

#1. Signed copy of original  
Court Record.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF SHASTA.

EXHIBIT "E"

EDNAH M. BLACK,

Plaintiff,

vs.

MARINA B. GRINNELL, RICHARD W. HAYNES,  
A. E. HAYNES, J. G. ERICKSON, JOHN SMOOKS,  
FRED GREER, MARY ANN CORNAR, TIMOTHY DESMOND,  
WALTER EWE, RAY VEDDER, MRS. ELLA P. BRADSH,  
and THE RED RIVER LUMBER COMPANY, a Corpora-  
tion.

Defendants.

NO. 5111

JUDGMENT AND DECREE

The above entitled cause having been transferred to the Division of Water Rights of the Department of Public Works of the State of California, as referee, by an order of this Court, dated November 25, 1921, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes of 1913, Chapter 586, as amended, the parties hereto having thereafter stipulated that the said referee might report, for the approval of this Court, a decree containing provisions set forth in said stipulation, and said parties having further stipulated that findings of fact and conclusions of law herein be waived, and the said Division of Water Rights, as referee, having filed its report herein, which report embodied said stipulation of the parties, and said matter being finally submitted to this Court on said report, including said stipulation, the Court hereby renders judgment, and is hereby ORDERED, ADJUDGED AND DECREED, as follows, to-wit:

1. That Richard W. Haynes shall be entitled to divert 0.75 cubic feet per second from the natural flow of Canyon Creek at all times when such amount of water is available, and when less than such amount of water is available said Richard W. Haynes shall be entitled to divert the entire flow of said Canyon Creek, said water to be used for domestic, stock watering and irrigation purposes on the lands of said Richard W. Haynes, as described in Table I hereunto annexed and made a part hereof as Exhibit D.

2. That Richard W. Haynes shall be entitled to divert the entire nat-

1 rural flow of Spring Creek, at all times, said water to be used for domestic,  
2 stock watering and irrigation purposes on the lands of said Richard W. Haynes,  
3 as described in said Exhibit D.

4 3. That the reasonable needs of all parties hereto, with the excep-  
5 tion of Ella P. Braden, for domestic and stock watering purposes shall be  
6 satisfied at all times, and the water master, hereinafter provided for in Sec-  
7 tion 21, shall have authority to allot such water as may be necessary for such  
8 purposes; provided, however, that any party hereto shall, upon the request of  
9 the water master cause such construction work to be done or such installation  
10 to be made as may be necessary to reduce the losses in transportation of the  
11 domestic and stock water of that party to a minimum, and in the event of the  
12 neglect or refusal of any party hereto to comply with such a request from the  
13 water master no further delivery of domestic and stock water shall be made to  
14 said party until such request is complied with.

15 4. That subject to the foregoing provisions, the parties to this  
16 action are entitled to an equal and correlative right in and to the waters of  
17 Burney Creek, as provided in the following sections 5 to 13, inclusive.

18 5. That the parties to this action shall be divided into two classes,  
19 to be known as West Side Users and East Side Users, as set forth in Schedules  
20 I and II, herunto annexed and made a part hereof as Exhibits A and B, respect-  
21 ively.

22 6. That the period between six o'clock A. M. on May fifth and six  
23 o'clock A. M. on November first, in each year, shall be divided into eighteen  
24 irrigation periods of ten consecutive days each.

25 7. That during the first, third, fifth, seventh, ninth, eleventh,  
26 thirteenth, fifteenth, and seventeenth irrigation periods, the said West Side  
27 Users shall be entitled to divert and use the waters of Burney Creek for domestic  
28 and stock watering purposes, and for the irrigation of their lands as described  
29 in Exhibit D; provided that the amounts of water to which said West Side Users  
30 shall be entitled shall be limited to the amounts which can be beneficially used  
31 for said purposes, and shall not exceed the amounts set forth in said Schedule I.

1           8. That during the second, fourth, sixth, eighth, tenth, twelfth, four-  
2   teenth, sixteenth, and eighteenth irrigation periods, 0.50 cubic foot per second  
3   may be diverted from said Burney Creek through the Haynes Ditch, 0.25 cubic foot  
4   per second may be diverted from said Burney Creek through the Erickson Ditch, and  
5   0.25 cubic foot per second may be diverted from said Burney Creek through the  
6   Snooks Ditch, for domestic and stock watering purposes, and for preventing damage  
7   which might otherwise be caused by said ditches remaining entirely dry.

8           9. That during the second, fourth, sixth, eighth, tenth, twelfth, four-  
9   teenth, sixteenth and eighteenth irrigation periods, the said East Side Users  
10  shall be entitled to divert and use the waters of Burney Creek for domestic and  
11  stock watering purposes and for the irrigation of their lands as described in  
12  Exhibit D; provided that the amounts of water to which said East Side Users shall  
13  be entitled shall be limited to the amounts which can be beneficially used for  
14  said purposes, and shall not exceed the amounts set forth in said Schedule II.

15           10. That during the first, third, fifth, seventh, ninth, eleventh, thir-  
16  teenth, fifteenth, and seventeenth irrigation periods, such an amount of water may  
17  be diverted through the Greer-Cornax Ditch, in addition to the amount necessary to  
18  provide the allotment to Mary Ann Cornax as provided in said Schedule I, as may be  
19  necessary to provide a flow of one cubic foot per second in said ditch at the  
20  point where it crosses the north line of the Mary Ann Cornax property.

21           11. That should at any time during the first, third, fifth, seventh,  
22  ninth, eleventh, thirteenth, fifteenth, or seventeenth irrigation periods, the  
23  natural flow of Burney Creek be insufficient to supply the water hereinabove  
24  allotted to the West Side Users, and at the same time supply the Greer-Cornax  
25  Ditch with the minimum flow provided for in Section 10 hereof, then during the  
26  continuance of such shortage, the West Side Users shall divide the excess water  
27  of Burney Creek over and above the amount necessary to supply the Greer-Cornax  
28  Ditch with said minimum flow, in the respective ratios that their allotments as  
29  provided for in Schedule I bear to the total of the allotments provided in  
30  Schedule I. The test of the apportionment of the ratios provided for in this  
31  paragraph, in case of such water shortage, will be whether or not the West Side

1 Users are receiving their respective ratios, at the respective points of measure-  
2 ment of their allotments as hereinafter provided for.

3 12. That should at any time during the second, fourth, sixth, eighth,  
4 tenth, twelfth, fourteenth, sixteenth, or eighteenth irrigation periods, the nat-  
5 ural flow of Burney Creek be insufficient to supply the water hereinabove allotted  
6 to the East Side Users, and at the same time supply the Haynes, Erickson and  
7 Snooks Ditches with the minimum flows provided for in Section 8 hereof, then,  
8 during the continuance of such shortage, the East Side Users shall divide the  
9 excess water of Burney Creek over and above the amount necessary to supply the  
10 Haynes, Erickson and Snooks Ditches with said minimum flows, in the respective  
11 ratios that their allotments as provided for in Schedule II bear to the total  
12 of the allotments provided in Schedule II. The test of the apportionment of the  
13 ratios provided for in this paragraph, in the case of such water shortage, will  
14 be whether or not the East Side Users are receiving their respective ratios, at  
15 the respective points of measurement of their allotments as hereinafter provided  
16 for.

17 13. That whenever there is a surplus of water in Burney Creek over and  
18 above the flow necessary to supply the allotments hereinabove provided for, then  
19 the parties named in Schedule III hereunto annexed and made a part hereof as  
20 Exhibit C, shall be entitled to divert and use through their respective ditches,  
21 for domestic and stock watering purposes, and for the irrigation of their lands  
22 as described in Exhibit D, the respective allotments specified in said Schedule  
23 III; provided, however, that if such surplus is insufficient to supply the total  
24 of the allotments provided in Schedule III, then the several parties therein  
25 provided for shall share such surplus in the ratios that their respective allot-  
26 ments provided in Schedule III bear to the total of the allotments provided in  
27 said Schedule. The test of the apportionment of the ratios provided for in this  
28 paragraph, in the event that the above mentioned surplus is insufficient to supply  
29 the full allotments provided for in Schedule III, will be whether or not the par-  
30 ties provided for in said Schedule are receiving their respective ratios, at the  
31 respective points of measurement of their allotments as hereinafter provided for.

1           14. That, subject to all of the rights hereinabove provided for,  
2 Ella P. Braden is the owner of a vested right by appropriation in and to the  
3 waters of Burney Creek, by virtue of which she is entitled to divert from  
4 Burney Creek, through the Braden Ditch, such an amount of water as can be bene-  
5 ficially used for domestic and stock watering purposes, and for the irrigation  
6 of her lands as described in Exhibit D; provided, however, that the amount of  
7 water to which said right is entitled shall not exceed 25 cubic feet per second.

8           15. That the points of measurements of all allotments hereinabove  
9 provided for shall be at the respective points of diversion from the stream,  
10 except in the case of those allotments received through the Greer-Cornax Ditch,  
11 in which case said allotments shall be measured at the respective points where  
12 said ditch crosses the respective upper boundary lines of the several properties  
13 allotted water through said ditch, except that the allotment to Ednah M. Black  
14 shall be measured at the point where said ditch crosses the south line of The  
15 Red River Lumber Company property, and except in the cases of those allotments  
16 provided to Timothy Desmond, to Mary Ann Cornax and to Ray Vedder through the  
17 natural channel of Burney Creek, in which case said allotments shall be measured  
18 at a point in the natural channel of Burney Creek opposite the head of the El-  
19 ling Ditch.

20           16. That all descriptions of land contained in Table I, hereunto an-  
21 nexed and made a part hereof as Exhibit D, shall be as determined by the survey  
22 made by the Division of Water Rights of the Department of Public Works of the  
23 State of California in July, 1922.

24           17. That nothing herein contained shall be construed as limiting or  
25 restricting the rights of any two or more of said parties from entering into  
26 an agreement or agreements whereby said parties may pool their respective int-  
27 erests for use during any irrigation period, or during any two consecutive irri-  
28 gation periods, and thereby apply water to their respective lands at a greater  
29 rate than herein provided for; provided that the total use of any such parties  
30 on their lands shall not exceed the allotments herein provided for; and provided,  
31 further, that such use shall not impair or infringe the right of any other party

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF SHASTA.

EXHIBIT "B"

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EDNAH M. BLACK,

Plaintiff,

vs.

MARINA B. GRINNELL, RICHARD W. HAYNES,  
A. R. HAYNES, J. G. BRICKSON, JOHN SMOOKS,  
FRED GREEN, MARY ANN CORNALL, TIMOTHY DREMOND,  
SALVE BUN, RAY VEDDER, MRS. ELLA P. BRADSHAW,  
and THE RED RIVER LUMBER COMPANY, a Corpora-  
tion.

Defendants.

NO. 5111

JUDGMENT AND DECREE

The above entitled cause having been transferred to the Division of Water Rights of the Department of Public Works of the State of California, as referee, by an order of this Court, dated November 25, 1921, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes of 1915, Chapter 586, as amended, the parties hereto having thereafter stipulated that the said referee might report, for the approval of this Court, a decree containing provisions set forth in said stipulation, and said parties having further stipulated that findings of fact and conclusions of law herein be waived, and the said Division of Water Rights, as referee, having filed its report herein, which report embodied said stipulation of the parties, and said matter being finally submitted to this Court on said report, including said stipulation, the Court hereby renders judgment, and is hereby ORDERED, ADJUDGED AND DECREED, as follows, to-wit:

1. That Richard W. Haynes shall be entitled to divert 0.75 cubic feet per second from the natural flow of Canyon Creek at all times when such amount of water is available, and when less than such amount of water is available said Richard W. Haynes shall be entitled to divert the entire flow of said Canyon Creek, said water to be used for domestic, stock watering and irrigation purposes on the lands of said Richard W. Haynes, as described in Table I hereunto annexed and made a part hereof as Exhibit B.
2. That Richard W. Haynes shall be entitled to divert the entire nat-

1 ural flow of Spring Creek, at all times, said water to be used for domestic,  
2 stock watering and irrigation purposes on the lands of said Richard W. Haynes,  
3 as described in said Exhibit D.

4 3. That the reasonable needs of all parties hereto, with the excep-  
5 tion of Ella P. Braden, for domestic and stock watering purposes shall be  
6 satisfied at all times, and the water master, hereinafter provided for in Sec-  
7 tion 21, shall have authority to allot such water as may be necessary for such  
8 purposes; provided, however, that any party hereto shall, upon the request of  
9 the water master cause such construction work to be done or such installation  
10 to be made as may be necessary to reduce the losses in transportation of the  
11 domestic and stock water of that party to a minimum, and in the event of the  
12 neglect or refusal of any party hereto to comply with such a request from the  
13 water master no further delivery of domestic and stock water shall be made to  
14 said party until such request is complied with.

15 4. That subject to the foregoing provisions, the parties to this  
16 action are entitled to an equal and correlative right in and to the waters of  
17 Burney Creek, as provided in the following sections 5 to 13, inclusive.

18 5. That the parties to this action shall be divided into two classes,  
19 to be known as West Side Users and East Side Users, as set forth in Schedules  
20 I and II, hereunto annexed and made a part hereof as Exhibits A and B, respec-  
21 tively.

22 6. That the period between six o'clock A. M. on May fifth and six  
23 o'clock A. M. on November first, in each year, shall be divided into eighteen  
24 irrigation periods of ten consecutive days each.

25 7. That during the first, third, fifth, seventh, ninth, eleventh,  
26 thirteenth, fifteenth, and seventeenth irrigation periods, the said West Side  
27 Users shall be entitled to divert and use the waters of Burney Creek for domestic  
28 and stock watering purposes, and for the irrigation of their lands as described  
29 in Exhibit D; provided that the amounts of water to which said West Side Users  
30 shall be entitled shall be limited to the amounts which can be beneficially used  
31 for said purposes, and shall not exceed the amounts set forth in said Schedule I.

1           8. That during the second, fourth, sixth, eighth, tenth, twelfth, four-  
2   teenth, sixteenth, and eighteenth irrigation periods, 0.50 cubic foot per second  
3   may be diverted from said Burney Creek through the Haynes Ditch, 0.25 cubic foot  
4   per second may be diverted from said Burney Creek through the Erickson Ditch, and  
5   0.25 cubic foot per second may be diverted from said Burney Creek through the  
6   Snooks Ditch, for domestic and stock watering purposes, and for preventing damage  
7   which might otherwise be caused by said ditches remaining entirely dry.

8           9. That during the second, fourth, sixth, eighth, tenth, twelfth, four-  
9   teenth, sixteenth and eighteenth irrigation periods, the said East Side Users  
10  shall be entitled to divert and use the waters of Burney Creek for domestic and  
11  stock watering purposes and for the irrigation of their lands as described in  
12  Exhibit D; provided that the amounts of water to which said East Side Users shall  
13  be entitled shall be limited to the amounts which can be beneficially used for  
14  said purposes, and shall not exceed the amounts set forth in said Schedule II.

15           10. That during the first, third, fifth, seventh, ninth, eleventh, thir-  
16  teenth, fifteenth, and seventeenth irrigation periods, such an amount of water may  
17  be diverted through the Greer-Cornas Ditch, in addition to the amount necessary to  
18  provide the allotment to Mary Ann Cornas as provided in said Schedule I, as may be  
19  necessary to provide a flow of one cubic foot per second in said ditch at the  
20  point where it crosses the north line of the Mary Ann Cornas property.

21           11. That should at any time during the first, third, fifth, seventh,  
22  ninth, eleventh, thirteenth, fifteenth, or seventeenth irrigation periods, the  
23  natural flow of Burney Creek be insufficient to supply the water hereinabove  
24  allotted to the West Side Users, and at the same time supply the Greer-Cornas  
25  Ditch with the minimum flow provided for in Section 10 hereof, then during the  
26  continuance of such shortage, the West Side Users shall divide the excess water  
27  of Burney Creek over and above the amount necessary to supply the Greer-Cornas  
28  Ditch with said minimum flow, in the respective ratios that their allotments as  
29  provided for in Schedule I bear to the total of the allotments provided in  
30  Schedule I. The test of the apportionment of the ratios provided for in this  
31  paragraph, in case of such water shortage, will be whether or not the West Side



1 Users are receiving their respective ratios, at the respective points of measure-  
2 ment of their allotments as hereinafter provided for.

3 12. That should at any time during the second, fourth, sixth, eighth,  
4 tenth, twelfth, fourteenth, sixteenth, or eighteenth irrigation periods, the nat-  
5 ural flow of Burney Creek be insufficient to supply the water hereinabove allotted  
6 to the East Side Users, and at the same time supply the Haynes, Erickson and  
7 Snooks Ditches with the minimum flows provided for in Section 8 hereof, then,  
8 during the continuance of such shortage, the East Side Users shall divide the  
9 excess water of Burney Creek over and above the amount necessary to supply the  
10 Haynes, Erickson and Snooks Ditches with said minimum flows, in the respective  
11 ratios that their allotments as provided for in Schedule II bear to the total  
12 of the allotments provided in Schedule II. The test of the apportionment of the  
13 ratios provided for in this paragraph, in the case of such water shortage, will  
14 be whether or not the East Side Users are receiving their respective ratios, at  
15 the respective points of measurement of their allotments as hereinafter provided  
16 for.

17 13. That whenever there is a surplus of water in Burney Creek over and  
18 above the flow necessary to supply the allotments hereinabove provided for, then  
19 the parties named in Schedule III hereunto annexed and made a part hereof as  
20 Exhibit C, shall be entitled to divert and use through their respective ditches,  
21 for domestic and stock watering purposes, and for the irrigation of their lands  
22 as described in Exhibit D, the respective allotments specified in said Schedule  
23 III; provided, however, that if such surplus is insufficient to supply the total  
24 of the allotments provided in Schedule III, then the several parties therein  
25 provided for shall share such surplus in the ratios that their respective allot-  
26 ments provided in Schedule III bear to the total of the allotments provided in  
27 said Schedule. The test of the apportionment of the ratios provided for in this  
28 paragraph, in the event that the above mentioned surplus is insufficient to supply  
29 the full allotments provided for in Schedule III, will be whether or not the par-  
30 ties provided for in said Schedule are receiving their respective ratios, at the  
31 respective points of measurement of their allotments as hereinafter provided for.

1           14. That, subject to all of the rights hereinabove provided for,  
2 Ella P. Braden is the owner of a vested right by appropriation in and to the  
3 waters of Burney Creek, by virtue of which she is entitled to divert from  
4 Burney Creek, through the Braden Ditch, such an amount of water as can be bene-  
5 ficially used for domestic and stock watering purposes, and for the irrigation  
6 of her lands as described in Exhibit D; provided, however, that the amount of  
7 water to which said right is entitled shall not exceed 25 cubic feet per second.

8           15. That the points of measurements of all allotments hereinabove  
9 provided for shall be at the respective points of diversion from the stream,  
10 except in the case of those allotments received through the Greer-Cornaz Ditch,  
11 in which case said allotments shall be measured at the respective points where  
12 said ditch crosses the respective upper boundary lines of the several properties  
13 allotted water through said ditch, except that the allotment to Ednah M. Black  
14 shall be measured at the point where said ditch crosses the south line of The  
15 Red River Lumber Company property, and except in the cases of those allotments  
16 provided to Timothy Desmond, to Mary Ann Cornaz and to Ray Vedder through the  
17 natural channel of Burney Creek, in which case said allotments shall be measured  
18 at a point in the natural channel of Burney Creek opposite the head of the El-  
19 ling Ditch.

20           16. That all descriptions of land contained in Table I, hereunto an-  
21 nexed and made a part hereof as Exhibit D, shall be as determined by the survey  
22 made by the Division of Water Rights of the Department of Public Works of the  
23 State of California in July, 1922.

24           17. That nothing herein contained shall be construed as limiting or  
25 restricting the rights of any two or more of said parties from entering into  
26 an agreement or agreements whereby said parties may pool their respective int-  
27 erests for use during any irrigation period, or during any two consecutive irri-  
28 gation periods, and thereby apply water to their respective lands at a greater  
29 rate than herein provided for; provided that the total use of any such parties  
30 on their lands shall not exceed the allotments herein provided for; and provided,  
31 further, that such use shall not impair or infringe the right of any other party

1 hereto.

2 18. That nothing herein contained shall be construed as limiting or  
3 restricting the right of any riparian owner on said Burney Creek or its tribu-  
4 taries to divert and apply to beneficial use on any riparian lands other than  
5 those described in Exhibit D, any waters of said Burney Creek or its tributaries  
6 over and above those waters hereinabove allotted.

7 19. That nothing herein contained shall be construed as a waiver of  
8 the right of any party hereto to appropriate, upon application and proceedings  
9 before the Division of Water Rights of the Department of Public Works of the  
10 State of California, and apply to beneficial use on any lands other than those  
11 described in Exhibit D, any waters of said Burney Creek or its tributaries over  
12 and above those waters hereinabove allotted; nor shall anything herein contained  
13 be construed as a waiver of the right of any party hereto to protest or take  
14 other appropriate action against the issuance of a permit for the appropriation  
15 of water from Burney Creek or its tributaries, or towards the prevention of  
16 such an appropriation.

17 20. That, subject to the provisions of sections 18 and 19 hereof,  
18 whenever there is a surplus of water in Burney Creek and its tributaries over  
19 and above the flow necessary to supply all of the rights hereinabove provided for,  
20 then such surplus water shall be apportioned among the parties hereto in the ratios  
21 that their respective total irrigated areas, as set forth in Exhibit D, bear to  
22 the total of the irrigated areas included in said Exhibit.

23 21. That upon request of any party hereto, the Division of Water Rights  
24 of the Department of Public Works of the State of California may investigate,  
25 and if upon investigation it appears to said Division that necessity therefore  
26 exists, said Division, or in case said Division shall fail to act, then the judge  
27 of the Superior Court of Shasta County, may appoint a water master to distribute  
28 the waters of Burney Creek in accordance with this decree, and said water master,  
29 when so appointed, shall have power and authority to inspect and regulate the  
30 diversions of all the parties hereto in accordance with this decree, and in the  
31 exercise of such authority may enter upon the lands of said parties for the

1 purpose of such inspection and regulation, and may establish and maintain such  
2 gauging stations and measuring devices, and require such diversion works to be  
3 constructed in such streams and such headgates to be installed in the diversion  
4 ditches, as may be necessary or convenient. The water master, when so appointed,  
5 or his successor, shall continue in authority until November first of the irri-  
6 gation season for which he was appointed unless otherwise agreed to by all par-  
7 ties hereto, but shall not hold over from one irrigation season to another. All  
8 costs and expenses of distribution of water through the agency of such water  
9 master, incurred by the said Division of Water Rights, or by the water master  
10 in the event that his appointment is made by the judge of the Superior Court  
11 of Shasta County, shall be borne by the parties hereto, Ella P. Braden excepted,  
12 in the ratios that their respective allotments, as provided in Schedules I and  
13 II, bear to the total of the allotments provided in said Schedules.

14 22. That the owners of each ditch through which water is diverted  
15 from Burney Creek or its tributaries as herein provided, shall install, under the  
16 supervision of an engineer appointed by the Division of Water Rights, such perma-  
17 nent headgates and measuring devices as shall be required and approved by said  
18 Division of Water Rights, prior to July 1, 1926, or such later date as may be  
19 ordered by this Court. The several ditch owners shall furnish all necessary labor  
20 and material for the construction and installation of said headgates and measuring  
21 devices in their respective ditches, and the cost of supervision as herein pro-  
22 vided shall be borne by the parties hereto, in the ratios that their respective  
23 allotments, as provided in Schedules I and II, bear to the total of the allot-  
24 ments provided in said Schedules.

25 23. That each water user from the Greer-Cornas Ditch shall keep that  
26 portion of the ditch through his premises in good repair, in order that there  
27 may be no unreasonable loss to lower users through the said ditch and if any  
28 user fails to comply with this provision within a reasonable time after notifi-  
29 cation by the water master, the water master may repair said ditch or flume at  
30 the expense of such user.

31 25. That each party to this action and any attorneys, solicitors,

1 agents, servants, and employees of any party to this action and all those owning  
2 or claiming by, through, under or for any party to this action and all others  
3 acting in aid or assistance of any party to this action are hereby perpetually  
4 restrained, prohibited and enjoined from interrupting or in any way interfering  
5 with the beneficial use of the waters of Burney Creek or its tributaries by  
6 any other party to this action or by the respective heirs, successors or assigns  
7 of any other party to this action according to the respective rights as herein  
8 decreed .

9 25. That the riparian rights of any party, or parties, to this action  
10 to use the waters of Burney Creek for the generation of electricity, if any  
11 such rights there be, are not at all adjudicated, or determined, or concluded by  
12 this judgment and decree; provided, however, that any use of the waters of Burney  
13 Creek by any person or persons for the generation of electricity shall not inter-  
14 fere with or impair the rights of any of the parties to this action in or to the  
15 waters of Burney Creek for the paramount uses and purposes hereinabove mentioned.

16 26. That each party to this action shall pay his own costs, and that  
17 the expenses incurred by the said Division of Water Rights, as referee, as item-  
18 ized in the "Statement of Expenses Incurred by the Division of Water Rights as  
19 Referee in the Burney Creek Reference", herewith annexed and made a part hereof as  
20 Exhibit E, shall be borne by the parties hereto as apportioned in the statement  
21 entitled "Apportionment of Expenses Incurred by the Division of Water Rights, as  
22 Referee, in the Burney Creek Reference", herewith annexed and made a part hereof  
23 as Exhibit F, and that said parties shall pay to the clerk of this Court within  
24 thirty days from the date hereof their respective assessments as stated in said  
25 Exhibit F, and that said clerk shall transmit said sums, when so paid, to the  
26 Division of Water Rights, 707 Forum Building, Sacramento, California.

27 Dated this 30th day of January, 1926

28  
29  
30 Walter E. Heringer  
31 JUDGE

EXHIBIT A  
SCHEDULE I  
WEST SIDE USERS

PROPERTY OWNER	DITCH	ACREAGE TO BE SUPPLIED	Allotment during 1st, 3rd, 5th, 7th, 9th, 11th, 13th, 15th, and 17th Irrigation Periods. (Cubic Feet per Second)
Richard W. Haynes	*Haynes or Creek Laterals	378	9.45
J. C. Erickson	Erickson	21	0.60
John Snooks	Snooks	18	0.50
Timothy Desmond	*Cayton or Natural Channel of Bur- ney Creek	75	1.88
Karl Elling	*Cayton or Elling	314	7.85
Mary Ann Cornax	*Greer-Cornax, or Natural Channel of Burney Creek	150	3.75
Ray Vedder	*Greer-Cornax, or Natural Channel of Burney Creek	75	1.87
<b>Total</b>		<b>1031</b>	<b>25.90</b>

\* In any case where the use of more than one ditch, or of a ditch and the natural channel, is allowed a water user, the choice of ditch or channel shall be optional with the water user.

EXHIBIT B  
SCHEDULE II  
EAST SIDE USERS

Property Owner	Ditch	Acreage to be Supplied	Allotment during 2nd, 4th, 6th, 8th, 10th, 12th, 14th, 16th, and 18th Irrigation Periods. (Cubic Feet per Second)
A. R. Haynes	A.R.Haynes	50	1.25
Fred Greer	Greer-Cornaz	87	2.50
Mary Ann Cornaz	Greer-Cornaz	137	3.42
Red River Lumber Co.	Greer-Cornaz	175	4.38
Ednah M. Black	Greer-Cornaz	320	8.80
Karl Elling	*Cayton or Elling	200	5.00
<b>Total</b>		<b>969</b>	<b>25.30</b>

\* The allotment provided for Karl Elling may be diverted through either the Cayton or the Elling Ditch, at his option.

EXHIBIT G

SCHEDULE III

SURPLUS WATER USES

Property Owner	Ditch	Acreage to be Supplied	Allotment (Cubic Feet Per Second)
Karl Miling	*Cayton or Miling	71	0.90
Timothy Desmond	*Cayton or Natural Channel of Burney Creek.	8	0.10
Fred Greer	Greer-Cornas	10	0.12
Mary Ann Cornas	*Greer-Cornas or Natural Channel of Burney Creek	32	0.40
Red River Lumber Co.	Greer-Cornas	150	1.88
Minah M. Black	Greer-Cornas	137	1.70
Ray Vedder	*Greer-Cornas, or Natural Channel of Burney Creek	64	0.80
<b>Total</b>		<b>472</b>	<b>5.90</b>

\* In any case where the use of more than one ditch, or of a ditch and the natural channel, is allowed a water user, the choice of ditch or channel shall be optional with the water user.



EXHIBIT D

TABLE I

LANDS IRRIGATED FROM BURNEY CREEK AND TRIBUTARIES  
AS DETERMINED BY SURVEY MADE BY DIVISION OF WATER RIGHTS  
IN JULY, 1922

I. RICHARD W. HAYNES:

6.1 acres in NW	SW	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
27.1 acres in NE	SW	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
37.9 acres in NW	SE	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
37.7 acres in SW	SW	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
38.9 acres in SE	SW	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
39.5 acres in SW	SE	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
17.2 acres in SE	SE	Sec. 23, T 35 N, R 2 E. M.D.B.& M.
34.4 acres in SW	SW	Sec. 24, T 35 N, R 2 E. M.D.B.& M.
36.7 acres in NW	NW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
41.7 acres in NE	NW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
24.8 acres in NW	NE	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
9.9 acres in NE	NE	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
36.6 acres in SW	NW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
24.4 acres in SE	NW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
1.6 acres in SW	NE	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
16.7 acres in NW	SW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.
2.6 acres in NE	SW	Sec. 26, T 35 N, R 2 E. M.D.B.& M.

433.8 acres - Total

II. A. R. HAYNES:

21.1 acres in NE	SW	Sec. 24, T 35 N, R 2 E. M.D.B.& M.
19.8 acres in SE	SW	Sec. 24, T 35 N, R 2 E. M.D.B.& M.
9.7 acres in SW	SE	Sec. 24, T 35 N, R 2 E. M.D.B.& M.

50.6 acres - Total

III. J. C. BRIDGSON:

6.5 acres in NW	NW	Sec. 25, T 35 N, R 2 E. M.D.B.& M.
0.1 acre in SW	NW	Sec. 25, T 35 N, R 2 E. M.D.B.& M.
14.4 acres in SE	NE	Sec. 26, T 35 N, R 2 E. M.D.B.& M.

21.0 acres - Total

EXHIBIT D (Contd.)

TABLE I (Contd.)

IV. JOHN SNOOKS:

4.1 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T 35 N, R 3 E. M.D.B.& M.  
12.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T 35 N, R 3 E. M.D.B.& M.  
1.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T 35 N, R 3 E. M.D.B.& M.  
0.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 20, T 35 N, R 3 E. M.D.B.& M.  
16.4 acres - Total

V. TIMOTHY DESMOND:

9.9 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 7, T 35 N, R 3 E. M.D.B.& M.  
21.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 7, T 35 N, R 3 E. M.D.B.& M.  
34.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 18, T 35 N, R 3 E. M.D.B.& M.  
14.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 18, T 35 N, R 3 E. M.D.B.& M.  
3.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 20, T 35 N, R 3 E. M.D.B.& M.  
63.4 acres - Total

VI. KARL ELLING:

40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
21.9 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
10.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 8, T 35 N, R 3 E. M.D.B.& M.  
39.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
39.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
1.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
35.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
29.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
32.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
40.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
31.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
21.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 20, T 35 N, R 3 E. M.D.B.& M.  
2.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 20, T 35 N, R 3 E. M.D.B.& M.  
565.4 acres - Total

VII. FRED GREER:

20.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
40.1 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
12.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 17, T 35 N, R 3 E. M.D.B.& M.  
24.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 20, T 35 N, R 3 E. M.D.B.& M.  
97.0 acres - Total

EXHIBIT D (Contd.)

TABLE I (Contd.)

VIII. MARY ANN CORNAZ:

21.9 acres in NW	NW	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in NE	NW	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in NW	NE	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
37.8 acres in SW	NW	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in SE	NW	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in SW	NE	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in SE	NE	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
6.9 acres in NW	SE	Sec. 8, T 35 N, R 3 E.	M.D.B. & M.
32.1 acres in SW	NW	Sec. 9, T 35 N, R 3 E.	M.D.B. & M.
19.9 acres in NW	SW	Sec. 9, T 35 N, R 3 E.	M.D.B. & M.
<u>0.4</u> acres in SW	SW	Sec. 9, T 35 N, R 3 E.	M.D.B. & M.

319.0 acres - Total

IX. RED RIVER LUMBER COMPANY:

16.6 acres in NW	NW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
0.4 acres in NE	NW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in SW	NW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
1.8 acres in SE	NW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in NW	SW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
1.1 acres in NE	SW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
37.2 acres in SW	SW	Sec. 4, T 35 N, R 3 E.	M.D.B. & M.
0.5 acres in NE	NE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
27.7 acres in SE	NE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
39.0 acres in NE	SE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
41.0 acres in SE	SE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in NE	NE	Sec. 6, T 35 N, R 3 E.	M.D.B. & M.
<u>39.6</u> acres in NW	NW	Sec. 9, T 35 N, R 3 E.	M.D.B. & M.

324.9 acres - Total

X. RAY VEDDER:

22.2 acres in NE	SW	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
40.0 acres in NW	SE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
0.8 acres in SW	SW	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
36.7 acres in SE	SW	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.
<u>40.0</u> acres in SW	SE	Sec. 5, T 35 N, R 3 E.	M.D.B. & M.

139.7 acres - Total

EXHIBIT D (Contd.)

TABLE I (Contd.)

XI. EDNAH M. BLACK:

* 1.0 acre	in SE	SW	Sec. 17,	T 36 N,	R 3 E.	M.D.B.& M.
* 1.2 acres	in SW	SE	Sec. 17,	T 36 N,	R 3 E.	M.D.B.& M.
14.6 acres	in NE	NW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
* 4.0 acres	in NW	NE	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
* 0.1 acre	in SW	NW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
22.2 acres	in SE	NW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
* 0.3 acres	in SW	NE	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
* 2.7 acres	in NW	SW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
36.5 acres	in NE	SW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
26.0 acres	in NW	SE	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
* 9.4 acres	in SE	SW	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
26.7 acres	in SW	SE	Sec. 20,	T 36 N,	R 3 E.	M.D.B.& M.
1.6 acres	in SE	SE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
5.7 acres	in SW	NW	Sec. 28,	T 36 N,	R 3 E.	M.D.B.& M.
21.5 acres	in NW	SW	Sec. 28,	T 36 N,	R 3 E.	M.D.B.& M.
2.4 acres	in SW	SW	Sec. 28,	T 36 N,	R 3 E.	M.D.B.& M.
* 0.2 acre	in NE	NW	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
38.2 acres	in NW	NE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
39.8 acres	in NE	NW	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
24.1 acres	in SW	NE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
40.0 acres	in SE	NE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
8.1 acres	in NW	SE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
38.7 acres	in NE	SE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
23.9 acres	in SE	SE	Sec. 29,	T 36 N,	R 3 E.	M.D.B.& M.
17.5 acres	in NE	NE	Sec. 32,	T 36 N,	R 3 E.	M.D.B.& M.
* 0.5 acre	in SE	NE	Sec. 32,	T 36 N,	R 3 E.	M.D.B.& M.
36.8 acres	in NW	NW	Sec. 33,	T 36 N,	R 3 E.	M.D.B.& M.
10.2 acres	in SW	NW	Sec. 33,	T 36 N,	R 3 E.	M.D.B.& M.

457.3 acres - Total

\* U. S. Government Land

XII. ELLA P. BRADEN:

0.1 acre	in NW	NW	Sec. 10,	T 36 N,	R 3 E.	M.D.B. & M.
1.4 acres	in NE	NW	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.
34.6 acres	in SE	NW	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.
7.6 acres	in SW	NE	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.
15.9 acres	in NE	SW	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.
27.8 acres	in NW	SE	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.
1.3 acres	in SW	SE	Sec. 10,	T 36 N,	R 3 E.	M.D.B.& M.

89.7 acres - Total

EXHIBIT E  
STATEMENT OF EXPENSES INCURRED BY  
DIVISION OF WATER RIGHTS, AS REFERRED  
IN THE BURNETT CREEK REFERENCE

Salaries and Wages .....	\$947.38
Travel Expense .....	53.27
Board and Lodging .....	94.00
Automobile Expense .....	26.25
Blueprinting .....	32.95
Miscellaneous expense .....	<u>8.95</u>
Total .....	\$1162.80

EXHIBIT F

APPORTIONMENT OF EXPENSES INCURRED BY  
DIVISION OF WATER RIGHTS, AS REFERRED  
IN THE BUENAY CREEK REFERENCE.

<u>Name of Owner</u>	<u>Irrigated Acreage</u>	<u>Proportional Cost</u>
Richard W. Haynes	433.8	\$ 192.59
A. R. Haynes ✓	50.6	22.46
J. C. Erickson ✓	21.0	9.32
John Snooks	18.4	8.17
Timothy Desmond	83.4	37.02
Karl Elling -	585.4	259.90
Fred Greer	97.0	43.06
Mary Ann Cornas	319.0	141.62
Red River Lumber Company	324.9	144.25
Ray Vedder	139.7	62.01
Ednah M. Black ✓	457.3	203.02
Ella P. Braden ✓	88.7	39.38
Total .....	2619.2	\$ 1162.80