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Part 4 - Summary. Thank You for Submitting your Water Use Data. Please Print this for Your Records.

Save & Return to Part 1

(Part 1)
Statement Number: S00480 Record Date: 15-03-04 15:49:54
AdjucationName: Sutter Butte Canal & Great Western, et al. Adjucation Number: Sutter Co. 2360
Primary Owner: Joint Water Dist Board (Richvale ID, Biggs-W Gridley WD, Butte SC, Sutter Extension WD),
Address: 735 Virginia St, City: Gridley, County: Butte,
Filer: Paul R Minasian
Address: P O Box 1679 , Oroville , CA , 95965
Email: pminasian@minasianlaw.com

(Part 2)
Primary Use of Water: Irrigating

Power Operation:

Other Water Use:

Other Comments:

Basis of Right Claimed and Supporting Documentation (Completion of one or all three of the following sections below is required, if they apply to your diversion.

Riparian Patent Date

Parcel NumberButte WD & Sutter Extension WD lands shown in DWR Bulletin 140 attached

Has your parcel been severed from the riparian watercourse but the riparian claim preserved through title?No

Pre-1914 Right

Priority Date being claimed: 1902, Year that water was first used: 1902

Pre-1914 Parcel Numbers:

Continuous Use: Yes

Water Supply Contract (if applicable)

Who do you have a water supply contract with? DWR, .
Name of other provider: .
Contract No. Agreement on Diversion 1969.
Amount (Acre-feet) authorized to divert under this contract: 555000.000.
Amount (Acre-Feet) authorized to be diverted in 2014? 555000.000.
Amount (Acre-Feet) projected for 2015? 0.000.

Water Transfer Section (from Part 3):

Was any water diverted under this Statement transferred in 2014? No
If yes, please state quantity transferred in acre-feet: 70,378.20. (AF)
Transfer occurred from Day, May Month, TO Day, Sep Month.
This transfer was approved by: , DWR, .

(Part 3) 2014 Monthly Statement Diversions and 2015 Monthly Projected Statement Diversions

Month	Water Right Type	2014 Diversion to Storage - acre-feet	2014 Direct Diversion acre-feet	2014 Max. Rate of Diversion (cubic feet per second)	2015 Projected Diversion to Storage - acre-feet	2015 Projected Direct Diversion - acre-feet
January:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	28620.000	1090.000	0.000	0.000
February:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	0.000	0.000	0.000	0.000
March:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	0.000	0.000	0.000	0.000
April:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	10483.000	982.000	0.000	7700.000
May:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	98255.000	1875.000	0.000	95100.000
June:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	91481.000	1666.000	0.000	92200.000
July:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	99165.000	1696.000	0.000	111200.000
August:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	78824.000	1561.000	0.000	97600.000
Sept:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	35799.000	879.000	0.000	42400.000
October:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	52087.000	1231.000	0.000	38200.000
Nov:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	23823.000	680.000	0.000	70000.000
Dec:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	0.000	0.000	0.000	52000.000

Monthly Water Supply Contract Diversion Amounts (acre-feet)

January	February	March	April	May	June
0.000	0.000	0.000	0.000	0.000	0.000
July	August	September	October	November	December
0.000	0.000	0.000	0.000	0.000	0.000

Please remember to submit your required attachments (if required) to SWRCB-2014informational-order@waterboards.ca.gov

For Riparian Claim Attachments, please indicate "S012345 Riparian Claim Supporting Documents" in the email subject line, where S012345 is replaced with your statement number.

- Copy of Patent
- Patent Map
- Parcel or Property Map
- Copy of Title preserving riparian claim (If Applicable)

For Pre-1914 Claim Attachments, please indicate "S012345 Pre-1914 Claim Supporting Documents" in the email subject line, where S012345 is replaced with your statement number.

- County and Parcel Number Served or Map of Service Area
- Copy of Appropriation filed with County
- Signed declaration or evidence supporting continuous use

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95814-2000

SWRCB-2014informational-order@waterboards.ca.gov

Questions: 916-341-5342
Fax: 916-341-5400

ATTACHMENT TO INFORMATIONAL ORDER SUPPORTING DATA

Water Right number: **S00480**

Holder/Water Right Claimant: Joint Water Board (Richvale Irrigation District, Biggs-West Gridley Water District, Butte Water District, Sutter Extension Water District)

PART 1:

Maps of Riparian Service Area: Bulletin 140 sheets (attached) identify lands served by Butte Water District and Sutter Extension Water District as riparian lands. There may be additional lands which hold riparian rights, and the submission of this material is not a waiver or limitation upon the submission of other materials that we may become aware of.

Riparian Lands: Because there is currently no means of differentiating flows to which riparian rights of lands and pre-1914 water rights within Water Right Claimant's boundaries would be entitled to divert and use in each month for this statement, without admission, waiver or foregoance, Water Right Claimant states that the amounts diverted as reported in 2014 and projected to be diverted in 2015 have been reported only in the category of "pre-1914," or for some Water Right Claimants in some cases as only "riparian." Therefore, the appearance of any "zero" or other figure in Part 3 is not binding upon the declarant or an admission of any nature.

A list of parcel numbers of lands lying within the boundaries of the Water Right Claimant can be obtained from Water Right Claimant or from the County Assessor in which the lands lie.

The question regarding severance of contiguity from the Feather River and its tributaries by the date of loss of contiguity is not answered because the preservation of riparian rights in the absence of contiguity is not solely through title to property. Riparian rights are preserved through the existence of a plan for and implementation of a system for distribution of riparian water with an intention to preserve those riparian rights even if severance and loss of contiguity to the riparian water source occurs. Evidence that severance of land boundaries from contiguity to a stream or river was not intended to evidence an intent to deprive the severed land of its riparian rights to water exists in the case of Water Right Claimant through the extensive

planning and development of diversion and water transportation works. For authority, see *Rancho Santa Margarita v. Vail*, 11 C.2d 501 (1938), *Miller and Lux v. James*, 179 Cal. 689 (1918), and *Strong v. Baldwin*, 154 Cal.150 (1908).

PART 2:

The declaration and supporting documents attached hereto are submitted in response to Division of Water Rights Informational Order WR2015-0002-DWR (Informational Order) in support of the continuous use of the water rights identified in this attachment which is administered and held by the Water Right Claimant for the benefit of lands within its boundaries. These documents include:

Joint Water Districts Pre-1914 Appropriative Water Rights:

1. California Railroad Commission, *History of Properties*, pages 568-575.

2. Sutter County Superior Court Decree No. 2360 entered December 15, 1924; recorded in Butte County Book of Deeds, Book 209, May 28, 1992

3. Indenture/Deed, Butte County Canal Company to Sutter Butte Canal Company January 15, 1911, recorded April 1, 1911 in Book 119, page 399 of Deeds, November 3, 1911, and November 3, 1992, Butte County Recorder

4. Deed, Sacramento Valley Canal Company to Butte County Canal Company, dated October 22, 1909 and recorded November 12, 1909, Book 113, page 232 of Deeds, Butte County Records; recorded Butte County November 3, 1992

5. Indenture/Deed, D. C. McCallum & E A. Bridgeford to Butte County Canal Company, recorded May 12, 1903, Book 70 Decrees, page 303; recorded Butte County November 3, 1992

6. Indenture/Deed, D. C. McCallum & E A. Bridgeford to Butte County Canal Company, May 12, 1903, Book 70 Decrees, page 302; recorded Butte County November 3, 1992

7. Notice of Water Appropriation, Sacramento Valley Canal Company posted February 20, 1909 and dated March 3, 1909; recorded March 8,

1909, Misc Book M, page 3, of Mining & Water Claims, Butte County Recorder

8. Notice of Water Appropriation, Butte County Canal Company, posted July 30, 1904, recorded July 30, 1904, Book J, page 293 of Mining & Water Claims, Butte County Records, pages 293 - 295

9. Notice of Water Appropriation, posted dated and recorded March 29, 1904, Book J of Mining & Water Claims, pages 74 - 76, Butte County, California.

10. Fleming & McCallum Water Claim, July 1902, recorded July 29, 1902, Butte County Book __ of Mining & Water Claims, pages 399-400.

The information and documentation attached hereto comprise only the records and history that could be obtained in the limited time period provided for this response. In responding to this request for information, the Water Right Claimant is not estopped or otherwise limited in any proceeding related to such rights from providing other information and/or documentation that may bear upon the use and history of the subject rights.

The provision of this information in response to the Informational Order does not constitute a shift in the burden of proof or acquiescence to a shift, or any other waiver, with respect to the party that bears the burden of proof in any challenge of this or any other water right. By this response, the Water Right Claimant is not limited in the nature or scope of the documentation or other evidence that it may adduce in support of this or any other of its water rights. The information provided herein is not the best and most complete information currently available as of the date of this submission because of the abbreviated response period. Water Right Claimant reserves the right to modify or supplement the information provided herein, and/or to adduce additional evidence that may be discovered or developed.

The evidence attached hereto regarding historical developments or events complies with Evidence Code sections 1320, 1322, 1331, 1340, and/or 1341.

This response to the State Water Resources Control Board (Board) does not in any manner waive or limit any claim of the Water Right Claimant that, through diversions under the rights claimed, that Water Right Claimant (or its predecessor(s)) has prescripted and obtained, by open, hostile and continuous use, riparian rights and/or pre-1914 appropriative rights through Water Right Claimant's actions and/or its predecessors' use of water. Such prescription claims shall not be restricted to periods either prior to 1914 or after 1914.

This response to the Board shall not constitute a waiver or relinquishment of any riparian rights to the flows of the watercourse being reported upon that may be associated with any lands located within Water Right Claimants' boundaries, nor shall this response constitute an admission of any defect in the characteristics or other requirements of any such riparian lands or the exercise of such riparian rights, with respect to such rights.

Water Right Claimant reserves all claims that the SWRCB has no authority to determine the quantities or flow amounts of riparian or pre-1914 appropriative water rights held by Water Right Claimant upon the watercourses described. Water Code section 1831 (including section 1831(e)), and the case of *California Farm Bureau Federation v. State Water Resources Control Board* (2011) 51 Cal.4th 421, 429, make clear the narrow scope of the enforcement authority that may be exercised by the Board. Water Right Claimant does not waive these statutory and judicial limitations upon the jurisdiction and authority of the Board, and insist that any determination of the existence and/or extent of the pre-1914 and/or riparian rights of the lands located within or served by Water Right Claimant may only be made by a court of competent authority.

Continuous Use: We are informed and believe that the periods of use have not been interrupted for five (5) years or more in accordance with Evidence Code § 1320 (history of community), § 1322 (customers or reputation regarding land), § 1331 (ancient writings), and §§ 1340 and 1341 (published materials).

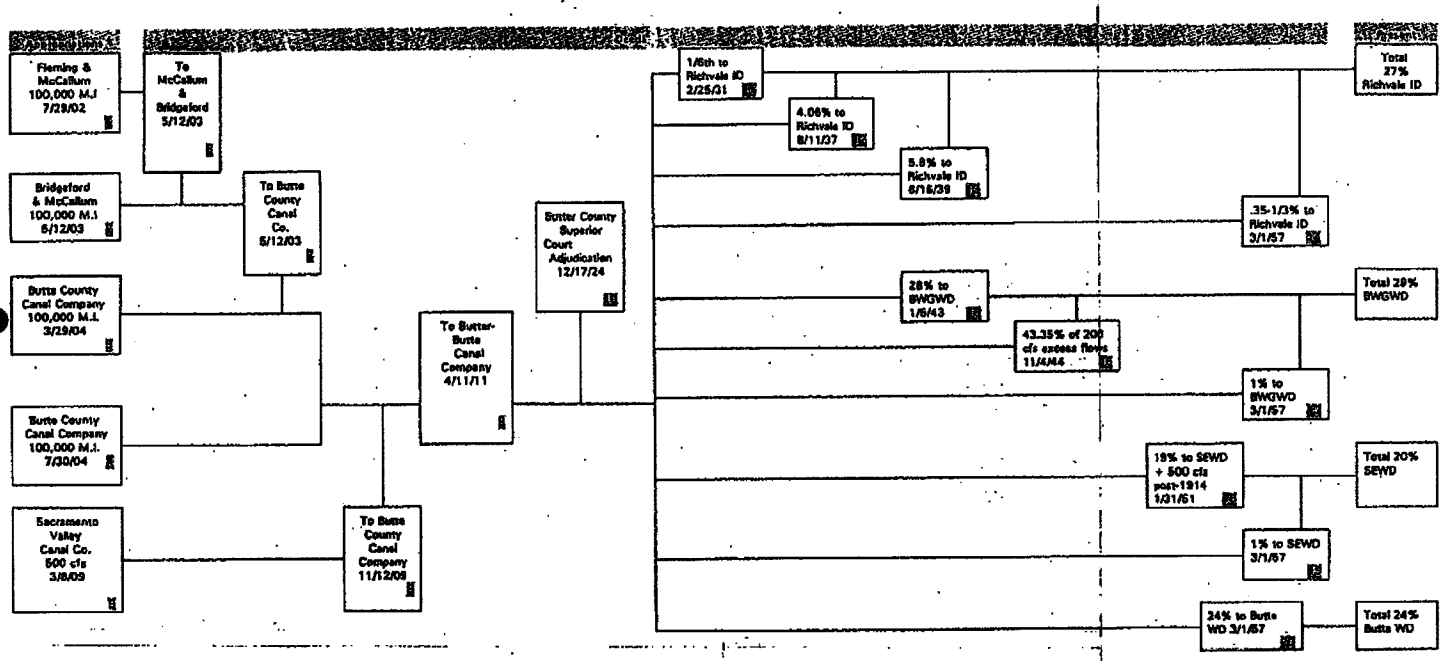
Sunset Pump: The Joint Water Board's diversion amounts are subject to change based upon retroactive identification of water pumped at the Sunset Pumps from the Feather River or wheeled from the afterbay by Sutter Extension Water District and subject to their post-1914 appropriative right as recognized in the 1969 Diversion Agreement with the Department of Water Resources.

Projections: The projections for 2015 assume full supplies; no transfers are included. If a lesser supply is provided, up to 70,000 ac/ft of transfers could be eliminated.

****** The 2015 Projected Direct Diversion acre-feet on the "2014 Monthly Statement Diversions" table is listed assuming 100% _____ and does not include water transfers.

JOINT WATER DISTRICTS

PRE - 1914 APPROPRIATIVE
WATER RIGHTS



NOTE: All dates are dates of recordation.

EXHIBIT "A"

TO BUTTE WATER DISTRICT LETTER

DATED MARCH 1, 1995

JOINT WATER DISTRICTS

PRE-1914 APPROPRIATIVE WATER RIGHTS

and asks that just and remunerative rates and practices be established.

History of Properties.

The first attempt to construct an irrigation system to supply the district now served by the Sutter-Butte Canal Company was made by F. R. Fleming. On July 29, 1902, he filed a notice of appropriation of 100,000 miner's inches of the waters of the Feather river, the point of diversion to be in approximately the same location as the present intake of the Sutter-Butte Canal Company. He obtained promises of financial assistance provided he could show that a market existed for this water to the extent of 10,000 acres, and proceeded by a canvass of the district to obtain purchasers among the ranchers for 10,000 so-called water rights.

Mr. Fleming failed in this, and transferred his rights to D. C. McCallum, who filed further appropriations of water. In 1903, these rights were transferred to the Butte County Canal Company, a corporation, incorporated February 20, 1903, under the laws of this state. The articles of incorporation are of the usual type of a public utility water company, and state that the purpose of organization was, among other things, to acquire, own, sell, lease, or otherwise dispose of water and water rights, to construct, maintain, lease, operate, and conduct canals and water ditches; to locate, condemn, or otherwise acquire rights of way, franchises, water, and water rights, or to sell, lease, or otherwise dispose of same for domestic, irrigation, or any or all other purposes; to collect tolls and rents for the use of such water so furnished.

This company was promoted and financed by Willard M. Sheldon and associates, who proceeded to interest the ranchers in the use of water for irrigation.

In the attempt to sell water, public meetings were held and newspaper and poster advertising resorted to. Solicitors and ranchers who were particularly desirous that the ditch be constructed assisted in selling the so-called water rights by a house to house canvass. By these methods, the owners of between 10,000 and 15,000 acres agreed to purchase a water right and buy water.

The company then proceeded with the construction of a portion of its main canal and lateral ditch system. It obtained

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franchises from Butte county on September 6, 1904, and Sutter county on January 3, 1905, giving it the right to operate a ditch system for the purpose of distributing and selling water to the inhabitants of said counties.

The Sutter-Butte Canal Company was incorporated under the laws of the state of California on January 5, 1911, as a public utility water company, and on January 16, 1911, purchased its plant from the Butte County Canal Company and has operated, extended, and enlarged the system since that date.

During the period 1904 to 1911, when this system was owned and operated by the Butte County Canal Company, irrigation centered in the district east of Biggs and Gridley, Butte county, and in the vicinity of Live Oak, Sutter county. The irrigated area increased very slowly between 1904 and 1911. Alfalfa, beans, peaches, and grapes were the principal crops grown.

In order to increase the irrigated area and to profit by the sale of real estate, the owners of the canal company caused the Sacramento Valley Farms Company to be organized for the purpose of dealing in lands. This company acquired, subdivided, and placed on the market a large tract of land in Sutter county lying south and west of Live Oak. That portion of the canal company's plant known as Chandon and Sunset system was partially constructed by this company to bring the water from the main canal to the lands which they proposed to market. In the latter part of 1911, the assets and liabilities of this company were acquired by the canal company, the purchase price being the issuance to the stockholders of the Sacramento Valley Farms Company of 4,232 shares of the capital stock of the Sutter-Butte Canal Company and the assumption by that company of certificates of indebtedness amounting to $197,000. A considerable area of real estate and all ditches constructed were acquired in this transaction.

In the effort to further increase business, experiments were conducted in rice growing on the adobe lands west of Gridley and Biggs and in the vicinity of Richvale. These experiments proved successful and in 1911 rice was cultivated to an appreciable extent.

The large use of water per acre by rice materially increased the sales of this company and opened a field for future development

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which had hitherto been unknown. The rice industry increased very rapidly until in 1913 some 12,000 acres were irrigated from this system. Coincident with this development, real estate concerns sprang up for the subdivision and sale of these adobe lands. The canal company contracted with these concerns for the delivery of water. Principal among these real estate concerns was the Richvale Land Company, organized for the purpose of subdividing, and selling a large tract of adobe land, now known as Richvale colonies, for rice cultivation. This company contracted with the canal company to deliver water to this tract. The Richvale Land Company constructed a distribution ditch system throughout the tract, it being the intention of the company to deliver water until such time as a large percentage of the land was disposed of and then organize a mutual water company. This tract was, in large part, sold and successfully cultivated to rice, the land company meanwhile operating the distribution system, charging the ranchers the sum of 50 cents per acre for this service. Water was purchased from the Sutter-Butte Canal Company delivered at the end of its canal.

The service rendered during 1913 and 1914 was very poor, and a complaint was filed with this Commission entitled, Lofgren v. Sutter Butte Canal Co. 7 Cal. R. C. 647, Case No. 789. As a result of this complaint, Sutter-Butte Canal Company and the Richvale Land Company reached an agreement whereby the former company acquired and operated this distribution ditch system.

The rice industry has more than tripled the income of this company, and bids fair to make it one of the most prosperous irrigation companies in the state.

In 1917, water was sold for the irrigation of 12,800 acres of rice, 600 acres of alfalfa, 7,000 acres of beans, 3,000 acres of orchards, 6,000 acres of corn, and 1,200 acres of vines, gardens, and miscellaneous crops, or a total of 36,000 acres irrigated.

The so-called Gridley laterals involved in case No. 1083 were projected by the California Irrigated Farms Company, a corporation, organized for the purpose of subdividing and marketing real estate.

This company purchased a large body of land known as Fagan ranch, surrounding the town of Gridley, and acquired so-called

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water rights from the Butte County Canal Company as a necessary part of its campaign for the marketing of this land. In 1905, it proceeded to construct a system of laterals, now known as Gridley laterals or Gilstrap system. These laterals extended from the main canal of the Butte County Canal Company to and throughout the tract.

The company purposed to turn over these laterals to the purchasers of lands, and pursuant to this plan there were organized and incorporated in 1906 two ditch companies known as Gridley Colony Ditch Company and the Gridley Ditch Company.

These companies operated and maintained said lateral ditches during 1906, 1907, and a part of 1908. In this year, a dispute arose, and during the remainder of the year and in 1909 the Irrigated Land Company of California, successor to the California Irrigated Land Company, took over and operated these ditches. During this period, the Irrigated Land Company extended the ditches and served additional consumers.

In 1909, Gridley Colony Ditch Company, Gridley Ditch Company, Irrigated Land Company of California, and the Butte County Canal Company deeded their right, title, and interest in these laterals to W. H. Gilstrap, who later caused the Gridley Land & Irrigation Company to be incorporated and transferred his rights to it. Mr. Gilstrap and his successor, Gridley Land & Irrigation Company, were in possession of, operated, enlarged, and extended these ditches until May 9, 1917, at which time the ditches were seized by the landowners supplied with water from them, and have since been held and operated by them pending the adjudication of this proceeding.

Description of Properties.

The Sutter-Butte Canal Company obtains its water supply by diversion from Feather river at a point on its westerly bank in the S. W. ¼ of section 33, T. 19 N., R. 3 E. Water is diverted by means of a timber-crib dam, and is transmitted and distributed by earthen canals to the lands irrigated. The main canal, having a capacity of approximately 1,300 cubic feet per second, extends from this point in a southwesterly direction, a distance of 20 miles. Water is delivered by the main canal to a series of main laterals and is thence distributed by small laterals to its

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consumers. The entire canal system aggregates some 120 miles in length.

The system of the Gridley Land & Irrigation Company consists of approximately 30 miles of earthen canals extending from the main canal of the Sutter-Butte Canal Company to the irrigated land surrounding the town of Gridley.

The present rates of the Sutter-Butte Canal Company are those set out in the so-called water right certificates or contracts.

There are six forms of agreement outstanding. The first of these was issued by the Butte County Canal Company, the principal provisions being as follows:

(1) The canal company agrees to furnish water at the rate of 1 cubic foot per second for each 160 acres for the purpose of irrigating the following described land. (Then follows the description of the land.)

(2) The consumer on his part is to construct and maintain a ditch extending from the company's ditch to his land, and agrees that said ditch may at the option of the first party (canal company) be taken over, enlarged, and operated by it, provided such use does not interfere with the delivery of water to said lands, and grants to the canal company a right of way through these lands and right of entry thereon.

(3) That portion of the contract relating to rates follows:

"It is further understood and agreed, that the water covered by this contract shall be and become appurtenant to the land herein described, and can only be conveyed by and with a conveyance of said land; and all the covenants and conditions herein shall run with said land.

"The parties of the second part, in consideration of the construction of said main canal, and ditch rights and delivery of water, agree to pay annually to the party of the first part, at its office, in gold coin of the United States, on the 1st day of September, for each and every year hereafter, the sum of sixty (60) dollars (that is to say at the rate of $1.50 per acre annually), the first annual payment hereunder to become due and payable on the 1st day of September in the year in which water is first delivered at said gate, and shall be paid annually thereafter; provided the amount herein agreed to be paid annually shall, beginning with

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the eleventh annual payment and thereafter be reduced to the amount of forty (40) dollars annually (that is to say at the rate of $1 per acre annually).

"All amounts becoming due under this contract shall be promptly paid when due, but if for any cause they should remain unpaid they shall draw interest at the rate of 7 per cent per annum, compounded annually; if any amount hereunder shall remain due and unpaid for a space of six months the party of the first part may thereafter at any time while said amounts remain due and unpaid, upon written notice to the owner of said lands, release itself from further obligations to deliver water under this contract.

"It is further understood and agreed that all sums due or to become due under this contract in favor of the party of the first part shall be and become a lien upon the lands herein described, and may be foreclosed as any other lien, including costs and charges and all necessary and reasonable expenses, and attorneys' fees connected therewith."

No charge was made from the holders of this type of contract as a condition precedent to the extension of service. The charge of $1.50 per acre per year for the first ten years included the so-called water right charge.

Other contracts of the same form were issued, which provided for a charge of $1 per acre per year and a payment of $5 or $6 per acre for water right or initial payment at the time of the execution of the contract.

The second principal form of contract is that used by the Sutter-Butte Canal Company. It is essentially the same as that issued by the Butte County Canal Company. The rate was changed to $2 per acre per year. A water right or initial charge of $10 per acre was generally made from the consumers under this form.

When rice irrigation became an important part of the business of the company, a supplemental contract was issued providing for an additional charge of $3 per acre per year during years when water is used for the irrigation of rice, or a total charge of $5 per acre per year for this service.

Where water is pumped from the ditch by the consumer a 50-cent reduction is made to partially compensate for the additional expense. A like reduction is made under a contract

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between the Sutter-Butte Canal Company and the Gridley Land & Irrigation Company, the reduction being made in consideration of the latter securing water right contracts for the Sutter-Butte Canal Company.

The more recent contracts of the Sutter-Butte Canal Company provide a rate of $5 for rice and $2 for all other crops, but are similar to the preceding in other respects.

In January, 1916, the canal company filed with the Commission a short-term form of contract for water for rice irrigation. This form provides for a charge of $7 per acre per annum. No initial payment is required of the consumer, and the period of the contract is fixed at one or more years at the option of the consumer. The cost of facilities necessary is advanced by the consumer, but is considered in the nature of a loan, which is returned at such time as the income from the lateral reaches a sufficient amount so that the company could reasonably be required to construct the extension.

Following is a summary of the contracts outstanding:

TABLE I.

Summary of Sutter-Butte Canal Company's Contracts Outstanding.

$1.00 flat rate		7,990 acres
1.50 rate for 10 years—then $1 rate		4,293 acres
2.00 flat rate		12,122 acres
2.00 and $5 rate		18,159 acres
Contracts under Gilstrap system:		
$1.50 flat rate	437 acres	
2.00 flat rate	520 acres	
1.50 and $4.50 rate	837 acres	
		1,794 acres
Total		44,358 acres
Deduct for roads, canals, drainage ditches, and lands not irrigable		3,415 acres
Total irrigable area at long-term contracts		40,943 acres
Short-term contracts, $7 per acre per year		7,440 acres
Grand total		48,383 acres

Note.—$4.50 and $5 rates apply only in those seasons when additional water is taken for the irrigation of rice.

The rates collected in 1917, including the short-term contracts, follow:

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TABLE II.

Rates Collected by Sutter-Butte Canal Company in 1917.

Rate	Area
$1.00 per acre per year	10,631 acres
1.50 per acre per year	1,506 acres
2.00 per acre per year	16,360 acres
5.00 per acre per year (rice)	5,384 acres
7.00 per acre per year (rice)	7,440 acres
Total area charged	41,321 acres

Of the total area charged, 36,000 acres were actually irrigated.

Conduct of Proceedings.

Public hearings were held in these proceedings in Gridley on June 6 and 7, 1917, and in San Francisco on November 26, 27, 28, 30, and December 1, 1917.

At the hearing it was stipulated by all concerned that all proceedings heretofore had before this Commission to which Sutter-Butte Canal Company or Gridley Land & Irrigation Company was a party, the annual reports and data filed pursuant to general order No. 38 of this Commission, on file with this Commission, be considered as a part of these proceedings. A list follows:

1. Re Sutter-Butte Canal Co. for an order authorizing it to issue and deliver certain of its bonds and ratifying and approving certain acts and things on the part of said corporation heretofore done and performed. 1 Cal. R. C. 803. Application No. 239.

2. Gridley Water Users Asso. v. Sutter-Butte Canal Co. 7 Cal. R. C. 619, Case No. 426.

3. Re Gridley Land & Irrig. Co. 11 Cal R. C. 672, to increase rates to be charged for irrigation water. Application No. 1506.

4. Faris v. Sutter-Butte Canal Co. 8 Cal. R. C. 8, Case No. 753.

5. Lofgren v. Sutter-Butte Canal Co. 7 Cal. R. C. 647, Case No. 789.

6. Re Sutter-Butte Canal Co. 7 Cal. R. C. 645, a corporation, and Richvale Land Co., a corporation, for order authorizing said Richvale Land Company to make certain grants and conveyances to Sutter-Butte Canal Company. Application No. 1770.

7. Re Sutter-Butte Canal Co. 9 Cal. R. C. 2445, a corporation for authority to issue certain promissory notes in renewal of notes now outstanding. Application No. 2007.

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SUTTER

SUTTER BUTTE CANAL CO., a corporation, Plaintiff, vs. GREAT WESTERN POWER COMPANY OF CALIFORNIA, a corporation, and WESTERN CANAL COMPANY, a corporation, Defendants,	No. 2360. ~~DECREE~~

The above entitled action coming on regularly to be heard by the above named Court this 18th day of December, 1924, the plaintiff, Sutter Butte Canal Co., appearing by its attorneys, and the defendants, GREAT WESTERN POWER COMPANY OF CALIFORNIA and WESTERN CANAL COMPANY, appearing by their attorneys, and said attorneys consenting in open Court to the making and entering of this decree.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

I.

(a) That the respective rights of said parties to divert the natural flow of the Feather River are hereby determined and established as follows:

(1) Said plaintiff, Sutter Butte Canal Co., has the first, prior and superior right to divert all of the natural flow of said Feather River up to twelve hundred (1200) cubic feet per second, measured at the present location of said plaintiff's intake on said river at the head of its Main Canal in the Southeast quarter (SE¼) of Section Thirty-three (33), in Township Nineteen (19) North, Range Three (3) East, Mount Diablo Base and Meridian, in the County of Butte, State of California.

(2) Subject and subordinate to the foregoing right of said plaintiff, the defendant Western Canal Company, and/or the defendant Great Western Power Company of California, has the right to divert three hundred (300) cubic feet per second, measured at the present location of said Western Canal Company's intake on said river at the head of the canal of said Western Canal Company in Township Nineteen (19) North, Range Three (3) East, Mount Diablo Base and Meridian, in said County of Butte, which intake is approximately three (3) miles above said intake of said plaintiff's Main canal.

(3) Subject and subordinate to the foregoing rights, said plaintiff on the one hand, and said Western Canal Company and/or GREAT WESTERN POWER COMPANY OF CALIFORNIA on the other hand, have the right to divert respectively two-third and one-third, measured at said respective

COUNTY RECORDER OF BUTTE COUNTY, CAL.

DATE MAY 28 1992

This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Candace J. Grubbs
Butte County Clerk-Recorder
By M. Warnke Deputy

intakes, of so much of the natural flow of said river as may be in excess of the aggregate of fifteen hundred (1500) cubic feet per second, measured as aforesaid, of the aforesaid prior and superior rights, but not in excess of twenty-seven hundred (2700) cubic feet per second, measured as aforesaid.

(4) Subject and subordinate to the foregoing rights, said Western Canal Company, and/or Great Western Power Company of California, has the right to divert all of the natural flow of said river in excess of said twenty-seven hundred (2700) cubic feet per second up to five hundred (500) cubic feet per second, measured at the said canal intake of said Western Canal Company.

(5) Subject and subordinate to the foregoing rights, said plaintiff has the right to divert at the present location of its pump in the Northeast quarter (NE¼) of Section Sixteen (16) township Sixteen (16) North, Range Three (3) East, Mount Diablo Base and Meridian, in the County of Sutter, on the west bank of said river approximately fourteen (14) miles below said intake of plaintiff's Main Canal, all of the natural flow of said river at that point up to five hundred (500) cubic feet per second, including in natural flow all accretions no matter what their source, coming in below the canal intake of said Western Canal Company and which the plaintiff may have the right to divert as against third parties.

(b) None of the above named parties shall divert water from said river not reasonably required by it for beneficial purposes, and to the extent to which any of said parties does not divert water to which it would be entitled, if required, by virtue of this decree, and which is available, the other party or parties may divert that water for its or their uses, so far as required. In case of doubt as to what are the reasonable requirements of any of said parties, the judgment of such party shall be final.

The diversion by one party of water not required by the other but which the latter would have the right by virtue of this decree to divert and use if required by it, shall be deemed temporary and permissive only, and not be taken to be a diversion hostile or adverse to such right, and shall not ripen into a superior right by the continuance of such diversion for any length of time, but the party entitled by virtue of this decree to such water if required by it shall be entitled to divert and use the same as its requirements from time to time necessitate, regardless of whether or not it has previously diverted or used such water, or whether or not any other party above named has previously diverted or used the same.

(c) Any of said parties shall have the right to change its point or points of diversion as it may desire, but neither the plaintiff nor the defendant Western Canal Company shall change its point of diversion to a point above the City of Oroville, and the points herein established for measuring the water for the purpose of determining the amounts to which said parties are respectively entitled shall remain the same and be unaffected by any change in the point or points of diversion.

(d) By "natural flow" is meant such flow of water as would occur except for the storage of any thereof by the defendant Great Western Power Company of California, in its storage reservoirs on the tributaries of said river above the said intakes of the plaintiff and the defendant, Western Canal Company, which reservoirs are used as an incident to the operation of the plants of said defendant Great Western Power Company of California for the generation of

electric power by means of said water, and as would be available to the said parties for diversion for their respective purposes over and above diversions or requirements by third parties superior in right.

II.

(a) Whenever during any irrigation season the natural flow as above defined at the intake of said plaintiff's Main Canal falls below twelve hundred (1200) cubic feet per second, the defendant Great Western Power Company of California shall each day during such time release from its said storage reservoirs as much water as comes into them from natural sources during that day, and shall release the same and use or otherwise control the same in such manner that it will pass down said river to said intake of plaintiff's Main Canal in a constant and uniform flow; provided, however, that at such times as such flow may fall below twelve hundred (1200) cubic feet per second and yet exceed the requirements of said plaintiff, said defendant Great Western Power Company of California may store the excess of the natural flow over such requirements.

In case during any irrigation season the natural flow as above defined at said intake of plaintiff's Main Canal is or would be above twelve hundred (1200) cubic feet per second, so much of the natural flow as is necessary to meet the requirements of said plaintiff up to said amount of twelve hundred (1200) cubic feet per second shall be allowed, after use by the defendant Great Western Power Company of California for generating power, if such use is desired by it, to pass down the said river to said intake of plaintiff's Main Canal in a constantand uniform flow.

(b) Subject to the foregoing limitation, said defendant GREAT WESTERN POWER COMPANY OF CALIFORNIA, shall have the full right to store, for the generation of power by generating plants discharging their used water into said river or its tributaries above said intake of plaintiff's Main Canal, such water as said defendant may desire; provided, however, that any water so stored during the irrigation season, on Saturday afternoons, Sundays and other legal holidays, and at times of temporary shut-downs of power generating plants, partial or complete, due to accidents, shall, to the extent to which the plaintiff has been deprived of any portion of the natural flow of said river which otherwise would have been available to it and to which it would have been entitled under division I hereof and for which it had requirements, be released for the exclusive use of the plaintiff during the next ensuing period up to the next Saturday afternoon or holiday at as even a rate and uniform daily flow over such period as is practicable.

(c) Except as provided in the preceding subdivions (b) of division II, the plaintiff shall have no right in stored water released from its reservoirs by the defendant Great Western Power Company of California, that is, water so released by it on any day in excess of the amount coming into the reservoirs on the same day from natural sources, and said defendant and/or said Western Canal Company shall have the full right to store and to release, divert and use stored water as it or they may see fit, provided, however, that the plaintiff shall have the right to divert and use without cost all stored water passing the said intake of the defendant Western Canal Company's canal unless the same is required for beneficial use below by said defendant Great Western Power Company of California, or someone in privity with it.

(d) Nothing in the provisions of division I hereof setting out the respective rights of the above named parties to divert water for irrigation and other beneficial uses shall affect the right of the defendant Great Western Power Company of California, which is hereby recognized,

to divert water for the purpose of passing the same through plants for the generation of power when such plants discharge the water after use directly into said Feather River or its tributaries above the intake of said plaintiff's Main Canal.

111.

(a) Either of said parties shall have the right to make such surveys or measurements or observations as it may desire from time to time on or about the properties and works of any of the other of said parties respecting the flow of water and the uses thereof made by any of them, so far as the same may be pertinent to the carrying out of this decree, but not so as to interfere with the operations of such party.

(b) Said parties shall keep records respecting the flow of the water, the storage thereof by any of them, the diversions thereof from said river, and the uses thereof, as may be pertinent to the carrying out of this decree, and shall exchange such data and all other historical data relating to said matters as may be in the possession of any of said parties.

(c) Said parties shall, whenever requested by any of them, select an hydraulic engineer to act for the joint benefit of all of said parties in the making of observations as to the flow of the waters of said river, and the uses made thereof by any of said parties, and to issue such orders as may be proper and necessary in the premises, to the end that the terms of this decree shall be faithfully observed and carried out. If said parties shall be unable to mutually agree upon such engineer, he shall be chosen by the Railroad Commission of the State of California. One-half of the salary and expenses of such engineer, and such assistants as he may reasonably require, and their expenses, shall be borne and paid by said plaintiff, and the other half by said defendants. Provided, however, that nothing in this subdivision shall affect the right of any of said parties to apply to this Court and for this Court to issue such orders in respect to enforcing the observance and carrying out of this decree as the Court may deem proper.

(d) This decree is confined to establishing rights as between the plaintiff on the one hand, and the defendants Western Canal Company and/or Great Western Power Company of California on the other, and shall not be taken as affecting in any manner the mutual rights of the defendant Western Canal Company and the defendant Great Western Power Company of California as between themselves.

Each party hereto shall bear its costs incurred herein.

Done in open Court this 15th day of December, 1924.

K. S. Mahon, Judge

Endorsed:
Filed, Dec. 15, 1924
Albert B. Brown, Clerk

STATE OF CALIFORNIA)
COUNTY OF SUTTER) (SS.

I, Albert B. Brown, County Clerk of the County of Sutter, State of California, and Clerk of the Superior Court, do hereby certify that I have compared the foregoing copy of a Decree and of the endorsements thereon, with the original records of the same remaining in this office, and that the same are correct transcripts thereof, and of the whole of said original records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Superior

t at my office in the County of Sutter, this 15th day of December 1924.

(SEAL)

Albert B. Brown, County Clerk

Recorded at the request of Butte County Title Abstract Co., December 17, 1924 at 13 minutes past 11 o'clock A. M., in Book 209, page 128 of Deeds, Butte County Records.

Compared Sum I.S. Dec. A.F.

Recorder

N. 6427.

BANK OT ITALY, (Trustee)

TO

Butte County Canal Co

-to-

Sutter Butte Canal Company.

This Indenture, made and entered into this 15th day of January A. D. 1911 by and between Butte County Canal Company, a corporation, organized and existing under the laws of the State of California, party of the first part, Grantor, and Sutter Butte Canal Co. a likewise a Corporation, party of the second part, Grantee.

Witnesseth: That said Grantor for and in consideration of the sum of Ten Dollars, Gold Coin of the United States of America in hand paid by said Grantee, the receipt whereof is hereby acknowledged and for other valuable considerations had and received from said Grantee does by these presents grant, bargain, sell, convey and confirm unto said Grantee, its successors and assigns forever, all the said real, personal and mixed property situated and being in the Counties of Butte and Sutter, State of California, owned by said first party and more particularly described as follows, to wit:

1st: A right of way One hundred and fifty (150) feet wide on, over and across certain lands in Butte County, California, described as follows, to wit:

Seventy five (75) feet on each side of a line drawn from the center of the dam built by said party of the first part, on, over and across the lands of J. L. Cummings, Butte County, California, as built and constructed and existing on the 28th day of October, 1908 and running in a westerly direction on, over and across the channel of Feather River to the high land on the westerly bank of said River, as said dam then existed and might thereafter by any change in the course of said River be shifted, the said right of way being in Section 33, Township 19 North, Range 3 East and said right of way being conveyed for the purpose of erecting, maintaining, repairing and protecting a dam of sufficient strength and height to turn the water of said Feather River into the head gate of the Canal of said first party located about one hundred (100) yards above said dam.

Hereby conveying all necessary and convenient means of ingress, egress and regress to and from the said right of way for the purpose of so erecting, maintaining, repairing, protecting and rebuilding, or in anywise changing said dam together with the right to take for such repairing, maintaining, protecting and rebuilding any earth, rock, gravel or other material from the River bottom land of J. L. Cummings, as owned by him on the 28th day of October, 1908, all of which rights to said dam and dam site is set forth in a deed from J. L. Cummings to the said party of the first part, which conveyance is recorded in the office of the County Recorder of Butte County, California in Book 110 of Deeds, Page 483 to which reference is hereby had.

2nd: A strip of land One Hundred and fifty (150) feet in width, the center line of which is described as follows, to wit:—

Commencing at a point in the center of "Hamilton Slough" where same crosses the land formerly owned by the Ridout Bank in section 32 and 33, Township 19 North, Range 3 East, M. D. B. & M., distant west from the west bank of the Feather River 2611 feet, more or less, running thence south and in a southwesterly direction following the center of said "Hamilton Slough" to a point where same crosses the section line between section four (4) and thirty three (33) in said Township and Range.

Also all right and interest of said party of the first part in and to a

parcel of land lying and being in the County of Butte, State of California, in section 32 and 33, Township 19 North, Range 3 East, M. D. B. & M., described as follows:-

Commencing at a post on the right bank of Feather River in said section thirty three (33), from which a sycamore tree sixteen (16) inches in diameter with a letter "L" cut thereon bears South six degrees (6) East distant twenty eight (28) links; the northeast corner of R. A. Moore House bears North two degrees (2°) west; and the apex of his barn bears North forty four degrees (44°) East; thence along a fence dividing the lands of R. A. Moore from the lands of the Rideout Bank North seventy four and one half degrees (74½) west eleven hundred and ninety (1190) feet to a stake; thence — deflection angle fourteen degrees and thirty minutes (14° 30') left North eighty nine degrees, (89) west along division line fence fourteen hundred and twenty one (1421) feet to a stake in a slough; thence at right angles south one degree (1°) west one hundred and sixty five (165) feet to a stake; thence at right angles south eighty nine degrees (89°) east thirteen hundred and ninety (1390) feet to a stake, thence south seventy four and one half degrees (74½°) east ten hundred and seven (1007) feet to a stake; thence south thirty eight and one half degrees (38½) west one hundred and fifty (150) feet; thence south seventy four and one half degrees (74½) east one hundred (100) feet to a stake on the right bank of the Feather River; thence North thirty eight and one half degrees (38½°) east three hundred and thirty (330) feet to a point at the point of beginning, containing ten (10) acres, more or less.

Said land having been conveyed by the Rideout Bank to Willard H. Sheldon and John P. Clark, by deed dated June 19, 1903 and which deed was recorded on the 20th day of October, 1903 in the Office of the County Recorder of Butte County, California, and to which deed and the provision thereof reference is hereby had.

3rd: All other real estate and appurtenances thereto and all rights of way, easements, servitudes, canals, ditches, dams and all structures used or connected therewith owned, used or occupied by said Grantor in the Counties aforesaid together with all water rights, rights of appropriation, diversions and use and all riparian rights in and to the waters of Feather River, which said Grantor owns, or of which it may be possessed, together with all rights, privileges and franchises and all real and personal property in said Counties, owned, used, occupied, or controlled by said Grantor therein.

4th: Also all personal property, rights, privileges, choses in action, contracts and agreements and particularly all water right agreements or agreements for the sale, use or control of water under which a stipulated annual charge is payable to said Grantor, which said water right agreements have been executed with said Grantor, or its predecessors by sundry parties for the irrigation of lands in Butte and Sutter Counties, State of California, and all of which agreements appear of record in the Office of the County Recorder of said respective counties, hereby transferring, assigning and setting over to said Grantee all right, title and interest of said Grantor, and to all of said personal property, rights, interests

COUNTY RECORDER OF BUTTE COUNTY, CAL.

and agreements giving and conveying same unto said Grantee together with the right to collect and receipt for any and all amounts due or to become due thereon and to prosecute the collection thereof by suit or otherwise and to do all other acts or things in connection therewith in its own name or otherwise as fully and completely as said Grantor might or could do.

5th: Said Grantee in accepting this conveyance and this assignment agrees and undertakes to and this conveyance is made on the expressed condition that said Grantee will carry out and perform all the terms, conditions and obligations assumed by said Grantor in the contracts and agreements heretofore referred to and will and does hereby agree to keep said Butte County Canal Company free from all liability or charges in connection therewith.

6th: This conveyance and assignment is made by said Grantor in pursuance of a resolution duly passed and adopted by the Board of Directors of said Butte County Canal Company at a meeting of said Board of Directors held the 16th day of January, 1911, at which all of the said Board of Directors were present and all of whom voted affirmatively on the passage of said resolution, a copy of which resolution is hereto attached and made a part of this conveyance.

To have and to hold all and singular the above described premises, together with the appurtenances unto the said Butte Butte Canal Co. and unto its successors and assigns forever. Subject to taxes for the fiscal year commencing the 30th day of June, 1911.

In Witness whereof, The grantor has caused this instrument to be signed by its President and Secretary and the corporate name and seal to be hereto attached the day and year first above written.

Butte County Canal Company

By Herman Hermensen, President.

By Willard M. Sheldon, Secretary

State of California,)
)ss
City and County of San Francisco.)

On this 16th day of March in the year nineteen hundred and eleven, before me, R. B. Treat, a Notary Public in and for the said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Herman Hermensen, and Willard M. Sheldon known to me to be the President and Secretary respectively of Butte County Canal Company the corporation that executed the within and annexed instrument, and also known to me to be the persons who executed said instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal) R. B. Treat, Notary Public

In and for the City and County of San Francisco,

State of California.

COUNTY RECORDER OF BUTTE COUNTY, CAL.

We, the undersigned stockholders and owners of shares of Capital Stock in the Butte County Canal Company, a corporation, owning and holding the number of shares therein set opposite our respective names, do hereby consent to the foregoing sale, transfer and conveyance to the Sutter Butte Canal Co. and do hereby ratify confirm and approve of the action of the Board of Directors of the Butte County Canal Company in making said sale, transfer and conveyance, and do hereby ratify, confirm and approve of the action of the President and Secretary of the Butte County Canal Company in executing and delivering the same.

	Number of shares.
Herman Hermansen	24,000
Thad B. Kent	2,500
M. N. Sheldon	2
Mabel M. Sheldon	10,000
Willard M. Sheldon	29,416
Edwin R. Sheldon	1,000
T. F. A. Obernmyer	500
W. S. Andrews	25975

State of California, }
City and County of San Francisco. } ss

On this 16th day of March in the year nineteen hundred and eleven, before me, R. B. Treat, a Notary Public in and for said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Herman Hermansen, Thad B. Kent, M. N. Sheldon, Mabel M. Sheldon, Willard M. Sheldon, Edwin R. Sheldon, T. F. A. Obernmyer and W. S. Andrews, known to me to be the persons described in whose names are subscribed to the within instrument and acknowledged to me that they executed the same as stockholders of Butte County Canal Company.

In Witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

R. B. Treat, Notary Public
In and for the City and County of San Francisco, State of California.

I, Willard M. Sheldon, Secretary of Butte County Canal Company, a corporation, hereby certify that the total issued capital stock of said corporation is 93568 shares; that the persons signing the foregoing consent are stockholders of said Butte County Canal Company holding of record the number of shares of the capital stock of said corporation set opposite their names hereunder, to wit:

	Number of shares
Mabel M. Sheldon	10,000
Herman Hermansen	24,000
Thad B. Kent	2,500
M. N. Sheldon	2
Willard M. Sheldon	29,416
Edwin R. Sheldon	1,000
T. F. A. Obernmyer	500
W. S. Andrews	25,975
Total	93,391

And I do hereby further certify that said stockholders hold of record more than two thirds of the issued capital stock of said Butte County Canal Company.

In Witness whereof, I have hereunto set my hand and the seal of said Corporation.

SEAL

Willard M. Sheldon.

Secretary of Butte County Canal Company.

State of California,)
)ss
City and County of San Francisco.)

On this 16th day of March in the year nineteen hundred and eleven, before me, R. B. Treat, a Notary Public in and for the said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Willard M. Sheldon, Secretary of Butte County Canal Company known to me to be the person described in, whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, as such Secretary.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

R. B. Treat, Notary Public
In and for the City and County of San Francisco,
State of California.

COUNTY RECORDER OF BUTTE COUNTY, CAL.

Whereas, this corporation on the 10th day of September, A. D. 1910 made, executed and delivered to J. D. Hubbard, Gordon Hall and Willard M. Sheldon a certain option for the purchase of the properties of the Butte County Canal Company and whereas, said option of purchase has been transferred and assigned to the Sutter Butte Canal Co., a corporation, and whereas, the terms, agreements and conditions of said option agreement have been fulfilled and complied with and whereas, said corporation has requested the Butte County Canal Company to make, execute and deliver a conveyance of the property of the Butte County Canal Company in pursuance with the terms of said option agreement and,

Whereas, persons representing and owning more than two thirds of the issued and outstanding Capital Stock of the Butte County Canal Company have ratified and approved said conveyance,

Now therefore be it resolved, that the Butte County Canal Company make, execute and deliver to the Sutter Butte Canal Co. a good and sufficient conveyance of all the real estate and personal property of the Butte County Canal Company, and that Herman Hermansen President and Willard M. Sheldon Secretary of the Butte County Canal Company, be and they are hereby authorized, empowered and directed in the name and under the corporate seal of said corporation, to make, execute and deliver such deed of conveyance hereby authorizing, empowering, and directing said President and Secretary to insert in such deed of conveyance, such terms, conditions, reservations and restrictions, as to them may be though just and proper.

State of California,)
)ss
City and County of San Francisco.)

Willard M. Sheldon, does hereby certify that, he is the regularly appointed, duly qualified and acting Secretary of the Butte County Canal Company, a corporation; that the above is a full, true, correct and compared copy of the Resolution duly passed at a meeting of the Board of Directors

duly called and held at the office of the corporation, at which the majority of the directors were present and all of whom voted affirmatively on the passage of said resolution, and that said resolution has been spread in full upon the minutes.

In Witness whereof, I have hereunto set my hand and seal this 16th day of January, A. D. 1911.

Willard M. Sheldon

State of California,)
City and County of San Francisco,) ss

On this 16th day of March in the year nineteen hundred and eleven, before me, R. B. Treat, a Notary Public in and for the said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Willard M. Sheldon known to me to be the person described in whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal) R. B. Treat, Notary Public
In and for the City and County of
San Francisco, State of California.

Recorded at the request of Gordon Hall April 1, 1911 at 33 M. n. past 2 P. M., in Book 119, page 399 of Deeds, Butte County Records.

J. A. Tyler Recorder

COUNTY RECORDER OF BUTTE COUNTY, CAL.

DATE NOV 03 1992

This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Candace J. Grubbs
Butte County Clerk-Recorder
By _____ Deputy

Sacramento Valley Canal Company

-to-

Butte County Canal Company.

Know all man by these presents, That the Sacramento Valley Canal Company, a corporation, organized and incorporated under the laws of the State of California, Grantor, for and in consideration of the sum of One Dollar, Gold coin of the United States, and other valuable consideration, to it in hand paid by Butte County Canal Company, Grantee, the receipt whereof is hereby acknowledged, does hereby grant in fee simple absolute to the said grantee, all that certain real property situated in the County of Butte, State of California, and described as follows to wit:—

Any and all water and water rights or right to use and diversion of water in, of and to the waters of Feather River and all ditches or canals leading therefrom and all appropriations of or contracts for water therein, together with all contracts made by first party for delivery of water, with the right to collect and enforce collection of all dues or charges thereunder and together, further, with all surveys, surveyor's notes, files, data, profiles and rights of way for ditches or canals, had owned or controlled by said first party.

In Witness whereof, the said Grantor has caused this instrument to be executed and the corporate name and seal to be hereto affixed this 22nd day of October, A. D. 1909.

Sacramento Valley Canal Company

(seal)

O. C. Stine, President.

Edwin R. Sheldon, Secretary.

State of California,)
)ss
City and County of San Francisco.)

On this 11th day of November in the year nineteen hundred and nine, before me, R. E. Treat, a Notary Public in and for said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared O. C. Stine known to me to be the President, and Edwin R. Sheldon known to me to be the Secretary of Sacramento Valley Canal Company the corporation that executed the within and annexed instrument, and acknowledged to me that such corporation executed

COUNTY RECORDER OF BUTTE COUNTY, CAL.

COUNTY RECORDER OF BUTTE COUNTY, CAL.

DATE NOV 0 3 1992

This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Candace J. Grubbs
Butte County Clerk-Recorder
By J. Matin Deputy

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the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal) R. B. Treat, Notary Public
In and for the City and County of San Francisco,
State of California.

Recorded at the request of Butte Co. Canal Co., Nov 12, 1909 at 46 min. past 4 P. M. in Book 113, page 232 of Deeds, Butte County Records.

J. A. Tyler Recorder

COUNTY RECORDER OF BUTTE COUNTY, CAL.

DATE NOV 03 1992

This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Candace J. Grubbs
Butte County Clerk-Recorder
By _____ Deputy

D. C. McCallum

&

E. A. Bridgford

- to -

Butte Co. Canal Co.,

THIS INDENTURE, made this, the 11th day of May, 1903, by and between D. C. McCallum and E. A. Bridgford, parties of the first part, and the Butte County Canal Company, a Corporation, the party of the second part, Witnesseth:--

That for and in consideration of the covenants and agreements between the parties hereto as expressed and set forth in the agreement between said parties contained in the minutes of said corporation of February 18th, 1903, the parties of the first part, hereby grant, bargain, sell and convey to the party of the second part, all of their right, title and interest in and to all the rights-of-way of every kind and description obtained by said parties of the first part and one T. R. Fleming, or any of them, over and through lands in Butte County, California for irrigation or other purposes, together with the maps, plats, surveys and notes thereof made or caused to be made by the parties of the first part and said T. R. Fleming or any of them; said rights-of-way, surveys etc., being made and obtained in the promotion of the purpose to divert the waters of Feather river into Hamilton slough and conducting the same through said slough, and by that means and by means of distributing ditches, conveying said waters to the lands of Butte and Sutter counties, and that part of Colusa and Glenn counties lying east of the Sacramento river; also all water appropriations and water rights made or obtained by the parties of the first part hereto and said T. R. Fleming or any of them; it being the purpose of the parties of the first part to convey to the party of the second part each and every right and interest of whatever kind or character owned or possessed by the parties of the first part in and to the property rights expressed or in any wise implied by these presents.

Book 70 Deed Pg 302

To Have and to Hold unto the said party of the second part, its successors and assigns forever.

In witness whereof the parties of the first part have hereunto set their hands the day and year first hereinabove written.

D. C. McCallum

E. A. Bridgford.

State of California,)
) ss.
County of Butte.) On this Eleventh day of May in the year one thousand nine hundred and three, before me J. M. Coffman a Notary Public in and for said Butte County, residing therein duly commissioned and sworn, personally appeared D. C. McCallum & E. A. Bridgford known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of Butte, the day and year in this Certificate first above written.

J. M. Coffman Notary Public,

(Seal) in and for said Butte County,

State of California.

REcorded at the request of D. C. McCallum, May 1[illegible], 1903, at 50 min. past 6 P. M.

H. A. Tyler Recorder.

Notice of Appropriation
of
W. C. McCollum et al

Notice of Water
Appropriation

Notice is hereby given:

1. That the undersigned hereby claim and appropriate the water flowing through the Feather River in Butte County, California, to the extent of One Hundred Thousand (100,000) inches, measured under a Four-inch pressure.

2. That the purposes for which they claim it is for the irrigation of the lands of Butte and Sutter counties lying north and west of Feather River, and east of the Sacramento river; and also the lands of Colusa and Glenn counties lying east of the Sacramento river; said waters are intended to be sold to consumers for irrigation and other legitimate purposes.

3. The means by which they intend to divert said water is by a dam constructed at the point of division into said across the Feather river, and the construction of a ditch commencing at the point of division on the north bank of said Feather river in the southeast quarter of section Thirty-three (33), Township nineteen (19) North of range three east M.D.B.&M. where the division line between the lands known as the lands of A. A. Moore, and the lands of the Oroville Bank intersects the Feather river; running thence along the said division line in a northwesterly direction to the southeast corner of lot sixty-one (61) of the Chandler Colony lands about twelve hundred feet distant more or less, thence bearing a little more to the west along the dividing

between the said lands of the Resident Bank and lots sixty-one (61), sixty (60) and fifty-nine (59) of said Sheridan Colony lands to a point on Hamilton slough where said slough intersects the south line of said lot fifty-nine (59); all of said lands and points above indicated being in said section Thirty-three (33) Township nineteen (19) North of range three east M. D. B. & M: running thence in a southwesterly direction along and through said Hamilton slough with its meanderings through the lands known as the lands of the Resident Bank Henry Hazelhurst C. Anke Rio Bonito North and George Hirst, to the southeast corner of the southwest quarter of section six (6) in Township Eighteen (18) North range three (3) east. M. D. B. & M. thence distributing the said waters hereby appropriated through divergent ditches to the lands of Butte and Sutter counties lying north and west of said Feather river and that portion of Colusa and Glenn counties lying east of the Sacramento river.

The main ditch from the Feather river to said point in said section six (6) above mentioned is intended to be sixty (60) feet wide on the bottom with a slope of One (1) to One (1) and said divergent ditches proportionately large.

A copy of this notice was on this the 4th day of May, 1903 posted in a conspicuous place at said point of intended diversion from said Feather River

Names of Appropriator E. A. Bulfore
D. C. McCallum

D. C. McCallum, being first duly sworn deposes and says — That he posted a copy of the above notice of appropriation in a conspicuous place at the point of diversion from Feather river, described in said notice on the 9th day of May 1903

Subscribed and sworn to before me, this 11th day of May 1903 D. C. M. Callum

A. C. Long
Notary Public

Recorded at the request of D. C. McCallum May 12 - 1903 at 41 min. past 4 P M

J. A. Tyler
Recorder

DATE NOV 03 1992
This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.
Candace J. Grubbs
Butte County Clerk-Recorder
By _____ Deputy

T. R. Fleming

- to -

D. C. McCallum & E. A. Bridgford.

This Indenture, made this 11th day of May, A. D. 1903, by and between T. R. Fleming, party of the first part, and D. C. McCallum and E. A. Bridgford, parties of the second part,

WITNESSETH: For a valuable consideration, the party of the first part hereby grants, bargains, sells and conveys to the parties of the second part all of his right title and interest in and to all the rights of way of every kind and description obtained by the said parties of the second part, and said party of the first part or either of them over and through lands in Butte County, California, for irrigation or tohar purposes, together with the maps, plats, surveys and notes thereof made or caused to be made by the parties hereto or any of them; said rights of way, surveys, etc., being made and obtained in the promotion of the purpose to divert the waters of Feather river into Hamilton slough and conducting the same through said slough and by that means, and by means of distributing ditches conveying said waters to the lands of Butte and Sutter Counties, and that part of Colusa and Glenn counties lying east of the Sacramento river; also all water appropriations and water rights made or obtained by the parties hereto or any of them; it being the purpose of the party of the first part hereto to convey to the parties of the second part each and every right and interest of whatever kind or character owned or possessed by the party of the first part in and to the property rights expressed or in any wise implied by these presents.

To Have and to Hold unto the said parties of the second part, their heirs, administrators, executors and assigns forever.

In witness whereof the party of the first part has hereunto set his hand the day and

Book 40 Mortgages, 302

COUNTY RECORDER OF BUTTE COUNTY, CAL.

year first hereinabove written.

T. R. Fleming

State of California,
County of Butte. } ss.

On this Eleventh day of May in the year one thousand nine hundred and three, before me, J. M. Coffman a Notary Public in and for said Butte County, residing therein, duly commissioned and sworn, personally appeared T. R Fleming known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of Butte, the day and year in this Certificate first above written.

J. M. Coffman Notary Public,
in and for said Butte County,
State of California.

(Seal)

Recorded at the request of D. C. McCallum, May 12 1903, at 45 min. past 6 P. M.

R. Fitten Recorder.

Notice of Water Appropriation

Notice is hereby given:

1. That the undersigned the Sacramento Valley Canal Company hereby claims and appropriates the water flowing in and through the Feather River in Butte County, State of California, to the extent of Five Hundred (500) cubic feet of water per second, continuous flow.

2. That the purpose for which said corporation claims such water is for the irrigation of the farm lands in and of the counties of Butte and Sutter, State of California, lying West of Feather River and East of the Sacramento River. It being the intention of said corporation that said water shall be brought and delivered to consumers in said district for irrigation purposes.

3. That the means by which said corporation intends to divert said water from said river is by and through a diverting canal and dam now or hereafter made and constructed or to be constructed at the point of diversion into and across the Feather River and the utilization of the certain ditch and canal as now in use and hereafter enlarged and constructed by the Butte County Canal Company by this corporation commencing at the said point of diversion on the West bank of said Feather River in and on the Southwest quarter of Section Thirty Three (33) Township Nineteen (19) North, Range Three (3) East Mount Diablo Base and Meridian and running thence through and along and in such canal as now or hereafter to be constructed to a point on the Hamilton Slough, so called, then running in a Westerly and Southwesterly direction on and in and through said Hamilton Slough and the certain ditch and canal now in use and operation, and as continuation and to be constructed by said Butte County Canal Company, by this corporation thence near the Southeast corner of the Southwest quarter of Section six (6) in Township Eighteen (18) North, Range Three (3) East Mount Diablo Base and Meridian and running thence distributing the said water hereby appropriated through canals and ditches diverting therefrom to the lands of such in Butte and Sutter Counties lying Northwest and South thereof.

4. That the main ditch or diversion canal from the Feather River is intended to be 30 feet wide on the bottom and 3 feet deep at the water line and that said ditches diverting therefrom shall be of a capacity and size sufficient to irrigate the farm lands through said ditches and irrigable therefrom.

5. That a copy of this notice of appropriation shall on the 26th of February 1909 be posted in a conspicuous place at the said point of intention of diversion of the water hereby appropriated from said Feather River.

Sacramento Valley Canal Company
by O. C. Still President
and Edwin T. Sheldon
Secretary.

O. C. Still
and
Edwin T. Sheldon } being first duly sworn on oath depose and says that a full, true, correct and compared copy of the above Notice of Appropriation was by him posted in a conspicuous place on the West bank of the Feather River and on the North bank of the Butte County Canal Company canal, said point being the point of diversion from Feather River on the 26th day of February for second continuous flow hereby appropriated and that said notice was by him there posted in said conspicuous place on the 3rd day of March 1909.

Subscribed and sworn to before me this 8 day of March 1909.

(Seal)
Nettie Hamilton
Notary Public in and for city and County of San Francisco, California

Recorded at the request of Eucalyptus Forest Company March 8 1909 at 30 min past 9 A.M. in book M page 8 of Mining & Water Claims Butte County Records

J. A. Tyler
Recorder

Water Location
of
J. McSheehan

Notice of Water Appropriation

Notice is Hereby Given:—

1. That the undersigned hereby claim and appropriate the water flowing through the Feather River in Butte County, California to the extent of One Hundred thousand (100,000) inches, measured under a Four inch measure.

2. That the purposes for which they claim it is for the irrigation of the lands of Butte and Sutter Counties lying North and West of Feather River and east of the Sacramento River; and also the lands of Glenn and Colusa Counties lying east of the Sacramento River; said waters are intended to be used to consumers for irrigation and other legitimate purposes.

3. The means by which they intend to divert said water is by a dam constructed at the point of division into and across the Feather River, and the construction of a ditch commencing at the point of diversion on the North Bank of said Feather River in the Southeast quarter of Section Thirty three (33) Township Nineteen (19) North Range Three East M.D.B.&M. where the division line between the lands Brown and the lands of W. A. Moore and the lands of the Indent Ranch intersects the Feather River; running thence along the said division in a northwesterly direction to the South east corner of Lot Sixty one (61) of the Gordon Colony lands about twelve hundred feet distant more or less; thence bearing of

little more to the West along the dividing line between the said lands of the Reclamation Bank and held sixty one (61) Sixty (60) and fifty nine (59) of said Glenn Colony lands to a point on the Hamilton Slough where said Slough intersects the South line of said lot fifty nine (59): all of said lands and points above indicated being in said Section thirty three (33) Township Nineteen (19) North Range three (3) East M.D.B.&M. lying thence in a southwesterly direction along through said Hamilton Slough with its meanderings through the land known as the lands of the Reclamation Bank Harry Haselbach; C. Pale Rio Points North and George Gust to the southeast corner of the southwest quarter of Section six (6) in Township eighteen (18) North Range three (3) east M.D.B.&M.; thence distributing the said waters hereby appropriated through divergent ditches to the lands of Butte and Sutter Counties lying North and West of said Feather River and that portion of Colusa and Glenn Counties lying East of the Sacramento River

The main ditch from the Feather River to said point in said Section one (6) above mentioned is intended to be Sixty (60) feet wide on the bottom with a slope of one (1) to one (1) and said divergent ditches proportionately large.

A copy of this Notice was on this the 30th day of July 1904, posted in a conspicuous place at said point of intended diversion from said Feather River.

Name of Appropriator

Butte County Canal Company
By L. T. Earl Vice President
William M. Sheldon Secretary

H. C. Veatch being first duly sworn deposes and says: That he posted a copy of the above notice of appropriation in a conspicuous place at the point of diversion from Feather River described in said notice on 30 day of July 1904.

H. C. Veatch

Subscribed and sworn to before me this 30th day of July 1904.

N. T. Allen
Notary Public

Recorded at the request of M. M. Sheldon July 30, 1904 at 25 minutes past 3 P.M. in Book 1 page 293 of Mining & Water Claims Butte County Records

J. A. Tyler
Recorder

Water Location
of
Butte Co. Canal Co

Notice of Water Appropriation

Notice is Hereby Given:-

1. That the undersigned hereby claim and appropriate the water flowing through the Feather River in Butte County, California, to the extent of One Hundred Thousand (100,000) inches, measured under a four inch pressure.

2. That the purposes for which they claim it is for the irrigation of the lands of Butte and Sutter Counties lying north and West of Feather River, and east of the Sacramento river; and also the lands of Glenn and Colusa Counties lying east of the Sacramento river; and water are intended to be sold to consumers for irrigation and other legitimate purposes.

3. The means by which they intend to divert said water is by a dam constructed at the point of diversion into and across the Feather river and the construction of a ditch commencing at the point of diversion on the north bank of said Feather river in the southeast quarter of Section Thirty three (33), Township Nineteen (19) North range three East M. D. B. & M. where the division line between the lands known as the lands of R. A. Moore and the lands of the Rideout Bank intersects the Feather River; running thence along the said division in a northwesterly direction to the southeast corner of lot Sixty-one (61) of the Chandler Colony lands about Twelve Hundred feet distant, more or less, thence bearing a little more to the west along the dividing line between the said lands of the Rideout Bank and lots sixty one (61), Sixty (60) and Fifty nine (59) of said Chandler Colony lands to a point on the Hamilton

slough where said slough intersects the South line of said lot fifty nine (59); all of said lands and points above indicated being in said section Thirty three (33) Township nineteen (19) North of range three east M. D. B. & M.; running thence in a southwesterly direction along and through said Hamilton Slough with its meanderings through the lands known as the lands of the Resident Bank, Henry Heubel, C. Pole, Rio Bonito North and George Gest, to the southeast corner of the southwest quarter of Section Six (6) in Township Eighteen (18) North, Range Three (3) East M. D. B. & M.; thence distributing the said water hereby appropriated through divergent ditches to the lands of Butte and Sutter Counties lying North and West of said Feather River and that portion of Colusa and Glenn Counties lying East of the Sacramento River.

The main ditch from the Feather River to said point in said Section Six (6) above mentioned is intended to be sixty (60) feet wide on the bottom with a slope of one (1) to one (1), and said divergent ditches proportionately large.

A copy of this Notice was on this, the 29th day of March 1906 posted in a conspicuous place at said point of intended diversion from said Feather River.

Name of Appropriator Butte County Canal Company

By E. A. Bridgford, President

Willard McAllister Secretary

G. Thresher, being first duly sworn, deposes and says:- That he posted a copy of the

above notice of appropriation was completed
place at the point of diversion from Feather
River described in said Notice on 29 day
of March 1904

Subscribed and sworn to before me this 29
day of March 1904 George Fletcher

Richd. White

Notary Public in and for Butte County
California

Recorded at the request of Willard M. Sheldon
March 29. 1904 at 6 min past 1 P. M. in Book
J page 7c of Mining & Water Claims, Butte
County Records -

J. a Tyler
Recorder

Water Location
of
T. R. Fleming etal

Know All Men By These Presents that we the undersigned T. R. Fleming, W. C. McCallum jointly and severally do claim the water here flowing in the Feather River to the extent of One Hundred Thousand (100,000) miners inches measured under a four inch pressure: that the water claimed is for irrigation and other useful purposes, and that the place of intended use is on the lands of Butte, Sutter, Colusa and Yuba counties, in a northerly, westerly southerly and easterly directions from this point of diversion: and that it is the intention to divert the water from the said Feather river in a general northerly and southerly direction at or near a point at or where this notice is posted, on the right bank of the Feather river: at, or near the place where the south line of section 13, T. 19 N. R. 3 E. Mt Diablo Base and Meridian crosses the said river, at or near the dividing line between lots two (2,) and four (4,) of Block One Hundred and Forty-two (142,) as per official map of Thermalito: but on land owned by the Feather River Canal Company by means of a dam across or extending into the said river, and by means of a canal having a bed width of Sixty (60) feet and a side slope of two (2) to one (1) depth of eight (8) feet grade of one (1) to three (3) feet to mile.
Made this - day of July, 1902

T. R. Fleming
W. C. McCallum

State of California } T. R. Fleming being
County of Butte } ss first duly sworn
says that on the 28th day of July 1902 he
posted a true copy of the within notice of lo-
-cation in a conspicuous place at the point
therein named, to wit, on the right bank of
the Feather river at or near the place where
the south line of section 13 Tp 19 N. R. 3 E Mt
Diablo Base and Meridian crosses the said
river, at or near the dividing line between
lots two and four of block one hundred
and forty-two as per the official map of
Thermalito, Cal.,

T. R. Fleming

(SEAL) Subscribed and sworn to before me
this 29th day of July 1902 J. M. McGee
Notary Public

Recorded at the request of T. R. Fleming
July 29 1902 at 10 min past 9 A. M.

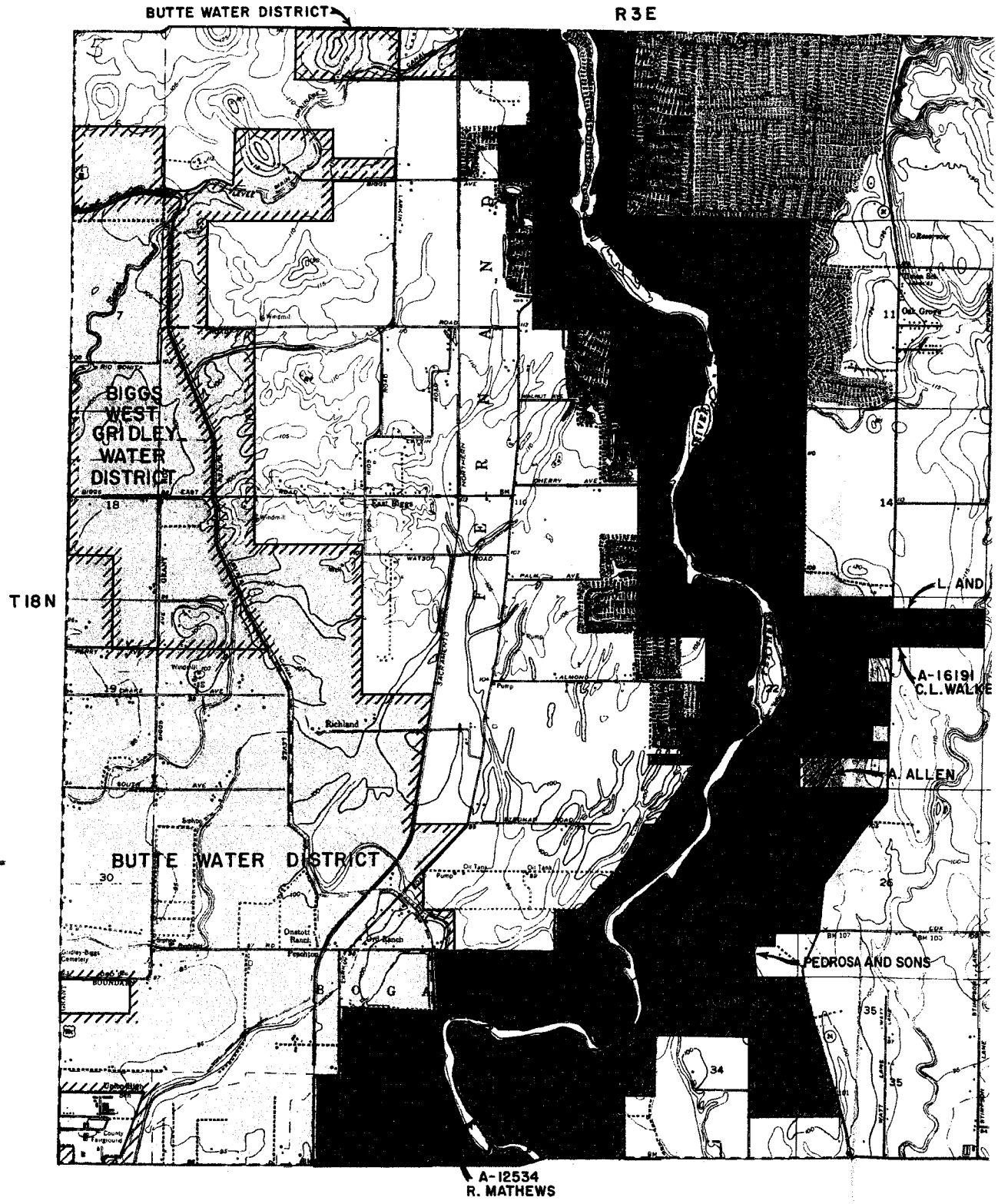
E. B. Ward Rec

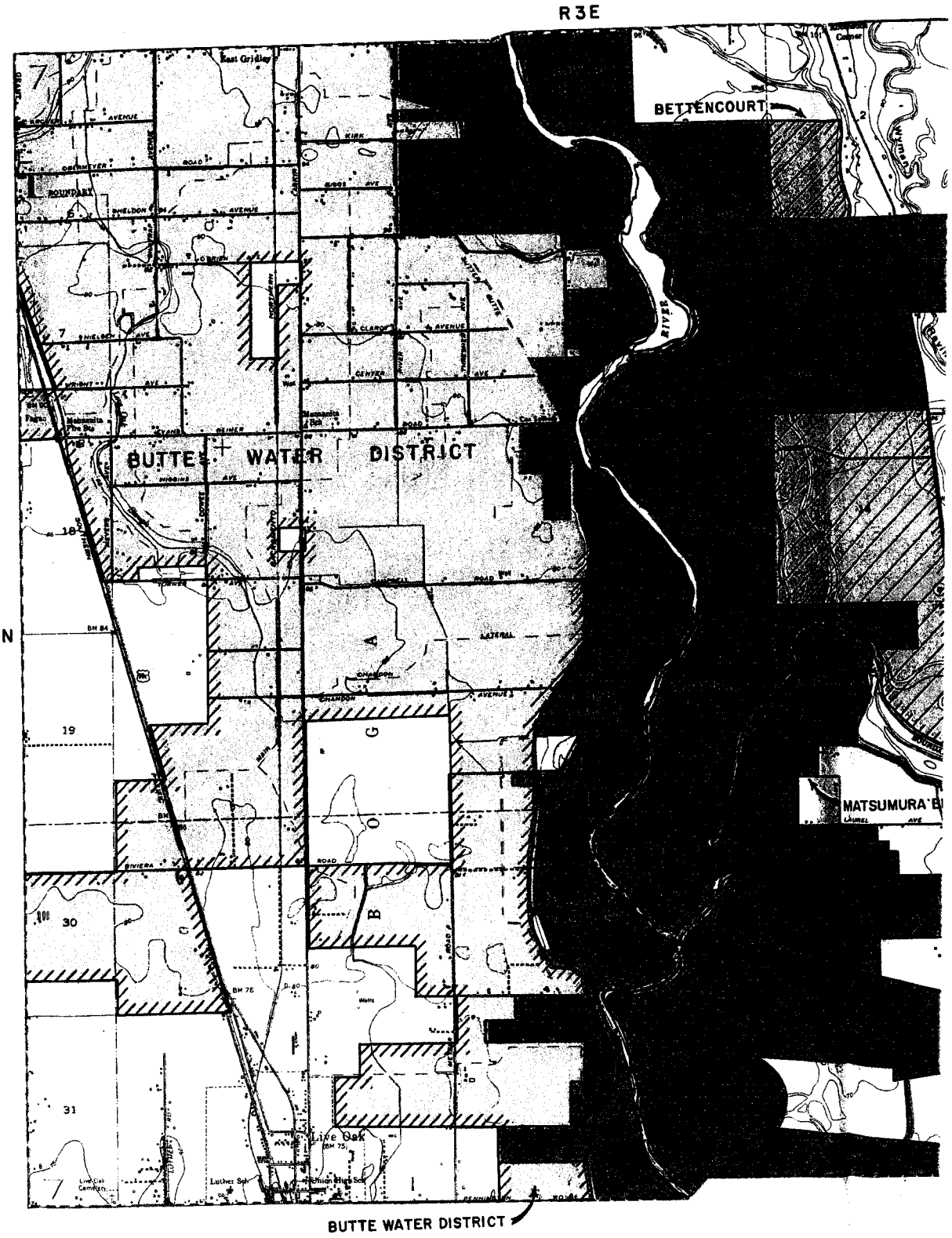
DATE NOV 03 1992

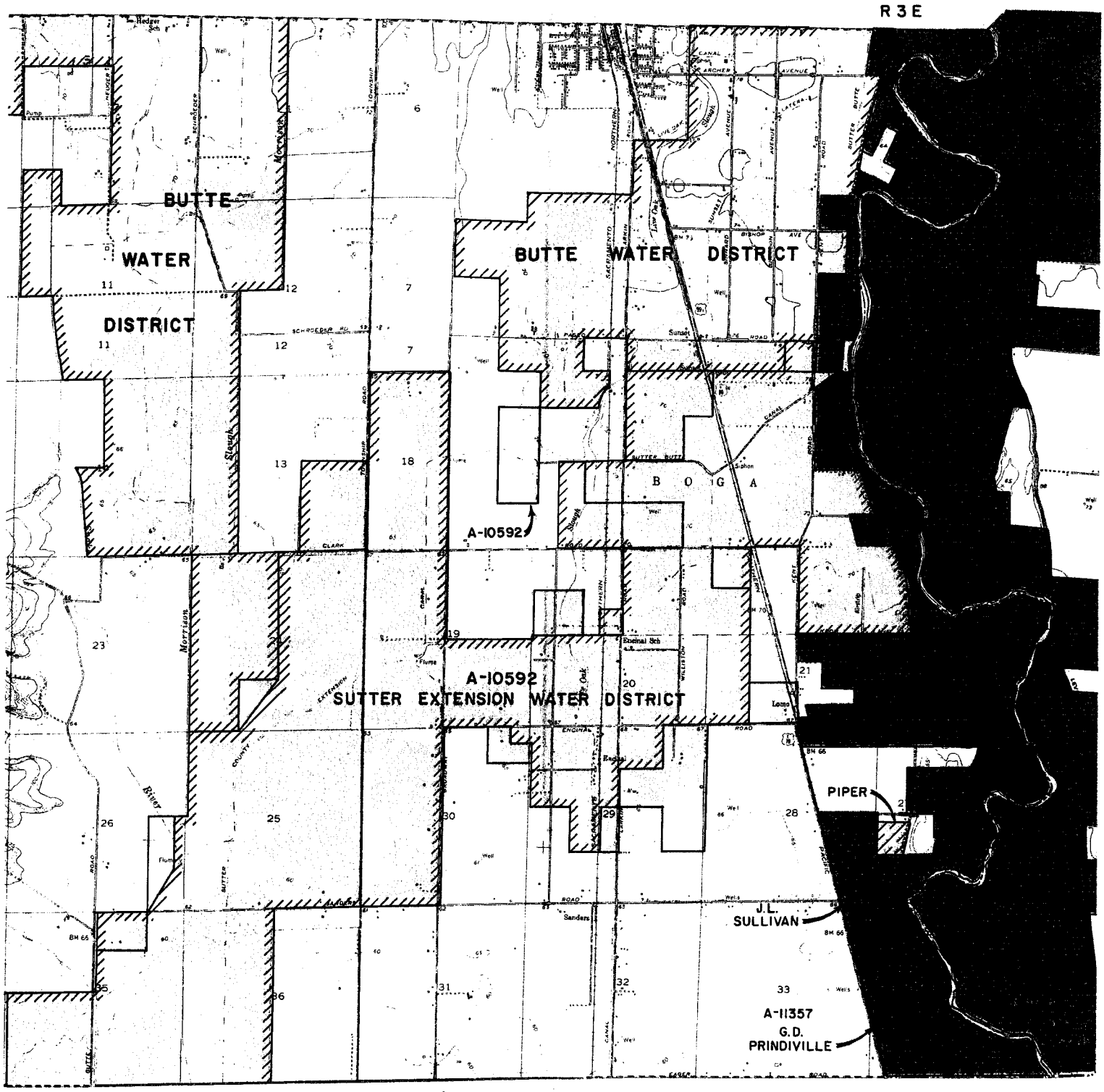
This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Candace J. Grubbs
Butte County Clerk-Recorder
By J. Yates Deputy

BULLETIN 140 - maps


BUTTE WATER DISTRICT
R3E
T18N
BIGGS WEST GRIDLEY WATER DISTRICT
BUTTE WATER DISTRICT
L. AND
A-16191
C.L. WALKE
A. ALLEN
PEDROSA AND SONS
A-12534
R. MATHEWS
Richland
East Biggs
Oat Grove
Windmill
Pump
Oil Tank
Sphere
Onstott Ranch
Peschion
Cry Ranch
County Fairground
Gridley-Biggs Cemetery
BOUNDARY
7
11
14
18
19
26
30
34
35


R3E
T17N
BETTENCOURT
BUTTE WATER DISTRICT
MATSUMURA
BUTTE WATER DISTRICT


R 3 E
BUTTE
WATER
DISTRICT
BUTTE WATER DISTRICT
A-10592
B O G A
A-10592
SUTTER EXTENSION WATER DISTRICT
PIPER
J.L.
SULLIVAN
A-11357
G.D.
PRINDIVILLE