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7  
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9 Resources Control Board

(ENDORSED)  
**FILED**

FEB 22 1989

WARREN SLOCUM, County Clerk  
By Edna Arnold  
DEPUTY CLERK

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

In the Matter of the )  
Determination of the Rights )  
of the Claimants to the )  
Water of the )  
PURISIMA CREEK STREAM SYSTEM )  
in San Mateo County, California.)

NO. 278007

ORDER MODIFYING DECREE

Date: January 6, 1989

Time: 10:00 a.m.

Dept.: 4

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

IT IS HEREBY ORDERED:

1. The Modified and Amended Decree supplementing the order of this court filed June 20, 1988 (hereinafter referred to as the "Decree") is hereby modified as follows:

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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  

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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 <sup>1</sup> 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 <sup>2</sup>		
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	

<sup>1</sup> One thousand gallons per day = 0.707 gallons per minute = 0.00155 cfs

<sup>2</sup> 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 <sup>1</sup> Priority	Third <sup>1</sup> Priority	Total <sup>1</sup>	Percent of Flow <sup>2</sup>
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 <sup>3</sup> (0.739 cfs)	100.000

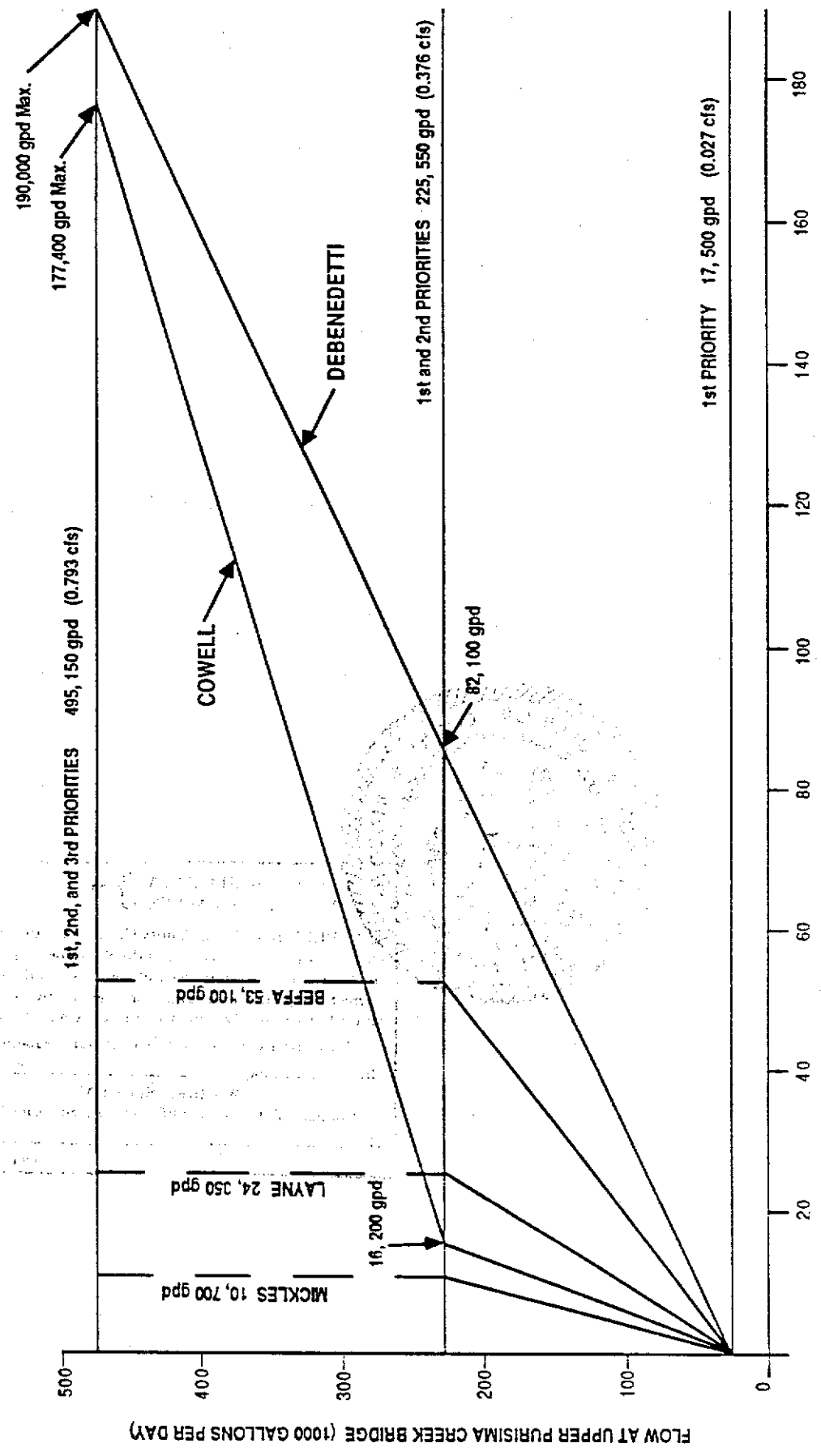
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<sup>1</sup> Allotments from Schedule 3 in 1,000 gallons per day. One cubic foot per second equals 646,317 gallons per day.

<sup>2</sup> 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).

<sup>3</sup> 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

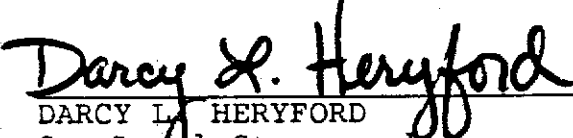
2 RE: IN RE PURISIMA CREEK STREAM SYSTEM (San Mateo County Superior  
3 Court No. 278007)

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  
23  
24  
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27

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*State Water  
Resources Control Bd*

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MARREN SLOCUM RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

RF	
CO	
LN	
MF	
AF	
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*RF*