

1914 Mill Creek Decree

Mono County Superior Court

This document contains the following decree components:

1. Transcription of the decree by Ellen King, Mono Lake Committee, July 2009.
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2. Transcription of Exhibit G by Ellen King, Mono Lake Committee, July 2009.
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3. Electronic image of the best available copy of the decree.
The original may be referenced to confirm accuracy of the transcription
4. Electronic image of the best available copy of Exhibit G.
The original may be referenced to confirm accuracy of the transcription

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR

2 THE COUNTY OF MONO

3 Hydro Electric Company,)
4 a Corporation,)
5 Plaintiff)

6 vs.)

7 J.A. Conway, F.D. Mattly, H.F. Cavin,)
8 J.N. Anderson, Mary Felosina, J.S.)
9 Cain, L.W. Dechambeau, C.W. Fulton, Thomas)
10 Silvester, C.W. Currie, C.A. Lundy, Jane)
11 Doe Lundy, William Y. Currie, A.A. Travis,)
12 R.T. Pierce, A.G. Allen, Pacific Power Com-)
13 pany, sued herein as John Doe, James Doe,)
14 Peter Doe, Richard Roe, Jane Roe, Sadie Roe,)
15 and George Roe.)
16 Defendants)

No. 2088

17 JUDGEMENT AND DECREE

18 This cause came on regularly for trial on the 30th day of November
19 1914, Messrs Parker & Parker appearing as Attorneys for plaintiff and Messrs.
20 Mack and Green appearing for the defendant John A. Conway, and said Messrs. Mack
21 and Green further appearing for the defendants F.D. Mattly, Mary Felosina, L.W.
22 Dechambeau, Thomas Sylvester and A.G. Allen, having been substituted as counsel
23 in the place and stead of William B. Himrod heretofore appearing, and Messrs.
24 Metson, Drew and Mackenzie appearing as attorneys for the defendant Pacific
25 Power Company, a corporation, and appearing also as Attorneys for the defen-
26 dant J.S. Cain, substituted herein as defendant in lieu of defendant E.F. Gavin,
27 said substitution of parties having been made by agreement of counsel and on
28 the ground of successorship in interest and in open Court dismissal having been
29 entered as to J.N. Anderson, C.H. Currie, C.A. Lundy, Jan_ Doe Lundy, William Y.
30 Currie, A.A. Travis, R.T. Pierce, and the default of C.W. Fulton herein having been
31 entered after proof of service and failure to appear, and the said cause having
32 been regularly tried by the Court before the Hon. L.T. Price, Judge of the
Superior Court of the State of California in and for the County of Alpine, (the
said Judge having been duly appointed, ordered and commissioned to try said
cause by his Excellency the Governor of the State of California on account of
the disability of the Judge of the Superior Court of said Mono County), a jury

1 having been expressly waived whereupon witnesses on the part of the plaintiff
2 and the several defendants were duly sworn and examined and documentary evidence
3 introduced by the respective parties, and the Court having heard the proofs and
4 evidence of the respective parties and the arguments of counsel and being fully
5 advised in the premises, and findings of fact and conclusions of law having
6 been in open Court by all of the parties specifically waived, the Court now
7 makes and enters its judgement and decree herein as follows

8 It is Hereby Ordered, Adjudged and Decreed that the plaintiff, the
9 Hydro Electric Company, is a corporation duly organized and existing under and
10 by virtue of the laws of the State of California.

11 It is Further Ordered, Adjudged and Decreed that long prior to the
12 commencement of this action, and ever since and now, the said plaintiff was
13 and now is the owner of, in the possession of and entitled to the possession of
14 that certain water right, privilege and water property below described and of
15 those certain tracts of land and premises in the Complaint herein described, all
16 situated, lying and being in the County of Mono, State of California and describ-
17 ed as flows to-wit:- The Northeast quarter of the Southwest quarter of
18 Section Fourteen (14), Township Two (2) North, Range Twenty-five (25) East, the
19 South half of the Northwest quarter, the Southwest quarter of the Northeast
20 quarter, and the Northeast quarter of the Southwest quarter of Section 19, Town-
21 ship 2, North, Range 26 East, the fractional Northwest quarter of the Southeast
22 quarter, fractional Southwest quarter of Southeast quarter of Section 19, Town-
23 ship 2 North, Range 26 East, the Southeast quarter of the Southwest quarter of
24 Section 19, Township 2 North, Range 26 East, the Northeast quarter of Northwest
25 quarter of Section 19, Township Two North, Range 26 East, the Northwest quarter
26 of the Southwest quarter of Section 19, Township 2 North, Range 26 East, North-
27 east quarter of the Southeast quarter of Section 24, Township 2 North, Range
28 25 East all in Mt. Diablo Base and Meridian. The Northeast quarter of the
29 Northwest quarter of Section 20; East half of Southwest quarter, and Southwest
30 quarter of Southwest quarter of Section 17, Township 2 North, Range 26 East,
31 the West half of the Northwest quarter, and the Northwest quarter of the South-
32 west quarter of Section 16, Township 2 North, Range 26 East, the South half of

1 the Northeast quarter, the Northwest quarter of the Southeast quarter and the
2 Southeast quarter of the Northwest quarter of Section 17, Township 2 North,
3 Range 26 East all in the Mt. Diablo Base and Meridian.

4 It is Ordered Adjudged and Decreed that the plaintiff is the owner of
5 and entitled to the ownership and possession of the undisputed usufructory [sic] right
6 to all of the natural flow of that certain stream of water situated in Mono
7 County, State of California, and known as and called Mill Creek, to the extent
8 of One thousand miners inches measured under a four inch pressure and of the
9 undisputed usufructory [sic] right to use in a reasonable way and manner, for the
10 irrigation of said tracts of land and for the benefit and improvement of the soil
11 thereof, and for watering cattle and stock, for domestic, culinary and other
12 household purposes, all of the natural flow of said stream to the extent of One
13 thousand standard miners inches measured under a four inch pressure, as afore-
14 said, subject only to the rights of other parties defendant herein specifically
15 determined and decreed as follows. The right of the plaintiff to the undis-
16 puted usufructory [sic] right to all of the natural flow of said Mill Creek to the
17 extent of three hundred standard miners inches measured under a four inch pres-
18 sure, is and is hereby decreed to be absolute and subject only to the priority
19 and rights of the defendant J.A. Conway as hereinafter decreed. The rights
20 and right of the plaintiff herein, in and to the undisputed usufructory [sic] right
21 to all of the natural flow of Mill Creek to the extent of Seven hundred standard
22 miners inches in addition to the amount of three hundred inches hereinbefore
23 decreed, is, and is hereby decreed to be absolute and subject only to the rights
24 and priorities of the defendants J.A. Conway, Mary Felosina, A.G. Allen and Thomas
25 Sylvester as hereinafter determined and decreed.

26 It is Further Ordered, Adjudged and Decreed, that the lands of the
27 plaintiff are riparian to the said Mill Creek and form the bed and banks of said
28 Creek and stream, and that the plaintiff herein by virtue of its ownership of
29 said land is entitled to have the said stream and all the waters thereof flow
30 down through, over and upon the said lands undiminished in quantity and unpollut-
31 ed in quality, subject only to the rights and priorities and user of the defen-
32 dants herein as by this Court herein and herewith decreed, the said riparian

1 right being in addition to the rights specifically decreed to plaintiff and
2 subjected to the rights of the defendants as herein set forth.

3 It is Further Ordered, Adjudged and Decreed that the defendant,
4 Pacific Power Company, was at the time of the commencement of this action, for
5 a long time thence hitherto had been and now is the owner in fee simple, in the
6 possession of and legally entitled to the possession of all those certain lands
7 and premises, situate, lying and being in the County of Mono, State of California,
8 more particularly described as follows, to-wit:- The South half of the North
9 half of Section Fifteen (15) all in Township 2 North, Range 25 East, M.D.B. & M.
10 That said last named defendant was at the time of the commencement of this act-
11 ion and for a long time thence hitherto had been, and now is the owner of, in
12 the possession and entitled to the possession of a certain water right and pri-
13 vilege appurtenant to said lands last above described, consisting of an undis-
14 puted usufructory [sic] right to the natural flow of that certain stream of water
15 situated in the County and State aforesaid, and known as and called Mill Creek
16 to the extent of fifty (50) standard miners inches of the flow of said stream
17 and of the right to use the same in a reasonable way and manner for the culti-
18 vation and irrigation of said tract of land for the benefit and improvement
19 of the soil thereof, and for water live stock and domestic animals, and for
20 household, domestic and culinary purposes, to the extent of said fifty (50)
21 standard miners inches, which said last above described water right and privi-
22 lege is prior and superior to the rights of plaintiff and to the rights of all
23 the defendants herein decreed. That the said waters last above described are
24 now being diverted and the said water right and privilege exercised through the
25 ditch of defendant John A. Conway under and pursuant to licence revocable at the
26 will of said John A. Conway.

27 It is Further Ordered, Adjudged and Decreed that long prior to the
28 commencement of this action, and ever since and now the defendant John A. Conway
29 was and now is the owner of, in the possession of and entitled to the possession
30 of that certain water right, privilege and water property below described and of
31 those certain tracts of land and premises described in the Answer of said defen-
32 dant Conway herein, all situated, lying and being in the County of Mono, State

1 of California, described as follows, to wit:- Northeast quarter of Section 1,
2 North half of the Southeast quarter of Section 1, in Township 2 North, Range
3 25 East, M.D.B. & M., the West half of the Northeast quarter of Section 6, the
4 West half of the Northwest quarter of Section 6, the Northeast quarter of the
5 Northwest quarter of Section 6, the West half of the Southwest quarter of Sec-
6 tion 6 and the Northwest quarter of the Southeast quarter of Section 6, in Town-
7 ship 2 North, Range 26 East, M.D.B. & M., the South half of the Southeast quar-
8 ter of Section 36, Township 3 North, Range 25 East, M.D.B. & M. and the South
9 half of the Southwest quarter of Section 31, in Township 3 North, Range 26 East,
10 M.D.B & M., and of the undisputed usufructory [sic] right to all of the natural flow
11 of that certain stream of water situated in said County and State aforesaid,
12 and known as and called Mill Creek to the extent of seven hundred inches measur-
13 ed under a four inch pressure and of the undisputed usufructory [sic] right to use
14 in a reasonable way and manner for the irrigation of said tracts of land and
15 for the benefit and improvement of the soil thereof, and for watering cattle and
16 stock, for domestic, culinary and other household purposes, all of the natural
17 flow of said stream to the extent of seven hundred inches thereof measured under
18 a four inch pressure aforesaid, which seven hundred inches as aforesaid, is
19 decreed to be absolute and subject to the rights of the plaintiff and other
20 parties defendant herein only as follows. That six hundred inches of the waters
21 of said Mill Creek are herewith and hereby decreed to said defendant John A.
22 Conway, as a first and prior right to the use of said waters of Mill Creek, and
23 to which all the other rights herein determined and decreed are subject and sub-
24 ordinate (except the rights of defendant Pacific Power Company to said first
25 fifty standard miners inches of water as hereinbefore decreed), also the right
26 to one hundred standard miners inches of the waters of Mill Creek being in addi-
27 tion to the said six hundred inches hereinbefore set out (and with the said
28 amount of six hundred inches comprising the total amount of seven hundred inches
29 decreed said defendant Conway), is subject and subordinate to the rights of
30 the Hydro Electric Company, a corporation plaintiff herein as hereinbefore de-
31 creed, and to the rights of the defendant Pacific Power Company, Sylvester, Allen,
32 Felosina and Mattly as hereinafter determined and decreed.

1 It is Further Ordered, Adjudged and Decreed that long prior to the
2 commencement of this action, and ever since and now the defendant May [sic] Felosina
3 was and now is the owner of, in the possession of and entitled to the possession
4 of that certain water right, privilege and water property below described and
5 of those certain tracts of land and premises described in the Answer of said
6 defendant Mary Felosina herein, all situated, lying and being in the County of
7 Mono, State of California, described as follows to-wit:- The Northwest quarter
8 of the Northwest quarter of Section 19, Township 2 North, Range 26 West, M.D.
9 B & M., and the Northeast quarter of the Northeast quarter of Section 24, all
10 in Township 2 North, Range 24 East, M.D.B. & M., containing 80 acres and of the
11 undisputed usufructory [sic] right to all the natural flow of that certain stream of
12 water situate in said County and State aforesaid, and known as and called Mill
13 Creek to the extent of 120 standard miners inches measured under a four inch
14 pressure and of the undisputed usufructory [sic] right to use in a reasonably way and
15 manner for the irrigation of said tracts of land and for the benefit and im-
16 provement of the soil thereof, and for watering cattle and stock, for domestic
17 and culinary and other household purposes, all of the natural flow of said
18 stream, to the extent of 120 standard miners inches thereof measured under a
19 four inch pressure, as aforesaid which said right, however, is subject and sub-
20 ordinate to that right of the plaintiff herein to the first 300 standard miners
21 inches of the waters of said stream herein decreed to it, but not subject to,
22 herein decreed in additional to the amount of the first 300 standard miners inches
23 but prior to the right of the plaintiff to the 700 standard miners inches/awarded
24 plaintiff, and the right of the defendant Mary Felosina, herein decreed being
25 subject to the prior right of the defendants Pacific Power Company in and to
26 fifty miners inches and John A. Conway in and to the undisputed usufructuary
27 right to six hundred inches of the waters of said stream.

28 It is Further Ordered, Adjudged and Decreed that long prior to the
29 commencement of this action, and ever since and now the defendant Mary Felosina
30 was and now is the owner of, in the possession of, and entitled to the possession
31 of that certain water right privilege and water property below described and of
32 those certain tracts of land and promises described in the Answer of Mary
Felosina herein, all situated, lying and being in the County of Mono, State of

1 California, described as flows: The West half of the Southwest quarter of
2 Section 18 and the East half of the Southeast quarter of Section 13, all in
3 Township 2 North, Range 25 East, containing 160 acres of land and of the undis-
4 puted usufructuary right to all the natural flow of that certain stream of water
5 situated in said County and State aforesaid and known as and called Mill Creek
6 to the extent of 150 standard miners inches measured under a four inch pressure
7 and of the undisputed usufructuary right to use in a reasonable way and manner,
8 for the irrigation of said tracts of land, and for the benefit and improvement
9 of the soil thereof, and for watering cattle and stock, for domestic, culinary
10 and other household purposes, all of the natural flow of said stream to the ex-
11 tent of 150 standard miners inches thereof, measured under a four inch pressure
12 as aforesaid, which said right is subject and subordinate to the rights of the
13 plaintiff herein, including all of the rights as herein decreed to plaintiff to
14 the extent of 1,000 standard miners inches, and subject also and further to the
15 rights of the defendants Pacific Power Company, John A. Conway, A.G. Allen,
16 Thomas Sylvester, F.D. Mattly, and L.W. Dechambeau as hereinbefore and hereinafter
17 set out and determined.

18 It is Further Ordered, Adjudged and Decreed that long prior to the
19 commencement of this action, and ever since and now the defendant A.G. Allen was
20 and now is the owner of, in the possession of, and entitled to the possession
21 of that certain water right, privilege and water property below described and
22 of those certain tracts of land and premises described in the Answer of said
23 defendant Allen herein, all situated, lying and being in the County of Mono,
24 State of California, and described as follows, to-wit: West half of South-
25 west quarter of the Northeast quarter, and West half of East half of Southwest
26 quarter of Northeast quarter of Section 24, Township 2 North, Range 26 East,
27 M.D.B & M., containing 30 acres and the Northwest quarter of the Northeast
28 quarter, and the Northwest quarter of the Southeast quarter of Section 24, in
29 Township 2 North, Range 25 East, M.D.B. & M., containing 80 acres, the total
30 being 110 acres, and of the undisputed usufructuary right to all the natural
31 flow of that certain stream of water situate in said County of Mono, State of
32 California, and known as and called Mill Creek to the extent of 50 standard

1 miners inches measured under a four inch pressure and of the undisputed usufruc-
2 tuary right to use in a reasonable way and manner for irrigation of said tracts
3 of land and for the benefit and improvement of the soil thereof and for watering
4 cattle and stock, for domestic, culinary and other household purposes, all of
5 the natural flow of said stream to the extent of 50 inches thereof, measured
6 under a four inch pressure as aforesaid, which said right, however, is subject
7 and subordinate to the right of the plaintiff herein in and to the use decreed
8 of 300 inches of the waters of Mill Creek, but not subject to the additional
9 right of 700 standard miners inches hereinbefore decreed to plaintiff and the
10 said right of this defendant Allen, being further subject and subordinate to the
11 prior right of the defendants Pacific Power Company and J.A. Conway as herein
12 set forth.

13 It is Further Ordered, Adjudged and Decreed that long prior to the
14 commencement of this action and ever since and now the defendant Thomas Sylvester
15 was, and now is the owner of, in the possession of and entitled to the possession
16 of that certain water right and privilege and water property below described,
17 and of those certain tracts of land and premises described in the Answer of said
18 defendant Thomas Sylvester herein, all situated, lying and being in the County
19 of Mono, State of California described as flows:- The Southeast quarter of
20 the Northeast quarter of Section 24, and the East half of the East half of the
21 Southwest quarter of Northeast quarter of section 24, all in Township 2 North,
22 Range 25 East, M.D.B. & M. containing 50 acres of land and of the undisputed
23 usufructuary right to all the natural flow of that certain stream of water,
24 situated in the said County of Mono, State of California, and known as and
25 called Mill Creek to the extent of 80 standard miners inches measured under a
26 four inch pressure and of the undisputed usufructuary right to use in a reason-
27 able way and manner for the irrigation of said tracts of land and premises and
28 for the benefit and improvement of the soil thereof, and for watering cattle
29 and stock, for domestic, culinary and other household purposes, all of the
30 natural flow of said stream to the extent of 80 standard miners inches measured
31 under a four inch pressure as aforesaid, which said right, however, is subject
32 and subordinate to that right of the plaintiff herein decreed in and to the 300

1 standard miners inches of the waters of said creek and further subject and sub-
2 ordinate to the prior right of the defendants Pacific Power Company and J.A.
3 Conway as hereinbefore set out and decreed.

4 It is Further ordered, Adjudged and Decreed that the right and use
5 of, in and to the waters of Mill Creek as decreed to the defendants Mary Felosina
6 A.G. Allen and Thomas Sylvester as between the said defendants Mary Felosina, A.
7 G. Allen and Thomas Sylvester are without priority or priorities one against the
8 other, but that said rights are co-equal and co-extensive proportionate to the
9 amounts decreed to each defendant.

10 It is Further Ordered, Adjudged and Decreed that long prior to the
11 commencement of this action and ever since and now defendant F.D. Mattly was and
12 now is the owner of, in the possession of, and entitled to the possession of
13 that certain water right, privilege and water property below described, and of
14 those certain tracts of land and premises described in the Answer of said defen-
15 dant Mattly herein, all situated, lying and being in the County of Mono, State
16 of California, described as follows:- The South half of the Northwest quarter
17 and the North half of the Southwest quarter of Section 12, Township 2 North,
18 Range 25 East, containing 160 acres of land and of the undisputed usufructuary
19 right to all the natural flow of that certain stream of water situated in said
20 County and State aforesaid and known as and called Mill Creek to the extent of
21 150 standard miners inches measured under a 4 inch pressure and of the undis-
22 puted usufructuary right to use in a reasonable way and manner for the irriga-
23 tion of said tracts of land and for the benefit and improvement of the soil
24 thereof and for watering cattle and stock, for domestic, culinary and other house-
25 hold purposes, all the natural flow of said stream to the extent of 150 stand-
26 ard miners inches thereof, measured under a four inch pressure as aforesaid,
27 which said right is subject and subordinate to the rights of the plaintiff herein,
28 including both rights hereinbefore decreed plaintiff to the extent of 1000 inches
29 and which said right of defendant Mattly is furthersubject [sic] and subordinate to the
30 rights of the defendants Pacific Power Company, John A. Conway, Mary Felosina,
31 A. G. Allen and Thomas Sylvester as hereinbefore set out, save and except that
32 this said right decreed defendant F.D. Mattly is prior to the right of defendant

1 Felosina in and to the additional 150 inches decreed said Mary Felosina over
2 and above the 120 inches first decreed to her herein.

3 It is Further Ordered, Adjudged and Decreed that for a long time
4 prior to the commencement of this action and ever since and now the defendant
5 F.D. Mattly was and now is entitled to the undisputed usufructuary right to all
6 the natural flow of that certain stream of water situated in said County and
7 State aforesaid and known as and called Mill Creek to the extent of 50 standard
8 miners inches measured under a four inch pressure in addition to the 150 inches
9 hereinbefore decreed to said defendant Mattly and of the undisputed usufruct-
10 uary right to use in a reasonable way and manner for the irrigation of his
11 tracts of land hereinbefore described and set out and for the benefit and im-
12 provement of the soil thereof, and for watering stock and for domestic, culinary
13 and other household purposes, all of the natural flow of said stream to the ex-
14 tent of 50 standard miners inches in addition to the 150 inches hereinbefore
15 decreed and awarded to him, which said right to said additional 50 inches measur-
16 ed as aforesaid is subject and subordinate to the rights of all the other
17 parties to this action as hereinbefore and hereinafter set out and determined
18 except the rightsof [sic] Pacific Power company hereinafter decreed and determined.

19 It is Further Ordered, Ajudged [sic] and Decreed that long prior to the
20 commencement of this action and ever since and now the defendant L.W. Dechambeau
21 was and now is the owner of, in the possession of and entitled to the possession
22 of that certain water right, privilege and water property below described, and
23 of those certain tracts of land and premises described in the Answer of said
24 defendant Dechambeau herein, all situated, lying and being in the County of
25 Mono, State of California and described as follows, Northwest quarter of
26 Northwest quarter of Section 11, Southwest quarter of Northeast quarter, North
27 half of the Northeast quarter, Northeast quarter of Northwest quarter, South
28 half of Northwest quarter and Northeast_of Southwest quarter of Section 10, all
29 in Township 2 North, Range 26 East, M.D.B. & M. and of the undisputed usufructuary
30 right to all the natural flow of that certain stream of water situated in said
31 County and State aforesaid, and known as and called Mill Creek, to the extent
32 of 630 standard miners inches measured under a four inch pressure and of the

1 undisputed usufructuary right to use in a reasonable way and manner for the
2 irrigation of said tracts of land, and for the benefit and improvement of the
3 soil thereof, and for watering cattle and stock, for domestic, culinary and
4 other household purposes, all the natural flow of said stream to the extent
5 of 630 standard miners inches thereof, measured under a four inch pressure as
6 aforesaid, which right is subject and subordinate to the rights of plaintiff
7 herein, including all the rights of plaintiff to the extent of 1000 standard
8 miners inches hereinbefore decreed and which right of defendant Dechambeau is
9 subject and subordinate to the rights of the defendants Pacific Power Company,
10 J.A. Conway, Mary Felosina, A.G. Allen, Thomas Sylvester, F.D. Mattly as hereinbe-
11 fore set out and determined.

12 It is Further Ordered, Adjudged and Decreed that long prior to the
13 commencement of this action, and ever since, and now the defendant J.S. Cain was
14 and now is the owner of, in the possession, and entitled to the possession of the
15 certain water right, privilege and water property below described, and to those
16 certain tracts of land and premises described in the Answer of the said defen-
17 dant Cain herein all situated, lying and being in the County of Mono, State of
18 California and described as follows:- The Northeast quarter of Section 12,
19 Township 2 North, Range 25 East, M.D.B. & M., and of the undisputed right to
20 use in a reasonable way and manner for the irrigation of said tracts of land
21 and for the benefit and improvement of the soil thereof, and for watering cattle
22 and stock and for domestic, culinary and other household purposes such quantity
23 of the surplus waters of Lundy Lake, situated on Mill Creek, above and which
24 said Lundy Lake is west of all the lands hereinbefore set forth as he may de-
25 velop by means of dams and headgates erected at the foot of said Lake to the
26 extent of 300 standard miners inches measured under a four inch pressure.

27 It is Further Ordered, Adjudged and Decreed that the plaintiff here-
28 in in addition to the rights hereinbefore decreed it, is the owner of, in the
29 possession of and entitled to the possession of that certain water right, pri-
30 vilege and water property described as follows, being the undisputed usufructary [sic]
31 right to the natural flow of that certain stream of water situated in said
32 County and State aforesaid, and known as and called Mill Creek to the extent of

1 100 inches measured under a four inch pressure as aforesaid, which said right
2 is subject and subordinate to the rights of all the defendants hereinbefore
3 decreed.

4 It is Further Ordered, Adjudged and Decreed that the Pacific Power
5 Company is a corporation duly organized and existing under and by virtue of the
6 laws of the State of California, that said Pacific Power Company, corporation as
7 aforesaid, and its predecessors in interest were long prior to the commencement
8 of this action, and ever since and now, the said Pacific Power Company is the
9 owner of, in the possession of, and entitled to the possession of those certain
10 lots, pieces, parcels or tracts of land, situate, lying and being in the County
11 of Mono, State of California, and described as follows to-wit: The South half
12 of the Northeast quarter, and the North half of the Southeast quarter of Sec-
13 tion 16, South half of the North half of Section 15, South half of Northwest
14 quarter of Section 14, all in Township 2 North, Range 25 East M.D.B. & M., and
15 that all of said lands have been and now are riparian to and irrigable from
16 said Mill Creek, and that the waters of said Creek flow in their natural course
17 through, over and upon the said lands.

18 It is Further Ordered, Adjudged and Decreed that the defendant
19 Pacific Power Company, a corporation as aforesaid is the owner of, in the pos-
20 session of, and entitled to the possession of all the real property situate in
21 the County of Mono, State of California and particularly described as follows:
22 A certain reservoir site for the storage of water, which consists of the basin
23 of Lundy Lake and lands surrounding the same, which is bounded by a line
24 beginning at a point on the North and South center line of Section 16, Township
25 2 North, Range 25 East M.D.B. & M., said points being 60 feet Southerly from
26 the center line of Section 16, Township 2 North, Range 25 East, and running
27 thence along countour [sic] line as specifically described in the Amendment to the
28 Answer of the Pacific Power Company, which description is made a part hereof,
29 above the ordinary water level of said Lundy Lake entirely around the basin of
30 said Lake to the point of beginning, and containing an area of 198.44 acres
31 and also a strip of land of the uniform width of 50 feet completely surrounding
32 and adjacent to said reservoir site.

1 It is Further Ordered, Adjudged and Decreed that the said defendant
2 Pacific Power Company, a corporation as aforesaid, is the owner of, in the
3 possession of and entitled to the possession of a certain water right consist-
4 ing of the right to take, divert and appropriate and use for any and all benefi-
5 cial purposes and for the generation of electricl [sic] energy or power for mechanical
6 purposes, or for any other lawful purpose, all of the waters of that certain
7 lake known as Lundy Lake, together with all surplus waters of that certain stream
8 known as Mill Creek to the extent of thirty thousand standard miners inches
9 measured under a four inch pressure, which may flow through or from said Lake
10 and stream during the high water season of each year.

11 It is Further Ordered, Adjudged and decreed that the defendant
12 Pacific Power Company, a corporation as aforesaid, is the owner of, in the pos-
13 session of and entitled to the possession of a dam, headgate, intake and water
14 pipe lines, with all the rights, privileges and appurtenances thereunto in any-
15 wise belonging and the rights of way of, and for the same in the County of Mono
16 State of California, said dam, headgate and intake being located at the lower
17 or eastern end of Lundy Lake upon the North half of the Southeast quarter of
18 Section 16, Township 2 North, Range 25 East, M.D.B. & M., and said right of way
19 and pipe lines and appurtenances extending from said dam and headgate through
20 and across and upon the North half of the Southeast quarter and the South half
21 of the Northeast quarter of Section 16, Township 2 North, Range 25 East M.D.B. &
22 M., thence through, over, across and upon the South Half of the North half of
23 Section 15, Township 2 North, Range 25 East, M.D.B. & M, thence through, over
24 and across and upon the South half of the Northwest quarter of Section 14, Town-
25 ship 2 North, Range 25 East, M.D.B. & M., thence through, over, across and upon
26 the Northeast quarter of Section 14, Township 2 North, Range 25 East, M.D.B. &
27 M., thence through, across, over and upon the Southwest quarter of Section 12,
28 Township 2 North, Range 25 East, M.D.B. & M., to the power plant and power
29 station which is located upon the Southwest quarter of Section 12, Township 2
30 North, Range 25 East, M.D.B. & M.

31 It is Further Ordered, Adjudged and Decreed that the Pacific Power
32 Company, a corporation as aforesaid is the owner of the undisputed usufructuary
right to all the natural flow of that certain stream of water situated in said

1 County and State aforesaid and known as and called Mill Creek to the extent of
2 fifteen thousand standard miners inches measured under a four inch pressure and
3 of the undisputed usufructuary right to use in a reasonable way and manner for
4 the irrigation of the tracts of land above described and for the benefit and
5 improvement of the soil thereof, and for watering cattle and stock and for domestic
6 culinary and other household purposes all the natural flow of said stream
7 to the extent of fifteen thousand standard miners inches thereof, measured under
8 a four inch pressure as aforesaid, which said right is subject and subordinated
9 to the rights of the plaintiff herein and to the rights of all the defendants
10 herein as hereinbefore decreed.

11 It is Further Ordered, Adjudged and Decreed that the defendant
12 Pacific Power Company is the owner of the undisputed usufructuary right to all
13 the surplus flow of that certain stream of water known as Mill Creek, situated
14 in said County of Mono and State as aforesaid, to the extent of fifteen thousand
15 standard miners inches (but subject to the rights of J. S. Cain as hereinbefore
16 set forth).

17 It is Further Ordered, Adjudged and Decreed that the defendant Paci-
18 fic Power Company, a corporation, as aforesaid is the owner of the undisputed
19 right to have all the waters of said Mill Creek flow in the natural course of
20 stream down, through, across and over and upon the said lands hereinbefore des-
21 cribed as riparian to said stream undiminished in quantity and unpolluted in
22 quality, subject only to the reasonable use thereof by other upper riparian
23 owners and prior appropriators as hereinbefore set forth and decreed.

24 It is Further Ordered, Adjudged and Decreed that the defendant
25 Pacific Power Company, a corporation as aforesaid is the owner of and entitled
26 to the sole and undisputed right to impound in Lundy Lake all of the waters of
27 said Mill Creek over and above the amounts hereinbefore decreed as part of the
28 natural flow of said stream, subject to the rights of J. S. Cain as hereinbefore
29 set forth. That the said right to impound and use for the generation of elec-
30 trical energy or power for mechanical purposes or for any other lawful purposes,
31 the waters of Mill Creek is to be determined and is herewith determined and
32 measured with referenced entirely to the natural flow of Mill Creek, irrespective

1 of the amounts of water or rights in said stream hereinbefore decreed.

2 It is Further Ordered, Adjudged and Decreed that the defendant
3 Pacific Power Company a corporation as aforesaid, is now the owner of the un-
4 disputed right to use for the generation of electrical energy and other mechan-
5 ical purposes, all of the waters of Mill Creek, to the extent of Seven hundred
6 standard miners inches measured under a four inch pressure heretofore decreed
7 to John A. Conway subject and subordinate to the rights of said defendant John
8 A. Conway hereinbefore decreed, and also to the rights hereinafter decreed to
9 said defendant John A. Conway and the right to have the said quantity of water
10 returned to the ditches owned by said defendant John A. Conway unpolluted and
11 free from sand and slimes.

12 It is Ordered, Adjudged and Decreed that this right shall be enjoy-
13 ed and decreed to the said defendant Pacific Power Company to be used by it
14 for the purposes aforesaid, without injury or detriment to the rights of the
15 defendant John A. Conway, and the said right is decreed to it as a right of
16 user conditioned upon its non-interference with the rights of the said defen-
17 dant Conway.

18 It is Adjudged and Decreed, that the use and right of the said de-
19 fendant Pacific Power Company and in and to the said amount of water shall be
20 used by said defendant Pacific Power Company without interference from or by
21 dictation of any of the defendants herein except that the amount used shall
22 not exceed the amount decreed herein, but conditioned that the said waters, and
23 all thereof, shall be by the defendant Pacific Power Company returned unpolluted
24 and free from sand or slimes to the ditches of the defendant J. A. Conway for use
25 upon the lands of said Conway as hereinbefore decreed.

26 It is Further Ordered, Adjudged and Decreed that the defendant
27 Pacific Power Company, a corporation as hereinbefore set forth is the undis-
28 puted owner of, and entitled to the right and privilege in and to the use of
29 all the waters of Mill Creek, its tributaries and lakes for the purposes of the
30 generation of electrical energy and power and for mechanical purposes, which
31 use is irrespective of the amount or quantity of water flowing in said stream,
32 and which said use is unaffected by any of the provisions of this decree but

1 determined and decreed herein to be so used and enjoyed in subrogation of all
2 the rights herein decreed to the end that none of the prior water rights herein be-
3 fore decreed shall be impaired by the exercise or user of this right.

4 It is Further Ordered, Adjudged and Decreed that the defendant C.
5 W. Fulton having made default in this said action, which default has been duly
6 entered, has no right or rights in or to any of the water or waters of Mill
7 Creek, or in or to any of the tributaries thereof.

8 It is Further Ordered, Adjudged and Decreed, that the lands herein
9 described as owned by each and all the parties hereto are described with re-
10 ference to the records of Mono County, State of California, which records are
11 made a part and parcel of this decree for a full and complete description of
12 all of the lands herein referred to, to the end that should it appear herein
13 that any of the land or lands have been herein incorrectly described or that
14 such incorrection or mistake of identify should appear upon the records of Mono
15 County, then this decree shall apply with equal binding force and effect to the
16 lands correctly described and to the lands affected by said decree though in-
17 correctly described, and the Court hereby reserves jurisdiction to reform this
18 decree by causing to be inserted herein or by amendment hereto the correct
19 description of any and all lands incorrectly or erroneously described upon
20 notice to the parties to this action and satisfactory proof of such error of
21 description.

22 It is Further Ordered, Adjudged and Decreed that the plaintiff and
23 each of the defendants, and the servants, agents and employees and each of them,
24 be and they are, and each of them is hereby perpetually enjoined and restrained
25 from and commanded absolutely to refrain and desist from diverting or taking
26 out of the said Mill Creek any water in any manner or way whereby any party
27 hereto may be deprived of the use thereof, to the extent hereinbefore decreed
28 to each party, save and except under and by virtue of this decree and the
29 priorities [sic] and rights herein determined.

30 It is Further Ordered, Adjudged and Decreed hereby and herein that
31 there be no allowance of costs to any party hereto and that each party pay and
32 defray his own costs already incurred or that may be hereafter incurred in the

1 course of this action.

2 Done in open Court this 17th day of June 1915.

3 L. T. Price
4 Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
5 Action.

Enter nunc pro tunc as of November 30, 1914

6 L. T. Price
7 Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
8 Action.

9

10

11 Entered in Book C, page 203 of Civil Judgments

12

13

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19 The foregoing instrument is a full, true and correct copy of the
original on file in this office.

20

21 Attest [date OCT 19, 1937 stamped here]
GEO. C. DELURY, JR. County Clerk and Clerk of the Superior
Court, of the State of California, in and for the County of Mono.

22

23 By [signature of Grace J. Brandon written here] Deputy

24

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EXHIBIT "G"

MILL CREEK WATER ADJUDICATION
 COURT CASE NO. 2088 JUDGE L. T. PRICE, JUNE 17, 1915

<u>Decree Name</u>	<u>Priority</u>	<u>Parcel (Other Than Los Angeles</u>	<u>Present Owner</u>
Pacific Power Co.	First		Los Angeles
J. A. Conway	Second	18, 31, 32, 71,	Gladys C. Millner
	Seventh	72, 80, 81, 82	John W. Schriakoff Lucille M. Schriakoff Richard P. Conway Thelma S. Conway Doe 1 Los Angeles
Hydro Electric Co.	Third Fifth Eleventh		Los Angeles
Mary Pelosina	Fourth Tenth		Los Angeles
A. G. Allen	Fourth	78	Janice O. Simis Theodore Off C. Douglas Off Los Angeles Janice O. Simis
Thos. Sylvester	Fourth	79	Alfred M. Rulefson Katherine B. Rulefson
F. D. Mattly	Sixth Fifteenth	73	Dewey C. DeChambeau
L. W. DeChambeau	Eighth	83	Los Angeles
C. H. Currie	Ninth		C. A. Lundy Murray C. Lundy James Lundy Los Angeles
W. O Lundy	Twelfth	86	Los Angeles
B. B. McKnight	Thirteenth		Edison
J. S. Cain	Fourteenth		
Pacific Power Co.	Power Rights		



1914 Mill Creek Decree
Mono County Superior Court

Electronic image of the best available copy of the decree.

&

Electronic image of the best available copy of Exhibit G.



1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR

2 THE COUNTY OF MONO

3 Hydro Electric Company,
4 a Corporation,

5 Plaintiff

6 vs.

7 J. A. Conway, F.D.Mattly, H.F.Cavin,
8 J. N. Anderson, Mary Felosina, J. S.
9 Cain, L.W.Dechambeau, C.W.Fulton, Thomas
10 Silvester, C. H. Currie, C.A.Lundy, Jane
11 Doe Lundy, William Y. Currie, A.A.Travis,
12 R.T.Pierce, A.G.Allen, Pacific Power Com-
13 pany, sued herein as John Doe, James Doe,
14 Peter Doe, Richard Roe, Jane Roe, Sadie Roe,
15 and George Roe.

16 Defendants

No. 2088

17 JUDGMENT AND DECREE

18 This cause came on regularly for trial on the 30th day of November
19 1914, Messrs Parker & Parker appearing as Attorneys for plaintiff and Messrs.
20 Mack and Green appearing for the defendant John A. Conway, and said Messrs.Mack
21 and Green further appearing for the defendants F.D.Mattly, Mary Felosina, L.W.
22 Dechambeau, Thomas Sylvester and A.G.Allen, having been substituted as counsel
23 in the place and stead of William B. Himrod heretofore appearing, and Messrs.
24 Metson, Drew and Mackenzie appearing as attorneys for the defendant Pacific
25 Power Company, a corporation, and appearing also as Attorneys for the defen-
26 dant J. S. Cain, substituted herein as defendant in lieu of defendant H.F.Cavin,
27 said substitution of parties having been made by agreement of counsel and on
28 the ground of successorship in interest and in open Court dismissal having been
29 entered as to J.N.Anderson, C.H.Currie, C.A.Lundy, Jan_ Doe Lundy, William Y.
30 Currie, A.A.Travis, R.T.Pierce, and the default of C.W.Fulton herein having been
31 entered after proof of service and failure to appear, and the said cause having
32 been regularly tried by the Court before the Hon. L. T. Price, Judge of the
Superior Court of the State of California in and for the County of Alpine, (the
said Judge having been duly appointed, ordered and commissioned to try said
cause by his Excellency the Governor of the State of California on account of
the disability of the Judge of the Superior Court of said Mono County), a jury

1 having been expressly waived whereupon witnesses on the part of the plaintiff
2 and the several defendants were duly sworn and examined and documentary evidence
3 introduced by the respective parties, and the Court having heard the proofs and
4 evidence of the respective parties and the arguments of counsel and being fully
5 advised in the premises, and findings of fact and conclusions of law having
6 been in open Court by all of the parties specifically waived, the Court now
7 makes and enters its judgment and decree herein as follows

8 It is Hereby Ordered, Adjudged and Decreed that the plaintiff, the
9 Hydro Electric Company, is a corporation duly organized and existing under and
10 by virtue of the laws of the State of California.

11 It is Further Ordered, Adjudged and Decreed that long prior to the
12 commencement of this action, and ever since and now, the said plaintiff was
13 and now is the owner of, in the possession of and entitled to the possession of
14 that certain water right, privilege and water property below described and of
15 those certain tracts of land and premises in the Complaint herein described, all
16 situated, lying and being in the County of Mono, State of California and describ-
17 ed as follows to-wit:- The Northeast quarter of the Southwest quarter of
18 Section Fourteen (14), Township Two (2) North, Range Twenty-five (25) East, the
19 South half of the Northwest quarter, the Southwest quarter of the Northeast
20 quarter, and the Northeast quarter of the Southwest quarter of Section 19, Town-
21 ship 2, North, Range 26 East, the fractional Northwest quarter of the Southeast
22 quarter, fractional Southwest quarter of Southeast quarter of Section 19, Town-
23 ship 2 North, Range 26 East, the Southeast quarter of the Southwest quarter of
24 Section 19, Township 2 North, Range 26 East, the Northeast quarter of Northwest
25 quarter of Section 19, Township Two North, Range 26 East, the Northwest quarter
26 of the Southwest quarter of Section 19, Township 2 North, Range 26 East, North-
27 east quarter of the Southeast quarter of Section 24, Township 2 North, Range
28 25 East all in Mt. Diablo Base and Meridian, The Northeast quarter of the
29 Northwest quarter of Section 20; East half of Southwest quarter, and Southwest
30 quarter of Southwest quarter of Section 17, Township 2 North, Range 26 East,
31 the West half of the Northwest quarter, and the Northwest quarter of the South-
32 west quarter of Section 16, Township 2 North, Range 26 East, the South half of

1 the Northeast quarter, the Northwest quarter of the Southeast quarter and the
2 Southeast quarter of the Northwest quarter of Section 17, Township 2 North,
3 Range 26 East all in the Mt. Diablo Base and Meridian.

4 It is Ordered Adjudged and Decreed that plaintiff is the owner of
5 and entitled to the ownership and possession of the undisputed usufructory right
6 to all of the natural flow of that certain stream of water situated in Mono
7 County, State of California, and known as and called Mill Creek, to the extent
8 of One thousand miners inches measured under a four inch pressure and of the
9 undisputed usufructory right to use in a reasonable way and manner, for the
10 irrigation of said tracts of land and for the benefit and improvement of the soil
11 thereof, and for watering cattle and stock, for domestic, culinary and other
12 household purposes, all of the natural flow of said stream to the extent of One
13 thousand standard miners inches measured under a four inch pressure, as afore-
14 said, subject only to the rights of other parties defendant herein specifically
15 determined and decreed as follows. The right of the plaintiff to the undis-
16 puted usufructory right to all of the natural flow of said Mill Creek to the
17 extent of three hundred standard miners inches measured under a four inch pres-
18 sure, is and is hereby decreed to be absolute and subject only to the priority
19 and rights of the defendant J. A. Conway as hereinafter decreed. The rights
20 and right of the plaintiff herein, in and to the undisputed usufructory right
21 to all of the natural flow of Mill Creek to the extent of Seven hundred standard
22 miners inches in addition to the amount of three hundred inches hereinbefore
23 decreed, is, and is hereby decreed to be absolute and subject only to the rights
24 and priorities of the defendants J.A. Conway, Mary Felosina, A.G. Allen and Thomas
25 Sylvester as hereinafter determined and decreed.

26 It is Further Ordered, Adjudged and Decreed, that the lands of the
27 plaintiff are riparian to the said Mill Creek and form the bed and banks of said
28 Creek and stream, and that the plaintiff herein by virtue of its ownership of
29 said land is entitled to have the said stream and all the waters thereof flow
30 down through, over and upon the said lands undiminished in quantity and unpollut-
31 ed in quality, subject only to the rights and priorities and user of the defen-
32 dants herein as by this Court herein and herewith decreed, the said riparian

1 right being in addition to the rights specifically decreed to plaintiff and
2 subjected to the rights of the defendants as herein set forth.

3 It is Further Ordered, Adjudged and Decreed that the defendant,
4 Pacific Power Company, was at the time of the commencement of this action, for
5 a long time thence hitherto had been and now is the owner in fee simple, in the
6 possession of and legally entitled to the possession of all those certain lands
7 and premises, situate, lying and being in the County of Mono, State of California,
8 more particularly described as follows, to-wit:- The South half of the North
9 half of Section Fifteen (15) all in Township 2 North, Range 25 East M.D.B. & M.
10 That said last named defendant was at the time of the commencement of this act-
11 ion and for a long time thence hitherto had been, and now is the owner of, in
12 the possession and entitled to the possession of a certain water right and pri-
13 vilege appurtenant to said lands last above described, consisting of an undis-
14 puted usufructory right to the natural flow of that certain stream of water
15 situated in the County and State aforesaid, and known as and called Mill Creek
16 to the extent of fifty (50) standard miners inches of the flow of said stream
17 and of the right to use the same in a reasonable way and manner for the culti-
18 vation and irrigation of said tract of land and for the benefit and improvement
19 of the soil thereof, and for water live stock and domestic animals, and for
20 household, domestic and culinary purposes, to the extent of said fifty (50)
21 standard miners inches, which said last above described water right and privi-
22 lege is prior and superior to the rights of plaintiff and to the rights of all
23 the defendants herein decreed. That the said waters last above described are
24 now being diverted and the said water right and privilege exercised through the
25 ditch of defendant John A. Conway under and pursuant to license revocable at the
26 will of said John A. Conway.

27 It is Further Ordered, Adjudged and Decreed that long prior to the
28 commencement of this action, and ever since and now the defendant John A. Conway
29 was and now is the owner of, in the possession of and entitled to the possession
30 of that certain water right, privilege and water property below described and of
31 those certain tracts of land and premises described in the Answer of said defen-
32 dant Conway herein, all situated, lying and being in the County of Mono, State

1 of California, described as follows, to wit:- Northeast quarter of Section 1,
2 North half of the Southeast quarter of Section 1, in Township 2 North, Range
3 25 East, M.D.B. & M., the West half of the Northeast quarter of Section 6, the
4 West half of the Northwest quarter of Section 6, the Northeast quarter of the
5 Northwest quarter of Section 6, the West half of the Southwest quarter of Sec-
6 tion 6 and the Northwest quarter of the Southeast quarter of Section 6, in Town-
7 ship 2 North, Range 26 East, M.D.B. & M., the South half of the Southeast quar-
8 ter of Section 36, Township 3 North, Range 25 East, M.D.B. & M. and the South
9 half of the Southwest quarter of Section 31, in Township 3 North, Range 26 East,
10 M.D.B. & M., and of the undisputed usufructory right to all of the natural flow
11 of that certain stream of water situated in said County and State aforesaid,
12 and known as and called Mill Creek to the extent of seven hundred inches measur-
13 ed under a four inch pressure and of the undisputed usufructory right to use
14 in a reasonable way and manner for the irrigation of said tracts of land and
15 for the benefit and improvement of the soil thereof, and for water^{ing}/cattle and
16 stock, for domestic, culinary and other household purposes, all of the natural
17 flow of said stream to the extent of seven hundred inches thereof measured under
18 a four inch pressure as aforesaid, which seven hundred inches as aforesaid, is
19 decreed to be absolute and subject to the rights of the plaintiff and other
20 parties defendant herein only as follows. That six hundred inches of the waters
21 of said Mill Creek are herewith and hereby decreed to said defendant John A.
22 Conway, as a first and prior right to the use of said waters of Mill Creek, and
23 to which all the other rights herein determined and decreed are subject and sub-
24 ordinate (except the rights of defendant Pacific Power Company to said first
25 fifty standard miners inches of water as hereinbefore decreed), also the right
26 to one hundred standard miners inches of the waters of Mill Creek being in addi-
27 tion to the said six hundred inches hereinbefore set out (and with the said
28 amount of six hundred inches comprising the total amount of seven hundred inches
29 decreed said defendant Conway), is subject and subordinate to the rights of
30 the Hydro Electric Company, a corporation plaintiff herein as hereinbefore de-
31 creed, and to the rights of the defendant Pacific Power Company, Sylvester, Allen,
32 Felosina and Mattly as hereinafter determined and decreed.

1 It is Further Ordered, Adjudged and Decreed that long prior to the
2 commencement of this action, and ever since and now the defendant Mary Felosina
3 was and now is the owner of, in the possession of and entitled to the possession
4 of that certain water right, privilege and water property below described and
5 of those certain tracts of land and premises described in the Answer of said
6 defendant Mary Felosina herein, all situated, lying and being in the County of
7 Mono, State of California, described as follows to-wit:- The Northwest quarter
8 of the Northwest quarter of Section 19, Township 2 North, Range 26 East, M.D.
9 B & M., and the Northeast quarter of the Northeast quarter of Section 24, all
10 in Township 2 North, Range 24 East, M.D.B. & M., containing 80 acres and of the
11 undisputed usufructory right to all the natural flow of that certain stream of
12 water situate in said County and State aforesaid, and known as and called Mill
13 Creek to the extent of 120 standard miners inches measured under a four inch
14 pressure and of the undisputed usufructory right to use in a reasonable way and
15 manner for the irrigation of said tracts of land and for the benefit and im-
16 provement of the soil thereof, and for watering cattle and stock, for domestic
17 and culinary and other household purposes, all of the natural flow of said
18 stream, to the extent of 120 standard miners inches thereof measured under a
19 four inch pressure, as aforesaid which said right, however, is subject and sub-
20 ordinate to that right of the plaintiff herein to the first 300 standard miners
21 inches of the waters of said stream herein decreed to it, but not subject to,
22 herein decreed in addition to the amount of the first 300 standard miners inches
23 plaintiff, and the right of the defendant Mary Felosina, herein decreed being
24 subject to the prior right of the defendants Pacific Power Company in and to
25 fifty miners inches and John A. Conway in and to the undisputed usufructuary
26 right to six hundred inches of the waters of said stream.

27 It is Further Ordered, Adjudged and Decreed that long prior to the
28 commencement of this action, and ever since and now the defendant Mary Felosina
29 was and now is the owner of, in the possession of, and entitled to the possession
30 of that certain water right privilege and water property below described and of
31 those certain tracts of land and premises described in the Answer of Mary
32 Felosina herein, all situated, lying and being in the County of Mono, State of

1 California, described as follows: The West half the Southwest quarter of
2 Section 18 and the East half of the Southeast quarter of Section 13, all in
3 Township 2 North, Range 25 East, containing 160 acres of land and of the undis-
4 puted usufructuary right to all the natural flow of that certain stream of water
5 situated in said County and State aforesaid and known as and called Mill Creek
6 to the extent of 150 standard miners inches measured under a four inch pressure
7 and of the undisputed usufructuary right to use in a reasonable way and manner,
8 for the irrigation of said tracts of land, and for the benefit and improvement
9 of the soil thereof, and for watering cattle and stock, for domestic, culinary
10 and other household purposes, all of the natural flow of said stream to the ex-
11 tent of 150 standard miners inches thereof, measured under a four inch pressure
12 as aforesaid, which said right is subject and subordinate to the rights of the
13 plaintiff herein, including all of the rights as herein decreed to plaintiff to
14 the extent of 1,000 standard miners inches, and subject also and further to the
15 rights of the defendants Pacific Power Company, John A. Conway, A.G. Allen,
16 Thomas Sylvester, F.D. Mattly and L.W. Dechambeau as hereinbefore and hereinafter
17 set out and determined.

18 It is Further Ordered, Adjudged and Decreed that long prior to the
19 commencement of this action, and ever since and now the defendant A.G. Allen was
20 and now is the owner of, in the possession of, and entitled to the possession
21 of that certain water right, privilege and water property below described and
22 of those certain tracts of land and premises described in the Answer of said
23 defendant Allen herein, all situated, lying and being in the County of Mono,
24 State of California, and described as follows, to-wit: West half of South-
25 west quarter of Northeast quarter, and West half of East half of Southwest
26 quarter of Northeast quarter of Section 24, Township 2 North, Range 26 East,
27 M.D.B. & M., containing 30 acres and the Northwest quarter of the Northeast
28 quarter, and the Northwest quarter of the Southeast quarter of Section 24, in
29 Township 2 North, Range 25 East, M.D.B. & M., containing 80 acres, the total
30 being 110 acres, and of the undisputed usufructuary right to all the natural
31 flow of that certain stream of water situate in said County of Mono, State of
32 California, and known as and called Mill Creek to the extent of 50 standard

1 miners inches measured under a four inch pressure of the undisputed usufruc-
2 tuary right to use in a reasonable way and manner for irrigation of said tracts
3 of land and for the benefit and improvement of the soil thereof and for watering
4 cattle and stock, for domestic, culinary and other household purposes, all of
5 the natural flow of said stream to the extent of 50 inches thereof, measured
6 under a four inch pressure as aforesaid, which said right, however, is subject
7 and subordinate to the right of the plaintiff herein in and to the use decreed
8 of 300 inches of the waters of Mill Creek, but not subject to the additional
9 right of 700 standard miners inches hereinbefore decreed to plaintiff and the
10 said right of this defendant Allen, being further subject and subordinate to the
11 prior right of the defendants Pacific Power Company and J.A. Conway as herein
12 set forth.

13 It is Further Ordered, Adjudged and Decreed that long prior to the
14 commencement of this action and ever since and now the defendant Thomas Sylvester
15 was, and now is the owner of, in the possession of and entitled to the possession
16 of that certain water right and privilege and water property below described,
17 and of those certain tracts of land and premises described in the Answer of said
18 defendant Thomas Sylvester herein, all situated, lying and being in the County
19 of Mono, State of California described as follows:- The Southeast quarter of
20 the Northeast quarter of Section 24, and the East half of the East half of the
21 Southwest quarter of Northeast quarter of Section 24, all in Township 2 North,
22 Range 25 East, M.D.B. & M. containing 50 acres of land and of the undisputed
23 usufructuary right to all the natural flow of that certain stream of water,
24 situated in the said County of Mono, State of California, and known as and
25 called Mill Creek to the extent of 80 standard miners inches measured under a
26 four inch pressure and of the undisputed usufructuary right to use in a reason-
27 able way and manner for the irrigation of said tracts of land and premises and
28 for the benefit and improvement of the soil thereof, and for watering cattle
29 and stock, for domestic, culinary and other household purposes, all of the
30 natural flow of said stream to the extent of 80 standard miners inches measured
31 under a four inch pressure as aforesaid, which said right, however, is subject
32 and subordinate to that right of the plaintiff herein decreed in and to the 300

1 standard miners inches of the waters of said creek, and further subject and sub-
2 ordinate to the prior right of the defendants Pacific Power Company and J. A.
3 Conway as hereinbefore set out and decreed.

4 It is Further Ordered, Adjudged and Decreed that the right and use
5 of, in and to the waters of Mill Creek as decreed to the defendants Mary Felosina
6 A.G.Allen and Thomas Sylvester as between the said defendants Mary Felosina, A.
7 G. Allen and Thomas Sylvester are without priority or priorities one against the
8 other, but that said rights are co-equal and co-extensive proportionate to the
9 amounts decreed to each defendant.

10 It is Further Ordered, Adjudged and Decreed that long prior to the
11 commencement of this action and ever since and now defendant F.D.Mattly was and
12 now is the owner of, in the possession of, and entitled to the possession of
13 that certain water right, privilege and water property below described, and of
14 those certain tracts of land and premises described in the Answer of said defen-
15 dant Mattly herein, all situated, lying and being in the County of Mono, State
16 of California, described as follows:- The South half of the Northwest quarter
17 and the North half of the Southwest quarter of Section 12, Township 2 North,
18 Range 25 East, containing 160 acres of land and of the undisputed usufructuary
19 right to all the natural flow of that certain stream of water situated in said
20 County and State aforesaid and known as and called Mill Creek to the extent of
21 150 standard miners inches measured under a 4 inch pressure, and of the undis-
22 puted usufructuary right to use in a reasonable way and manner for the irriga-
23 tion of said tracts of land and for the benefit and improvement of the soil
24 thereof and for watering cattle and stock, for domestic, culinary and other house-
25 hold purposes, all the natural flow of said stream to the extent of 150 stand-
26 ard miners inches thereof, measured under a four inch pressure as aforesaid,
27 which said right is subject and subordinate to the rights of the plaintiff herein,
28 including both rights hereinbefore decreed plaintiff to the extent of 1000 inches
29 and which said right of defendant Mattly is further subject and subordinate to the
30 rights of the defendants Pacific Power Company, John A. Conway, Mary Felosina,
31 A. G. Allen and Thomas Sylvester as hereinbefore set out, save and except that
32 this said right decreed defendant F.D.Mattly is prior to the right of defendant

1 Felsonia in and to the additional 150 inches decreed said Mary Felosina over
2 and above the 120 inches first decreed to her herein.

3 It is Further Ordered, Adjudged and Decreed that for a long time
4 prior to the commencement of this action and ever since and now the defendant
5 F.D.Mattly was and now is entitled to the undisputed usufructuary right to all
6 the natural flow of that certain stream of water situated in said County and
7 State aforesaid and known as and called Mill Creek to the extent of 50 standard
8 miners inches measured under a four inch pressure in addition to the 150 inches
9 hereinbefore decreed to said defendant Mattly and of the undisputed usufruct-
10 uary right to use in a reasonable way and manner for the irrigation of his
11 tracts of land hereinbefore described and set out and for the benefit and im-
12 provement of the soil thereof, and for watering stock and for domestic, culinary
13 and other household purposes, all of the natural flow of said stream to the ex-
14 tent of 50 standard miners inches in addition to the 150 inches hereinbefore
15 decreed and awarded to him, which said right to said additional 50 inches measur-
16 ed as aforesaid is subject and subordinate to the rights of all the other
17 parties to this action as hereinbefore and hereinafter set out and determined
18 except the rights of Pacific Power Company hereinafter decreed and determined.

19 It is Further Ordered, Adjudged and Decreed that long prior to the
20 commencement of this action and ever since and now the defendant L.W.Dechambeau
21 was and now is the owner of, in the possession of and entitled to the possession
22 of that certain water right, privilege and water property below described, and
23 of those certain tracts of land and premises described in the Answer of said
24 defendant Dechambeau herein, all situated, lying and being in the County of
25 Mono, State of California, and described as follows, Northwest quarter of
26 Northwest quarter of Section 11, Southwest quarter of Northeast quarter, North
27 half of the Northeast quarter, Northeast quarter of Northwest quarter, South
28 half of Northwest quarter, and Northeast of Southwest quarter of Section 10, all
29 in Township 2 North, Range 26 East, M.D.E. & M and of the undisputed usufructuar-
30 y right to all the natural flow of that certain stream of water situated in said
31 County and State aforesaid, and known as and called Mill Creek, to the extent
32 of 650 standard miners inches measured under a four inch pressure and of the

1 undisputed usufructary right to use in a reasonable way and manner for the
2 irrigation of said tracts of land, and for the benefit and improvement of the
3 soil thereof, and for watering cattle and stock, for domestic, culinary and
4 other household purposes, all the natural flow of said stream to the extent
5 of 630 standard miners inches thereof, measured under a four inch pressure as
6 aforesaid, which right is subject and subordinate to the rights of plaintiff
7 herein, including all the rights of plaintiff to the extent of 1000 standard
8 miners inches hereinbefore decreed and which right of defendant Dechambeau is
9 subject and subordinate to the rights of the defendants Pacific Power Company,
10 J.A.Conway, Mary Felosina, A.G.Allen, Thomas Sylvester, F.D.Mattly as hereinbe-
11 fore set out and determined.

12 It is Further Ordered, Adjudged and Decreed that long prior to the
13 commencement of this action, and ever since, and now the defendant J.S.Cain was
14 and now is the owner of, in the possession, and entitled to the possession of the
15 certain water right, privilege and water property below described, and to those
16 certain tracts of land and premises described in the Answer of the said defen-
17 dant Cain herein all situated, lying and being in the County of Mono, State of
18 California and described as follows:- The Northeast quarter of Section 12,
19 Township 2 North, Range 25 East, M.D.B. & M., and of the undisputed right to
20 use in a reasonable way and manner for the irrigation of said tracts of land
21 and for the benefit and improvement of the soil thereof, and for watering cattle
22 and stock and for domestic, culinary and other household purposes such quantity
23 of the surplus waters of Lundy Lake, situated on Mill Creek, above and which
24 said Lundy Lake is west of all the lands hereinbefore set forth as he may de-
25 velop by means of dams and headgates erected at the foot of said Lake to the
26 extent of 300 standard miners inches measured under a four inch pressure.

27 It is Further Ordered, Adjudged and Decreed that the plaintiff here-
28 in in addition to the rights hereinbefore decreed it, is the owner of, in the
29 possession of and entitled to the possession of that certain water right, pri-
30 vilege and water property described as follows, being the undisputed usufructary
31 right to the natural flow of that certain stream of water situated in said
32 County and State aforesaid, and known as and called Mill Creek to the extent of

1 100 inches measured under a four inch pressure as aforesaid, which said right
2 is subject and subordinate to the rights of all of the defendants hereinbefore
3 decreed.

4 It is Further Ordered, Adjudged and Decreed that the Pacific Power
5 Company is a corporation duly organized and existing under and by virtue of the
6 laws of the State of California, that said Pacific Power Company, corporation as
7 aforesaid, and its predecessors in interest were long prior to the commencement
8 of this action, and ever since and now, the said Pacific Power Company is the
9 owner of, in the possession of, and entitled to the possession of those certain
10 lots, pieces, parcels or tracts of land, situate, lying and being in the County
11 of Mono, State of California, and described as follows to-wit: The South half
12 of the Northeast quarter, and the North half of the Southeast quarter of Sec-
13 tion 16, South half of the North half of Section 15, South half of Northwest
14 quarter of Section 14, all in Township 2 North, Range 25 East M.D.E. & M., and
15 that all of said lands have been and now are riparian to and irrigable from
16 said Mill Creek, and that the waters of said Creek flow in their natural course
17 through, over and upon the said lands.

18 It is Further Ordered, Adjudged and Decreed that the defendant
19 Pacific Power Company, a corporation as aforesaid is the owner of, in the pos-
20 session of and entitled to the possession of all the real property situate in
21 the County of Mono, State of California and particularly described as follows:-
22 A certain reservoir site for the storage of water, which consists of the basin
23 of Lundy Lake and lands surrounding the same, and which is bounded by a line
24 beginning at a point on the North and South center line of Section 16, Township
25 2 North, Range 25 East M.D.E. & M., said points being 60 feet Southerly from
26 the center line of Section 16, Township 2 North, Range 25 East, and running
27 thence along a countour line as specifically described in the Amendment to the
28 Answer of the Pacific Power Company, which description is made a part hereof,
29 above the ordinary water level of said Lundy Lake entirely around the basin of
30 said Lake to the point of beginning, and containing an area of 198.44 acres
31 and also a strip of land of the uniform width of 50 feet completely surrounding
32 and adjacent to said reservoir site.

1 It is Further Ordered, Adjudged and Decreed that the said defendant
2 Pacific Power Company, a corporation as aforesaid, is the owner of, in the
3 possession of and entitled to the possession of a certain water right consist-
4 ing of the right to take, divert and appropriate and use for any and all benefi-
5 cial purposes and for the generation of electrical energy or power for mechanical
6 purposes, or for any other lawful purpose, all of the waters of that certain
7 lake known as Lundy Lake, together with all surplus waters of that certain stream
8 known as Mill Creek to the extent of thirty thousand standard miners inches
9 measured under a four inch pressure, which may flow through or from said Lake
10 and stream during the high water season of each year.

11 It is Further Ordered, Adjudged and decreed that the defendant
12 Pacific Power Company, a corporation as aforesaid, is the owner of, in the pos-
13 session of and entitled to the possession of a dam, headgate, intake and water
14 pipe lines, with all the rights, privileges and appurtenances thereunto in any-
15 wise belonging and the rights of way of, and for the same in the County of Mono
16 State of California, said dam, headgate and intake being located at the lower
17 or eastern end of Lundy Lake upon the North half of the Southeast quarter of
18 Section 16, Township 2 North, Range 25 East, M.D.B. & M., and said right of way
19 and pipe lines and appurtenances extending from said dam and headgate through
20 and across and upon the North half of the Southeast quarter and the South half
21 of the Northeast quarter of Section 16, Township 2 North, Range 25 East M.D.B &
22 M., thence through, over, across and upon the South Half of the North half of
23 Section 15, Township 2 North, Range 25 East, M.D.B. & M., thence through, over
24 and across and upon the South half of the Northwest quarter of Section 14, Town-
25 ship 2 North, Range 25 East, M.D.B. & M., thence through, over, across and upon
26 the Northeast quarter of Section 14, Township 2 North, Range 25 East, M.D.B. &
27 M., thence through, across, over and upon the Southwest quarter of Section 12,
28 Township 2 North, Range 25 East, M.D.B. & M., to the power plant and power
29 station which is located upon the Southwest quarter of Section 12, Township 2
30 North, Range 25 East, M.D.B. & M.

31 It is Further Ordered, Adjudged and Decreed that the Pacific Power
32 Company, a corporation as aforesaid is the owner of the undisputed usufructuary
right to all the natural flow of that certain stream of water situated in said

1 County and State aforesaid and known as and called Mill Creek to the extent of
2 fifteen thousand standard miners inches measured under a four inch pressure and
3 of the undisputed usufructuary right to use in a reasonable way and manner for
4 the irrigation of the tracts of land above described and for the benefit and
5 improvement of the soil thereof, and for water^{ing}/cattle and stock and for domestic
6 culinary and other household purposes, all of the natural flow of said stream
7 to the extent of fifteen thousand standard miners inches thereof, measured under
8 a four inch pressure as aforesaid, which said right is subject and subordinate
9 to the rights of the plaintiff herein and to the rights of all the defendants
10 herein as hereinbefore decreed.

11 It is Further Ordered, Adjudged and Decreed that the defendant
12 Pacific Power Company is the owner of the undisputed usufructuary right to all
13 the surplus flow of that certain stream of water known as Mill Creek, situated
14 in said County of Mono and State as aforesaid, to the extent of fifteen thousand
15 standard miners inches (but subject to the rights of J.S.Cain as hereinbefore
16 set forth).

17 It is Further Ordered, Adjudged and Decreed that the defendant Paci-
18 fic Power Company, a corporation, as aforesaid is the owner of the undisputed
19 right to have all the waters of said Mill Creek flow in the natural course of
20 stream down, through, across and over and upon the said lands hereinbefore des-
21 cribed as riparian to said stream undiminished in quantity and unpolluted in
22 quality, subject only to the reasonable use thereof by other upper riparian
23 owners and prior appropriators as hereinbefore set forth and decreed.

24 It is Further Ordered, Adjudged and Decreed that the defendant
25 Pacific Power Company, a corporation as aforesaid is the owner of and entitled
26 to the sole and undisputed right to impound in Lundy Lake all of the waters of
27 said Mill Creek over and above the amounts hereinbefore decreed as part of the
28 natural flow of said stream, subject to the rights of J.S.Cain as hereinbefore
29 set forth. That the said right to impound and use for the generation of elec-
30 trical energy or power for mechanical purposes or for any other lawful purpose,
31 the waters of Mill Creek is to be determined and is herewith determined and
32 measured with reference entirely to the natural flow of Mill Creek, irrespective

1 of the amounts of water or rights in said stream hereinbefore decreed.

2 It is Further Ordered, Adjudged and Decreed that the defendant
3 Pacific Power Company a corporation as aforesaid, is now the owner of the un-
4 disputed right to use for the generation of electrical energy and other mechan-
5 ical purposes, all of the waters of Mill Creek, to the extent of Seven hundred
6 standard miners inches measured under a four inch pressure heretofore decreed
7 to John A. Conway subject and subordinate to the rights of said defendant John
8 A. Conway hereinbefore decreed, and also to the rights hereinafter decreed to
9 said defendant John A. Conway and the right to have the said quantity of water
10 returned to the ditches owned by said defendant John A. Conway unpolluted and
11 free from sand and slimes.

12 It is Ordered, Adjudged and Decreed that this right shall be enjoy-
13 ed and decreed to the said defendant Pacific Power Company to be used by it
14 for the purposes aforesaid, without injury or detriment to the rights of the
15 defendant John A. Conway, and the said right is decreed to it as a right of
16 user conditioned upon its non-interference with the rights of the said defen-
17 dant Conway.

18 It is Adjudged and Decreed, that the use and right of the said de-
19 fendant Pacific Power Company and in and to the said amount of water shall be
20 used by said defendant Pacific Power Company without interference from or by
21 dictation of any of the defendants herein except that the amount used shall
22 not exceed the amount decreed herein, but conditioned that the said waters, and
23 all thereof, shall be by the defendant Pacific Power Company returned unpolluted
24 and free from sand or slimes to the ditches of the defendant J.A. Conway for use
25 upon the lands of said Conway as hereinbefore decreed.

26 It is Further Ordered, Adjudged and Decreed that the defendant
27 Pacific Power Company, a corporation as hereinbefore set forth is the undis-
28 puted owner of, and entitled to the right and privilege in and to the use of
29 all the waters of Mill Creek, its tributaries and lakes for the purposes of the
30 generation of electrical energy and power and for mechanical purposes, which
31 use is irrespective of the amount or quantity of water flowing in said stream,
32 and which said use is unaffected by any of the provisions of this decree but

1 determined and decreed herein to be so used and enjoined in subrogation of all
2 the rights herein decreed to the end that none of the prior rights herein be-
3 fore decreed shall be impaired by the exercise or user of this right.

4 It is Further Ordered, Adjudged and Decreed that the defendant C.
5 W. Fulton having made default in this said action, which default has been duly
6 entered, has no right or rights in or to any of the water or waters of Mill
7 Creek, or in or to any of the tributaries thereof.

8 It is Further Ordered, Adjudged and Decreed, that the lands herein
9 described as owned by each and all the parties hereto are described with re-
10 ference to the records of Mono County, State of California, which records are
11 made a part and parcel of this decree for a full and complete description of
12 all of the lands herein referred to, to the end that should it appear herein
13 that any of the land or lands have been herein incorrectly described or that
14 such incorrection or mistake of identify should appear upon the records of Mono
15 County, then this decree shall apply with equal binding force and effect to the
16 lands correctly described and to the lands affected by said decree though in-
17 correctly described, and the Court hereby reserves jurisdiction to reform this
18 decree by causing to be inserted herein or by amendment hereto the correct
19 description of any and all lands incorrectly or erroneously described upon
20 notice to the parties to this action and satisfactory proof of such error of
21 description.

22 It is Further Ordered, Adjudged and Decreed that the plaintiff and
23 each of the defendants, and the servants, agents and employees and each of them,
24 be and they are, and each of them is hereby perpetually enjoined and restrained
25 from and commanded absolutely to refrain and desist from diverting or taking
26 out of the said Mill Creek any water in any manner or way whereby any party
27 hereto may be deprived of the use thereof, to the extent hereinbefore decreed
28 to each party, save and except under and by virtue of this decree and the
29 priorities and rights herein determined.

30 It is Further Ordered, Adjudged and Decreed hereby and herein that
31 there be no allowance of costs to any party hereto and that each party pay and
32 defray his own costs already incurred or that may be hereafter incurred in the

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course of this action.

Done in open Court this 17th day of June 1915.

L. T. Price
Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
Action.

Enter nunc pro tunc as of November 30, 1914

L. T. Price
Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
Action.

Entered in Book C, page 203 of Civil Judgments

The foregoing instrument is a full, true and correct copy of the
original on file in this office.

Attest OCT 19 1937 19...
GEO. O. DELURY, JR. County Clerk and Clerk of the Superior
Court, of the State of California, in and for the County of Mono.

By Grace J. Brandes Deputy

EXHIBIT "G"

MILL CREEK WATER ADJUDICATION
 COURT CASE NO. 2088 JUDGE L. T. PRICE, JUNE 17, 1915

<u>Decree Name</u>	<u>Priority</u>	<u>Parcel (Other than Los Angeles)</u>	<u>Present Owner</u>
Pacific Power Co.	First		Los Angeles
J. A. Conway	Second Seventh	18, 31, 32, 71, 72, 80, 81, 82	Gladys C. Millner John W. Schriakoff Lucille M. Schriakoff Richard P. Conway Thelma S. Conway Doe 1
Hydro Electric Co.	Third Fifth Eleventh		Los Angeles
Mary Felosina	Fourth Tenth		Los Angeles
A. G. Allen	Fourth	78	Janice O. Simis Theodore Off C. Douglas Off
Thos. Sylvester	Fourth	79	Los Angeles Janice C. Simis
F. D. Mattly	Sixth Fifteenth	73	Alfred M. Rulefson Katherine B. Rulefson
L. W. DeChambeau	Eighth	83	Dewey C. DeChambeau
C. H. Currie	Ninth		Los Angeles
W. O. Lundy	Twelfth	86	C. A. Lundy Murray C. Lundy James Lundy
B. B. McKnight	Thirteenth		Los Angeles
J. S. Cain	Fourteenth		Los Angeles
Pacific Power Co.	Power Rights		Edison

EXHIBIT "G"