

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MODOC

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EDWARD KELLER and SARAH M. KELLER, his wife; )  
 RICHARD M. KELLER and EDNA FAYE KELLER, his wife; )  
 W. P. HERYFORD and MARY E. HERYFORD, his wife; )  
 F. M. GREEN and CORA GREEN, his wife; )  
 J. D. HERYFORD and DELIA HERYFORD, his wife; )  
 A. C. ROBNETT and FRANCES ROBNETT, his wife; )  
 J. G. CUNDIFF and ETHEL D. CUNDIFF, his wife; )  
 ELSIE CONVERSE; CLAY LAWSON AND MRS. CLAY LAWSON, )  
 his wife; PEARL SELIGMANN; PEARL STEWARD and )  
 EFFIE J. STEWARD, his wife; ERNEST ROBNETT and )  
 MYRA ROBNETT, his wife; C. J. COOK and MATTIE COOK, )  
 his wife; DELBERT CLOUD and CLARA CLOUD, his wife; )  
 GEORGE W. PERKINS and SADIE M. PERKINS, his wife; )  
 J. D. BAKER and MILLIE BAKER, his wife; and )  
 GEORGE H. HAMERSLY and FLORA HAMERSLY, his wife; )

No. 2821

DECREE

Plaintiffs.

vs.

ANNA JENSEN; AMELIA TAYLOR; CECIL TAYLOR; )  
 LILLIAN REID; THELMA BUTLER; HELDA BERRY; )  
 JULIUS BROILL; JOHN DOE and JANE DOE; )

Defendants.

The above entitled cause came on regularly for trial before the above entitled Court, Honorable F. M. Jamison, Judge of said court, presiding, plaintiffs appearing by and through their attorneys, Messrs. A. K. Wylie and Daly B. Robnett, all of defendants except Anna Jensen having been represented by their counsel, N. J. Barry, Esq., and evidence both oral and documentary having been adduced and presented on behalf of the parties to said action, and said cause having been submitted to said court for its consideration and decision, and said cause having been referred to the Division of Water Resources of the Department of Public Works of the State of California, as referee, by an order of the Court, dated December 16, 1930, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes 1913, Chapter 586, as amended, said referee having made its investigation, and thereafter additional parties having been brought into said action, and all of the parties hereto except Richard M. Keller and Edna Faye Keller having entered into a written stipulation for judgment, said stipulation being comprised of three identical documents, each of said documents being signed by different parties and said documents comprising said stipulation being marked Part 1, Part 2 and Part 3, respectively, said stipulation providing that said referee might report to the above entitled Court a decree in accordance with the provisions of said stipulation and that said Court might enter a decree in accordance with the provisions of said stipulation, said parties having further stipulated that findings of fact and conclusions of law be waived, said Division, as referee, having filed its report and proposed decree herein, which report and proposed decree embodies said stipulation of the parties, the Court having fixed June 14, 1932, as the time for hearing exceptions to said report of referee and proposed decree, and no exceptions having been filed thereto, and it appearing that said parties who have entered into said stipulation are the owners of the rights as agreed upon and set forth therein and that the rights of plaintiffs Richard M. Keller and Edna Faye Keller with respect to defendants in said action are as set forth

in said stipulation, and it further appearing as follows:

(a) Plaintiffs W. P. Heryford and Mary E. Heryford have sold, transferred and disposed of their interests in the property involved in said action to plaintiffs F. M. Green and Cora Green and said Greens are now the real parties in interest in lieu of said Heryfords.

(b) Ellen Lawson is one and the same person as Mrs. Clay Lawson.

(c) Earl M. Hindle, successor in interest of H. A. Fleming, has acquired the property of plaintiff Pearl Seligmann involved in said action and that said Earl M. Hindle is now the real party in interest in lieu of said Seligmann.

(d) Plaintiffs J. D. Baker and Millie Baker have sold, transferred and disposed of their interests in the property involved in said action to Clara Vernon and said Clara Vernon is now the real party in interest in lieu of said Bakers.

(e) Anna Schroeder is one and the same person as defendant Anna Jensen.

(f) The true name of defendant herein sued as Cecil Taylor is Cecil A. Taylor and he has appeared in said action under his true name.

(g) The true name of defendant herein sued as Lillian Reid is Lillian B. Reid and she has appeared in said action under her true name.

(h) The true name of defendant herein sued as Hilda Berry is Hilda M. Barry and she has appeared in said action under her true name.

(i) Defendant Julius Broilli has no interest in any water right from New Pine Creek and has no interest in any of the lands involved in said action.

(j) W. E. Butler succeeded to an interest in the property, commonly known as the Taylor Ranch, involved in said action and said W. E. Butler is now jointly interested in said property with defendants Amelia Taylor, Cecil A. Taylor, Lillian B. Reid, Thelma Butler and Hilda M. Barry.

(k) Evert Reid, Mae E. Grom and Ellis E. Grom, B. E. McCrary and Elizabeth A. McCrary, and California Public Service Company were not served with summons and complaint and did not originally make an appearance in said action, but they now appear by stipulation as defendants in said action.

(l) Lee Johnston and George Johnston are not parties to this action

and said Johnstons are not necessary and indispensable parties for a determination of the issues in said action.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS,  
TO-WIT:

(1st) There is in said Modoc County a natural stream of water known as and called "New Pine Creek," which said creek arises on the western slope of the Warner Range of mountains in said Modoc County, State of California, and flows thence in a general westerly direction between well defined banks in a well defined channel to, upon, and across some of the lands of some of the parties to this action, which lands are hereinafter described, and to and through the Town of New Pine Creek, thence northwesterly across the California-Oregon state line into Goose Lake and has so flowed since the memory of man.

(2nd) The parties plaintiff and parties defendant in the above entitled action are the owners of the lands described in their respective pleadings, and as amended and pleaded by them; that the allotments of water from said New Pine Creek as hereinafter set forth are for use upon the acreages described in Schedule 1 hereunto annexed and made a part hereof; that the respective parties are the owners of the acreages set forth under their respective names and of all the lands embraced in the legal subdivisions in said Schedule 1; and that said lands are depicted on the map herein referred to as the "Division of Water Resources Map," which map was prepared by the Division of Water Resources of the Department of Public Works of the State of California from its surveys made in 1931 and from the survey made by S. A. Mushen in 1923, which map is entitled, "Map of New Pine Creek Showing Diversion System and Irrigated Land, Modoc County, California," which map is dated 1931, and is filed with the records of the above entitled action as Exhibit "B" of the report of referee.

(3rd) The parties plaintiff and the parties defendant are the owners of, or interested in, the ditches, conduits, pipe lines and other means of diversion described in their respective pleadings, and as amended and pleaded by them, and as depicted on said Division of Water Resources Map and are entitled to divert water, as hereinafter set forth, through said means of diver-

sion at the points of diversion depicted on said map.

(4th) The several parties named in Schedule 2 hereunto annexed and made a part hereof are entitled to rights in and to the use of the natural flow of New Pine Creek, during the period commencing on March 1st and ending on June 30th of each and every year, both dates inclusive, for domestic, stock watering, and irrigation purposes upon their respective lands as described in Schedule 1 hereof in accordance with the quantities of water allotted and through the ditches named as set forth in said Schedule 2; said rights are equal and correlative as to priority and shall be limited to the amounts directly applied to beneficial use, and at all times when the available water supply of said creek is inadequate to fully supply said rights, then during the continuance of such shortage the owners of such rights shall divide the water which may be flowing in said creek in the ratios that their respective allotments as specified in said Schedule 2 bear to the total of the allotments in said Schedule 2; provided, however, that the rights of Edward E. Keller and Sarah M. Keller, Richard M. Keller and Edna Fay Keller, Walter Butler and Anna Butler, and C. J. Cook and Mattie E. Cook, hereinafter defined in paragraphs (5th), (6th), and (7th), subject to the limitations of said rights as set forth in said paragraphs, are superior and prior to all rights defined in this paragraph with the exception of the minimum allotments of Anna Schroeder and of Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda M. Barry and Amelia Taylor, hereinafter specified in this paragraph; and provided, further, that the allotments of Anna Schroeder and of Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda M. Barry and Amelia Taylor, set forth in said Schedule 2, shall not suffer a shortage of more than two-thirds ( $2/3$ ) under the proration provided in this paragraph, i.e. they are at all times between March 1st and June 30th of each and every year entitled to divert at least one-third ( $1/3$ ) of their respective allotments set forth in said Schedule 2, and said Anna Schroeder and Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda M. Barry and Amelia Taylor are entitled to divert said one-third of their respective allotments irrespective of said rights hereinafter defined in para-

graphs (5th), (6th), and (7th).

(5th) Edward E. Keller and Sarah M. Keller, and Richard M. Keller and Edna Faye Keller, jointly, have the right to use water from New Pine Creek for the purposes of furnishing power to operate a flour mill, situate within Lot 3 in Section 19, T 41 S, R 21 E, W. B. and M., in the State of Oregon, County of Lake, and they are the owners of an entitled to divert and use, as a right superior to all of the rights of each and all of the other parties in the above entitled action, as herein defined, except the minimum allotments of Anna Schroeder and Amelia Taylor, et al. hereinbefore specified in paragraph (4th) and the first priority allotments of said Schroeder and Taylor hereinafter specified in paragraph (8th), not exceeding three (3.0) cubic feet per second, such measurement to be made at the intake of the Mill Ditch described in Schedule 4 hereunto annexed and made a part hereof and they shall have the right at all times when they are running water through said Mill Ditch for the operation of said mill to divert from said Mill Ditch and convey to their dwellings on said premises, through a three-fourths (3/4) inch pipe line two-hundredths (0.02) cubic foot per second and use the same at their said dwellings for domestic purposes and for garden use, and the right to divert and use said three (3.0) cubic feet per second from said stream by said Kellers is subject to the following limitations and conditions, namely:

FIRST. Said water shall not be used wastefully and said Mill Ditch shall be kept in a reasonably good state of repair so as to convey said water to said mill without any unnecessary loss by seepage and said water after being used for power purposes in the operation of said mill shall be, by said Kellers, returned to the main channel of said creek by a mill-tail ditch, which said mill-tail ditch is already in use for said purposes and said water shall be so returned by said Kellers to the main channel of said creek without waste or loss and without use by said Kellers or by any other persons and shall be returned at a point between the O'Neil Ditch and the Green Lower Ditch, designated as Diversions 12 and 13 as described in Schedule 4 hereof;

SECOND: That commencing with the fifteenth (15th) day of July and extending to the fifteenth (15th) day of August of each year said Kellers shall not divert water through said Mill Ditch to exceed one-half (1/2) of said last named period and shall not during said period run the water through said ditch for a continuous one-half (1/2) of said period but shall so arrange the running of said mill that the water shall not be run through said Mill Ditch for a period of at least two (2) days in each seven (7) day period; that is, water shall not be run through said Mill Ditch during said period from July 15th to August 15th to exceed five (5) continuous days at any one time and after the same has been used for said period of five (5) days they shall cease diverting any water into said Mill Ditch for a period of at least two (2) days and the total time said Kellers are diverting said water through said Mill Ditch during said period from July 15th to August 15th shall not exceed one-half (1/2) of said period.

(6th) Walter Butler and Anna Butler, jointly, are entitled to divert from the natural flow of New Pine Creek by means of the Surplus Ditch,

0.40 cubic foot per second,

or as much thereof as they directly apply to beneficial use for the purposes hereinafter set forth; said water to be diverted from said creek at the head of said Surplus Ditch described in Schedule 4 hereof; said water to be diverted from said creek for a continuous period of time not exceeding six (6) days between April 1st and May 20th of each and every year and for a second continuous period of time not exceeding six (6) days between May 20th and June 20th of each and every year, and said two periods of six (6) days in each period are the only times when they shall have any rights in and to the waters of said creek; said water to be used for the irrigation of their lands described in Schedule 1 hereunto annexed and made a part hereof; and said rights provided in this paragraph are subject and inferior to the minimum allotments of Anna Schroeder and of Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B.

Reid, Hilda M. Barry and Amelia Taylor, hereinbefore provided in paragraph (4th) and to the right hereinbefore provided in paragraph (5th).

(7th) C. J. Cook and Mattie E. Cook, jointly are entitled to divert from the natural flow of New Pine Creek by means of the Surplus Ditch,

0.72 cubic foot per second,

or as much thereof as they directly apply to beneficial use for the purposes hereinafter set forth; said water to be diverted from said creek at the head of said Surplus Ditch described in Schedule 4 hereof; said water to be diverted from said creek for a continuous period not exceeding six (6) days between April 1st and May 20th of each and every year and for a second continuous period not exceeding six (6) days between May 20th and June 20th of each and every year, and said two periods of six (6) days in each period are the only times when they shall have any rights in and to the use of the waters of said creek; said water to be used for the irrigation of their lands described in Schedule 1 hereof; and said rights provided in this paragraph are subject and inferior to the minimum allotments of Anna Schroeder and of Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda M. Barry and Amelia Taylor, hereinbefore provided in paragraph (4th), and to the right hereinbefore provided in paragraph (5th).

(8th) The several parties named in Schedule 3 hereunto annexed and made a part hereof are entitled to rights in and to the use of the natural flow of New Pine Creek, during the period commencing on July 1st of each and every year and ending on the last day of February of the succeeding year, both dates inclusive, for domestic purposes upon their respective lands as described in Schedule 1 hereof in accordance with the priorities, the quantities of water allotted and through the ditches named as set forth in said Schedule 3, and shall be limited to the amounts directly applied to beneficial use; and the allotments provided in the same order of priority in said Schedule 3 are on an equal and correlative basis as to priority, and at all times when the water supply available for such order of priority is inadequate to supply all prior rights herein provided and to fully supply such allotments, then during the con-

tinuance of such shortage, the owners of such allotments shall divide the available water supply, if any, which may be flowing in the stream in excess of all prior rights herein provided in the ratios that their respective allotments in such order of priority bear to the total of their allotments in such order of priority; provided, however, that the rights of Edward E. Keller and Sarah M. Keller, and Richard M. Keller and Edna Faye Keller, as hereinbefore defined in paragraph (5th) subject to the limitations of said rights as set forth in said paragraph (5th) are superior and prior to all rights defined in this paragraph with the exception of the first priority allotments of Anna Schroeder and of Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda M. Barry and Amelia Taylor, and provided further, that Anna Schroeder, Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid, Hilda Barry and Amelia Taylor are entitled to divert their respective first priority allotments or prorations thereof as set forth in this paragraph, irrespective of the rights of said Kellers hereinbefore defined in paragraph (5th).

(9th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that at all times when water is being diverted from New Pine Creek through the Mill Ditch for operation of the mill under the right hereinbefore provided in paragraph (5th) the amount of water so diverted shall be calculated as a part of the flow of said creek for irrigation purposes and shall be counted as a part of the water which F. M. Green and Cora Green, J. D. Heryford and Delia Heryford, A. C. Robnett and Frances Robnett, and Evert Reid and Lillian B. Reid are at said times entitled to divert for the reason that the mill-tail ditch so used to return the water utilized for propelling said mill returns the water so used to the main channel of said creek at a point above the principal diversions of said parties named in this paragraph; and if at any time water is not being diverted through said Mill Ditch for the operation of said mill, then at such times, said parties named in this paragraph shall receive their allotments of water, that they may at such times be entitled to divert, through the main channel of said creek, or A. C. Robnett and Frances Robnett, and J. D. Heryford and Delia Heryford may if they so elect and for the purposes of conservation of the water divert the quantity of water to which they may be entitled into said Mill Ditch and convey the same through said Mill Ditch and thence to points of



diversion and in so doing they shall not forfeit any right or rights to the waters of said creek.

(10th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if at any time any of the parties owning rights in the California Ditch, as hereinbefore provided, shall not require any water under their first priority allotments set forth in Schedule 3 hereof, or shall not require the full amount of said first priority allotments and there is then flowing in said creek more water than is required for stock use and for the operation of said mill, that then and at all such times, the parties on said California Ditch, not needing or requiring water for said garden or orchard purposes or not needing or requiring their full allotment of water for said purposes, shall not divert from said stream any water not so needed by them but shall permit such water to flow in said creek to the lands of A. C. Robnett and Frances Robnett, and J. D. Heryford and Delia Heryford.

(11th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that at such times during the period between July 15th and August 15th of each year when said mill is being operated as hereinbefore provided in paragraph (5th), then all water diverted by Amelia Taylor, Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid and Hilda M. Barry through the Taylor Ditch under the first priority allotment set forth in Schedule 3 hereof, with the exception of that reasonably lost in transportation and consumed for domestic purposes by said Amelia Taylor, Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B. Reid and Hilda M. Barry shall be discharged in the most direct manner into the California Ditch; provided, however, that such water so discharged into said California Ditch shall be counted as a part of the water available for the allotments to the owners in said California Ditch as hereinbefore provided.

(12th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that whenever there is a surplus of water in said New Pine Creek over and above the flow necessary to supply all of the rights hereinbefore provided, then such surplus water may be apportioned among the parties named in Schedule 2 hereof for use for domestic purposes and for the irrigation of their respective lands as described in Schedule 1 hereof, in the ratios that their respective allotments, as set forth in said Schedule 2, bear to the total of their allotments in said

Schedule 2; provided, however, that the amounts of surplus water so diverted shall be limited to the amounts of water beneficially used for said purposes.

(13th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Division of Water Resources of the Department of Public Works of the State of California, as now or hereafter constituted, or its successor in the administration of the Water Commission Act, shall supervise diversions from New Pine Creek through the agency of a water master, whenever necessity for such water master service is found to exist by said Division, to insure strict adherence to the provisions of this decree, and that all costs and expenses of such water master service shall be borne by the parties hereto, said costs and expenses to be apportioned among said parties in accordance with the method of apportioning the costs of water distribution by water master provided in Section 37f of the Water Commission Act of the State of California.

(14th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the owners of each ditch through which water is diverted from New Pine Creek as herein provided, shall install, under the supervision of an engineer appointed by the Division of Water Resources, such permanent diversion works, headgates and measuring devices in their respective ditches as shall be required and approved by said Division; such installations to be made prior to October 1, 1932, or such later date as may be ordered by the above entitled Court. The several ditch owners shall furnish all necessary labor and materials for the construction and installation of said diversion works, headgates and measuring devices in their respective ditches, and the cost of supervision as herein provided shall be borne by the parties hereto, in the ratios that their respective maximum continuous flow allotments, as provided in Schedule 5 hereunto annexed and made a part hereof, bear to the total of such maximum continuous flow allotments provided in said Schedule 5.

(15th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that nothing herein contained shall be construed to affect or adjudicate such water rights as the California Public Service Company may now have in and to the waters of New Pine Creek, and in and to the use thereof, for the generation of electricity,

or to affect or adjudicate such riparian water rights, if any, as any party, or parties hereto, may have in and to the waters of New Pine Creek, and in and to the use thereof, for the generation of electricity.

(16th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the term "natural flow" as herein used, shall be construed to designate such flow as will naturally occur at any given point in a stream from the run-off of the watershed which it drains, from springs which naturally contribute to the stream, from seepage, and from waste and return flow from dams, conduits, regulatory storage, and irrigated lands; as distinguished from water released from seasonal storage and from "foreign water" directly conveyed to a stream from another watershed.

(17th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the term "available water supply of New Pine Creek," as herein used, shall be construed to designate the total amount of water available for diversion by the various conduits diverting from said New Pine Creek above the California Ditch, as described in Schedule 4 hereof, i. e. the water crop of said New Pine Creek plus all waste and return flows to the stream above said California Ditch, less all channel losses in the stream above said California Ditch; said "available water supply of New Pine Creek" at any given time to be determined by combining the total of all quantities of water being diverted from the stream above said California Ditch with the flow of the stream at said California Ditch at the time.

(18th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all allotments of water provided in Schedule 2 hereof, shall be limited to usage during the season of general irrigation commencing on March 1st and ending on June 30th of each and every year, both dates inclusive; and all allotments of water provided in Schedule 3 hereof, shall be limited to usage during the period commencing on July 1st of each and every year and ending on the last day of February of the succeeding year, both dates inclusive.

(19th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the allotments of water hereinbefore provided shall be diverted from the New Pine

Creek stream system at the present points of diversion of the respective ditches as said points of diversion are described in Schedule 4 hereof; the points of measurement of all allotments diverted from said stream system above the California Ditch shall be at the respective points of diversion from said stream system, except that the point of measurement of the first priority allotment to Anna Schroeder as provided in Schedule 3 hereof shall be as near as is practicable to the place of use thereof; and the point of measurement of all allotments diverted from said stream system below said California Ditch shall be in the main channel of New Pine Creek at or near the head of said California Ditch.

(20th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that nothing in this decree shall be construed to modify or alter in any way the relative rights of the plaintiffs in this action with respect to each other as said rights have been determined by decree of the above entitled court in Case No. 2839, entitled, "Edward Keller, et al., vs. George W. Perkins, et al.;" and any rights hereinbefore provided which are superior to such rights so established shall be taken from the total or aggregate flow of the waters of said creek and said decree shall remain operative as to all remaining waters of said creek.

(21st) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each and every party to this action, his or her agents, successors, grantees and assigns, be, and they are hereby perpetually enjoined and restrained from doing anything in violation of the terms or provisions of this decree, or diverting any water from said New Pine Creek at any time in violation of the terms hereof, or from doing anything that will obstruct or interfere with any other right in this decree adjudged and decreed.

(22nd) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that action against Julius Broili be dismissed; and that nothing in this decree shall be construed as affecting or relating to any rights or interests of Lee Johnston and George Johnston.

(23rd) FINALLY IT IS ORDERED, ADJUDGED AND DECREED that each party hereto shall pay his own costs and that the balance of the amount due from the

parties hereto to said Division of Water Resources for expenses incurred as referee, as set forth in the report of referee on file in this action shall be borne by the following parties in the following proportion:

<u>Name</u>	<u>Portion of Expense</u>
Mae E. Crom and Ellis E. Crom	\$ 2.58
B. E. McCrary and Elizabeth A. McCrary	5.18
Amelia Taylor, Cecil A. Taylor, W. E. Butler, Thelma Butler, Hilda M. Barry and Lillian E. Reid	<u>20.59</u>
Total	\$ 28.35

and said parties shall pay said apportionments set forth in this paragraph to the clerk of the Court within thirty days from the date of this decree, said clerk to transmit said sums when paid to said Division of Water Resources, P.O. Box 584, Sacramento, California.

Done in open court this 14th day of June, 1932.

F. M. JAMISON  
Judge of Said Superior Court

SCHEDULE 1

DESCRIPTION OF IRRIGATED LANDS

Walter Butler and Anna Butler

9.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
9.5 acres -- Total

California Public Service Company

9.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 32, T. 48 N., R. 15 E., M.D.B. & M.  
9.0 acres -- Total

Delbert Cloud and Clara Cloud

13.65 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 35, T. 48 N., R. 14 E., M.D.B. & M.  
17.10 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 35, T. 48 N., R. 14 E., M.D.B. & M.  
30.75 acres -- Total

Elsie Converse

13.25 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
3.25 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
16.50 acres -- Total

C. J. Cook and Mattie E. Cook

19.25 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
1.75 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 32, T. 48 N., R. 15 E., M.D.B. & M.  
21.00 acres -- Total

Mae E. Crom and Ellis E. Crom

1.00 acre in Lot 3, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
1.00 acre -- Total

J.G. Cundiff and Ethel D. Cundiff

3.75 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
20.00 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
5.00 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
28.75 acres -- Total

Earl M. Hindle

3.75 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 35, T. 48 N., R. 14 E., M.D.B. & M.  
3.75 acres -- Total

F. M. Green and Cora Green

0.4 acre in Lot 2, Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
1.2 acres in Lot 1, Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
24.85 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
32.7 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
21.05 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
19.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
37.6 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
30.90 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.

40.00 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 37.60 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 39.80 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 27.50 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 17.8 acres in Lot 4, Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 18.25 acres in Lot 3, Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 39.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 40.07 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 39.30 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 1.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 1.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 5.3 acres in Lot 3, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
 12.35 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
 0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
36.85 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 48 N., R. 14 E., M.D.B. & M.  
 524.75 acres -- Total

George H. Hamersly and Flora Hamersly

13.4 acres in Lot 1, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
3.1 acres in Lot 2, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
 16.5 acres -- Total

J. D. Heryford and Delia Heryford

17.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 23, T. 41 S., R. 20 E., W. B. & M.  
 30.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
 20.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
 25.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
7.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
 101.5 acres -- Total

Clay Lawson and Ellen Lawson

15.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
 15.0 acres -- Total

B. E. McCrary and Elizabeth A. McCrary

1.6 acres in Lot 3, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
5.9 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
 7.5 acres -- Total

George W. Perkins and Sadie Perkins

13.55 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 10.65 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 30.45 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
11.85 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
 66.50 acres -- Total

Evert Reid and Lillian B. Reid

26.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
6.0 acres in Lot 3, Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
 32.0 acres -- Total

A. C. Robnett and Frances Robnett

19.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 23, T. 41 S., R. 20 E., W. B. & M.  
31.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 23, T. 41 S., R. 20 E., W. B. & M.  
7.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 23, T. 41 S., R. 20 E., W. B. & M.  
3.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 41 S., R. 20 E., W. B. & M.  
19.25 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
12.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 41 S., R. 20 E., W. B. & M.  
93.25 acres -- Total

Ernest Robnett and Myra Robnett

5.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
28.25 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 36, T. 48 N., R. 14 E., M.D.B. & M.  
33.25 acres -- Total

Anna Schroeder

0.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 33, T. 48 N., R. 15 E., M.D.B. & M.  
1.6 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 33, T. 48 N., R. 15 E., M.D.B. & M.  
1.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 33, T. 48 N., R. 15 E., M.D.B. & M.  
8.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 33, T. 48 N., R. 15 E., M.D.B. & M.  
11.5 acres -- Total

Pearl Steward and Effie Steward

19.95 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 35, T. 48 N., R. 14 E., M.D.B. & M.  
7.55 acres in Lot 4, Sec. 35, T. 48 N., R. 14 E., M.D.B. & M.  
27.50 acres -- Total

Amelia Taylor, Cecil A. Taylor, W. E. Butler, Thelma Butler, Lillian B.  
Reid and Hilda M. Barry

1.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 32, T. 48 N., R. 15 E., M.D.B. & M.  
19.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
7.7 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
8.5 acres in Lot 4, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
12.2 acres in Lot 5, Sec. 31, T. 48 N., R. 15 E., M.D.B. & M.  
49.6 acres -- Total

Clara Vernon

38.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 25, T. 48 N., R. 14 E., M.D.B. & M.  
38.0 acres -- Total



SCHEDULE 2

CONTINUOUS FLOW WATER ALLOTMENTS  
FROM NEW PINE CREEK FOR GENERAL IRRIGATION  
FROM MARCH 1st TO JUNE 30th

Name of Owner	Name of Ditch	Acreage to be Supplied	Allotment Cu. Ft. Per Second
Cloud, Delbert and Clara	California	30.75	0.62
Converse, Elsie	California	16.25	0.33
Cundiff, J. G. and Ethel D.	California	28.75	0.57
Hindle, Earl M.	California	3.75	0.08
Lawson, Clay and Ellen	California	15.0	0.30
Perkins, George W. and Sadie	California	66.5	1.33
Robnett, Ernest and Myra	California	33.25	0.66
Steward, Pearl and Effie	California	27.5	0.55
Vernon, Clara	California	38.0	0.76
Green, F. M. and Cora	California	52.0	1.04
Green, F. M. and Cora	Main Channel and, or Mill	472.75	9.45
Heryford, J. D. and Delia	Main Channel and, or Mill	101.5	2.03
Reid, Evert and Lillian E.	Main Channel and, or Mill	32.0	0.64
Robnett, A. C. and Frances	Main Channel and, or Mill	93.25	1.86
Crom, Mae E. and Ellis E.	Mill	1.0	0.02
Hammersly, George H. and Flora	Mill	16.5	0.33
McCrary, B. E. and Elizabeth A.	Mill	7.5	0.15
Cook, C. J. and Mattie E.	Mill	1.75	0.03
California Public Service Co.	Jensen	9.0	0.18
Anna Schroeder	Schroeder Upper, Garden, and, or Meadow	11.5	0.23
Amelia Taylor, Cecil A. Taylor, W. E. Butler, Thelma Butler Lillian B. Reid and Hilda M. Barry	Taylor, and, or California	49.6	0.99
Totals		1108.1	22.15

SCHEDULE 3

PRIORITIES AND WATER ALLOTMENTS  
FROM NEW PINE CREEK FOR IRRIGATION PURPOSES  
FROM JULY 1st OF EACH YEAR TO THE LAST DAY OF FEBRUARY  
OF THE SUCCEEDING YEAR

Name of Ditch	Allotment-Cubic Feet per Second				Acreage		Name of Owner
	1st Priority	2nd Priority	3rd Priority	4th Priority	Total	to be Supplied	
California	---	---	0.62	---	0.62	30.75	Delbert & Clara Cloud
California	0.14	---	0.19	---	0.33	16.25	Elsie Converse
California	0.08	---	0.49	---	0.57	28.75	J.G. & Ethel D. Cundiff
California	0.08	---	---	---	0.08	3.75	Earl M. Hindle
California	0.02	---	0.28	---	0.30	15.0	Clay & Ellen Lawson
California	0.46	---	0.87	---	1.33	66.5	Geo. W. & Sadie Perkins
California	0.14	---	0.52	---	0.66	33.25	Ernest & Myra Robnett
California	0.06	---	0.49	---	0.55	27.5	Pearl & Effie Steward
California	0.08	---	0.68	---	0.76	38.0	Clara Vernon
California	---	---	1.04	---	1.04	52.0	F.M. & Cora Green
Main Channel and, or Mill	0.61	---	---	8.84	9.45	472.75	F.M. & Cora Green
Main Channel and, or Mill	0.21	1.82	---	---	2.03	101.5	J.D. & Delia Heryford
Main Channel and, or Mill	0.18	---	---	0.46	0.64	32.0	Evert & Lillian B. Reid
Main Channel and, or Mill	0.06	1.80	---	---	1.86	93.25	A.C. & Frances Robnett
Main Channel and, or Mill	0.02	---	---	---	0.02	1.0	Mae E. & Ellis E. Cron
Mill	0.11	---	---	0.22	0.33	16.5	Geo. H. & Flora Hamersly
Mill	0.06	---	---	0.09	0.15	7.5	B.E. & Elizabeth A. McCrary
Mill	0.03	---	---	---	0.03	1.75	C.J. & Mattie E. Cock
Jensen	0.18	---	---	---	0.18	9.0	California Public Service Co.
Schroeder, Upper, Garden and, or Meadow	0.04	0.19	---	---	0.23	11.5	Anna Schroeder
Taylor and, or California	0.33	---	0.66	---	0.99	49.6	Amelia Taylor, Cecil A. Taylor, W.E. Butler, Thelma Butler, Lillian E. Reid, and Hilda M. Barry
<b>Total</b>	<b>2.89</b>	<b>3.81</b>	<b>5.84</b>	<b>9.61</b>	<b>22.15</b>	<b>1108.1</b>	

SCHEDULE 4

DESCRIPTION OF POINTS OF DIVERSTION  
OF DITCHES DIVERTING FROM  
NEW PINE CREEK STREAM SYSTEM

Schroeder Upper Ditch

At a point (designated on Division of Water Resources Map as Diver-  
sion 1) which bears approximately N. 43° 30' E., approximately 2415 feet dis-  
tant from the South one quarter corner of Section 33, T. 48 N., R. 15 E.,  
M.D.B. & M., and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33.

Schroeder Garden Ditch

At a point (designated on Division of Water Resources Map as Diver-  
sion 2) which bears approximately N. 30° 00' E., approximately 2190 feet dis-  
tant from the South one quarter corner of Section 33, T. 48 N., R. 15 E.,  
M.D.B. & M., and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33.

Schroeder Meadow Ditch

At a point (designated on Division of Water Resources Map as Diver-  
sion 3) which bears approximately N. 3° 30' E., approximately 985 feet dis-  
tant from the South one quarter corner of Section 33, T. 48 N., R. 15 E.,  
M.D.B. & M., and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33.

Jensen Ditch (Lower Power Ditch)

At a point (designated on Division of Water Resources Map as Diver-  
sion 4) which bears approximately N. 2° 00' W., approximately 1150 feet dis-  
tant from the the Southeast Corner of Section 32, T. 48 N., R. 15 E., M.D.B. &  
M., and being with the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 32.

Taylor Ditch

At a point (designated on Division of Water Resources Map as Diver-  
sion 5) which bears approximately S. 70° 30' E., approximately 1390 feet dis-  
tant from the West one quarter corner of Section 32, T. 48 N., R. 15 E., M.D.  
B. & M., and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 32.

Mill Ditch

At a point (designated on Division of Water Resources Map as Diver-  
sion 6) which bears approximately S. 55° 00' E., approximately 830 feet dis-  
tant from the West one quarter corner of Section 32, T. 48 N., R. 15 E.,  
M.D.B. & M., and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 32.

Surplus Ditch

At a point (designated on Division of Water Resources Map as Diversion 7) which bears approximately S. 14° 45' E., approximately 430 feet distant from the West quarter corner of Section 32, T. 48 N., R. 15 E., M.D.B. & M., and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 32.

California Ditch

At a point (designated on Division of Water Resources Map as Diversion 8) which bears approximately S. 21° 00' W., approximately 390 feet distant from the East one quarter corner of Section 31, T. 48 N., R. 15 E., M.D. B. & M., and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 31.

Green Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 9) which bears approximately S. 24° 00' W., approximately 390 feet distant from the East one quarter corner of Section 31, T. 48 N., R. 15 E., M.D. B. & M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 31.

Green Middle Ditch

At a point (designated on Division of Water Resources Map as Diversion 10) which bears approximately S. 60° 45' W., approximately 250 feet distant from the East one quarter corner of Section 31, T. 48 N., R. 15 E., M.D. B. & M., and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 31.

Gron Ditch

At a point (designated on Division of Water Resources Map as Diversion 11) which bears approximately N. 60° 00' W., approximately 1620 feet distant from the East one quarter corner of Section 31, T. 48 N., R. 15 E., M.D. B. & M., and being within Lot 3 of said Section 31.

O'Neil Ditch

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately S. 33° 15' W., approximately 875 feet distant from the Northeast corner of Section 24, T. 48 N., R. 14 E., M.D.B. & M., and being with the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 24.

Green Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately S. 48° 30' W., approximately 1010 feet distant from the Northeast corner of Section 24, T. 48 N., R. 14 E., M.D.B. & M., and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 24.

Green Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 14) which bears approximately S. 82° 45' W., approximately 1875 feet distant from the Northeast corner of Section 24, T. 48 N., R. 14 E., M.D.B. & M., and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 24.

Heryford-Robnett Ditch

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately S. 39° 15' E., approximately 2020 feet distant from the center of Section 24, T. 41 S., R. 20 E., W. B. & M., and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 24.

Heryford Channel Diversion

At a point (designated on Division of Water Resources Map as Diversion 16) which bears approximately N. 33° 15' W., approximately 1000 feet distant from the center of Section 24, T. 41 S., R. 20 E., W. B. & M., and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 24.

SCHEDULE 5

CONTINUOUS FLOW ALLOTMENTS TO VARIOUS PARTIES  
FROM NEW PINE CREEK

Name of Owner	Continuous Flow Allotment Cubic Feet per Second
Walter and Anna Butler	0.06
California Public Service Company	0.18
Delbert and Clara Cloud	0.62
Elsie Converse	0.33
C. J. and Mattie E. Cook	0.14
Mae E. and Ellis E. Crom	0.02
J. G. and Ethel D. Cundiff	0.57
Earl M. Hindle	0.08
F. M. and Cora Green	10.49
George E. and Flora Hamorsly	0.33
J. D. and Delia Heryford	2.03
Edward Keller, Sarah M. Keller, Richard M. Keller and Edna Faye Keller	0.43
Clay and Ellen Lawson	0.30
B. E. and Elizabeth A. McCrary	0.15
George W. and Sadie Perkins	1.33
Evert and Lillian B. Reid	0.64
A. C. and Frances Robnett	1.86
Ernest and Myra Robnett	0.66
Anna Schroeder	0.23
Pearl and Effie Steward	0.55
Amelia Taylor, Cecil A. Taylor, W.E. Butler, Thelma Butler, Lillian B. Reid and Hilda M. Barry	0.99
Clara Vernon	0.76
Total	22.75