kings Mountain Mutual Water Company
14729 Skyline Boulevard
Woodside, CA 94062

William E. & Judith C. Johnson
Route 1, Box 313L
Half Moon Bay, CA 94019

Peninsula Open Space Trust
c/o David L. Fletcher, Esq.
Fletcher & Fletcher
525 University Avenue, Suite 350
Paio Alto, CA 94301

Lindsay Mickles
313A Purisima Creek Road
Half Moon Bay, CA 94019

Michael & Charlene Avila
Route 1, Box 313J
Half Moon Bay, CA 94019

89073766

Regents of University of California
c/o Karl E. Droese, Jr., Esq.
590 University Avenue
Berkeley, CA 94720

Stanley S. Skeehan
10 16th Street
Santa Cruz, CA 95062

San Mateo County Community
College District
3401 C.S.M. Drive
San Mateo, CA 94402

Michael D. McCracken, Esq.
1301 Shoreway Road, Suite 201
Belmont, CA 94002-4105

C. Dan Lange
Attorney at Law
111 Pine Street, Suite 1400
San Francisco, CA 94111-5666

R. H. Sciaroni
University of California
Extension Service
625 Miramontes, Suite 200
Half Moon Bay, CA 94019

Clyde E. Beffa, Sr.
c/o David C. Carr, Esq.
P. O. Box 513
Burlingame, CA 94011

The Honorable Harlan K. Veal
Judge of the Superior Court
San Mateo County
Hall of Justice and Records
Redwood City, CA 94063

William R. Rapoport, Esq.
Law Offices of William R. Rapoport
Bovet Professional Center
177 Bovet Road, Suite 600
San Mateo, CA 94402

Don E. Carroll
4211 Silver Crest Avenue
Sacramento, CA 95821

Robert Williamson, Jr.
2807 Purisima Creek Road
Half Moon Bay, CA 94019

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*State Water
Resources Control Bd*

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MARREN SLOCUM RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

RF	
CO	
LN	
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RF