

State Water Resources Control Board
DIVISION OF WATER RIGHTS

INITIAL STATEMENT OF WATER DIVERSION AND USE

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
 READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
 FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE DIVERTER NAME Reclamation District 999
 SOURCE/TRIBUTARY Elk Slough/ Sacramento DIVERSION WORKS NAME RD 999 Elk Slough/Sacramento River Confluence (culvert with gate)

1. Type of Claim													
Check the box(s) which describe the type of claim(s) under which you are diverting water.													
<input checked="" type="checkbox"/> Riparian <input checked="" type="checkbox"/> Pre-1914 <input type="checkbox"/> Court Decree <input type="checkbox"/> Pending Appropriative Application <input type="checkbox"/> Pueblo <input checked="" type="checkbox"/> Other: <u>North Delta Water Agency Contract</u>													
If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:													
2. Water Course Description													
Water Course Name at the point of diversion Elk Slough						Water Course is tributary to Sacramento River							
3. Legal Land Description													
Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)													
<input checked="" type="checkbox"/> Latitude/Longitude Measurements: <u>38°24'48.79"N, 121°31'22.56"W</u> <input type="checkbox"/> California Coordinate System (NAD 1983): _____ <input checked="" type="checkbox"/> USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)													
Assessor's Parcel Number(s), if assigned: APN 043-170-009						County Yolo							
Provide Public Land Description to nearest 40 acres (if assigned) <u>NE ¼ of the NE ¼ of Section 33, Township 7N, Range 4E, B&M MD</u>													
4. Place of Use Description													
Provide a general description of the area in which the water was used 21,905 acres spanning the service area of RD 999													
Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number. (check box indicating each map attached)													
<input type="checkbox"/> USGS Topographic Map <input checked="" type="checkbox"/> County Assessor's parcel map													
5. Purpose of Use Description (Please select all that apply below)													
<input checked="" type="checkbox"/> Irrigation Number of Acres : 21,905			<input type="checkbox"/> Domestic Persons Served :			<input type="checkbox"/> Stock watering Number of stock and type:			<input checked="" type="checkbox"/> Other Please Explain: Salinity control, pre-irrigation, in-channel beneficial uses				
6. Diversion Works Description													
Name of Diversion Works, if named RD 999 Elk Slough/Sacramento River Confluence (culvert with gate)						Year in which diversion commenced (or specify nearest known year) 06/26/1900							
List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works) POD IDs 35189 & 37567 for A004100; P1891; L1303; POD IDs 17745 & 37429 for A001666; S023958; P00884; L001301; see attachment													
Type of Diversion Facility (select one)													
<input type="checkbox"/> Gravity <input type="checkbox"/> Water Course Pump <input type="checkbox"/> Well Pump <input checked="" type="checkbox"/> Other (please specify) <small>* gate on natural flow of Sac. River/Elk Slough</small>													
Do you directly divert water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
Capacity of Direct Diversion Works (specify unit and amount) 300						Do you divert water to storage?							
<input checked="" type="checkbox"/> Cubic feet per second <input type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day						<input type="checkbox"/> On-stream storage (Complete Section B) <input type="checkbox"/> Off-stream storage (Complete Sections A & B)							
A. Capacity of Storage Diversion Works (specify unit and amount)						B. Capacity of Storage Tank or Reservoir (specify unit and amount)							
<input type="checkbox"/> Cubic feet per second <input type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day						<input type="checkbox"/> Gallons <input type="checkbox"/> Acre-feet							
7. Quantity of Water Diverted Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.													
Provide the quantity of water diverted each month in the table below as a measured in (check one box) <input type="checkbox"/> Gallons <input checked="" type="checkbox"/> Acre-feet													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2015	17216.50	16661.13	16909.06	14876.01	16909.06	16363.61	17093.52	16909.06	16542.12	16909.06	14578.49	16909.06	197876.67

CONTINUE TO PAGE 2

8. Measurement Device Description												
Method used to measure water diverted (select one)												
<input type="radio"/> Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)												
<input checked="" type="radio"/> Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (If checked, skip section 8a and proceed to section 8b).												
8a. Measuring Device												
Indicate the types of measuring devices used (check all that apply):												
<input type="checkbox"/> Propeller Meter <input type="checkbox"/> Sluice/Slide Gate <input type="checkbox"/> Acoustic Meter <input type="checkbox"/> Weir <input type="checkbox"/> Staff gage and storage capacity curve <input type="checkbox"/> Staff gage and floodable acreage <input type="checkbox"/> Pressure transducer and storage capacity curve <input type="checkbox"/> Other: _____												
Indicate any additional technology used (check all that apply and explain below):												
<input type="checkbox"/> Flow totalizer <input type="checkbox"/> Data Logger <input type="checkbox"/> Telemetry <input type="checkbox"/> Other: _____												
Indicate who installed your measuring device(s) (check all that apply):												
<input type="checkbox"/> Representative using manufacturer's recommendations <input type="checkbox"/> Licensed Civil or Agricultural Engineer <input type="checkbox"/> Representative who is American Water Works Association (AWWA)-certified <input type="checkbox"/> Hydrographer <input type="checkbox"/> Representative using United States Geological Survey (USGS) techniques <input type="checkbox"/> Other/Unknown: _____												
List the make, model number, and last calibration date of your measuring device(s), if available:												
8b. Explanation of why use of a measuring device is "not locally cost effective"												
Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)												
<input type="checkbox"/> Diversion is small or minimal in size <input type="checkbox"/> Diversions are infrequent <input type="checkbox"/> Ungauged Siphon <input type="checkbox"/> No power at diversion point <input checked="" type="checkbox"/> Other: <u>Special conditions, such as tidal influence, debris, siphons, and the likelihood of theft or vandalism make direct metering impractical.</u>												
Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)												
<input type="checkbox"/> Electricity records dedicated to the pump <input type="checkbox"/> Total facility electricity records minus estimated non-pump electricity <input type="checkbox"/> Engine fuel use or hour meter records <input type="checkbox"/> Crop duty estimates/consumptive use estimates <input type="checkbox"/> Power generation estimates <input type="checkbox"/> Other water duty estimates other than for crops <input type="checkbox"/> Modeled/estimated flows <input type="checkbox"/> Remote satellite imaging <input type="checkbox"/> Pipe/trajectory method <input type="checkbox"/> Bucket and stopwatch <input type="checkbox"/> Float and stopwatch <input checked="" type="checkbox"/> Other: <u>River state and diversion capacity</u>												
Explain your measurement alternatives:												
The most practical and reliable way to determine water use is by using ITRC to support an estimate.												
9. Maximum Rate of Diversion (if available)												
Provide the maximum rate of diversion achieved in each month as measured in (check one box) <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> gpd												
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2015	300	300	300	300	300	300	300	300	300	300	300	300
10. Recent Water Use												
Provide the annual water use in recent years:		Maximum					<input type="checkbox"/> Gallons <input checked="" type="checkbox"/> Acre Feet					
		Minimum					<input type="checkbox"/> Gallons <input checked="" type="checkbox"/> Acre Feet					
11. Water Conservation Efforts (answer only sections applicable to your diversion)												
<u>Water Conservation:</u> Are you currently employing any methods of water conservation?										<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No
If yes, describe any water conservation efforts in use:												
Good farming practices. Excess water is returned to the Delta Pool for use by other water users. This diversion is also used to provide flood control.												
<u>Water Quality and Wastewater Reclamation:</u> Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?										<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No
<u>Conjunctive use of surface water and groundwater:</u> Are you using groundwater in lieu of surface water?										<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No

END OF INITIAL STATEMENT FORM

Sign and Submit Form

Save Form (submit later)

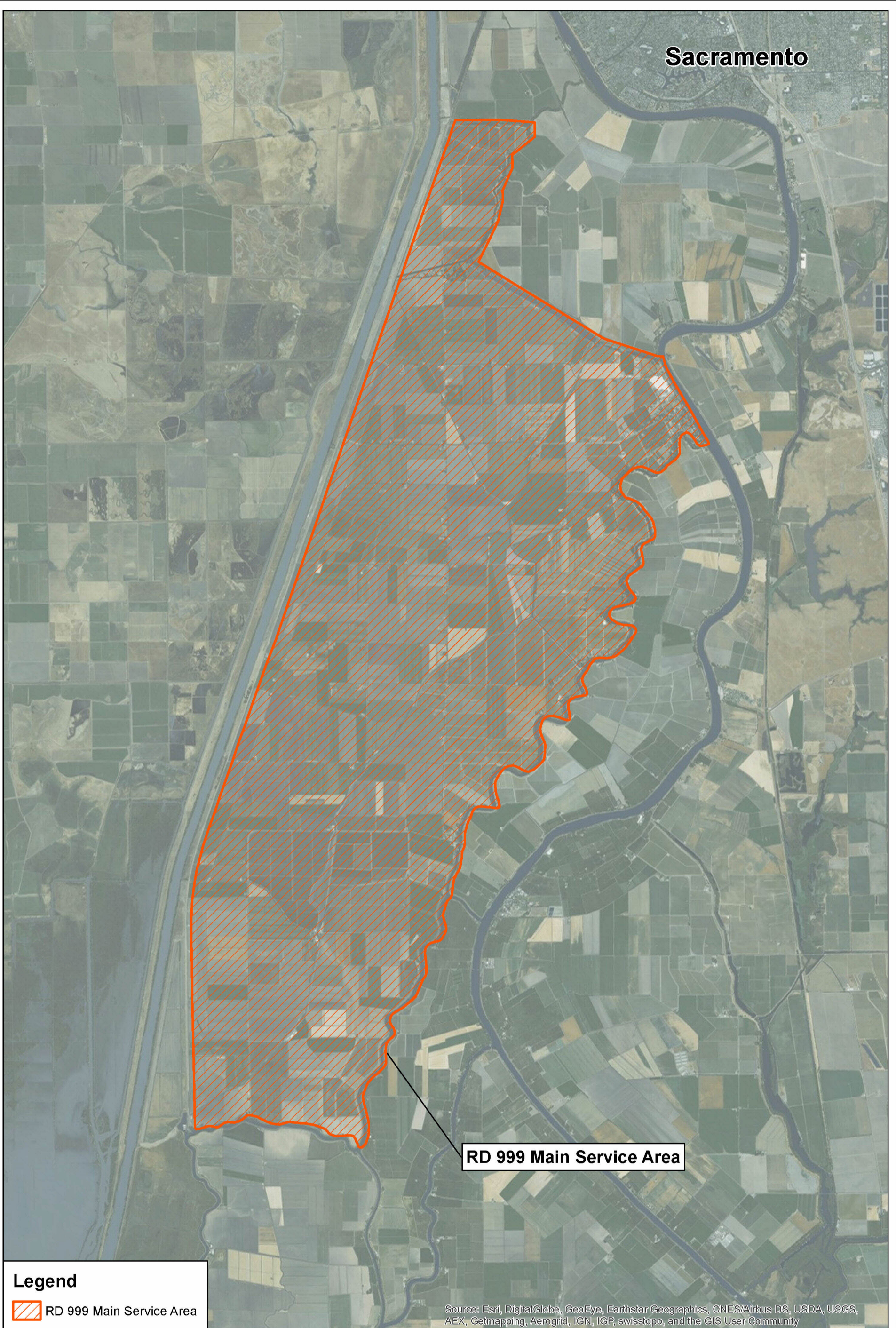
**State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE**

**ATTACHMENT TO 6
Diversion Works Description**

List any related existing water rights, if applicable:

RD 999 is the owner and operator of the system that delivers riparian and pre-1914 rights to the land within its service area as an agent acting in trust on behalf of its landowners, separate from its public use responsibilities. RD 999 also holds licenses 1301, 1302, 1303, 1304, and Applications A001666, A004099, A004100, A004101 respectively, which also serve the water needs of the District. The Contract between the State of California Department of Water Resources and North Delta Water Agency dated January 28, 1981 also requires the provision of a dependable water supply of suitable quality by the California Department of Water Resources to lands within the District.

Sacramento

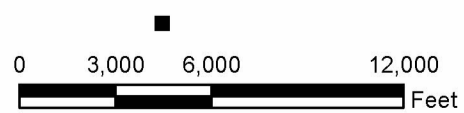


Legend

 RD 999 Main Service Area

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

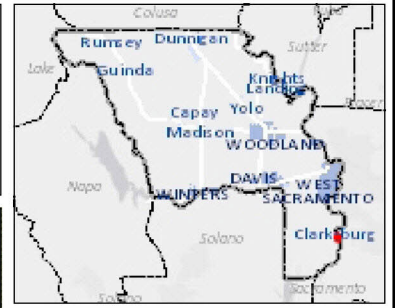
By: KG
*All locations are approximate.



RD 999 Main Service Area



YOLO COUNTY | GIS PUBLIC VIEWER



Legend

- Parcel Pages
- Parcels
- World Imagery

PATENT INFORMATION
 APN 043-170-009
 NE 1/4 Sec 33
 T7N R3E MDB&M
 SLS 562 YOLO CTY
 BOOK 11, PAGE 55
 JUNE 26, 1900

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.1 0 0.07 0.1

Miles

Scale 1: 4,521

This report is a user generated static output from the Yolo County General Services GIS Viewer and is for reference only

Data sources: Yolo County, FEMA, Agricultural Dept, US Census, ESRI

T.6N.,T.7N. R.3E.

28 M.D.B. & M.

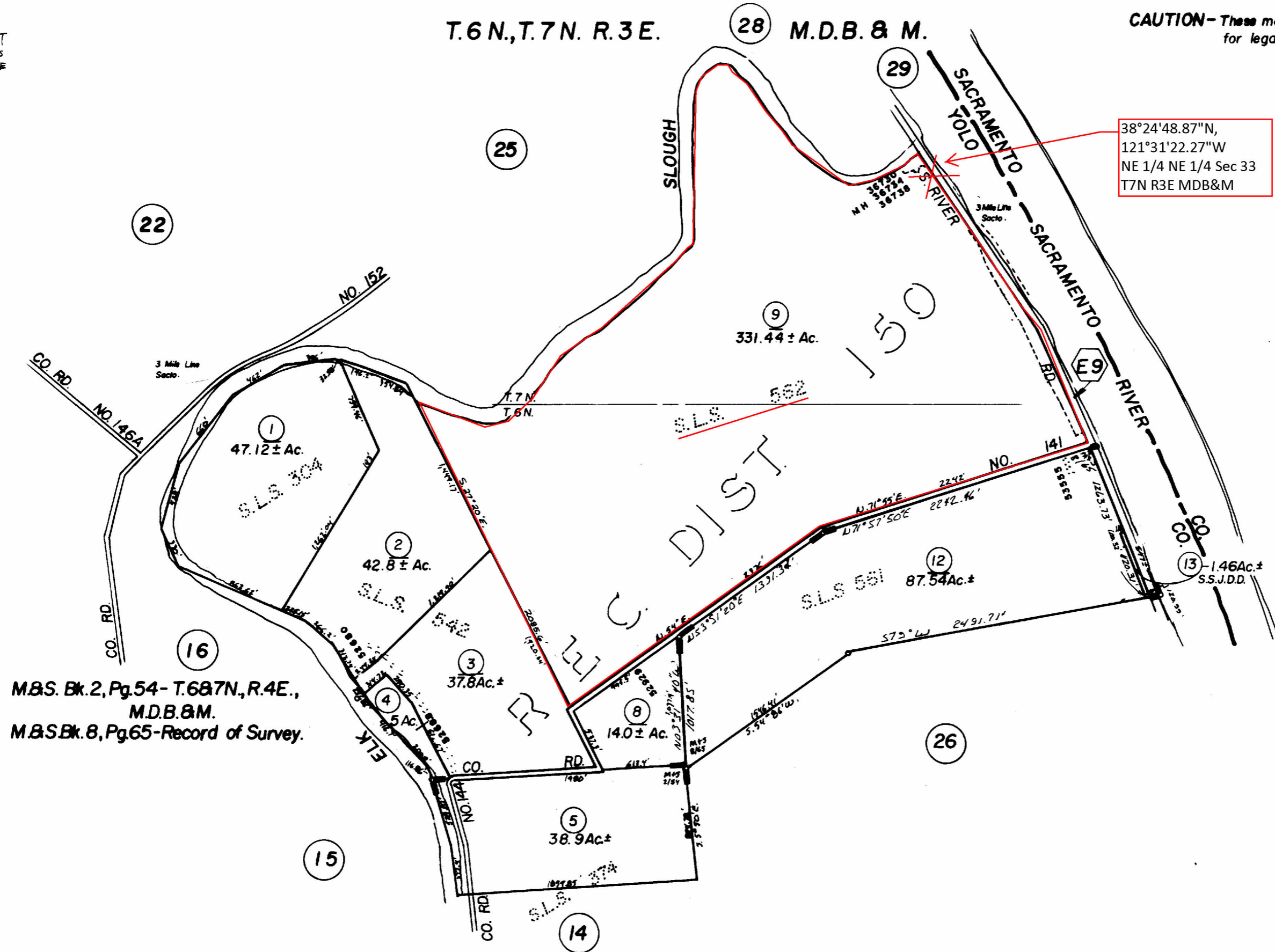
CAUTION- These maps ARE NOT to be used for legal descriptions.

Pln. in 3 Mile Line

43-17

T
S
E

38°24'48.87"N,
121°31'22.27"W
NE 1/4 NE 1/4 Sec 33
T7N R3E MDB&M



M.B.S. Bk.2, Pg.54- T.6&7N., R.4E.,
M.D.B.&M.
M.B.S Bk.8, Pg.65-Record of Survey.

WO. 5982 U	9/20/82
WO 5711K	8/28/81
DDT 2633	1/28/75
DDT 1563	12/4/73
D.D.T. 255 L	
D.D.T. 241-LR	
-REVISIONS-	

(form. 16-33)

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.43 Pg. 17
County of Yolo, Calif.

83/84

SURVEY

562

Swamp and Overflowed Lands,

Y O L O

County,

Patent issued June 26, 1900,

**CORRECTORY PATENT, ISSUED UNDER
DECREE OF COURT**

to

HENRY WELCH

Assignee of

RICHARD PARKER

Book 11, Page 55,

Patent sent to

WILLIAM A. GETT,

SUTTER BUILDING, 5th & J-STREETS

SACRAMENTO, CALIFORNIA

Certificate of Purchase received

Acres 331.44

Fees, \$, received

after submission of the pleadings, and having considered the same, and the oral admissions contained in the pleadings, the oral admissions of the parties as GEORGE W. LOCKE and SAMUEL LAVENSON, PETITIONERS.

-vs- HENRY T. GAGE, Governor of the State of California, CHARLES F. CURRY, Secretary of State of the State of California, and MARTIN J. WRIGHT, Surveyor-General of the State of California, and ex-officio Register of the State Land Office of the State of California, RESPONDENTS.

11th day of June, 1900, filed its findings of fact and conclusions of law, and the Court being fully advised, ORDERED, ADJUDGED and DECREED: CHARLES F. CURRY, Secretary of State of the State of California, and MARTIN J. WRIGHT, Surveyor-General of the State of California, and ex-officio Register of the State Land Office of the State of California, RESPONDENTS.

Suit No. _____; Judgment No. _____ California, on Decree entered June 11th, 1900.

This proceeding coming on regularly to be heard on this 11th day of June, 1900, William A. Gett appearing as counsel for the petitioners, and the respondents being represented by Hon. Tiley L. Ford, Attorney-General of the State of California, and appearing as such, by an appearance filed in this Court, on behalf of the said respondents, and the matter having been presented by counsel upon the issues raised by the pleadings on file herein, upon oral admissions made by the respective parties as to the facts, and upon oral and documentary evidence presented at the hearing, and the cause having been there-

after submitted to the Court for decision, and the Court having considered the averments and admissions contained in the pleadings, the oral admissions of the parties as to the facts, oral and documentary evidence presented at the trial, and the argument of counsel; and having on the 11th day of June, 1900, filed its findings of fact and conclusions of law, and the Court being fully advised,

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

I.

That a Writ of Mandate issue, under the seal of this Court, directed to Henry T. Gage, Governor of the State of California, one of the respondents herein, commanding him, immediately upon the receipt of said Writ by him, to issue to George W. Locke and Samuel Javenson, the petitioners herein, Letters Patent, in the name of Henry Welch, in lieu and correctory of Letters Patent heretofore issued to said Henry Welch, in the name of Henry Welsh, by Leland Stanford, Governor of the State of California, on October 30th, 1863, to the following described tract of land, to-wit:

Three hundred and thirty-one and $\frac{44}{100}$ acres of swamp and overflowed lands situated in the County of Yolo, State of California, and described as follows, to-wit: Survey No. 562 of the Swamp and Overflowed Lands of the County of Yolo, State of California, Township No. 7 North, Range No. 4 East of Mount Diablo meridian; sections 27, 28, 33, and 34, fractions in the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section 27, in the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of section 28, in the N. E. and S. E. $\frac{1}{4}$'s of section 33, and in the S. W. and N. W. $\frac{1}{4}$'s and in the S. W. $\frac{1}{4}$ of the N. E.

½ of section 34, and more particularly described in the field notes of said survey as follows: Beginning at a point 4.46 chs East from the N. E. corner of the S. W. quarter of section No. thirty-three (33), of Township No. Seven (7) North, Range No. Four (4) East of Mount Diablo Meridian, and running thence S. 27 deg. 20 min. E. 31.60 chs; thence N. 54 deg. E. 36.00 chs; thence N. 71 deg. 55 min. E. 34.00 chs to river bank; thence N. 24 deg. W. 15.00 chs; thence N. 33 deg. 40 min. W. 26.60 chs; thence S. 47 deg. 10 min. W. 6.00 chs; thence West 4.00 chs; thence N. 35 deg. 10 min. W. 16.00 chs; thence N. 74 deg. W. 4.00 chs; thence S. 43 deg. 30 min. W. 5.00 chs; thence S. 24 deg. 45 min. W. 23.32 chs; thence S. 43 deg. W. 5.00 chs; thence S. 52 deg. 20 min. W. 5.00 chs; thence S. 47 deg. W. 15.00 chs; thence N. 59 deg. W. 4.00 chs; thence N. 85 deg. 11 min. W. 4.10 chs; thence S. 27 deg. 20 min. E. 11.00 chs to place of beginning, containing 331.44 acres. Run by the true meridian, variation 16 deg. 10 min. East.

II.

That the said patent so issued to the said petitioners shall have added to it these words, and the same shall appear in and be a part of said patent: "This patent is issued pursuant to a decree of the Superior Court of the County of Yolo, State of California, given, made and entered on the 11th day of June, 1900, in action No. 2607 wherein George W. Locke et al. were petitioners, and Henry T. Gage etc. et al. were respondents, wherein it was ordered that this patent be issued as correctory of a patent heretofore issued by Leland Stanford, Governor of the State of California, to one Henry Welsh, on October

V.

STATE OF CALIFORNIA, }
COUNTY OF YOLO. } ss.

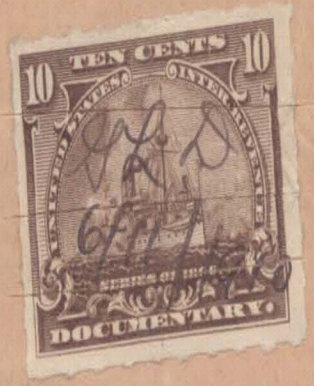
I. G. L. DUNCAN, County Clerk of the County of Yolo, State of California, and ex-officio Clerk of the Superior Court thereof, a Court of Record having a seal, do hereby certify that the above and foregoing is a full, true and correct copy of the original Decree in case entitled G W Locke et al vs Henry G Gage et al as the same remains of record and on file in my office.

WITNESS my hand and the seal of said Superior Court
this 11 day of June, 1890

I. G. L. Duncan, Clerk.

By *S. J. Simmons* Deputy.

S. J. Simmons



30th, 1863."

III.

That the respondent Charles F. Curry, Secretary of State of the State of California, attest said Letters Patent, as required by law, and affix thereto the Great Seal of the State of California, as required by law.

IV.

That the respondent, Martin J. Wright, Surveyor-General of the State of California, and ex-officio Register of the State Land Office of the State of California, evidence and countersign said Letters Patent as required by law.

V.

That the said respondents, and each of them, do and perform all things and acts, as required by law, so as to have said Letters Patent correctly designate the assignee of said Richard Parker, to-wit, Henry Welch, therein.

Done in open Court this 11th day of June, 1900.

E. C. Gaddis

JUDGE.

ATTEST:



G. C. Durcan

CLERK.

H. J. Sumner

DEPUTY CLERK.

---0000---

No.

Department

In the Superior Court

County of **YOLO** State of California

George W. Locke et al.

Plaintiff

vs.

Henry T. Gage etc. et al.

Defendant

Copy

DECREE.

Received and Filed,

JUN 12 1900

189 .

M. J. Wright.

SURVEYOR GENERAL.

By *Hewright*

DEPUTY.

WILLIAM A. GETT,

Attorney for **Petitioners.**

OFFICES:

SUTTER BUILDING

Southwest corner Fifth and J Streets,

SACRAMENTO, CAL.

IN THE SUPERIOR COURT OF THE COUNTY OF YOLO,
STATE OF CALIFORNIA.

filed its findings of fact and conclusions of law, and
-----oo0oo-----

GEORGE W. LOCKE

and SAMUEL LAVINSON,-----PETITIONERS.

as prayed for in the petition on file herein, v. To wit.

-vs-

HENRY T. GAGE, Governor of
the State of California,

CHARLES F. CURRY, Secretary
of State of the State of
California, and MARTIN J.

WRIGHT, Surveyor-General of
the State of California, and
ex-officio Register of the

State Land Office of the
State of California,-----RESPONDENTS.

of swamp and overflowed lands situated in the County of
-----oo0oo-----

THE PEOPLE OF THE STATE OF CALIFORNIA
TO

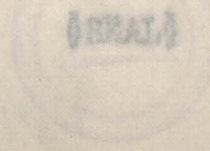
Henry T. Gage, Governor of the State of California,
Charles F. Curry, Secretary of State of the State of Cali-
fornia, and Martin J. Wright, Surveyor-General of the
State of California, and ex-officio Register of the State
Land Office of the State of California:--

WHEREAS, the above-entitled proceeding came on for
hearing before the above-entitled Court on the 11th day
of June, 1900, and was then presented by counsel for the
respective parties upon the issues raised by the pleadings
on file herein, upon oral admissions made by the respective
parties as to the facts, and upon oral and documentary

evidence presented at the hearing, and 20 min. E. 31.60
chs; WHEREAS, the Court on the 11th day of June, 1900, 55
filed its findings of fact and conclusions of law, and
gave, made and entered its decree, ordering that a Writ
of Mandate issue, directed to the respondents above-named,
as prayed for in the petition on file herein, N. 74 deg.

NOW, THEREFORE, WE DO COMMAND YOU, That immediately
upon the receipt of this Writ, you issue to George W. 5.00
Locke and Samuel Lavenson, the petitioners herein, Letters
Patent, in due form of law, in the name of Henry Welch, in
lieu and correctory of Letters Patent heretofore issued
to said Henry Welch, in the name of Henry Welch, by Leland
Stanford, Governor of the State of California, on October
30th, 1863, to the following described tract of land,

to-wit: ed to the said petitioners shall have added to it
these Three hundred and thirty-one and $44/100$ acres part of
of swamp and overflowed lands situated in the County of
Yolo, State of California, and described as follows, to-
wit: Survey No. 562 of the Swamp and Overflowed Lands of
the County of Yolo, State of California, Township No. 7
North, Range No. 4 East of Mount Diablo meridian; al.
sections 27, 28, 33, and 34, fractions in the S. W. $\frac{1}{2}$ of
the S. W. $\frac{1}{2}$ of section 27, in the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of
section 28, in the N. E. and S. E. $\frac{1}{4}$'s of section 33, and
in the S. W. and N. W. $\frac{1}{4}$'s and in the S. W. $\frac{1}{2}$ of the N. E.
 $\frac{1}{2}$ of section 34 and more particularly described in the
field notes of said survey as follows: Beginning at a
point 4.46 chs East from the N. E. corner of the S. W.
quarter of section No. thirty-three (33), of Township No.
Seven (7) North, Range No. Four (4) East of Mount Diablo



CLERK
By H. J. Simmons
DEPUTY CLERK

Meridian, and running thence S. 27 deg. 20 min. E. 31.60
chs; thence N. 54 deg. E. 36.00 chs; thence N. 71 deg. 55
min. E. 34.00 chs to river bank; thence N. 24 deg. W.
15.00 chs; thence N. 33 deg. 40 min. W. 26.60 chs; thence
S. 47 deg. 10 min. W. 6.00 chs; thence West 4.00 chs;
thence N. 35 deg. 10 min. W. 16.00 chs; thence N. 74 deg.
W. 4.00 chs; thence S. 43 deg. 30 min. W. 5.00 chs; thence
S. 24 deg. 45 min. W. 23.32 chs; thence S. 43 deg. W 5.00
chs; thence S. 52 deg. 20 min. W. 5.00 chs; thence S. 47
deg. W. 15.00 chs; thence N. 59 deg. W. 4.00 chs; thence N.
85 deg. 11 min. W. 4.10 chs; thence S. 27 deg. 20 min. E.
11.00 chs to place of beginning, containing 331.44 acres.
Run by the true meridian, variation 16 deg. 10 min. East.

AND WE FURTHER COMMAND YOU, That the said patent
so issued to the said petitioners shall have added to it
these words, and the same shall appear in and be a part of
said patent: "This patent is issued pursuant to a decree
of the Superior Court of the County of Yolo, State of
California, given, made and entered on the 11th day of
June, 1900, in action No. 2607, wherein George W. Locke
et al. were petitioners, and Henry T. Gage etc. et al.
were respondents, wherein it was ordered that this patent
be issued as correctory of a patent heretofore issued by
Leland Stanford, Governor of the State of California, to
one Henry Welsh, on October 30th, 1863."

WITNESS, the Honorable E. E. Gaddis, Judge of the
Superior Court of the State of California, in and for the
County of Yolo, and the seal of said Court, this 11th day
of June, 1900.



G. L. Duward

CLERK

By

A. J. Simmons

DEPUTY CLERK.

No. 2607. Department

In the Superior Court

County of YOLO State of California

George W. Locke et al.

Plaintiff

vs.

Henry T. Gage etc., et al.

Defendant

Copy

WRIT OF MANDATE.

WILLIAM A. GETT,

Attorney for Petitioners.

OFFICES:

SUTTER BUILDING

Southwest corner Fifth and J Streets,
SACRAMENTO, CAL.

41 of books over 1448 returned with issue added to 11

under the IN THE SUPERIOR COURT OF THE COUNTY OF YOLO,
of an Act entitled STATE OF CALIFORNIA.
reclamation of the swamp and overflowed lands of this
GEORGE W. LOCKE
and SAMUEL LAVINSON, -----PETITIONERS.
entitled -vs- receive a patent from the State of California,
HENRY T. GAGE, Governor of
the State of California,
CHARLES F. CURRY, Secretary
of State of the State of
California, and MARTIN J.
WRIGHT, Surveyor-General
of the State of California, and
ex-officio Register of the
State Land Office of the
State of California, -----RESPONDENTS.

said certificate of
under, THE PEOPLE OF THE STATE OF CALIFORNIA
name of the assignee of said Parker was written Henry
Henry T. Gage, Governor of the State of California, Charles
F. Curry, Secretary of State of the State of California,
and Martin J. Wright, Surveyor-General of the State of
California, and ex-officio Register of the State Land
Office of the State of California, -----GREETING:

WHEREAS, It manifestly appears to us from the
Affidavit of George W. Locke, one of the petitioners in
the above-entitled proceeding, and one of the parties
beneficially interested therein, that one, Richard Parker,
by his assignee, Henry Welch, made payment on June 30th,
1863, to the State of California, of the sum of \$331.44,

under the provisions of an Act entitled, "An Act amendatory of an Act entitled 'An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State', approved April 21st, one thousand eight hundred and fifty-eight", approved April 18th, 1859, and was entitled to receive a patent from the State of California, under the provisions of the law of the State of California, for the land known as Survey No. 562 of the Swamp and Overflowed Lands of the County of Yolo, State of California; that the application of said Richard Parker to purchase said land was approved by the Surveyor-General, January 19th, 1863, and a certificate of purchase was issued to him bearing date October 15th, 1863, and said certificate showed the fact that the State of California had received full and complete payment for said land.

It further appearing that said Richard Parker assigned said certificate of purchase, and all his rights thereunder, to one, Henry Welch, but through inadvertance the name of the assignee of said Parker was written Henry Welsh, and thereafter the Governor of the State of California, issued to said Henry Welch Letters Patent for said Survey No. 562, and said Letters Patent were duly attested by the Secretary of State of the State of California, and countersigned by the Surveyor-General of the State of California, who was and is ex-officio Register of the State Land office of the State of California.

And it further appearing that there is not a plain, speedy and adequate remedy in the ordinary course of law:

THEREFORE, WE DO COMMAND YOU, That immediately after the receipt of this writ, you, the said respondents, do

issue and deliver to said George W. Locke and Samuel Lavenson, Letters Patent for the land described in the petition herein, to-wit: Fractions in the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sect. 27, of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 28, in the N. E. and S. E. $\frac{1}{4}$ of Sec. 33, and in the S. W. and N. W. $\frac{1}{4}$ and in the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sect. 34, in Township 7 North, Range 4 East, Mt. Diablo Meridian, in the County of Yolo, State of California, the same being Survey No. 562 of the Swamp and Overflowed Lands of the County of Yolo, State of California, in the name of Henry Welch, and correctory of the patent described in the petition herein, so that said patent will describe by his true name Henry Welch, the purchaser of said land from the State of California, or that you show cause before the Court, at the Court-room thereof, in the County Court House, at Woodland, Yolo County, State of California, on the 4th day of June, 1900, at the opening of Court on that day, why you have not done so.

WITNESS, the Honorable Edward E. Gaddis, Judge of the Superior Court of the State of California, in and for the County of Yolo, and the seal of said Court, this 25th day of May, 1900.



G. L. Duncan

Clerk.
By H. J. Simmons
Deputy.

---00000---

No.

Department

In the Superior Court

County of

State of California

George W. Locke et al.

Plaintiff

vs.

Henry T. Gage etc. et al.

Defendant

Copy

Alternative Writ of Mandate.

WILLIAM A. GETT,

Attorney for **Petitioners.**

OFFICES:

SUTTER BUILDING

Southwest corner Fifth and J Streets,

SACRAMENTO, CAL.

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IN THE SUPERIOR COURT OF THE COUNTY OF YOLO,
STATE OF CALIFORNIA.

---oo0oo---
GEORGE W. LOCKE
and SAMUEL LAVENSON,-----PETITIONERS.

-vs-

HENRY T. GAGE, Governor of
the State of California,
CHARLES F. CURRY, Secretary
of State of the State of
California, and MARTIN J.
WRIGHT, Surveyor-General,
of the State of California,
and ex-officio Register of
the State Land Office of the
State of California,-----RESPONDENTS.

---oo0oo---
FINDINGS OF FACT and CONCLUSIONS OF LAW.

---oo0oo---
The above-entitled proceeding coming on regularly for
hearing on this 11th day of June, 1900, William A. Gett
appearing as counsel for the petitioners, and the respon-
dents being represented by Hon. Tirey L. Ford, Attorney-
General of the State of California, and appearing as such,
by an appearance filed in this Court, on behalf of the
said respondents, which said appearance is in the words
and figures following:

"Now comes Tirey L. Ford, Attorney-General of the
"State of California, appearing as such, and as the
"attorney for, and on behalf of the above-named

1 "respondents, and admits all of the allegations of
2 "the petition, on file herein, and consents that a
3 "judgment be given, made and entered in the above-
4 "entitled proceeding, directing that a Writ of Man-
5 "date issue out of the above-entitled Court, as
6 "prayed for in said petition, directed to Henry T.
7 "Gage, Governor of the State of California, Charles
8 "F. Curry, Secretary of State of the State of Cali-
9 "fornia, and Martin J. Wright, Surveyor-General of
10 "the State of California, and ex-officio Register of
11 "the State Land Office of the State of California,
12 "commanding them, and each of them, to issue to the
13 "petitioners, George W. Locke and Samuel Lavenson,
14 "Letters Patent, in due form of Law, to the lands and
15 "premises described in the said petition of said
16 "George W. Locke and Samuel Lavenson, on file herein.

17 "Dated June 8, 1900.

18 "TIREY L. FORD
19 "Attorney-General of the State of
20 "California,
21 "By "C. N. POST
22 "Assistant Attorney-General."

23 and the matter having been fully presented by counsel upon
24 the issues raised by the pleadings on file herein, oral and
25 documentary evidence, and the admissions made by the
26 respective parties as to the facts, and the said cause was
27 thereupon submitted to the Court for decision, and the
28 Court having now fully considered all and singular the
29 law and the facts, and being fully advised in the premises,
30 finds the following facts.

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FINDINGS OF FACT.

I.

That the respondent, Henry T. Gage, is now, and at all the times hereinafter mentioned was the duly elected, qualified and acting Governor of the State of California.

II.

That the respondent, Charles F. Curry, is now, and at all the times hereinafter mentioned was the duly elected, qualified and acting Secretary of State of the State of California.

III.

That the respondent, Martin J. Wright, is now, and at all the times hereinafter mentioned was the duly elected, qualified and acting Surveyor-General of the State of California, and ex-officio Register of the State Land Office of the State of California.

IV.

That the lands and premises referred to herein, and described in the petition or complaint on file herein, were of that class of land generically designated as swamp and overflowed lands.

V.

That heretofore, and in the year 1863, one Richard Parker applied to the State of California to purchase the lands and premises herein described, under the provisions of an Act of the Legislature of said State, approved on the 21st day of April, 1858, entitled, "An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State", and an Act of the Legislature of said State, amendatory of said last-mentioned Act, approved

1 on the 18th day of April, 1859, entitled, "An Act amenda-
2 tory of an Act entitled 'An Act to provide for the sale
3 and reclamation of the swamp and overflowed lands of this
4 State', approved April 21st, one thousand eight hundred
5 and fifty-eight", and also an Act of the Legislature of
6 said State, approved on the 20th day of April, 1861,
7 entitled, "An Act in relation to the entry of lands in
8 certain cases, and to provide for the issuance of patents
9 therefor".

10 VI.

11 That by said Acts, as aforesaid, the Governor of
12 the State of California was empowered, upon the presenta-
13 tion to him of certificates of purchase, issued by the
14 Register of the State Land Office of the said State of
15 California, to grant Letters Patent, conveying to purchas-
16 ers the title of the State of California to the swamp and
17 overflowed lands situate within its limits.

18 VII.

19 That pursuant to the provisions of the Acts, afore-
20 said, payment was made to the Treasurer of the County of
21 Yolo, by the said Richard Parker, on June 30th, 1863, of
22 \$331.44, being the amount required by law as the purchase
23 price of the lands and premises herein described, and the
24 Register of the State Land Office issued to said Richard
25 Parker a Certificate of Purchase, in due and proper form,
26 dated October 15th, 1863, of the said lands and premises.

27 VIII.

28 That thereafter, and on October 15th, 1863, the said
29 Richard Parker, by an instrument in writing, assigned
30 said Certificate of Purchase to one Henry Welch.

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IX.
That upon presentation of said certificate of purchase and other satisfactory evidence to the Governor of the State of California, evidencing that all the requirements of law had been complied with, the said Governor, by virtue of the authority in him vested, issued to said Henry Welch Letters Patent, thereby conveying the fee of the State of California to the lands and premises herein described, to the said Henry Welch, and thereafter, and on October 30th, 1863, the said Letters Patent were duly attested by the Secretary of State, of the State of California, as required by law.

X.
That the true surname of the assignee of the said Richard Parker was Welch, and the full, true and correct name of said assignee of said Parker, as aforesaid, was Henry Welch.

XI.
That the petitioners have a beneficial interest in this proceeding, in this--that they are the owners of the lands and premises herein described, and the successors in interest of the said Richard Parker and the said Henry Welch.

---oo0oo---
CONCLUSIONS OF LAW.

As conclusions of law from the foregoing findings of facts, the Court finds:

1. That the said petitioners are entitled to have issued to them Letters Patent by the Governor of the State of California for three hundred and thirty-one $\frac{44}{100}$ acres

1 of swamp and overflowed lands situated in the County of
2 Yolo, State of California, and described as follows,
3 to-wit: Survey No. 562 of the Swamp and Overflowed Lands
4 of the County of Yolo, State of California, Township No.
5 7 North, Range No. 4 East of Mount Diablo Meridian;
6 sections 27, 28, 33, and 34, fractions in the S. W. $\frac{1}{4}$ of
7 the S. W. $\frac{1}{4}$ of Section 27, in the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of
8 section 28, in the N. E. and S. E. $\frac{1}{4}$'s of section 33, and
9 in the S. W. and N. W. $\frac{1}{4}$'s and in the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$
10 of section 34, and more particularly described in the
11 field notes of said survey, as follows: Beginning at a
12 point 4.46 chs. East from the N. E. corner of the S. W.
13 quarter of section No. thirty-three (33), of Township No.
14 7 North, Range No. four (4) East of Mount Diablo Meridian,
15 and running thence S. 27 deg. 20 min. E. 31.60 chs; thence
16 N. 54 deg. E. 36.00 chs; thence N. 71 deg. 55 min. E.
17 34.00 chs to river bank; thence N. 24 deg. W. 15.00 chs;
18 thence N. 33 deg. 40 min. W. 26.60 chs; thence S. 47 deg.
19 10 min. W. 6.00 chs; thence West 4.00 chs; thence N. 35
20 deg. 10 min. W. 16.00 chs; thence N. 74 deg. W. 4.00 chs;
21 thence S. 43 deg. 30 min. W. 5.00 chs; thence S. 24 deg.
22 45 min. W. 23.32 chs; thence S. 43 deg. W. 5.00 chs;
23 thence S. 52 deg. 20 min. W. 5.00 chs; thence S. 47 deg.
24 W. 15.00 chs; thence N. 59 deg. W. 4.00 chs; thence N.
25 85 deg. 11 min. W. 4.10 chs; thence S. 27 deg. 20 min E.
26 11.00 chs to place of beginning, containing 331.44 acres.
27 Run by the true meridian, variation 16 deg. 10 min. East.
28 2. That the said patent so issued to the said petitioners
29 shall have added to it these words, and the same shall
30 appear in and be a part of said patent: This patent is

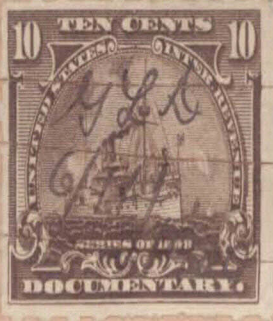
STATE OF CALIFORNIA, }
COUNTY OF YOLO. } ss.

I, G. L. DUNCAN, County Clerk of the County of Yolo, State of California, and ex-officio Clerk of the Superior Court thereof, a Court of Record having a seat, do hereby certify that the above and foregoing is a full, true and correct copy of the original *Findings of fact in Case entitled*
W Locke et al vs Henry T Yager et al
as the same remains of record and on file in my office.

WITNESS my hand and the seal of said Superior Court
this *11* day of *June*, 18*90*

G L Duncan, Clerk.

By *H Jammus* Deputy.



1 issued pursuant to a decree of the Superior Court of the
2 County of Yolo, State of California, given, made and
3 entered on the 11th day of June, 1900, in action No. 2607
4 wherein George W. Locke et al. were petitioners, and
5 Henry T. Gage etc. et al. were respondents, wherein it
6 was ordered that this patent be issued as correctatory of
7 a patent heretofore issued by Leland Stanford, Governor
8 of the State of California, to one Henry Welsh, on October
9 30th, 1863."

10 Let a Writ of Mandate issue as prayed for by peti-
11 tioners.

12 Dated June 11th, 1900.

13 E. E. Gaudin

14 JUDGE.

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No. Department

In the Superior Court

County of **YOLO** State of California

George W. Locke et al.

Plaintiff

vs.

Henry T. Gage etc. et al.

Defendant

Copy

FINDINGS OF FACT and CONCLUSIONS OF LAW.

Received and Filed,

JUN 12 1900 189 .

M. J. Wright.

SURVEYOR GENERAL.

By M. J. Wright
DEPUTY.

WILLIAM A. GETT,

Attorney for **Petitioners.**

OFFICES:

SUTTER BUILDING

Southwest corner Fifth and J Streets,
SACRAMENTO, CAL.

IN THE SUPERIOR COURT OF THE COUNTY OF YOLO,
STATE OF CALIFORNIA,
the times hereinafter ---oo0oo--- as the duly elected,
GEORGE W. LOCKE, Governor of the State of California,
and SAMUEL LAVENSON,-----PETITIONERS.

-vs- respondent, Charles F. Curry, is now, and
HENRY T. GAGE, Governor of
the State of California,
CHARLES F. CURRY, Secretary
of State of the State of
California, and MARTIN J.
WRIGHT, Surveyor-General of
the State of California, and
ex-officio Register of the
State Land Office of the State
of California,-----RESPONDENTS.

That on the 28th day of September, 1850, the United
STATE OF CALIFORNIA,)
COUNTY OF SACRAMENTO.) ss.
and within her limits, rendered
unto GEORGE W. LOCKE, being first duly sworn, deposes and
says: That he is one of the petitioners in the above-
entitled proceeding; that the said proceeding is insti-
tuted for the purpose of securing from the Superior Court
of the County of Yolo, State of California, the issuance of
a Writ of Mandate, directed to the respondents above-named,
commanding them to issue to petitioners a certain patent,
as hereinafter fully set forth, and as the grounds of this
application to this honorable Court, for the issuance of
said Writ, said affiant deposes and says:
approved on the said day: ---oo0oo0oo0oo--- "An Act to provide for

the sale and reclamation of the swamp and overflowed lands
of the State of California. That the respondent, Henry T. Gage, is now, and at all
the times hereinafter mentioned was the duly elected,
qualified and acting Governor of the State of California.
day, entitled, "An Act amendatory of an Act entitled "An

II.

Act That the respondent, Charles F. Curry, is now, and
at all the times hereinafter mentioned was the duly
elected, qualified and acting Secretary of State of the
State of California. day of April, 1861, the Legislature of
said State, by an Act approved

III.

entitled That the respondent, Martin J. Wright, is now, and
at all the times hereinafter mentioned was the duly
elected, qualified and acting Surveyor-General of the
State of California, and ex-officio Register of the State
Land Office of the State of California.

IV.

That, on the 28th day of September, 1850, the United
States granted to the State of California, all of the
swamp and overflowed land within her limits, rendered
unfit for cultivation by reason of such swamp and over-
flowed condition, which remained unsold at the date of
the grant, by an Act of Congress approved on that day,
entitled, "An Act to enable the State of Arkansas, and
other States, to reclaim the swamplands within their
limits", and the State of California accepted the said
grant, subject to the terms and conditions thereof.

to purchase Survey No. 562, V. of the Swamp and Overflowed

That afterwards, and on the 21st day of April, 1868,
the State of California by an Act of its Legislature,
approved on the said day, entitled, "An Act to provide for

the sale and reclamation of the swamp and overflowed lands of this State;" and afterwards, on the 18th day of April, 1859, the Legislature of said State, by an Act amendatory of the last-mentioned Act, approved on said last-mentioned day, entitled, "An Act amendatory of an Act entitled 'An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State', approved April 21st, one thousand eight hundred and fifty-eight;" and afterwards, on the 20th day of April, 1861, the Legislature of said State, by an Act approved on said last-mentioned day, entitled, "An Act in relation to the entry of lands in certain cases, and to provide for the issuance of patents therefor," provided for the sale by the said State of California, of all the swamp and overflowed lands within said State.

STATE LAND OFFICE OF THE STATE OF CALIFORNIA.

VI.

That by said Acts, as aforesaid, the Governor of the State of California was empowered, upon the presentation to him of certificates of purchase, issued by the Register of the State Land Office of the said State of California, to grant Letters Patent, conveying to purchasers the title of the State of California to the swamp and overflowed lands situate within its limits.

No. 562, Yolo County: The fractional portions of the S. W. of S. 36.

That one, Richard Parker, applied to the State of California, under the provisions of the Acts aforesaid, to purchase Survey No. 562, of the Swamp and Overflowed Lands of the County of Yolo, State of California, and his application was approved January 19th, 1863, said Survey No. 562 being particularly described as follows, to-wit:

The fractional portions of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sect. 27, of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 28, of the N. E. and S. E. $\frac{1}{4}$'s of Sec. 33, and of the S. W. and N. W. $\frac{1}{4}$'s and the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sect. 34 in Township No. 7 North, Range No. 4 East, Mt. Diablo Meridian.

That pursuant to the provisions of the Acts aforesaid, payment was made to the Treasurer of the County of Yolo, by the said Richard Parker, on June 30th., 1863, of \$331.44, being the amount required by law as the purchase price of said Survey No. 562, and the Register of the State Land Office issued to said Richard Parker a Certificate of Purchase, in due and proper form, dated October 15th., 1863, in the words and figures following, to-wit:

In witness whereof "CERTIFICATE OF PURCHASE". Land Office has heretofore STATE LAND OFFICE OF THE STATE OF CALIFORNIA, the day and date above mentioned-----

No. 1869. Sacramento, 15th day of October, 1863.

IT APPEARING FROM THE CERTIFICATE OF THE COUNTY TREASURER, bearing date the 30th day of June A. D. 1863, that R. Parker (by H. Welsh) has paid to the STATE OF CALIFORNIA, the sum of 331.44/100 Dollars, the purchase money for 331.44 acres of Swamp and Overflowed Land, described as follows in Survey No. 562, Yolo County: The fractional portions of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sect. 27, of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 28, of the N. E. and S. E. $\frac{1}{4}$'s of Sec. 33, and of the S. W., N.W. $\frac{1}{4}$'s and the S. W. $\frac{1}{4}$ of Sect. 34 in Township No. 7 North, Range No. 4 East, Mt. Diablo Meridian.

NOW THEREFORE BE IT KNOWN, That the said Richard

Parker having made payment of said 20 per cent. and first year's interest for the above-described tract of land, under the provisions of an Act entitled "An Act amendatory of an Act entitled an Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, passed April 21st., 1858", approved April 18th., 1859, is the purchaser of the same; and after having in all other respects complied with the provisions of said Act, and on presentation of THIS CERTIFICATE TO THE GOVERNOR OF THE STATE OF CALIFORNIA, and after the said lands have been confirmed to the State, the said Richard Parker, or his assigns, shall be entitled to receive a patent for the same.

IN WITNESS WHEREOF, I have hereunto set my hand and af-

SEAL.

State Land Office California. 15th day of October.

In witness Whereof, the Register of said Land Office has hereto set his hand and affixed his seal of office the day and date above mentioned.

J. F. HOUGHTON.

Register of State Land Office.

By A. S. BENDER,

Deputy.

20 per cent. and interest--Act of April 18th., 1859.

---ooOoo---

Endorsed Henry Welsh.

---ooOoo---

Attached to said Certificate is a certain paper or writing in words and figures as follows, to-wit:

For value received, the undersigned, hereby transfer and assign the annexed CERTIFICATE OF PURCHASE No. _____,

On this fifteenth day of October A. D. One Thousand

for 331.44 acres of Swamp and Overflowed Land, unto Henry
Welsh and I do hereby authorize the said Henry Welsh to
receive a Patent from the proper authorities for the same.

and that the same was done freely and voluntarily for the
Richard Parker.
STATE LAND OFFICE)
STATE OF CALIFORNIA.)

On this fifteenth day of October A. D. one thousand eight
hundred and sixty-three, personally appeared before me Rich-
ard Parker, and to be known to be the individual, and ac-
knowledged that he executed the above instrument, and that
the same was done freely and voluntarily for the uses and
purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed my official seal, this 15th day of October.

SEAL. J. F. Houghton, Regt.
State Land Office. by A. S. Bender.
California. Deputy.

IX.
That thereafter, and on said October 15th., 1899, the said
Richard Parker, by said instrument in writing, viz: said
assignment in the words and figures following, to-wit:

"For value received, the undersigned, hereby transfer and
assign the annexed CERTIFICATE OF PURCHASE No. _____, for
331.44 acres of Swamp and Overflowed Land, unto Henry Welsh
and I do hereby authorize the said Henry Welsh to receive a
Patent from the proper authorities for the same.

Richard Parker.
STATE LAND OFFICE)
STATE OF CALIFORNIA.)

On this fifteenth day of October A. D. One Thousand
Secretary of State, of the State of California, as re-

Eight Hundred and Fifty three, personally appeared before me Richard Parker, and to be known to be the individual, and acknowledged that he executed the above instrument, and that the same was done freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 15th day of October.

SEAL.

XIII.

J. F. Houghton Regt

State Land Office by A. S. Bender

Deputy.

California.

assigned said certificate of purchase to one Henry Welch.

X.

That inadvertently, the surname of the assignee of said Richard Parker, to-wit, Henry Welch was written Henry Welsh, whereas the name of the party who received the assignment and who was the assignee of said Richard Parker, in truth and in fact was Henry Welch.

XI.

That upon presentation of said certificate of purchase and other satisfactory evidence to the Governor of the State of California, evidencing that all the requirements of the Acts of Congress and the Acts aforesaid had been complied with, the said Governor, by virtue of the authority in him vested, issued to the said Henry Welch Letters Patent, thereby conveying the fee of the State of California to said tract of land, said Survey No. 562, as aforesaid, and thereafter, and on the 30th day of October, 1863, the said Letters Patent were duly attested by the Secretary of State, of the State of California, as re-

quired by law. The said George W. Locke and Samuel Lavenson,
a certain indenture of mortgage XII, whereby the lands and
premises. That by reason of the error aforesaid in the spelling
of the name of said Henry Welch, or the euphonic sim-
ilarity in articulating the said names, the said Letters
Patent were issued to said Henry Welch in the name of
Henry Welsh; that Welch and Welsh are not idem sonans.

XIII.

That said Henry Welch immediately entered into the
possession of said patented land so conveyed, and contin-
ued in the use, enjoyment and possession of each and every
parcel thereof, until the 5th day of May, 1884, when by
a conveyance in writing he granted, bargained, sold and
conveyed the said land to one, Charles Gammon, in consid-
eration of the sum of \$40,000, gold coin of the United
States of America, which he so received. That said action
brought That pursuant to said grant and deed as aforesaid, the
said Charles Gammon immediately entered into the use, en-
joyment and possession of each and every part and parcel
thereof, the land aforesaid, and so continued until the
15th day of October, 1884, when he conveyed the said land
by a good and sufficient deed and conveyance, to one,
Louis Winter. That thereafter, the said Louis Winter became indebt-
ed to George W. Locke and Samuel Lavenson, in the sum of
\$24,000, and to secure said indebtedness, and future ad-
vances not to exceed \$15,000 additional, executed and ack-
nowledged, so as to entitle the same to be recorded, and
delivered.

delivered to the said George W. Locke and Samuel Lavenson, a certain indenture of mortgage, whereby the lands and premises herein described were mortgaged to said Locke and Lavenson, and said mortgage was afterwards, on the 23rd day of November, 1893, recorded in Book 39 of Mortgages at page 56, Records of the County of Yolo, State of California.

XVI.

That thereafter, and on the 17th day of November, 1893, said Locke and Lavenson commenced an action in the Superior Court of the County of Yolo, State aforesaid, against said Winter, and others, to recover from said Winter the said aforementioned indebtedness, with interest thereon, together with certain other alleged indebtedness, which the said mortgage was alleged to have been made to secure, and to subject to the lien of said mortgage the said lands and premises herein described; that said action sought the foreclosure of said mortgage, and the sale of said lands and premises, with the design of satisfying a net claim of \$29,904.63, together with interest, and an attorney's fee of five per cent of the amount found due, and costs of suit.

XVII.

That on the same day as that of the commencement of the action aforesaid, the said Locke and Lavenson filed for record and caused to be recorded in the office of the County Recorder of Yolo County, State aforesaid, a notice of the pendency of the action, commonly designated as a lis pendens, which contained the names of the parties to said action, and a particular description of the property

affected by said action, which was the same land hereinbefore described as Swamp Land Survey No. 562, as aforesaid, and which is the predicate of this proceeding, and the title to the same being the subject of the inquiry herein; and such proceedings were thereafter had in said action that a summons therein was duly and regularly issued, and the said summons, together with a copy of the plaintiff's complaint, was served in due and proper form upon each and all of the defendants named in said action, and designated by name in said complaint; and that thereafter such further proceedings were had in said action, that on the 9th day of October, 1899, said Court duly made, gave and caused to be entered its judgment in favor of the plaintiffs in said action for \$31,689.12, in United States gold coin, principal, and accrued interest thereon, and \$750 attorney's fee, and costs, against said Winter, which judgment was duly entered and recorded in the Judgment Book of said Court; that thereafter an order of sale was duly issued out of said Court, directing the sale of said real estate to satisfy said judgment; that notice of the time and place of making said sale was duly given and posted for the time and in the manner required by law; that on the 13th day of May, 1899, all of said property was offered for sale, at public auction, by a commissioner who had been appointed to make the sale by said Court, and who had duly qualified as such commissioner; that at said sale, said Locke and Lavenson became the purchasers of all of said property for \$29133.17, which said sum of money was thereupon paid by said Locke and Lavenson to said commissioner on account of said sale.

as aforesaid, and that thereupon said commissioner duly executed and acknowledged, so as to entitle the same to be recorded, and filed and caused to be recorded in the office of the Recorder of the County of Yolo, State of California, on the 15th day of November, 1899, a certificate of sale, in due and proper form, and duly delivered a duplicate thereof to said Locke and Lavenson, who have ever since held and still hold the same; that no redemption of said property having been made within the time and in the manner provided by law, said commissioner, in due and proper manner, on the ____ day of May, 1900, executed and delivered to said Locke and Lavenson a deed to said property, which said deed was properly acknowledged so as to entitle the same to be recorded, and was filed for record and is recorded in Book ____ and of Deeds, of the records of the said County of Yolo, State aforesaid.

XVIII.

That petitioners have applied to the respondents herein requesting the issuance of a patent in lieu of the patent heretofore issued, correcting the error herein specified, to-wit, the misspelling of the name Welch, and to re-issue the said patent in the name of Henry Welch, but the said respondents, and each of them, have refused and still refuse to issue the patent for said land in the name of Henry Welch.

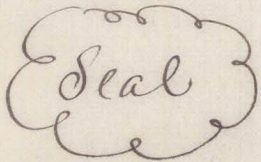
XIX.

That petitioners have no plain, speedy, adequate, or any remedy whatever in the ordinary Courts of law, WHEREFORE, petitioners pray that your honorable Court issue its alternative writ of mandate, directed to

the said respondents, and each of them, commanding them and each of them to issue petitioners Letters Patent for the land herein described, to-wit: Fractions in the S.W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sect. 27, of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 28, in the N. E. and S. E. $\frac{1}{4}$ of Sec. 33, and in the S. W. and N. W. $\frac{1}{4}$ and in the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sect. 34, in Township 7 North, Range 4 East, Mt. Diablo Meridian, in the County of Yolo, State of California, the same being Survey No. 562 of the Swamp and Overflowed Lands of the County of Yolo, State of California, correctory of the patent herein described and referred to, so that the said patent will properly describe by name the purchaser of said land from the State of California, or to appear before your honorable Court and show cause why said patent should not issue as prayed for herein, and such other relief as may be proper in the premises.

Geo. W. Locke

Subscribed and sworn to before
me, this 25th day of May, 1900.



W. A. Gatt

Notary Public in and for the
County of Sacramento, State
of California.

W. A. Gatt

Attorney for Petitioners.

No. Department

In the Superior Court

County of **YOLO** State of California

George W. Locke et al.

Plaintiff

vs.

Henry T. Gage etc. et al.

Defendant

**Copy Petition for Writ of
Mandate.**

WILLIAM A. GETT,

Attorney for **Petitioners.**

OFFICES:

SUTTER BUILDING

Southwest corner Fifth and J Streets,
SACRAMENTO, CAL.

SURVEY No. 562

Swamp and Overflowed
Lands,

Y O L O

County,

Patent issued OCTOBER 30, 1863,

to

H E N R Y W E L S H

Assignee of

RICHARD PARKER

Book ²/~~11~~, Page ~~55~~ ⁹¹,

Patent sent to

Certificate of Purchase received

Acres 331.44

Fees, \$7.00, received

CERTIFICATE OF PURCHASE.

State Land Office of the State of California.

No. 1897

SACRAMENTO, 13th day of October 1863

IT APPEARING FROM THE CERTIFICATE OF THE COUNTY TREASURER, bearing date the 30th of June A. D. 1863, that R. Parker (by S. Welsh) has paid to the State of California, the sum of 331 44 100 Dollars, being 20 per cent. of the purchase money and first year's interest on the balance for 331 44

Acres of Swamp and Overflowed Land, described as follows, in SURVEY No. 562 Mono COUNTY: The fractional portions of the SW 1/4 of SW 1/4 of Sect 27, of the SE 1/4 of the SE 1/4 of Sect 28, of the NE and SE 1/4s of Sect 33, and of the SW 1/4 SW 1/4s and of the SW 1/4 of the NE 1/4 of Sect 34

in TOWNSHIP No. 7 North RANGE No. 4 East, Mt Diablo MERIDIAN.

Now Therefore, be it Known, THAT the said Richard Parker having made payment of said 20 per cent. and first year's interest for the above described tract of Land, under the provisions of an Act entitled "An Act amendatory of an Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, passed April 21st, 1858," approved April 18th, 1859, is the Purchaser of the same; and after having in all other respects complied with the provisions of said Act, and on presentation of This Certificate to the Governor of the State of California, and after the said Lands have been confirmed to the State, the said Richard Parker, or his assigns, shall be entitled to receive a Patent for the same.

Balance of Purchase Money due Interest to be computed from

In Witness Whereof, the Register of said Land Office has hereto set his hand and affixed his Seal of Office, the day and date above mentioned.

J. H. Throghmorton Register of State Land Office.

20 PER CENT. AND INTEREST—Act of April 18th, 1859.

SWAMP AND OVERFLOWED LANDS.

Three hundred and thirty one and 44/100 Dollars.

100 Dollars.

REPUBLICAN OF PURCHASE

State Land Office of the State of California

ACT OF APRIL 18TH 1850

1850

April 18th 1850

RECEIVED from

being payment of ... year's interest on the within described tract of land

RECEIVED from

being payment of ... year's interest on the within described tract of land

RECEIVED from

being payment of ... year's interest on the within described tract of land

RECEIVED from

being payment of ... year's interest on the within described tract of land

RECEIVED from

being payment in full of principal and interest for the within described tract of land

100 Dollars

County Treasurer

100 Dollars

County Treasurer

100 Dollars

County Treasurer

100 Dollars

County Treasurer

100 Dollars

County Treasurer

100 Dollars

Handwritten notes and signatures on the left side of the document, including names like 'MIDDESS' and 'MIDDESS'.

Vertical handwritten note on the right side of the document.

Henry Welsh

For value received I, the undersigned, hereby transfer and assign
the annexed CERTIFICATE OF PURCHASE. No. 1, for

331 44 Acres of Swamp and Overflowed Land, unto

Henry Welsh

and I do hereby authorize the said
to receive a Patent from the proper

Henry Welsh

authorities for the same.

Richard Parker

STATE LAND OFFICE,
STATE OF CALIFORNIA,

On this fifteenth day of October A. D.
One Thousand Eight Hundred and Sixty three, personally appeared before me
Richard Parker and to me known to be that individual, and
acknowledged that he executed the above Instrument, and that the same was done freely
and voluntarily for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my
hand and affixed my official Seal, this 15th
day of October 1863.

J. F. Houghton Recr
Comm. 24th Decr

Patent issued
certificate issued

Resurvey 321
SWAMP AND OVERFLOWED LANDS

Calo County,

Corrections Patent #11429 issued
June 26th 1860 by Secy of Com.
Survey No. 342

Township 7 North

Range 4 East

Sections parts of 27, 28, 33 & 34

Filed April 13th 1861

W. H. Minis
County Surveyor

Containing 331.44 Acres

Surveyed for Richard Parker

By W. H. Minis
County Surveyor.

Rec'd & Filed April 15th 1861

Approved June 19th 1863

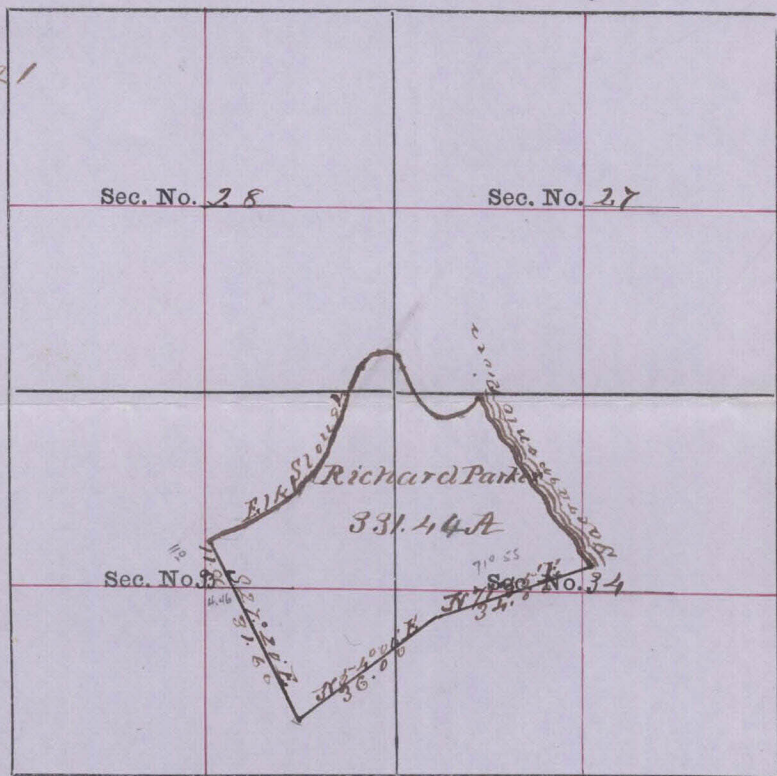
J. F. Broughton
SURVEYOR GENERAL.
by A. H. Bender

County Surveyor's Office.

Colo County, Cal.

Swamp and Overflowed Lands.

Survey No. 562 Resurvey of 321
 Township 7 North
 Range 4 East
 Sections part of 27, 28, 33 & 34



BASE AND MERIDIAN OF MOUNT DIABLO.

Containing 331.44 Acres.
 Surveyed Approved April 15, 1861
 for Richard Parker

FIELD NOTES:

Beginning at Point 446 Chains East from the North East corner of the South West quarter of Section 33 Township 7 North Range 4 East running thence S 27° 20' E 36.00 Chains thence N 54° 00' E 36.00 Chains thence N 71° 35' E 34.00 Chains to the river bank thence N 24° 11' W 15.00 Chains thence N 33° 40' W 26.00 Chains thence S 47° 10' W 6.50 Chains thence W 107° 40' W 4.00 Chains thence N 35° 10' W 16.00 Chains thence N 74° 00' W 2.00 Chains thence S 43° 30' W 5.00 Chains thence S 24° 45' W 23.32 Chains thence S 43° 00' W 3.00 Chains thence S 52° 20' W 3.00 Chains thence S 47° 11' W 15.00 Chains thence N 59° 10' W 4.00 Chains thence N 85° 10' W 4.10 Chains thence S 27° 20' E 11.00 Chains to the place of beginning containing 331.44 Acres

Run by the true Meridian: Magnetic Variation 16° 10' East.

Surveyed in accordance with the Act of the Legislature concerning Swamp and Overflowed Lands, approved April 15, 1861 and the instruction of the Surveyor-General.

Pat'd 6-26-1900
 to Welch
 Henry

Wm Minis

County Surveyor, Colo County.

Certified to be a correct Copy of the Original Record in my Office.

Wm Minis

County Surveyor, Colo County.

We J. B. Allington & J. N. Dawdell
of the county of Yuba being duly sworn, do depose and say that we are well acquainted with the method of surveying and marking the public lands, and that we have made, in our proper persons, examination of the lands described in the accompanying field notes and plat, and that from said examination we have discovered and are well satisfied that every forty acre lot or its equivalent legal subdivision, embraced in said survey, is the greater part swamp or swampy, or subject to inundation at the planting, growing or harvesting season, so as to endanger, injure or destroy the crops, taking the average season for a reasonable number of years as the rule of determination.

Witness our hands and seals this 20th day of April 1861.

Joseph B. Allington
J. N. Dawdell

Sworn and subscribed to before me this 12th day of April 1861.

Sacramento County, California. James Coggins
Justice of the Peace
City of Sacramento

Richard Parker of the County of Yuba

being duly sworn, deposes and says that he is a citizen of
the United States

That he wishes to purchase, under the provisions of an act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April 18th, 1859, a certain tract of swamp and overflowed land in said county, lying and situate

and described as follows - Beginning at a point 446 chains east from the N.E. corner of the N.W. 1/4 of Section 33 T12N R4 E Mount Diablo Base & Meridian - running thence S 27° 20' E 31.60 chains thence N 84° 10' E 36.17 chains thence N 77° 55' E 34 chs ~~to the~~ river bank thence N 24° 10' W 15.10 chains thence N 33° 40' W 26.60 chs. thence S 47° 10' W 6.10 chains thence West 4.00 chains thence N 38° 10' W 16.00 chs thence N 74° 10' W 4.00 chs thence S 43° 30' W 8.00 chs thence S 21° 45' W 23.32 chs thence S 43° 10' W 8.00 chs. thence S 52° 20' W 5.00 chs. thence S 47° 10' W 15. chs thence N 89° 10' W 4.00 chs thence N 85° 10' W 4.00 chs thence S 27° 20' E 11.00 chs to the place of beginning.

Sworn and subscribed to before me this 11th day of April 1861.

James Coggins
Sacramento County, California. Justice of the Peace
City of Sacramento

We J. B. Allington & J. N. Dawdell
of the county of Colo being duly sworn, do depose and say that we are well acquainted with the method of surveying and marking the public lands, and that we have made, in our proper persons, examination of the lands described in the accompanying field notes and plat, and that from said examination we have discovered and are well satisfied that every forty acre lot or its equivalent legal subdivision, embraced in said survey, is the greater part swamp or swampy, or subject to inundation at the planting, growing or harvesting season, so as to endanger, injure or destroy the crops, taking the average season for a reasonable number of years as the rule of determination.

Witness our hands and seals this 20th day of April 1861.

Joseph B. Allington
J. N. Dawdell

Sworn and subscribed to before me this 20th day of April 1861.

Sacramento County, California.

James Coggins
Justice of the Peace
City of Sacramento

And that he has not entered any other land under the provisions of this act, or under the provisions of an act passed April 28th, 1855, entitled an act to provide for the sale of the swamp and overflowed lands belonging to this State, which, with the land sought to be purchased, shall exceed six hundred and forty acres; and that he does not know of any legal or equitable claim, other than his own, to the said land, and that to the best of his knowledge and belief said tract was overflowed during the year 1850, and that judging from the indications of overflow, and the statements of others, that every forty acre lot or its equivalent legal subdivision embraced in said tract, was the greater part swamp or swampy, or subject to inundation at the planting, growing, or harvesting season, so as to endanger, injure or destroy the crops, taking the average season for a reasonable number of years prior to 1850.

Sworn and subscribed to before me this 11th day of April 1861.

Richard Parker
James Coggins
Sacramento County, California. Justice of the Peace
City of Sacramento