

APPENDIX A

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

CITY OF PASADENA, a municipal)
corporation,)
Plaintiff,)
v.)
CITY OF ALHAMBRA, a municipal)
corporation, et al.,)
Defendants.)

No. Pasadena C-1323
MODIFICATION OF
JUDGMENT

The motion of the Plaintiff City of Pasadena for an order that a review of the determination of the safe yield of both units of the Raymond Basin Area be had pursuant to Paragraph XXI of the Judgment entered herein having been granted and on November 17, 1950, the court having ordered that the matter be referred to the Department of Public Works, State of California, acting through the State Engineer, for an investigation and report, and the Report of Referee in said matter having been duly made and filed

with the Clerk of the above entitled court on October 5, 1954 in accordance with law and the motion of the Plaintiff City of Pasadena for an order approving and confirming the Report of Referee and for an adjudication of each party's pumping rights in said area based upon said Report of Referee having come on regularly for hearing on the 22nd day of April, 1955, at the hour of 1:45 P.M. in the courtroom of Department Pasadena "B" of said court, the Honorable Kurtz Kauffman, Judge Presiding; Notice of said motion having been duly served on all defendants and interested parties; and it appearing that no objections to the draft of Report of Referee were filed with said Referee and that no exceptions to the Report of Referee as filed herein were filed with the Clerk of the Court within the time allowed by law; and the court having heard said matter and having read and approved said Report of Referee and the court being fully advised in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I

That the Report of Referee filed herein October 5, 1954 be and the same hereby is approved, accepted and confirmed.

II

That under the conditions existing during 1951-52, the safe yield of the Eastern Unit of the Raymond Basin Area is 5,290 acre-feet per year which is an increase of 1,390 acre-feet over that obtained under 1937-38 conditions and the safe yield of the Western Unit of said area is 25,480 acre-feet per year which is

Western Unit in acre-feet is modified and changed to read as follows:

Alhambra, City of	1,031
Arcadia, City of	1,167
California-Michigan Land & Water Assn	515
California Water & Telephone Co.	2,248
Canyon Mutual Water Co.	127
Crown City Ice Co.	--
El Campo Mutual Water Co.	51
Graves, Francis P. et al	64
Huntington Library and Art Gallery	262
Kinneloa Canyon Estates, Inc.	87
La Canada Irrigation District	100
Las Flores Water Co.	249
Lincoln Avenue Water Co.	567
Mira Loma Mutual Water Co.	98
Monrovia, City of	951
Osborn, Chesley E. & Kathleen M.	62
Pasadena Cemetery Assn.	91
Pasadena, City of	12,807
Royal Laundry & Dry Cleaning Co.	110
Rubio Canon Land & Water Assn.	1,221
San Gabriel County Water District	1,091
Sunny Slope Water Co.	1,558
Valley Water Co.	797
Wagner, A. V.	78
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Total Western Unit	25,332

That the decreed right to take water from the ground in said Eastern Unit in acre-feet per year is modified and changed as follows:

Arcadia, City of	3,526
Sierra Madre, City of	<u>1,764</u>
Total Eastern Unit	5,290

V

That the Judgment entered herein be and the same hereby is modified and changed in so far as the same relates to and incorporates Paragraph VII of the Raymond Basin Area Water Exchange Agreement of 1943 to provide that in the event the aggregate amount

an increase of 7,480 acre-feet over that under 1937-38 conditions, which latter conditions were considered and used in determining and adjudicating the decreed rights of the interested parties; and that under the conditions existing during 1951-52 the safe yield of the Monk Hill Basin, a subdivision of the Western Unit is 7,490 acre-feet which is an increase of 1,430 acre-feet over that under 1937-38 conditions;

That as of 1951-52 the amount of water pumped or otherwise taken by non-parties to this action in said Western Unit is 148 acre-feet per year of which one acre-foot is pumped from the Monk Hill Basin and that the amount of water pumped or otherwise taken by non-parties to this action in said Eastern Unit is none per year.

III

That the water rights of Flintridge Mutual Water Company have been acquired and are owned by the Valley Water Company; that the water rights of Ross M. Lockhart have been acquired and are owned by Kinneloa Canyon Estates, Inc.; and that the water rights of the First Trust and Savings Bank of Pasadena have been acquired and are owned by the City of Pasadena.

IV

That the decreed right of each party or successor to pump or otherwise take water from the ground in the Raymond Basin Area be and hereby is changed proportionately in the same manner as originally fixed in the Final Judgment entered in the within case. That the decreed right to take water from the ground in said

of released water taken in any such period by said six parties minus the sum of the total amount of water released in the Western Unit by the City of Pasadena in the same period and the total amount of water released by one or more of said parties exceeds 1.47 per cent of the safe yield of the Monk Hill Basin, computed to the nearest acre-foot, the City of Pasadena shall be paid as undue cost Ten Dollars (\$10.00) per acre-foot by said six parties for each acre-foot of such excess as provided in Article X thereof.

VI

That this modification of judgment shall take effect and shall become operative on the 1st day of July 1955 on which date the parties may commence to exercise the decreed rights specified in Paragraph IV herein.

The Clerk is ordered to enter this modification of judgment.

DATED: April 29th, 1955.

Kurtz Kauffman
Judge of the Superior Court

CHAPTER II. MODIFICATION OF RIGHTS TO EXTRACT GROUND WATER

The original decree defining the rights to extract ground water in Raymond Basin Area, entered by Judgment of the Trial Court on December 23, 1944, was modified by the Court this past year. In recognition of a considerable rise in ground water levels in a portion of the Area coincident with drought conditions, the Court, on November 17, 1950, granted a motion by City of Pasadena that there be a review of the determination of the safe yield of Raymond Basin Area, and that the matter be referred to the Department of Public Works, State of California, acting through the State Engineer as referee for investigation and report on the physical facts involved. On October 5, 1954, the referee filed its report, and on April 29, 1955, on motion of the City of Pasadena, a "Modification of Judgment" was signed by the court approving the report of the referee and modifying the rights to ground water within the Raymond Basin Area as set forth in the original decree entered on December 23, 1944.

The referee, in its report, found that under conditions prevailing in 1952 the safe yield of Raymond Basin Area had substantially increased over the safe yield under 1938 conditions on which the original decree was based. Set forth in the following tabulation are safe yields in acre-feet for each unit of Raymond Basin Area as determined under 1938 and under 1952 conditions:

	<u>Monk Hill Basin</u>	<u>Pasadena Subarea</u>	<u>Total for Western Unit</u>	<u>Santa Anita Subarea</u>	<u>Total for Raymond Basin Area</u>
Safe yield, 1952 Conditions	7,490	17,990	25,480	5,290	30,770
Safe yield, 1938 Conditions	<u>6,060</u>	<u>11,940</u>	<u>18,000</u>	<u>3,900</u>	<u>21,900</u>
Increase	1,430	6,050	7,480	1,390	8,870
Per cent increase	23.6	50.7	41.6	35.6	40.5

In the "Modification of Judgment", the previously decreed rights of the various parties in the Raymond Basin Area were modified in accordance with the safe yield determined for 1952 conditions. The text of the "Modification of Judgment" is presented in Appendix A. In Table 1, entitled "Rights to Extract Ground Water by Parties in Raymond Basin Area Under Decrees of 1944 and 1955", there are presented the names of the parties entitled to ground water from the Raymond Basin Area, their rights as set forth in the Judgment of the Trail Court entered on December 23, 1944, hereinafter referred to as "Decreed Right 1944", and their rights as set forth in the "Modification of Judgment", signed by the court on April 29, 1955, hereinafter referred to as "Decreed Right 1955". During the period covered by this report, parties in Raymond Basin Area extracted ground water in accordance with the decree of 1944. A provision of the "Modification of Judgment" sets July 1, 1955, as the effective date of the modified rights to extract ground water from the Raymond Basin Area.

TABLE 1
RIGHTS TO EXTRACT GROUND WATER BY PARTIES IN RAYMOND BASIN AREA
UNDER DECREES OF 1944 AND 1955

In Acre-Feet

Party	: "Decreed : Right : 1944"	: "Decreed : Right : 1955"
<u>Western Unit</u>		
Alhambra, City of	719	1,031
Arcadia, City of	814	1,167
California-Michigan Land and Water Assn.	359 ^a	515
California Water and Telephone Co.	1,567	2,248
Canyon Mutual Water Co.	88	127
Crown City Ice Co.	0	0
El Campo Mutual Water Co.	36	51
Graves, Francis P. et al.	45	64
Huntington Library and Art Gallery	183	262
Kinnelea Canyon Estates, Inc.	61	87
La Canada Irrigation District	70	100
Las Flores Water Co.	174	249
Lincoln Avenue Water Co.	395	567
Mira Loma Mutual Water Co.	68	98
Monrovia, City of	663	951
Osborn, C. E. and K. M.	44	62
Pasadena Cemetery Assn.	64	91
Pasadena, City of ^b	8,924	12,807
Royal Laundry and Dry Cleaning Co.	77	110
Rubio Canon Land and Water Assn.	851	1,221
San Gabriel County Water District	761	1,091
Sunny Slope Water Co.	1,086	1,558
Valley Water Co.	556	797
Wagner, A. V.	<u>55</u>	<u>78</u>
Subtotals	17,660	25,332
<u>Eastern Unit</u>		
Arcadia, City of	2,527	3,526
Sierra Madre, City of	<u>1,264</u>	<u>1,764</u>
Subtotals	3,791	5,290
TOTALS	21,451	30,622

a. Effective July 1, 1945.

b. Rights of City of Pasadena in Monk Hill Basin under conditions of the 1944 and 1955 decrees are equal to 3929 and 4464 acre-feet respectively, which are computed as the difference between the safe yield of Monk Hill Basin and the sum of the rights of other parties in the basin and the amount of water taken by non party users. Rights of City of Pasadena in Pasadena Subarea are equal to total rights in Western Unit less rights in Monk Hill Basin.