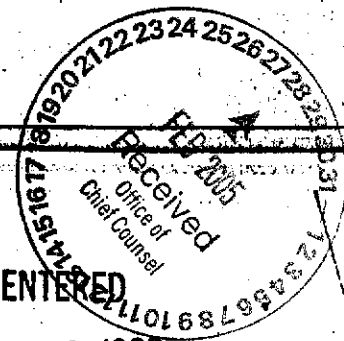


Original
FLMB



ENTERED FEB 20 1963

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By *[Signature]*
Deputy Clerk

1 STANLEY MOSK, Attorney General
of the State of California
2 F. G. GIRARD, Deputy Attorney General
Library and Courts Building
3 Sacramento 14, California
Hickory 5-4711, Ext. 5448
4 Attorneys for Plaintiff

FILED

FEB 20 1963

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By *[Signature]*
DEPUTY

5
6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 FALLBROOK PUBLIC UTILITIES
DISTRICT, et al.,
15 Defendants.
16

Civil No. 1247-SD-C

ORDER AMENDING AND
SUPPLEMENTING FINDING
OF FACT NO. 3 AND
PARAGRAPH NO. 2 OF
CONCLUSIONS OF LAW AND
PARAGRAPH NO. 27 IN
INTERLOCUTORY JUDGMENT 37

17 It appearing that this Court on April 6, 1962, entered
18 Findings of Fact, Conclusions of Law, and Interlocutory Judgment
19 No. 37, and it further appearing that in Finding of Fact No. 3
20 certain findings were made by this Court concerned with the
21 issue of exclusive jurisdiction and that paragraph 2 of the
22 Conclusions of Law and paragraph 27 of Interlocutory Judgment
23 No. 37 expressly reserved jurisdiction to enter further findings
24 of fact, conclusions of law and judgment provisions concerned
25 with the issue of exclusive jurisdiction when the case of Paul
26 v. United States, Case No. 239, October Term, 1962, had been
27 decided by the Supreme Court; and it now appearing that said
28 case has now been decided by the Supreme Court;

29 NOW THEREFORE, Finding of Fact No. 3, paragraph 2 of
30 the Conclusions of Law, and paragraph 27 of the Interlocutory
31 Judgment are hereby amended to read as follows:

1 FINDING OF FACT NO. 3

2 Letters of Acceptance of Sovereignty were forwarded
3 to the Governor of the State of California for certain lands
4 within the Naval Enclave as follows:

5 <u>Date of Letter</u>	<u>Land Described in Letter</u>
6 January 12, 1943	That land consisting of approximately 9147.55 acres referred to in Finding of Fact No. 2, particularly described in the Decree of Declaration of Taking recorded January 28, 1942, in Book 1311, page 1, Official Records, San Diego County
10 September 8, 1943	That land consisting of approximately 123,620 acres referred to in Finding of Fact No. 2, particularly described in Decree of Declaration of Taking recorded January 9, 1943, in Book 1448, page 192, Official Records, San Diego County
14 February 18, 1944	That land consisting of approximately 1676.58 acres referred to in Finding of Fact No. 2, particularly described in Decree of Declaration of Taking recorded January 11, 1944, in Book 1618, page 90, Official Records, San Diego County

18 That since 1914 and continuously thereafter and today
19 there has existed and exists California statutory provisions
20 concerned with the acquisition of water rights. That since
21 1914 and continuously thereafter and today said California
22 statutes provide that an appropriative right to the use of
23 water on land can only be obtained by the filing of an appli-
24 cation to appropriate water with a designated state agency, and
25 the issuance thereafter by the state agency of a permit to
26 appropriate water and thereafter a license to use the water
27 appropriated. That the Congress of the United States has
28 enacted no legislation which conflicts with the above found
29 California statutes concerned with the acquisition of appropri-
30 ative water rights. That insofar as any lands referred to in
31 this finding are concerned, the United States of America has

1 not complied with said California statutes which require that
2 an application to appropriate water for use on said lands be
3 filed with the designated state agency nor has the state agency
4 issued to the United States of America any permit to appropriate
5 water for use on said lands or a license to use water appropri-
6 ated on said lands.

7 CONCLUSION OF LAW NO. 2

8 Sovereignty over the specific lands referred to in
9 Finding of Fact No. 3 was transferred to the United States of
10 America on the specific dates of the Letters of Acceptance set
11 forth in Finding of Fact No. 3. The laws of the State of Cali-
12 fornia, referred to in Finding of Fact No. 3 as above amended,
13 which were in force at the time when jurisdiction or sover-
14 eignty was transferred to the United States of America, are
15 substantially the same as the laws which are in effect as of
16 the date of this amendment to Interlocutory Judgment No. 37,
17 and were not rendered inapplicable by the transfer of sovereignty.

18 INTERLOCUTORY JUDGMENT PARAGRAPH NO. 27

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
20 United States of America is the owner in fee simple of the lands
21 described or referred to in Finding No. 1, and that jurisdiction
22 or sovereignty over the specific lands referred to in Finding of
23 Fact No. 3, as amended, was transferred to the United States of
24 America on the specific dates of the Letters of Acceptance set
25 forth in Finding of Fact No. 3.

26 DATED: 2/20, 1963.

27
28
29
30 James R. Carter
Judge, United States District Court