

PUBLIC NOTICE
Special Meeting of the:
Honey Lake Valley Resource Conservation District
Attachments available 10/25/19 at
www.honeylakevalleyrcd.us

Date: Monday, November 4, 2019

Location: USDA Service Center
170 Russell Avenue, Suite C
Susanville, Ca. 96130
(530) 257-7271 x100

Time: 12:00 pm

AGENDA

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE PRIOR TO THE MEETING.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC COMMENT

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. ITEMS FOR BOARD ACTION AND/OR DISCUSSION – RCD

A. MOTION TO OPEN PUBLIC HEARING ON JAY DOW COMPLAINT (Barham Kelley) APPEAL FILED 8/15/19 (Attachments) – Adams/Meyer

B. MOTION TO CLOSE PUBLIC HEARING ON JAY DOW COMPLAINT (Barham Kelley) APPEAL FILED 8/15/19 – Adams/Meyer

C. CONSIDERATION AND APPROVAL TO UPHOLD, MODIFY, OR REVERSE WATERMASTER'S DECISION

V. ADJOURNMENT

The next Honey Lake Valley RCD meeting will be **November 27, 2019 at 3:30 pm.** The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville, CA.

I certify that on Wednesday October 25, 2019, agendas were posted as required by Government Code Section 54956 and any other applicable law.

Carrie Adams

Carrie Adams
Susan River Service Area, Deputy Watermaster
Honey Lake Valley RCD

August 15, 2019

Bradley J. Herrema
Attorney at Law
805.882.1493 tel
805.965.4333 fax
bherrema@bhfs.com

Honey Lake Valley Resource Conservation District, Susan River Watermaster
Watermaster Board
170 Russell Ave
Susanville, CA 96130

RE: Notice of Appeal in re Dow-Bonomini Family 2013 Trust July 26, 2019 Complaint re Barham
Kelley Water Rights

To the Susan River Watermaster:

This letter is sent on behalf of our client Jay Dow and the Dow-Bonomini Family 2013 Trust ("Dow"). Pursuant to Rule 6.3 of the Honey Lake Valley Resource Conservation District Susan River Watermaster Rules and Regulations (the "Rules and Regulations"), Dow hereby appeals the decision of the Watermaster Advisory Committee¹ ("WAC") regarding Dow's July 26, 2019 Complaint² ("Complaint") concerning Dow's Barham Kelley³ water rights.

This Notice of Appeal is timely filed, pursuant to Rule 6.3 of the Rules and Regulations, which provides that in order to proceed with the complaint process, a complainant must file a written notice of appeal with the Watermaster within seven days of receipt of the final decision of the WAC following a public hearing on the complaint. Dow received the WAC's final decision on August 9, 2019 by email.⁴

On behalf of Mr. Dow and the Dow-Bonomini Family 2013 Trust, we respectfully request that the Watermaster Board recognize the timely filing of this Notice of Appeal. In the interests of efficiency and all parties' resources, we request that the Watermaster Board coordinate the timing of a public hearing on this Complaint with Dow's other concurrently pending complaint regarding the transfer of the exercise of certain Schedule 4 and Schedule 5, Priority 2 rights consistent with paragraph 17 of the Susan River Decree.

Sincerely,



Bradley J. Herrema

19640310

¹ The final decision of the WAC is attached hereto as Attachment 1.

² Dow's July 26, 2019 Complaint is attached hereto as Attachment 2.

³ See *A.C. Barham v. E.T. Cannon*, Lassen County Superior Court, Case No. 3037.

⁴ See Attachment 1.

ATTACHMENT 1

From: Carrie Adams <watermaster@honeylakevalleyrcd.us>
Sent: Friday, August 09, 2019 5:38 PM
To: Jay Dow; Herrema, Brad
Subject: 7/26/19 Barham Kelley Complaint, WAC Decision

Jay,

The WAC Special Meeting scheduled to hear your Complaint filed on 07/26/2019, regarding the Barham Kelley Decree held on August 8, 2019 at 6:30pm, resulted in a 4-to-1 vote of the present Committee members to uphold the previous decision made by the Watermaster, not allowing the use of 740af of water described in the Barham Kelley 3037 Decree, in addition to the rights in the Susan River Decree.

Per the Honey Lake Valley Resource Conservation District Susan River Watermaster Rules and Regulations, "If the Complainant is not satisfied with the WAC decision and wishes to proceed with the process, he or she shall file a written notice of appeal with the Watermaster within seven (7) days of receipt of the WAC decision."

Best,

Carrie Adams
Deputy Watermaster
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



Honey Lake Valley
Resource Conservation District

Water Rights Dispute/Complaint Form

It is the Policy of the Watermaster Board that every dispute results in the appropriate response consistent with the relative significance of each complaint to ensure the most efficient and effective use of available resources.

- 1. Have you attempted, to the best of your ability, to resolve this dispute/complaint with the Deputy Watermaster?

YES (please explain) _____

Yes, I have met with the Deputy Watermaster regarding this matter multiple times and we have exchanged many emails regarding the matter, as seen in Attachment A.

NO (please explain) _____

- 2. Have you contacted your Watermaster Advisory Committee (WAC) representative for assistance with resolving this dispute/complaint?

YES (please explain) _____

NO (please explain) _____

No, the Deputy Watermaster has indicated that her decision is final.

- 3. Have you previously submitted this complaint? If so, please indicate the date, the organization(s) or local government entity you contacted, including the HLV RCD and the outcome.

Yes. On July 23, 2019, I submitted one complaint to the Deputy Watermaster containing two separate issues

related to my water rights. On July 25, 2019, the Deputy Watermaster requested that I resubmit the complaint

as "two separate E5100 complaints: one addressing the transfer issue, and one addressing the Barham Kelley. This will

allow the committee to evaluate each independent of the other, should the opportunity for separate outcomes be an option."

After taking the preceding steps you were unable to resolve your dispute/complaint, complete the second half of this form and return to the HLV RCD. Provide as much specific information as you can. Forms that are not filled out completely will be returned to the complainant.

Within five business days following the date a complete Water Rights Dispute/Complaint Form is received and reviewed, it will be: (1) Dismissed without further action and an explanation will be sent to the complainant via USPS return receipt, or (2) Forwarded to the WAC Board Chairperson to be considered by the WAC, at a public hearing, within ten business days from the date the complete Water Rights Dispute/Complaint Form was received. Refer to the HLV RCD **Susan River Watermaster Service Area Rules and Regulations** for more information about Water Right Disputes/Complaints.

Name: Jay Dow Today's Date: July 26, 2019

Address: 726-200 Mapes Lane, Wendel, CA 96136

Phone Number: (530)260-6267 E-mail: dowranch@gmail.com

Date dispute/complaint originated on: July 1, 2019

Location dispute/complaint originated at: _____
Diversion 46

4. Describe the action(s), omission, or decision that you are disputing/complaining about and by whom they were made (Deputy Watermaster, staff, another water user, etc.). _____
See Attachment B, at #1.

5. Provide the grounds or basis for this dispute/complaint. _____
See Attachment B, at #2.

6. Describe your suggested solution. _____
See Attachment B, at #3.

(Attach any supporting documents as needed)

Date Received: _____ Received By: _____ Action Taken: _____

ATTACHMENT A

From: Carrie Adams <watermaster@honeylakevalleyrcd.us>
Sent: Monday, July 01, 2019 2:20 PM
To: Jay Dow; Kayla Meyer
Cc: Herrema, Brad
Subject: Re: water transfer and Barham Kelley

Jay,

Working closely with my District Manager and the RCD Board, these are the conclusions we have reached in order to properly implement the Decree (full explanation in 6/25/2019 email). The transfer of your Sched. 4 or Sched 5 rights to the Lower Susan River, below the confluence of the Susan River and Willow Creek, interferes with other users' rights. A user agreement or a transfer of your rights, are options we could explore if you so choose.

For the Barham Kelley, there is not enough material to support that the 3037 Decree are stand alone water rights and thus we cannot allow you to divert an additional 740af of water.

After extensive discussion and research, these are the RCD's final decisions on these matters and how we will be implementing the Decree moving forward. If these issues are still of concern, I invite you to our WAC Meeting July 11, 2019.

Respectfully,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



On Thu, Jun 27, 2019 at 8:15 PM Jay Dow <dowranch@gmail.com> wrote:

Carrie:

Why has the Honey Lake Valley RCD changed their opinion on allowing me to transfer and use the water rights I hold on my properties to other properties I own in the Susan River Water Master area? RCD has previously allowed me to temporarily transfer my water rights from one property to another for beneficial use. What has changed in 2019?

Likewise, RCD has not interfered with my use of water rights, granted in the Barham Kelley decree, on my property in past irrigation seasons. What has changed? The Barham Kelley decree was not superseded by the

Susan River Decree as stated in paragraph 55 of the Susan River Decree. Barham Kelley grants water rights independent of the rights granted under the Susan River Decree. The effect of the Watermaster decision is that other parties are able to divert the water to which my properties are entitled. Again, what is the reason for the RCD's change in the manner in which it administering the Susan River Decree in regard to respecting the earlier Barham Kelley decree?

Jay Dow

----- Forwarded message -----

From: **Carrie Adams** <watermaster@honeylakevalleyrcd.us>

Date: Tue, Jun 25, 2019, 4:24 PM

Subject: Re: Response to your 6-21-19 email

To: Jay Dow <dowranch@gmail.com>

Cc: Herrema, Brad <bherrema@bhfs.com>

Jay,

Upon closer review of pages 29 and 30 of the 2013 Appellate decision, Rubio describes that Schedule 4, and Schedule 5 1st and 2nd priorities are not mentioned in paragraph 21, simply because they are irrelevant due to their locations, compared to where LIC diverts:

Sched. 4, pg. 30 "...can have no direct effect on those water users entitled to divert under schedule 4, because those users take their water from the system before it ever reaches the Susan River."

Sched. 5 1st, 2nd, pg. 30 "except for those with points of diversion above the confluence with Willow Creek"

The matter we are discussing is a unique situation, not clearly discussed in the decree, where you are wanting to transfer your rights to the Lower Susan River. Again, the decree never clearly states that LIC cannot divert these rights once they are left in the system. If not used, they become a part of the "natural flow of the Susan River," which LIC is entitled to divert. It seems that this is a matter that needs to be agreed upon by the other parties, as it "obstruct[s] or interfere[s] with any other right in this decree" (paragraph 58). Another option is that there is a way to officially transfer your rights. Both procedures I can inquire more about if you would like to move in that direction.

Also, currently, LIC is not diverting to storage, however I realize the July 1st change to 5cfs is quickly coming.

As for the Barham Kelly, I really am working hard to try to see what you are saying; however, I am still confused on how you say the Barham Kelly 3037 rights are in addition to the 4573 rights while:

1) the diversions- 46, 47, are **only** described within the 4573 Decree, and not within the Barham Kelly 3037

2) the amounts of water that can be diverted under the 3037 are only described in the 3037, and not the 4573; yet there are some rights for these acres described in the 4573

I'm trying to decipher these partial overlaps; because the 3037 simply cannot stand alone with such little information held in its pages (no POD, no acreage). If you see my missing link, please do clarify.

I will gladly continue reviewing the decree and any highlights or additional material you wish to provide/point out to me. For additional input- from fellow water users, you are also welcome to bring these issues to our next WAC meeting July 11, 2019 at 17:30.

Best Regards,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



On Sun, Jun 23, 2019 at 8:46 PM Jay Dow <dowranch@gmail.com> wrote:

Carrie:

The exception found in paragraph 21 of the Susan River Decree, which deals with LIC's water rights, states the only water rights affected by the exception are those in schedule 3, schedule 5 priority 3, and schedule 6. Rights in schedule 4 and schedule 5, priorities 1 & 2, are not included in paragraph 21 and LIC cannot claim a superior right to those, either under paragraph 21 or any other circumstance. The 2013 appellate decision confirms this throughout the decision and specifically addresses schedule 4 on pages 29 and 30 (attached). For this reason, exercising my ability to transfer my schedule 4 and schedule 5 priority 2 water rights to other property I own is not "obstructing or interfering" with LIC's water rights.

Paragraph 55 of the Susan River Decree states that it "shall supersede all former judgments and decrees as to the water rights involved, except the decrees of the above entitled court in the cases of Barham vs. Kelley...". This statement in paragraph 55 makes certain the water rights granted in the Barham Kelley Decree are separate from and unaffected by the rights granted in the Susan River decree 4573. As for more documentation, the Barham Kelley Decree itself is the document granting the water rights and there is no further documentation necessary. The Barham and Kelley properties are clearly delineated on sheet #3 of the irrigated lands map for the Susan River Decree (attached) and, as we discussed when I met with you and Jesse Claypool this past Friday, I am the current owner of these properties. The points of diversions for the Barham Kelley decree are the same as diversions #46 and #47 described in schedule 2 of the Susan River Decree. Diversion #47 is no longer in use and all diversions for the Barham Kelley decree are presently made at diversion #46 (Barham Dam).

While the rights granted by the Barham Kelly Decree are not under the authority of the RCD acting as Water Master for the Susan River Decree, your actions administering the Susan River Decree cannot impair my water rights granted in the Barham Kelley Decree. Therefore, we must have a coordinated effort to assure I receive my full rights under the Barham Kelley decree.

Respectfully,

Jay Dow

----- Forwarded message -----

From: **Carrie Adams** <watermaster@honeylakevalleyrcd.us>

Date: Fri, Jun 21, 2019 at 5:58 PM

Subject: 4573 and 3037 interpretation review

To: Jay Dow <dowranch@gmail.com>

Jay,

I have been closely combing through the 4573 Decree, and the 3037 Decree. After careful inspection, there is more documentation that I need in order to administer the Decrees in the manner which you have interpreted and brought forward.

First, there is no language about Schedule 4 when describing LICs right to divert to storage as long as Colony Dam is at 20cfs. It does not state they can, nor does it state that they cannot. Thus, if we [from here, 'we' refers to the Susan River Watermaster Service, administered by the Honey Lake Valley Resource Conservation District], were to enforce your Sched. 4 rights to not be diverted by LIC and reach Colony Dam, putting it over 20 cfs, we would be opposing the decree and "obstructing or interfering with any other right" by not allowing them to divert their full allotted amount (paragraph 59, Decree 4573).

As for the Barham Kelly 3037 decision and the 740 total acre feet of water described in said judgment, there is no Point of Diversion described, nor are there specific irrigated lands (township, range, qtr-qtr. or of the like) in this decision. Thus, with this judgement document alone, I cannot accept this as its own separate set of water rights that are in addition to the ones described in the 4573 Decree. I am requesting more documentation, fully describing these said additional rights, as I cannot even identify where these said rights are located, with the current information.

I understand the time constrictions we are currently facing, and will review the information you provide promptly. I am happy to review your issues and interpretations with the area's decrees, in order to successfully administer them per my duties of the Water Master Service.

Until I receive, and then review, more substantial documentation, it is not within the decree to allow you to divert 740af in addition to your cfs clearly described in the 4573 Decree.

Best,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



ATTACHMENT B

1. The Watermaster has determined to administer the Susan River Decree (“Decree”) in a manner that obstructs and interferes with my water rights. Specifically, the Watermaster has determined that in administering the Decree, it will not respect my rights under the April 3, 1931 Judgment in *Barham, et al v. Cannon et al*, Lassen County Superior Court Case No. 3037 (also referred to as “Barham vs. Kelly”).
2. Paragraph 55 of the Susan River Decree states that it "shall supersede all former judgments and decrees as to the water rights involved, except the decrees of the above entitled court in the cases of Barham vs. Kelly..." This reference is further explained in the June 12, 1937 Report of Referee in Decree Case No. 4573,¹ at 41:16-19, which refers to the case of “Barham vs. Kelly, No. 3037.” (Attached hereto as “Exhibit 1”).

A copy of the April 3, 1931 Judgment in Case No. 3037 is attached hereto as “Exhibit 2.” The rights allocated to each party are clearly described therein. I am the owner of those properties (see “Exhibit 3”), which are delineated on sheet #3 of the irrigated lands map for the Susan River Decree (attached hereto as “Exhibit 4”) and the water rights associated therewith. These lands are shown in white on that map, as they were not granted rights under the Susan River Decree, as the Susan River Decree did not supersede the rights these lands had been granted by the 1931 decree in Case No. 3037.

In past irrigation seasons, the Watermaster has not interfered with my use of my rights under the Case No. 3037 Judgment on my property. During the most recent irrigation season that ended on June 30, 2019, I requested the Watermaster to ensure that its administration of the Susan River Decree did not interfere with my ability to divert 25 cfs until June 30. The effect of the Watermaster’s decision to administer the Susan River Decree in this manner is that other parties are able to divert the water to which my properties are entitled.

As a result of the Watermaster’s determination described above, during the most recently concluded irrigation season I have been denied 740 acre-feet (“AF”) of my water rights. This has resulted in the Lassen Irrigation Company (“LIC”) storing water that I should have been allowed to divert.

3. The Watermaster must administer the Decree in a manner that does not infringe upon my rights pursuant to the Judgment in Case No. 3073, which were not superseded by the Susan River Decree.

¹ See Susan River Decree at ¶ 1 [“...and said report of referee...is affirmed and adopted as the basis for the decree of this Court determining and establishing the several rights in and to the use of the waters of the Susan River and its tributaries involved in said cause.”].

The Watermaster's determination has resulted in LIC diverting water in Leavitt Lake, and McCoy Flat and Hog Flat Reservoirs that I should have been able to divert under my rights pursuant to the Judgment in Case No. 3073. Under the Watermaster's supervision and direction, LIC should release into the Susan River an amount of water equal to that which was improperly diverted by LIC in June 2019 for my diversion of 740 AF at Diversion 46. This remedy has historical precedent, as when DWR served as Watermaster, it required LIC to release water that it had improperly diverted for use by those right holders whose rights had been obstructed or interfered with.

No. 2572

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA
JANUARY 22, 1957
MORNING SESSION

THE PEOPLE OF THE STATE OF CALIFORNIA

vs.

THE

STATE OF CALIFORNIA

vs.

RECORD OF DEEDS

RECORD OF DEEDS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LASSEN

J. J. FLEMING, ORA LEE FLEMING
ROBERT FLEMING AND MARY W. L. FLEMING,

Plaintiffs,

vs.

J. R. BENNETT, LYON CATTLE COMPANY, a
corporation, GEORGIA B. JENSEN, ROYAL R.
RAMSEY, VERA B. RAMSEY, GRACE L. MILLSAP,
LASSEN LUMBER AND BOX COMPANY, a corporation,
LASSEN COUNTY, a Municipal Corporation, UNITED
STATES OF AMERICA, JOE CARBONI, J. R. COLLIER,
JESSIE H. COLLIER, FRANK MORANDO, SERAFINA M.
MORANDO, J. H. STAUP, NELLIE STAUP, A. FARRIS,
T. A. FARRIS, W. D. HAWS, JANE DOE HAWS, E. F.
HESKAMP, FRUIT GROWERS SUPPLY COMPANY, A Corporation,
BANK OF AMERICA, a corporation, A. R.
JENSEN, DELIA JENSEN, MARDIS BARRY, MABEL BARRY
FRANK COBE, CHARLES S. BROCKMAN, BERTHA BROCKMAN,
JOHN FREDERICK BROCKMAN, ANTOINE BANTLEY, NELIA M.
BANTLEY, THOMAS MASTEN RAMSEY, JANE DOE RAMSEY,
HELEN J. DEFOREST, ROSS E. BANGHAM, HARRIET P.
BANGHAM, F. H. BANGHAM, JOSEPHINE T. BANGHAM,
Administratrix of the Estate of S. F. BANGHAM,
Deceased, JOSEPHINE T. BANGHAM, CATHERINE O.
CRAMER, REES T. JENKINS, KATE JENKINS, REES T.
JENKINS LAND AND LIVESTOCK COMPANY, a corporation,
LASSEN IRRIGATION COMPANY, a corporation, WILLIS
H. DAVIS, NEVA DAVIS NUCKOLLS, PIERRE SAFFORES,
ADA E. BANTLEY, SEYMOUR CASE, SADIE CASE, E.
LIZZIE FERRY, JAMES B. LEAVITT, GRACE ELLEN KILLEDGE,
FANNIE LEAVITT GUNTER, GEORGE B. LEAVITT, EMMA R.
JOHNSON, A. C. BARHAM, DELTA M. BARHAM, GRETCHEN
B. KELLEY, C. F. HART, FRED HANSEN, VIVIAN K. HAN-
SEN, MARTHA B. LANIGAR, FRANK B. BUFFUM, SARA E.
BUFFUM, FRED JOHNSTON, EDNA L. JOHNSTON, EDWARD
CHAPPUIS, NANCY C. CHAPPUIS, HENRY T. COULTHURST,
KATHERINE C. COULTHURST, ADA STRESHLEY, MARTIN E.
WRIGHT, LAURA STEWART WRIGHT, MARC C. STEWART,
MATILDA E. STEWART, JENNIE DOYLE, WALTER STEWART,
W. F. WILLIAMSON, F. C. FARWELL, LENA J. FARWELL,
LEONARD F. DOZIER, LURA A. DOZIER, CAROLINE RAGER,
GEORGE E. WOODSTOCK, DORA S. WOODSTOCK, ANNIE MATTI-
SON, EVA A. CAIN, CHARLES A. MAHLE, LAURA E. MAHLE,
JOHN LAMBERT, RIZZIE B. LAMBERT, B. F. GIBSON, CLARA
E. GIBSON, JAMES H. B. McCLELLAND, ESTHER A. McCLELL-
LAND, CALIFORNIA LANDS, INC., a corporation, ROBERT
D. MURPHY, FRANK V. WOOD, MAUDE E. WOOD, WILLIAM A.
DILL, CLARA F. DILL, JAMES W. MAPES, DONNA G. MAPES,
W. H. DEWITT, JANE DOE DEWITT, JOHN T. THEODORE,
HATTIE E. THEODORE, H. RAY FRY, GEORGE B. BAILLY,
ANNIE K. BAILLY, J. L. HUMPHREY, JANE DOE HUMPHREY,
JOHN L. TANNER, LOLA L. TANNER, WALTER J. DAKIN,
GERTRUDE A. DAKIN, CLARENCE E. DAKIN, ELSIE M. DAKIN,
WILLIAM GALEPPI, ROBERT SATIGA, JANE DOE SATIGA,

No. 4573
REPORT
OF REFEREE.

1 MIGUEL SATICA, JANE ROE SATICA, WILLIAM G. HULSMAN,)
 HANNAH F. HULSMAN, J. T. SHARP, FRANK DAVIDSON,)
 2 DEVINA DAVIDSON, J. D. ANDREWS, IDA ANDREWS, SEBERN)
 RIDENOUR, MINNIE RIDENOUR, LESTER CLARK, LENA CLARK,)
 3 J. A. PARDEE, Trustee, LORENZO E. DEFOREST, A. E.)
 DEFOREST, FLORENCE F. DEFOREST, WILSON E. MALLERY,)
 4 ROSE MALLERY, FRED BANTLEY, MARY HOFFMAN, TRO EMERSON,)
 CLARRISA EMERSON, ABBIE F. COOPER, MARY S. MURRER,)
 5 PATRICK H. WALSH, MARGARET WALSH, JAMES STRESHLEY,)
 JOHN M. HAGATA, ANNE HAGATA, RICHARD CASTNELEAS,)
 6 ROY S. LOISELLE, CARRIE LOISELLE, FRANK GEHRIG, SALVINA)
 ACCOMAZZO, Administratrix of the estate of Luigi Accomazzo)
 7 Deceased, GEORGE H. TAYLOR, KATHERINE T. TAYLOR, FRED H.)
 TAYLOR, BLANCHE L. TAYLOR, JOSEPH L. FRENCH, WINIFRED F.)
 8 FRENCH, JENNIE A. BOGGS, FIRST DOE, SECOND DOE, THIRD DOE,)
 FOURTH DOE, FIFTH DOE, SIXTH DOE, SEVENTH DOE, EIGHTH DOE,)
 9 NINTH DOE, TENTH DOE, FIRST DOE COMPANY, a corporation,)
 SECOND DOE COMPANY, a corporation, THIRD DOE COMPANY, a)
 10 corporation, FOURTH DOE COMPANY, a corporation, FIFTH DOE)
 COMPANY, a corporation,)

11)
 12) Defendants.)

13 -oOo-

14
 15 An order of the above entitled court was heretofore made on August
 16 21, 1934, referring the above entitled cause to the Division of Water Resources
 17 of the Department of Public Works of the State of California, for investigation
 18 as referee, under authority conferred by Section 24 of the Water Commission
 19 Act of the State of California (Statutes 1913, Chapter 586, as amended). Said
 20 referee caused full investigation of the facts and conditions pertaining to
 21 said cause to be made, which investigation included a survey of the various
 22 ditches and areas irrigated thereunder, measurements of stream flow and of the
 23 diversions therefrom through the various ditches, and a reconnaissance soil
 24 survey of the lands involved in the action, the results of which investigation
 25 were compiled and are contained in a report entitled, "Report on Water Supply
 26 and Use of Water on Susan River and Tributaries, Lassen County, California",
 27 dated February 20, 1936, and eleven map sheets were prepared from said surveys
 28 showing soil types, diversions and irrigated lands, copies of said map sheets
 29 have been bound in said report and said report is submitted herewith as Exhibit
 30 "A".

31 A conference of the various parties to the action and their repre-

1 representatives was called by the Division of Water Resources on March 18, 1935, at
2 Susanville, for the purpose of presenting the data that had been collected prior
3 to that time by said Division. After discussing the matter at said conference,
4 an agreement based upon the data collected by said Division, was entered into by
5 all of the parties to the proceedings, except the owners of one ranch on Susan
6 River and two ranches on Gold Run Creek, providing a schedule for the distribu-
7 tion of the waters of Susan River and its tributaries during the 1935 season and
8 pursuant to said schedule the waters of said stream system were distributed
9 during said season.

10 Another conference of the parties to the action and their representa-
11 tives was called by the Division of Water Resources on March 31, 1936, at Susan-
12 ville. A stipulation for judgment containing a plan of settlement of all of
13 the water rights in the Susan River stream system was presented by said Division
14 at the conference. The stipulation was based upon the 1935 schedule of trial
15 distribution with such modifications as appeared necessary from the additional
16 information gathered in 1935. The parties to the proceedings desired to con-
17 tinue trial distribution of the waters of the Susan River stream system under
18 the plan contained in the stipulation for judgment during 1936 until the com-
19 mencement of the haying season to afford a further demonstration of the operation
20 thereof. Circulation of the stipulation for judgment was commenced on July 15,
21 1936 among the various parties to the action for their approval. Said stipula-
22 tion for judgment has been subscribed by 170 parties to the proceedings. Fruit
23 Growers Supply Company subscribed an identical copy of the stipulation with an
24 additional provision that in no way changes the status of the rights therein pro-
25 vided. Lassen Irrigation Company subscribed an identical copy of the stipulation
26 with certain reservations.

27 The parties who did not execute said stipulation for judgment are A.
28 C. Barham and Delta M. Barham, Edward Lucas, U. J. Travis, Rees T. Jenkins, Kate
29 Jenkins and Rees T. Jenkins Land and Livestock Company, W. F. Williamson, F. C.
30 Farwell and Lena J. Farwell, Leonard F. Dozier and Lura A. Dozier, Caroline
31 Rager, John Lambert and Lizzie B. Lambert and William Galeppi on Susan River
 John M. Hagata and Anne Hagata, James Streshley, and Roy S. Loiselle and

1 Carrie Loisel on Willow Creek, Robert Satica, Bernardina Satica, Miguel
2 Satica and Fernanda Satica on Gold Run Creek, and Reno National Bank on Sayles
3 Spring. Findings hereinafter contained set forth the rights for the uses made
4 by said parties who have not signed said stipulation. The parties who sub-
5 scribed said stipulation have waived findings of fact and conclusions of law,
6 except as to non-signatory parties.

7 Under date of January 27, 1937, said Division, as referee, announced
8 its report in the form of a draft of which it gave notice under said date by
9 mail to the parties or their attorneys and enclosed with said notice a copy of
10 said draft. The parties who filed objections to said draft of report did so
11 within the time provided by law, and are A. C. Barham and Delta M. Barham
12 through their attorney Hardin Barry, and Rees T. Jenkins, Kate Jenkins, Rees
13 T. Jenkins Land and Livestock Company, James Streshley, and W. F. Williamson
14 through their attorneys Messrs. Williamson and Wallace. Said Division, as refer-
15 ee, has given due consideration to said objections, has hereinafter discussed
16 same and has hereinafter set forth the reasons for actions taken thereon.

17 Now being fully informed in the premises, the Division of Water
18 Resources, as referee, herein submits its report to the Superior Court of the
19 State of California, in and for the County of Lassen.

20 GENERAL STATEMENT OF CASE

21 Susan River has its source on the east slope of the Sierra Nevada
22 Mountains at an elevation of about 7900 feet and in the southwesterly portion
23 of Lassen County immediately east of Lassen Volcanic National Park. Its channel
24 follows a general easterly direction from Silver Lake through McCoy Flat Reser-
25 voir and through Susanville and on to Honey Lake to which it is tributary. All
26 of the water users in the entire watershed of said river are involved in the
27 above entitled action.

28 Susan River has an important perennial tributary from the north above
29 Standish known as Willow Creek. The dry-weather flows of Piute Creek which
30 is tributary from the north at Susanville and of Gold Run Creek and Lassen
31 Creek which come in from the south between Susanville and Johnstonville are

1 almost entirely utilized above their confluence with Susan River.

2 The rights involved fall into four major classifications, to-wit:

3 (1) Those of independent character and absolute priority embraced
4 in paragraphs 14 to 36, inclusive of the stipulation for judgment, wherein
5 the respective users take all of the flow of various springs and small tribu-
6 taries and have long continued to do so and the flows of which cannot now be
7 considered as subject to division with others in view of the fact that said
8 flows have long been completely diverted and kept out of the common supply
9 by the respective users of said sources.

10 (2) Those which derive their water supply from Willow Creek as set
11 forth in Schedule 3 and paragraph 37 of the stipulation, and divisible into
12 two priority classes.

13 (3) Those upon Gold Run Creek, Lassen Creek, Piute Creek and their
14 tributaries, which are three separate units as set forth in Schedule 4 and
15 paragraph 38 of the stipulation with three priority classes on Gold Run Creek
16 and its tributaries, two priority classes on Lassen Creek and its tributaries,
17 and one class equal in priority and correlative in right on Piute Creek and
18 its tributaries.

19 (4) Those upon Susan River and its tributaries above Piute Creek as
20 set forth in Schedules 5 and 6 and paragraphs 39 to 43, inclusive, of the
21 stipulation, and divisible into rights of eight priority classes.

22 SOLUTION OFFERED BY DIVISION OF WATER RESOURCES

23 The engineering report and the set of maps therein contained men-
24 tioned in the first paragraph hereof comprise the record of the engineering
25 work done by the Division of Water Resources as referee. The above mentioned
26 stipulation for judgment which has been filed in the above entitled cause
27 contains the solution of the problems in the pending action which said Divi-
28 sion of Water Resources deems equitable and proper.

29 The rights in and to the waters respectively flowing in Willow Creek,
30 Gold Run Creek, Lassen Creek, and Piute Creek and the tributaries of said
31

1 creeks are treated as groups separate and distinct from the remaining water
2 rights on the main thread of the river. Based upon the conclusion that if
3 economically and systematically used, there is ample water in years of average
4 flow prior to the commencement of the haying season for all present use being
5 made by the parties to this action, continuous flow allocations have been
6 made, based upon the following duties of water:

- 7 (1) A consumptive duty of one cubic foot per second to
8 each 110 acres of land irrigated from Willow Creek
9 in Willow Creek Valley.
- 10 (2) A consumptive duty of one cubic foot per second to
11 Each 100 acres of land of California Utilities Com-
12 pany irrigated from Piute Creek.
- 13 (3) A consumptive duty of one cubic foot per second to
14 each 80 acres of the Nett, Castneleas and Loisselle
15 lands irrigated from Willow Creek, of the lands of
16 the Federal Land Bank of Berkeley irrigated from
17 Lassen Creek, and of all lands irrigated from Piute
18 Creek excep a Utilities Com-
19 pany.
- 20 (4) A gross dut 67.5 second to each
21 55 acres of l irrigated from
22 Gold Run Creek.
- 23 (5) A gross duty of one cubic foot per second to each
24 67.5 acres of lands of loam soil irrigated from Gold
25 Run Creek.
- 26 (6) An average net duty of one cubic foot per second to
27 each 110 acres of lands irrigated under the A and B
28 Canal from Susan River.
- 29 (7) A gross duty of one cubic foot per second to each
30 80 acres of irrigated land in the remainder of the
31 Susan River stream system.

1 The solution offered by the Division of Water Resources, and con-
2 tained in the stipulation for judgment, was placed in operation on the Susan
3 River stream system for the 1936 season, and the results to be expected there-
4 from were demonstrated to the various parties in the action.

5
6 PROBLEMS PRESENTED BY RIGHTS OF PARTIES
7 NOT STIPULATING TO ENTRY OF JUDGMENT

8 All of the parties as to whom rights should be herein decreed have
9 signed the stipulation for judgment except the following:

10 (1) Reno National Bank on Sayles Spring whose right is
11 of the separable and independent character of classi-
12 fication one above, as set forth in paragraph 34 of the
13 stipulation for judgment.

14 (2) The owners of the Streshley, Hagata and Loisselle
15 lands whose rights are in classifications one and
16 two above, as set forth in Schedule 3 and in para-
17 graphs 18, 21 and 35 of the stipulation for judgment.

18 (3) The owners of the Satice lands whose rights are in
19 classifications one and three above, as set forth in
20 Schedule 4 and in paragraph 26 of the stipulation
21 for judgment.

22 (4) The owners of the Barham, Jenkins, Travis and Lucas
23 lands whose rights are in classification four above,
24 as set forth in Schedule 5 of the stipulation for
25 judgment, and the reservations of Lassen Irrigation
26 Company.

27 The receiver and attorney for receiver of Reno National Bank both
28 verbally approved the stipulation for judgment, although they did not sign it.
29 Edward Lucas did not have an opportunity to approve the stipulation for judg-
30 ment since he was not available at the time it was being circulated. A com-
31 munication has been received from said Edward Lucas approving said stipulation
 and the Draft of Report of Referee. U. J. Travis did not sign said

1 stipulation because 7.4 acres of his irrigated lands were inadvertently
2 omitted therefrom, but otherwise he has no objection thereto.

3 There is no conflict between the four major classifications of the
4 rights involved in the proceedings as set forth above. Also there is no con-
5 flict between the individual rights within classification one. The stipula-
6 tion thus affords a complete settlement of the rights in classification one
7 above and of the rights on Piute Creek and on Lassen Creek. This therefore
8 leaves three rights on Willow Creek to be related to the other rights in
9 Schedule 3 of said stipulation, one right on Gold Run Creek to be related to
10 the other rights on said Gold Run Creek, and ten rights on Susan River to be
11 related to the other rights in Schedules 5 and 6 of said stipulation.

12 Wherefore, the Division of Water Resources, as referee, makes this
13 its

14 FINDINGS OF FACT

15 I

16 That there is in said Lassen County a natural stream of water known
17 as and called "Susan River", which said stream arises on the east slope of the
18 Sierra Nevada Mountains in the southwesterly portion of said Lassen County,
19 State of California, and flows in a general easterly direction through Silver
20 Lake, McCoy Flat Reservoir, Susanville and on to Honey Lake, and said river
21 and its various tributaries and branch channels flow between well defined banks
22 in well defined channels to, upon, and across certain of the lands of certain
23 of the parties to this action.

24 II

25 That as to the parties herein the following is found:

26 The true name of defendant sued herein as J. R. Bennett is J. A.
27 Bennett and that Margaret C. Bennett, his wife is jointly interested in his
28 lands involved in said action.

29 Elberta DeForest has succeeded to the interests of defendants Royal
30 R. Ramsey and Verna B. Ramsey.

1 County of Lassen, sued herein as Lassen County, a municipal corpora-
2 tion, is a political subdivision of the State of California.

3 United States Department of Agriculture, sued herein as United States
4 of America, has appeared and should be decreed a right as hereinafter provided.

5 Joe Garbani, sued herein as Joe Garboni, sold an interest in his lands
6 involved in this action to W. L. Sovy; said Joe Garbani has since died and de-
7 fendant Bank of America, a corporation, is the executor of the Estate of Joe Gar-
8 bani, deceased.

9 J. R. Collier and Joe R. Collier are one and the same person.

10 S. Morando and Serafina M. Morando are one and the same person.

11 Abraham Farris and A. Farris are one and the same person.

12 Tala A. Farris and T. A. Farris are one and the same person.

13 The true name of defendant sued herein as Jane Doe Haws is Mrs. W. D.
14 Haws and she has appeared in this action under her true name.

15 Defendant Delia Jensen has sold an interest in her lands involved in
16 this action to defendant C. C. Ulch.

17 John Frederick Brockman and J. F. Brockman are one and the same person.

18 Charles S. Brockman and C. S. Brockman are one and the same person.

19 Thomas Masten Ramsey and Masten Ramsey are one and the same person.

20 The true name of defendant, sued herein as Jane Doe Ramsey is Addie May
21 Ramsey and she has appeared in this action under her true name.

22 The Federal Land Bank of Berkeley has succeeded to the interests of
23 defendants Helen J. DeForest, Frank Davidson and Devina Davidson involved in
24 this action and said The Federal Land Bank of Berkeley should be substituted in
25 the place and stead of said defendants Helen J. DeForest, Frank Davidson and
26 Devina Davidson.

27 Defendant Harriet P. Bangham has died since the commencement of this
28 action and her surviving husband is defendant Ross E. Bangham, sometimes known
29 as R. E. Bangham.

30 A division settlement has been made in the lands of defendants F. E.
31 Bangham, Josephine T. Bangham and Estate of S. F. Bangham involved in said
action; a portion of the irrigated lands described under the name of Josephine

1 T. Bangham on Sheet 1 of Schedule 1 in the stipulation for judgment, which has
2 been filed in the above entitled cause, is now held in severalty by F. H.
3 Bangham and the other portion thereof by Josephine T. Bangham as hereinafter set
4 forth under their respective names:

5 F. H. Bangham

6 1.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T. 29 N, R 12 E, M.D.B. & M.

7 26.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

8 26.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

9 10.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

10 37.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

11 102.5 acres - Total

12 Josephine T. Bangham

13 31.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

14 17.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

15 31.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

16 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

17 18.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T 29 N, R 12 E, M.D.B. & M.

18 108.7 acres - Total

19 and the allotment of water set after the name of Josephine T. Bangham for
20 said lands on Sheet 2 of Schedule 5 of said stipulation for judgment are owned
21 by said F. H. Bangham and Josephine T. Bangham in proportion to their respect-
22 ive irrigated acreages hereinbefore set forth.

23 The true name of defendant sued herein as E. Lizzie Perry is Lizzie
24 E. Perry and she has appeared in this action under her true name.

25 James B. Leavitt and J. B. Leavitt are one and the same person.

26 Grace Ellen Elledge and Grace E. Elledge are one and the same person.

27 Fannie Leavitt Gunter and Fannie Gunter are one and the same person.

28 Defendants C. A. Leavitt, V. B. Leavitt, D. E. Leavitt, and Beulah C.
29 Coonie have succeeded to the interests of defendants George B. Leavitt, deceased,
30 involved in this action.

31 The true name of defendant sued herein as Emma R. Johnston is Emma F.

1 Johnston and she has appeared in said action under her true name.

2 May L. Leavitt has succeeded to the interests of defendant C. F. Hart
3 involved in this action and said May L. Leavitt should be substituted in the
4 place and stead of said defendant C. F. Hart.

5 Vivian K. Hansen and Vivian Hansen are one and the same person.

6 Ed Lanigar, H. W. Lanigar, Ada L. Elledge, and Edna E. Elledge have
7 succeeded to the interests of defendant Martha B. Lanigar, deceased, involved
8 in said action.

9 The true names of defendants sued herein as Edward Chappuis and Nancy
10 C. Chappuis are Edward Chappius and Nancy C. Chappius and they have appeared in
11 said action under their true names; that Edward Chappius and E. D. Chappius are
12 one and the same person; and that Nancy C. Chappius and Nancy Chappius are one
13 and the same person.

14 Henry T. Coulthurst and H. T. Coulthurst are one and the same person.

15 The true name of defendant sued herein as Ada Streshley is Estella
16 Streshley and she has appeared in said action under her true name.

17 Martin E. Wright and M. E. Wright are one and the same person.

18 The true name of defendant sued herein as Marc C. Stewart is C. M.
19 Stewart and he has appeared in said action under his true name.

20 Matilda E. Stewart and M. E. Stewart are one and the same person.

21 George L. Woodstock has succeeded to the interests of defendant
22 Annie Mattison, sometimes known as Anna Mattison, involved in this action.

23 Defendant Charles S. Mahle, sued herein as Charles A. Mahle, signed
24 the stipulation for judgment on file in this action, has since died, and Ena May
25 Marden is the heir of his estate involved in said action.

26 Defendant Laura E. Mahle signed the stipulation for judgment on file
27 in this action, has since died, and Leland A. Mahle and Ida May Eager are the
28 heirs of her estate involved in said action.

29 James H. B. McClelland and J. H. B. McClelland are one and the same
30 person.

31 Ida L. Andrews and Ida Andrews are one and the same person.

1 Defendant California Lands, Inc., a corporation, has succeeded to
2 the interests of defendants Bank of America, a corporation, and Robert D. Murphy
3 involved in this action.

4 Clara Frances Dill and Clara F. Dill are one and the same person.

5 The true name of defendant sued herein as Jane Doe DeWitt is Josephine
6 C. DeWitt and she has appeared in this action under her true name.

7 John T. Theodore and J. T. Theodore are one and the same person.

8 Bank of Lassen County has succeeded to the interests of defendant
9 H. Ray Fry involved in this action and said Bank of Lassen County should be sub-
10 stituted herein in the place and stead of said H. Ray Fry.

11 The true name of defendant sued herein as John L. Tanner is John Tanner
12 and he has appeared in this action under his true name.

13 Clarence E. Dakin and C. E. Dakin are one and the same person.

14 Walter J. Dakin and W. J. Dakin are one and the same person.

15 Gertrude A. Dakin and Gertrude Dakin are one and the same person.

16 The true name of defendant sued herein as Jane Doe Satica is Bernardina
17 Satica and she has appeared in this action under her true name.

18 The true name of defendant sued herein as Jane Roe Satica is Fernanda
19 Satica and she has appeared in this action under her true name.

20 Sebern Ridenour and S. D. Ridenour are one and the same person.

21 Lester Clark and Lester E. Clark are one and the same person.

22 Defendant Lorenzo E. DeForest has died since the commencement of this
23 action and defendants Florence D. Stampfli and Shirley Stampfli are the heirs
24 to that portion of his estate irrigated from Gold Run Creek; and defendant Elberta
25 DeForest is the heir to that portion of his estate irrigated from Susan River.

26 The true name of defendant sued herein as Glarrisa Emerson is Clarissa
27 Emerson and she has appeared in said action under her true name.

28 Margaret Walsh and Margarite Walsh are one and the same person.

29 The defendant Estate of Luigi Accomazzo has been distributed to de-
30 fendant Salvina Accomazzo, who has since married and is now known as Salvina
31 Forno.

1 Fred Taylor and Fred H. Taylor are one and the same person.

2 Blanche Taylor and Blanche L. Taylor are one and the same person.

3 The true name of defendant sued herein as Winifred F. French is
4 Winifred B. French and she has appeared in this action under her true name.

5 Republic Electric Power Corporation, a corporation, since the commence-
6 ment of this action, succeeded to that portion of the lands of defendant Fruit
7 Growers Supply Company, a corporation, known as the Piute Ranch and to the
8 water rights appurtenant thereto on Piute Creek and Bagwell Springs involved in
9 said action, including the right to consume the allotment herein to defendants
10 Cyril C. Houghton and Eleanora Houghton from said Piute Creek on said lands when-
11 ever its use is required thereon; and California Utilities Company, a corporation,
12 has since succeeded to said interests of said Republic Electric Power Corporation,
13 a corporation, in said Piute Ranch and said water rights appurtenant thereto.

14 Georgiana Lonkey has succeeded to that portion of the lands of de-
15 fendant Rees T. Jenkins Land and Livestock Company, a corporation, known as the
16 San Francisco Ranch and irrigated from Round Valley Reservoir.

17 Steve Actis, Gordon Alway, Fay Castneleas, Frank Clabots, J. O.
18 Church, E. T. Clark and Edith A. Clark, R. H. Cross, Frank Dawson and Mary
19 E. Dawson, C. A. Leavitt, V. B. Leavitt, D. E. Leavitt and Beulah C. Coonie,
20 Harry Fitch, Bert Hostetter and Zebnor Johnson, J. M. Gottfredson, Joe Gwerder
21 and Annie Gwerder, Irene Holcomb and D. B. Holcomb, Nathan W. Holmes and Jessie
22 P. Holmes, Cyril C. Houghton and Eleanora Houghton, Edward Lucas, Ralph Morgan,
23 H. E. Nett, C. C. Ulch, W. L. Sovy, Margaret C. Bennett, Elberta DeForest, Joe
24 Parisena and Mary Parisena, Reno National Bank, Henry Reuck, Florence D. Stampfli,
25 and Shirley Stampfli, U. J. Travis, Wm. H. Warner and Mary E. Warner, Baxter
26 Creek Irrigation District and Tule Irrigation District were not named as defend-
27 ants in the complaint; they were served with summons and complaint and have been
28 made defendants in said action as members of the Doe Family.

29 III

30 That the parties to whom rights should be decreed in this action are:
31

1 Plaintiffs:

2 J. J. Fleming, Ora Lee Fleming, Robert Fleming
3 and Mary W. L. Fleming.

4 Defendants:

5 Steve Actis
6 Gordon Alway
7 George B. Bailey and Annie K. Bailey
8 F. H. Bangham
9 Josephine T. Bangham
10 Ross E. Bangham and Estate of Harriet P. Bangham
11 Bank of Lassen County, a corporation
12 Ada E. Bantley
13 Antone Bantley and Nelia M. Bantley
14 A. C. Barham and Delta M. Barham
15 Mardis Barry and Mabel C. Barry
16 J. A. Bennett and Margaret C. Bennett
17 Jennie A. Boggs
18 Charles S. Brockman and Bertha Brockman
19 John Frederick Brockman
20 Frank B. Buffum and Sara E. Buffum
21 Eva A. Cain
22 California Lands, Inc., a corporation
23 California Utilities Company, a corporation
24 Seymour Case and Sadie Case
25 Richard Castneleas and Fay Castneleas
26 Frank Clabots
27 J. O. Church
28 E. T. Clark and Edith A. Clark
29 Lester Clark and Lena Clark
30 J. R. Collier and Jessie H. Collier
31 Abbie F. Cooper
Henry T. Coulthurst and Katherine G. Coulthurst
Catherine O. Cramer
R. H. Cross
Clarence E. Dakin, Elsie M. Dakin, Walter J. Dakin
and Gertrude A. Dakin
Willis H. Davis and Neva Davis Nuckolls
Frank Dawson and Mary E. Dawson
Elberta DeForest
W. H. DeWitt and Josephine C. DeWitt
William A. Dill and Clara Frances Dill
Leonard F. Dozier and Lura A. Dozier
E. F. Elskamp
Grace Ellen Elledge
Tre Emerson and Clarissa Emerson
Abraham Farris and Tala A. Farris
The Federal Land Bank of Berkeley, a corporation
Salvina Ferne
Harry Fitch, Bert Hostetter and Zebnor Johnson
Joseph L. French and Winifred B. French
Fruit Growers Supply Company, a corporation
F. C. Farwell and Lena J. Farwell
Bank of America, a corporation, Executor of the Estate
of Joe Garbani and W. L. Sovy
Frank Gehrig
B. F. Gibson and Clara E. Gibson
J. M. Gottfredson
Fannie Leavitt Gunter
William Galeppi

1 Joe Gwerder and Annie Gwerder
2 John M. Hagata and Anne Hagata
3 Fred Hansen and Vivian K. Hansen
4 W. D. Haws and Mrs. W. D. Haws
5 Mary Hoffman, Fred Bantley and Rose Mallery
6 Irene Holcomb and D. B. Holcomb
7 Nathan W. Holmes and Jessie P. Holmes
8 Cyril C. Houghton and Eleanora Houghton
9 William C. Hulsman and Hannah F. Hulsman
10 J. L. Humphrey
11 Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins
12 Land and Livestock Company, a corporation
13 A. R. Jensen
14 Delia Jensen and C. C. Ulch
15 Georgia B. Jensen
16 Emma F. Johnston
17 Fred Johnston, Edna L. Johnston, Edward Chappius
18 and Nancy C. Chappius
19 John Lambert and Lizzie B. Lambert
20 Ed Lanigar, H. W. Lanigar, Ada L. Elledge and
21 Edna E. Elledge
22 County of Lassen
23 Lassen Irrigation Company, a corporation
24 Lassen Lumber and Box Company, a corporation
25 C. A. Leavitt, V. B. Leavitt, D. E. Leavitt and
26 Beulah C. Coonie
27 James B. Leavitt
28 May L. Leavitt
29 Roy S. Loiselle and Carrie Loiselle
30 Georgiana Lonkey
31 Edward Lucas
32 Leland A. Mahle and Ida May Eager
33 Rose Mallery and Wilson E. Mallery
34 Wilson E. Mallery, Antone Bantley and Ada E. Bantley
35 James W. Mapes and Donna G. Mapes
36 Ena May Marden
37 James H. B. McClelland, Esther A. McClelland,
38 J. D. Andrews and Ida L. Andrews
39 Grace L. Millsap
40 Frank Morando and Serafina M. Morando
41 Ralph Morgan
42 Mary S. Murrer
43 H. E. Nett
44 J. A. Pardee, Trustee
45 Joe Parisena and Mary Parisena
46 Lizzie E. Perry
47 Caroline Rager
48 Thomas Masten Ramsey and Addie May Ramsey
49 Reno National Bank, a corporation
50 Henry Reuck
51 S. D. Ridenour and Minnie Ridenour
52 Pierre Saffores
53 Miguel Satica, Fernanda Satica, Robert Satica
54 and Bernardina Satica
55 J. T. Sharp
56 Florence D. Stampfli and Shirley Stampfli
57 J. H. Staup and Nellie Staup
58 C. M. Stewart, Matilda E. Stewart, Walter Stewart,
59 Estella Streshley, Martin E. Wright and
60 Laura Stewart Wright,
61 James Streshley

1 John Tanner and Lola E. Tanner
2 Fred H. Taylor, Blanche E. Taylor, George H. Taylor
3 and Katherine Taylor
4 John T. Theodore and Hattie E. Theodore
5 U. J. Travis
6 United States Department of Agriculture
7 Patrick H. Walsh and Margarite Walsh
8 Wm. H. Warner and Mary E. Warner
9 W. F. Williamson
10 Frank V. Wood and Maude E. Wood
11 George E. Woodstock and Dora S. Woodstock
12 George L. Woodstock

7 IV

8 That parties to this action whose lands are as depicted on map sheet
9 No. 6 of Exhibit "A" hereof and whose said lands are riparian to Susan River, but
10 who have never diverted to and used upon said respective lands any of the waters
11 of the Susan River stream system, except such waters of said stream system as
12 have been delivered to them as stockholders of Lassen Irrigation Company by said
13 company, are:

14 W. F. Williamson
15 F. C. Farwell and Lena J. Farwell
16 Leonard F. Dozier and Lura A. Dozier
17 Caroline Rager
18 John Lambert and Lizzie B. Lambert
19 William Galeppi

20 that all the said lands of said parties are located upon said Susan River at
21 points below all other diversions from said Susan River stream system; that all
22 said other diversions from said stream system as hereinafter found have been
23 actual, open and notorious, hostile and adverse to the rights of said parties,
24 continuous and uninterrupted for a period of more than five years immediately
25 preceding the commencement of this action by said parties, and under color of
26 title and claim of right by the respective parties hereinafter found entitled to
27 make said other diversions; and that the rights in and to the waters of said
28 stream system of said above named parties are inferior and subject to all said
29 other rights herein found in and to said waters.

29 V

30 That parties to this action who have no right, title or interest
31 in and to the waters of the Susan River stream system, but who have some

1 color of title thereto or claim some right therein, who should be restrained
2 from interfering with the flow of water in said stream system are:

3
4 Lyon Cattle Company, a corporation
5 Gretchen B. Kelley
6 Tule Irrigation District
7 Baxter Creek Irrigation District

8 VI

9 That parties who have no color of title and claim no right, title
10 or interest in and to the waters of the Susan River stream system, and as
11 to whom a dismissal of this action should be made are:

12 Frank Gore
13 Jennie Doyle
14 Jane Doe Humphrey
15 A. E. DeForest and Florence F. DeForest

16 VII

17 That the names, subject to the changes in names and in ownerships
18 hereinbefore found, of the respective owners of the real property upon which
19 the waters of said Susan River stream system are, or are entitled to be
20 used, the descriptions of the places of use of water, the allotments of
21 water necessary to satisfy the respective water requirements, the names of
22 the diversion conduits, the descriptions of the points of diversion, the
23 points of measurement of all allotments of water, the purposes for which
24 the diversions are made, the seasons of diversion of all water used from
25 the sources, and the priorities of all water rights involved in this
26 action, are as set forth in the stipulation for judgment on file herein,
27 except as otherwise hereinafter found, and in respect to parties to the
28 above entitled action, who have not signed said stipulation, are as herein-
29 after further found.
30
31

VIII

1
2 That the parties plaintiff and the parties defendant in the above
3 entitled action, subject to the changes in names and in ownerships hereinbe-
4 fore found, are the owners of the lands described in their respective plead-
5 ings, and as amended and pleaded by them; that the allotments of water from
6 said Susan River and its tributaries as set forth in said stipulation for
7 judgment except as otherwise hereinafter found are for use upon the acreages
8 as set forth in said stipulation; that said respective parties are the
9 owners of the acreages as set forth under their respective names in said
10 stipulation for judgment except as otherwise hereinafter found and are the
11 owners of all the lands embraced in the legal subdivisions described under
12 their respective names in said stipulation and in the findings hereinafter
13 made; and that said lands are depicted on the maps herein referred to as the
14 "Division of Water Resources Maps", which maps were prepared by the Division of
15 Water Resources of the Department of Public Works of the State of California
16 from its surveys made in 1934 and 1935, and copies of which have been included
17 in Exhibit "A" hereof.

18 IX

19 That the parties plaintiff and the parties defendant, subject to
20 the changes in names and in ownerships hereinbefore found, are the owners of,
21 or interested in, the ditches, conduits, pipe lines and other means of diver-
22 sion as set forth in the stipulation for judgment on file herein, and as de-
23 picted on said "Division of Water Resources Maps".

24 X

25 That Reno National Bank is the owner of the following described
26 acreages of land:

27
28 12.8 acres in Lot 8 of Section 19, T 32 N, R 14 E, M.D.B. & M.
29 5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T 32 N, R 14 E, M.D.B. & M.
30 38.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T 32 N, R 14 E, M.D.B. & M.
31 56.8 acres - Total

that the waters of Sayles Spring (referred to in Exhibit "A" hereof and in the

1 stipulation for judgment as Hale Spring) rise upon and flow, as they are
 2 accustomed to flow by nature, over, upon and across said lands; that said
 3 lands are irrigated by said owner; that said lands are depicted in green upon
 4 Map Sheet No. 9 of Exhibit "A" hereof; that said owner diverts and uses, and
 5 is entitled to divert and use, the natural flow of said Sayles Spring (some-
 6 times known as Hale Spring) upon said lands for domestic, stock watering and
 7 irrigation purposes by means of the channels and ditches leading therefrom at
 8 a point (designated on said Map Sheet as Diversion 252) which bears approximately
 9 N. 84° W., approximately 2800 feet distant from the Southeast corner of
 10 Section 19, T. 32 N., R. 14 E., M.D.B. & M., being within Lot 8 of said Section
 11 19; that the total amount of water which said owner diverts, and is entitled
 12 to divert, from said spring is 0.70 cubic feet per second; that said owner
 13 diverts, and is entitled to divert, said water for continuous usage throughout
 14 the year without regard to season; that said amount of water which said owner
 15 is herein found to divert, and to be entitled to divert, is sufficient and
 16 adequate to properly supply the requirements of said owner for use upon said
 17 acreages for said purposes and is all the water reasonably necessary therefor;
 18 and that the right to said amount of water which said party is herein found
 19 to divert, and to be entitled to divert, is superior to all other rights to
 20 the natural flow of said Sayles Spring.

21 XI

22 That James Streshley is the owner of the following described acreages
 23 of land:

24	13.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
25	4.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
26	30.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
27	39.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
28	23.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
29	40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
30	40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
31	15.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	33.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	39.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	23.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	39.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 24, T. 31 N., R. 12 E., M.D.B. & M.
	0.5 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 13, T. 31 N., R. 12 E., M.D.B. & M.
	3.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 14, T. 31 N., R. 12 E., M.D.B. & M.
	20.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 14, T. 31 N., R. 12 E., M.D.B. & M.
	10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 14, T. 31 N., R. 12 E., M.D.B. & M.
	8.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 23, T. 31 N., R. 12 E., M.D.B. & M.
	423.6 acres - Total	

1 that the waters of Streshley East Springs and of Streshley West Springs rise
2 upon and flow, as they are accustomed to flow by nature, over, upon and across
3 said lands; that the waters of said Willow Creek, within its natural channel,
4 flow, as they are accustomed to flow by nature, down, to, over, upon and
5 across said lands; that said lands are irrigated by said owner; that said
6 lands are depicted in green upon Map Sheet No. 5 of Exhibit "A" hereof; that
7 said owner diverts and uses, and is entitled to divert and use, water upon
8 said lands for domestic, stock watering, and irrigation purposes as follows:
9

10 (a) Impound the natural flow of an unnamed swale in the
11 Streshley Reservoir at a point (designated on said
12 map sheet as Diversion 166) which bears approximately
13 S. 44° W., approximately 2480 feet distant from the
14 northeast corner of Section 23, T. 31 N., R. 12 E.,
15 M.D.B. & M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section
16 23; that said owner impounds and holds for stock
17 watering purposes, and is entitled to impound and
18 hold for stock watering purposes in said reservoir
19 35 acre feet per annum, said water to be collected
20 from the natural flow of said swale at any time
21 throughout the year without regard to season; and
22 that the right to said amount of water which said
23 party is herein found to impound, and to be entitled
24 to impound, is superior to all other rights to the
25 natural flow of said unnamed swale.

26 (b) Divert the entire natural flows of Streshley East Springs
27 and Streshley West Springs, or as much thereof as said
28 owner directly applies to beneficial use, by means of
29 the ditches and channels leading from said springs
30 (designated on said map sheet respectively as Diversions
31 163 and 164) at points which are located as follows:

1 (163) approximately N. 57° W., approximately 3700 feet
2 distant from the Southeast corner of Section 13
3 T. 31 N., R. 12 E., M.D.B. & M., being within the
4 NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13; approximately N. 64° W.,
5 approximately 2470 feet distant from the Southeast
6 corner of Section 13, T. 31 N., R. 12 E., M.D.B. &
7 M., being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13;
8 approximately N. 74° W., approximately 1660 feet
9 distant from the Southeast corner of Section 13,
10 T. 31 N., R. 12 E., M.D.B. & M., being within the
11 SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13; approximately S. 75° W.
12 approximately 2840 feet distant from the Northeast
13 corner of Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
14 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24; and
15 approximately S. 49° W., approximately 730 feet
16 distant from the Northeast corner of Section 24, T.
17 31 N., R. 12 E., M.D.B. & M., being within the NE $\frac{1}{4}$
18 NE $\frac{1}{4}$ of said Section 24.

19 (164) The corner common to Sections 13, 14, 23 and 24, T.
20 31 N., R. 12 E., M.D.B. & M., lies within said spring;

21 that the average amount of water during any seven day period
22 which said owner consumes, and is entitled to consume, from
23 said springs is 3.50 cubic feet per second; that said owner
24 consumes, and is entitled to consume, said water continuously
25 throughout the year without regard to season; that said
26 amount of water which said owner is herein found to consume,
27 and to be entitled to consume, is sufficient and adequate
28 to properly supply the requirements of said owner for use
29 upon said acreages for said purposes; and is all the water
30 reasonably necessary therefor; and that the right to said
31 amount of water which said owner is herein found to consume,
and to be entitled to consume, is superior to all other
rights to the natural flows of said Streshley East Springs
and Streshley West Springs.

(c) Divert that portion of the flow of Willow Creek that is
available for diversion at the head of the Streshley Collecting
Ditch, at the Streshley Middle Dam and the Streshley Lower
Dam, or as much thereof as he directly applies to beneficial
use, by means of diversions at points (designated on said
map sheet as Diversions 136, 137, 138, 139, 140, 141, 142,

1 and 143) which are respectively located as

2 follows:

- 3 (136). approximately N. 46° W., approximately 1740
4 feet distant from the Southeast corner of
5 Section 11, T. 31 N., R. 12 E., M.D.B. & M.,
6 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11.
- 7 (137). approximately N. 25° E., approximately 980
8 feet distant from the Southwest corner of
9 Section 13, T. 31 N., R. 12 E., M.D.B. & M.,
10 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13.
- 11 (138). approximately S. 77° E., approximately 900
12 feet distant from the Northwest corner of
13 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
14 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24.
- 15 (139). approximately S. 52° W., approximately 2700
16 feet distant from the Northeast corner of
17 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
18 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.
- 19 (140). approximately S. 49° W., approximately 2400
20 feet distant from the Northeast corner of
21 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
22 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.
- 23 (141). approximately S. 38° W., approximately 1840
24 feet distant from the Northeast corner of
25 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
26 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.
- 27 (142). approximately S. 36° W., approximately 1830
28 feet distant from the Northeast corner of
29 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
30 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.
- 31 (143). approximately S. 12° W., approximately 2370
feet distant from the Northeast corner of
Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.

That the average amount of water during any seven day
period which said owner consumes, and is entitled to
consume, from said Willow Creek, together with the water
consumed under the rights hereinbefore found for said
acresages from Streshley East Springs and Streshley West
Springs, is 3.50 cubic feet per second; that said owner
consumes, and is entitled to consume, said water from
said Willow Creek during the period from March first
to October thirty-first, both dates inclusive, of

1 each year; that said amount of water which said owner
2 is herein found to consume, and to be entitled to con-
3 sume, is sufficient and adequate to properly supply the
4 requirements of said owner for use upon said acreages
5 for said purposes and is all the water reasonably nec-
6 essary therefor; that the right to said amount of water
7 from the natural flow of Willow Creek which said owner
8 is herein found to consume, and to be entitled to consume,
9 is inferior and subject to the aggregate of consumptive
10 rights from said Willow Creek of 5.98 cubic feet per
11 second of the owners of all diversions from said Creek
12 above the Neuhaus Ditch (designated on said map sheet
13 No. 5 as Diversion 120), is equal in priority and cor-
14 relative in right with the aggregate of other consumptive
15 rights from said Creek of 21.50 cubic feet per second of
16 the owners of all diversions from said Creek from said
17 Neuhaus Ditch down to and including the Bantley Willow
18 Ditch (designated on Map Sheet No. 4 as Diversion 148),
19 and is superior to all other rights to the natural flow
20 of said Willow Creek; and that said owner is obligated
21 either to deliver the drainage flow from said acreages
22 back to the channel of said Willow Creek above the South
23 line of the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 24, T. 31 N., R. 12 E.,
24 M.D.B. & M., or to limit his diversions to such an
25 extent that no material drainage occurs therefrom.

26 XII

27 That John M. Hagata and Anne Hagata are the owners of the following
28 described acreages of land:

29 13.5 acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$ Section 12, T. 31 N., R. 12 E., M.D.B. & M.
30 23.2 acres in $SW\frac{1}{4}$ $SE\frac{1}{4}$ Section 12, T. 31 N., R. 12 E., M.D.B. & M.
31 34.2 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section 12, T. 31 N., R. 12 E., M.D.B. & M.
35.1 acres in $NE\frac{1}{4}$ $SE\frac{1}{4}$ Section 12, T. 31 N., R. 12 E., M.D.B. & M.
13.3 acres in Lot 2 of Section 7, T. 31 N., R. 13 E., M.D.B. & M.

1 38.8 acres in Lot 3 of Section 7, T. 31 N., R. 13 E., M.D.B. & M.
2 14.1 acres in Lot 4 of Section 7, T. 31 N., R. 13 E., M.D.B. & M.
3 172.2 acres - Total

4 that said lands are irrigated by said owners; that said lands are depicted in
5 green upon Map Sheet No. 5 of Exhibit "A" hereof; that said owners impound
6 the natural flow of Hagata Canyon in the Hagata Reservoir at a point (desig-
7 nated on said Map Sheet as Diversion 162) which bears approximately S 17° E.,
8 approximately 2100 feet distant from the Northwest corner of Section 7, T. 31
9 N., R. 13 E., M.D.B. & M., being within Lot 2 of said Section 7; that the
10 amount of water which said owners impound, and are entitled to impound, in
11 said reservoir is 100 acre-feet per annum, said water to be collected from
12 the natural flow of said canyon at any time throughout the year without regard
13 to season; that said owners use, and are entitled to use said water so im-
14 pounded for domestic and stock watering purposes and for the irrigation of
15 said acreages of land; and that the right to said amount of water which said
16 party is herein found to impound, and to be entitled to impound, is superior
17 to all other rights to the natural flow of said Hagata Canyon.

18 That said John M. Hagata and Anne Hagata are also the owners of the
19 following described acreages of land:

20 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
21 31.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
22 27.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
23 6.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
24 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
25 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 31 N., R. 12 E., M.D.B. & M.
26 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
27 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
28 39.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
29 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
30 14.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
31 4.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 31 N., R. 12 E., M.D.B. & M.
 286.9 acres - Total

that said lands are irrigated by said owners; that said lands are depicted in
green upon Map Sheet No. 5 of Exhibit "A" hereof; that the waters of said
Willow Creek within its natural channel, flow, as they are accustomed to flow
by nature, down, to, over, upon and across said lands; that said owners
divert and use, and are entitled to divert and use, water from said Willow
Creek, upon said lands for domestic, stock watering and irrigation purposes

1 by means of the Hagata Upper Ditch, Willow Slough, Hagata Middle Ditch, and
2 Hagata-Bantley Ditch at points (designated on said Map Sheet respectively
3 as Diversions 144, 145, 146 and 147) which are respectively located as follows:

4 (144). approximately N. 7° W., approximately 2600
5 feet distant from the Southeast corner of
6 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
7 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24.

8 (145). approximately N. 9° W., approximately 1920
9 feet distant from the Southeast corner of
10 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
11 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24.

12 (146). approximately N. 17° W., approximately 790
13 feet distant from the Southeast corner of
14 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
15 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24.

16 (147). approximately N. 51° W., approximately 140
17 feet distant from the Southeast corner of
18 Section 24, T. 31 N., R. 12 E., M.D.B. & M.,
19 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24.

20 that the average amount of water during any seven day period which said owners
21 consume, and are entitled to consume, from said Willow Creek upon said
22 acreages is 2.25 cubic feet per second; that said owners consume, and are
23 entitled to consume, said water from said Willow Creek during the period from
24 March first to October thirty-first, both dates inclusive, of each year;
25 that said amount of water which said owners are herein found to consume, and
26 to be entitled to consume, is sufficient and adequate to properly supply the
27 requirements of said owners for use upon said acreages for said purposes and
28 is all the water reasonably necessary therefor; that the right to said amount
29 of water from the natural flow of Willow Creek which said owners are herein
30 found to consume, and to be entitled to consume, is inferior and subject to
31 the aggregate of consumptive rights from said Willow Creek of 5.98 cubic feet
per second of the owners of all diversions from said creek above the Neuhaus
Ditch (designated on said Map Sheet No. 5 as Diversion 120), is equal in
priority and correlative in right with the aggregate of other consumptive
rights from said creek of 22.75 cubic feet per second of the owners of all
diversions from said creek from said Neuhaus Ditch down to and including the
Bantley Willow Ditch (designated on Map Sheet No. 4 as Diversion 148), and

1 is superior to all other rights to the natural flow of said Willow Creek; and
2 that said owners are obligated either to deliver the drainage flow from said
3 acreages back to the channel of said Willow Creek above the East line of the
4 NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 31 N., R. 12 E., M.D.B. & M., or to limit their
5 diversions to such an extent that no material drainage occurs therefrom.
6

7 XIII

8 That Roy S. Loiselles and Carrie Loiselles are the owners of the
9 following described acreages of land:

10 2.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
11 2.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
12 26.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
13 20.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
14 13.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
15 0.5 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T. 29 N., R. 14 E., M.D.B. & M.
16 65.2 acres - Total

17 that said lands are irrigated by said owners; that said lands are depicted in
18 green upon Map Sheet No. 7 of Exhibit "A" hereof; that the waters of said
19 Willow Creek within its natural channel, flow, as they are accustomed to
20 flow by nature, down, to, over, upon and across said lands; that said owners
21 divert and use, and are entitled to divert and use, water from said Willow
22 Creek upon said lands for domestic, stock watering and irrigation purposes by
23 means of the Cummings East Ditch and the Cummings West Ditch at points (desig-
24 nated on said map sheet respectively as Diversions 151 and 152) which are
25 respectively located as follows:

26 (151). approximately S. 72° W., approximately 2320
27 feet distant from the Northeast corner of
28 Section 6, T. 29 N., R. 14 E., M.D.B. & M.,
29 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6.

30 (152). approximately S. 74° W., approximately 2380
31 feet distant from the Northeast corner of
Section 6, T. 29 N., R. 14 E., M.D.B. & M.,
being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6.

that the average amount of water during any seven-day period which said owners
consume, and are entitled to consume, from said Willow Creek upon said acreages
is 0.80 cubic foot per second; that said owners consume, and are entitled to
consume, said water from said Willow Creek during the period from March first
to October thirty-first, both dates inclusive, of each year; that said amount

1 of water which said owners are herein found to consume, and to be entitled
2 to consume, is sufficient and adequate to properly supply the requirements of
3 said owners for use upon said acreages for said purposes and is all the water
4 reasonably necessary therefor; that the right to said amount of water from the
5 natural flow of Willow Creek which said owners are herein found to consume,
6 and to be entitled to consume, is composed of 0.15 cubic foot per second of
7 first priority class, 0.15 cubic foot per second of second priority class,
8 and 0.50 cubic foot per second of third priority class, said first priority
9 class embracing the aggregate of 0.30 cubic foot per second of net consumptive
10 rights and 2.80 cubic feet per second of gross diversion rights, said second
11 priority class embracing the aggregate of 0.45 cubic foot per second of net
12 consumptive rights and 18.90 cubic feet per second of gross diversion rights,
13 said third priority class embracing the aggregate of 0.50 cubic foot per second
14 of net consumptive rights and 30.67 cubic feet per second of gross diversion
15 rights, and all of said rights in each priority class being equal in priority
16 and correlative in right; and that said owners are obligated either to deliver
17 the drainage flow from said acreages back to the channel of said Willow Creek
18 above the South line of Section 6, T. 29 N., R. 14 E., M.D.B. & M., or to limit
19 their diversions to such an extent that no material drainage occurs therefrom.

20 XIV

21 That Robert Satica, Bernardina Satica, Miguel Satica and Fernanda
22 Satica are the owners of the following described acreages of land:

23 1.0 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T. 29 N., R. 11 E., M.D.B. & M.
24 25.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
25 23.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
26 39.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
27 8.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
28 6.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
29 28.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
30 26.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
31 0.8 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
31.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
15.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 29 N., R. 11 E., M.D.B. & M.
0.5 acre in Lot 2 of Section 19, T. 29 N., R. 12 E., M.D.B. & M.
2.0 acres in Lot 1 of Section 19, T. 29 N., R. 12 E., M.D.B. & M.
209.1 acres - Total

1 that the waters of Satica North Springs, Satica Upper House Springs, Gayman
2 Spring, Satica Lower House Spring, and Gold Run Creek flow, as they are accus-
3 tomed to flow by nature, down, to, over, upon and across said lands; that
4 said lands are irrigated by said owners; that said lands are depicted in green
5 upon Map Sheet No. 3 of Exhibit "A" hereof; that said owners divert and use,
6 and are entitled to divert and use, water upon said lands for domestic, stock
7 watering, and irrigation purposes as follows:

8 (a) Divert the entire natural flows of Satica North Springs,
9 Satica Upper House Springs, Gayman Spring, and Satica
10 Lower House Spring by means of the ditches, pipe lines
11 and channels leading from said springs, or as much thereof
12 as they directly apply to beneficial use, at points (desig-
13 nated on said map sheet respectively as Diversions 190, 191,
14 193, and 194) which are respectively located as follows:

15 (190). approximately S. 18° E., approximately 2550
16 feet distant from the Northwest corner of
17 Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24.

18 (191). approximately S. 35° E., approximately 630
19 feet distant from the Northwest corner of
Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24.

20 (193). approximately N. 62° E., approximately 2140
21 feet distant from the Southwest corner of
22 Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24.

23 (194). approximately S. 25° W., approximately 2650
24 feet distant from the Northeast corner of
Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.

25 that said owners divert, and are entitled to divert the en-
26 tire flows of said springs for beneficial use continuously
27 throughout the year without regard to season; and that the
28 rights to said amounts of water which said owners are herein
29 found to divert and use, and to be entitled to divert and
30 use, are superior to all other rights to the natural flows
31 of said Satica North Springs, Satica Upper House Spring,

1 Gayman Spring, and Satoca Lower House Spring.

2 (b) Divert the natural flow of Gold Run Creek through
3 the Satoca Upper North Ditch, Satoca Upper South Ditch,
4 Satoca Middle North Ditch, Satoca Lower South Ditch,
5 and Satoca Lower North Ditch by means of diversions at
6 points (designated on said Map Sheet respectively as
7 Diversions 187, 188, 189, 192, and 195) which are re-
8 spectively located as follows:

9 (187). approximately N. 35° W., approximately 2470
10 feet distant from the Southeast corner of
11 Section 23, T. 29 N., R. 11 E., M.D.B. & M.,
being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

12 (188). approximately N. 28° W., approximately 2280
13 feet distant from the Southeast corner of
14 Section 23, T. 29 N., R. 11 E., M.D.B. & M.,
being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

15 (189). approximately N. 26° W., approximately 2260
16 feet distant from the Southeast corner of
17 Section 23, T. 29 N., R. 11 E., M.D.B. & M.,
18 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

19 (192). approximately S. 49° E., approximately 3510
20 feet distant from the Northwest corner of
21 Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24.

22 (195). approximately S. 38° W., approximately 2330
23 feet distant from the Northeast corner of
24 Section 24, T. 29 N., R. 11 E., M.D.B. & M.,
25 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.

26 that the total amount of water which said owners divert,
27 and are entitled to divert, through any or all of said
28 ditches, for said purposes is 3.85 cubic feet per second,
29 or as much thereof as they directly apply to beneficial
30 use; that said owners divert, and are entitled to divert,
31 said water from said Gold Run Creek during the period
from March first to October thirty-first, both dates inclu-
sive, of each year; that said amount of water which said
owners are herein found to divert, and to be entitled to
divert, is sufficient and adequate to properly supply the
requirements of said owners for use on said acreages for

1 said purposes and is all the water reasonably necessary
 2 therefor; and that the right to said amount of water
 3 from the natural flow of Gold Run Creek which said
 4 owners are herein found to divert, and to be entitled
 5 to divert, is composed of 0.65 cubic foot per second
 6 of first priority class and 3.20 cubic foot per second
 7 of second priority class, said first priority class em-
 8 bracing the aggregate of 1.30 cubic feet per second of
 9 gross diversion rights, said second priority class
 10 embracing the aggregate of 21.20 cubic feet per second
 11 of gross diversion rights, and all of said rights in
 12 each priority class being equal in priority and corre-
 13 lative in right.

14 XV

15 That Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land and Live-
 16 stock Company are the owners of the following described acreages of land:

17 32.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 18 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 19 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 20 26.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 21 13.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 22 9.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 23 12.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 24 8.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 25 28.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 26 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 27 38.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 28 32.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 29 N., R. 13 E., M.D.B. & M.
 29 32.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 30 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 31 5.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 25.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 29.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 38.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 14.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
 476.1 acres - Total

27 that the waters of Susan River flow, as they are accustomed to flow by nature,
 28 down, to, over, and across all of said lands, except 43.5 acres in the NE $\frac{1}{2}$ SE $\frac{1}{2}$
 29 of section 7, T. 29 N., R. 13 E., M.D.B. & M., and 10.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
 30 of Section 12, T. 29 N., R. 12 E., M.D.B. & M.; that said lands are irrigated
 31 by said owners; that said lands are depicted in green upon Map Sheet No. 3 of

1 Exhibit "A" hereof; that said owners divert and use, and are entitled to divert
2 and use, water from Susan River upon said lands for domestic, stock watering
3 and irrigation purposes by means of the A and B Canal which diverts at a point
4 (designated on said Map Sheet as Diversion 41) which bears approximately S. 40°
5 W., approximately 3000 feet distant from the Northeast corner of Section 11,
6 T. 29 N., R. 12 E., M.D.B. & M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11;
7 that the total amount of water which said owners divert, and are entitled to
8 divert, through said A and B Canal is 4.33 cubic feet per second, which is
9 equivalent to six and one-half shares out of a total of twenty-four shares in
10 the old Buggytown Ditch, or as much thereof as they directly apply to beneficial
11 use; that said owners divert, and are entitled to divert, said water from said
12 Susan River during the period from March first to October thirty-first, both
13 dates inclusive, of each year, except that no water shall be diverted by said
14 owners during the first five days of June unless the flow of Susan River mea-
15 sured above its confluence with Willow Creek exceeds 20 cubic feet per second;
16 and that the right to said amount of water from the natural flow of said Susan
17 River which said owners are herein found to divert, and to be entitled to
18 divert, is inferior and subject to the aggregate of first priority gross diversion
19 rights from said Susan River of 15.95 cubic feet per second, is equal in prior-
20 ity and correlative in right with the aggregate of other second priority gross
21 diversion rights from said river of 65.22 cubic feet per second, and is superior
22 to all other rights to the natural flow of said Susan River.

23 That said Rees T. Jenkins, Kate Jenkins, and Rees T. Jenkins Land
24 and Livestock Company are also the owners of the following described acreages
25 of land:

26 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T. 29 N., R. 12 E., M.D.B. & M.
27 28.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 29 N., R. 12 E., M.D.B. & M.
28 35.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 13 E., M.D.B. & M.
29 23.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 29 N., R. 13 E., M.D.B. & M.
30 128.1 acres - Total

29 that the waters of Susan River flow, as they are accustomed to flow by nature,
30 down, to, over and across said lands; that said lands are irrigated by said
31 owners; that said lands are depicted in green upon Map Sheet No. 3 of Exhibit

1 "A" hereof; that said owners divert and use, and are entitled to divert and
2 use, water from Susan River upon said lands for domestic, stock watering
3 and irrigation purposes by means of Jensen Slough, Brockman Slough, or the
4 Cramer Ditch (designated on said Map Sheet respectively as Diversions 13,
5 17 and 28) which divert at points respectively located as follows:

6
7 (13). approximately S. 69° W., approximately 2050
8 feet distant from the Northeast corner of Sec-
9 tion 4, T. 29 N., R. 12 E., M.D.B. & M., being
10 within Lot 2 of said Section 4.

11
12 (17). approximately S. 1° W., approximately 1360
13 feet distant from the Northeast corner of Sec-
14 tion 4, T. 29 N., R. 12 E., M.D.B. & M., being
15 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 4.

16
17 (28). approximately N. 75° E., approximately 2020
18 feet distant from the Southwest corner of Sec-
19 tion 2, T. 29 N., R. 12 E., M.D.B. & M., being
20 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2;

21 that the total amount of water which said owners divert, and are entitled to
22 divert, through said diversions is 1.80 cubic feet per second, or as much
23 thereof as they directly apply to beneficial use; that said owners divert,
24 and are entitled to divert, said water from said Susan River during the period
25 from March first to October thirty-first, both dates inclusive, of each year;
26 that said amount of water which said owners are herein found to divert,
27 and to be entitled to divert, is sufficient and adequate to properly supply
28 the requirements of said owners for use upon said acreages for said purposes
29 and is all the water reasonably necessary therefor; and that the right to
30 said amount of water from the natural flow of said Susan River which said
31 owners are herein found to divert, and to be entitled to divert, is inferior
and subject to the aggregate of first priority gross diversion rights from
said Susan River of 15.95 cubic feet per second, is equal in priority and
correlative in right with the aggregate of other second priority gross diver-
sion rights from said river of 65.75 cubic feet per second, and is superior
to all other rights to the natural flow of said Susan River.

1 That more than twenty years prior to the commencement of this
2 action, and more than twenty years prior to the acts and conduct of said
3 Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land and Livestock Company,
4 a corporation, as hereinafter set forth, Seymour Case and Sadie Case,
5 James B. Leavitt, Grace Ellen Elledge, Fannie Leavitt Gunter, C. A. Leavitt,
6 V. B. Leavitt, D. E. Leavitt and Beulah C. Coonie, and their predecessors
7 in interest, entered upon the above described lands of said Rees T. Jenkins,
8 Kate Jenkins and Rees T. Jenkins Land and Livestock Company, a corporation,
9 under color of title and claim of right so to do and constructed on said
10 lands and in and across the channel of said Susan River a certain dam,
11 now known as Ripley or Leavitt Dam, approximately ten feet in height above
12 the stream bed of said river, and constructed a ditch leading therefrom
13 across said lands, which said ditch has a capacity of 9.15 cubic feet per
14 second, and is now known as and called the Leavitt Ditch; that from and
15 after the construction of said dam and ditch as aforesaid, said Seymour
16 Case and Sadie Case, James B. Leavitt, Grace Ellen Elledge, Fannie Leavitt
17 Gunter, C. A. Leavitt, V. B. Leavitt, D. E. Leavitt and Beulah C. Coonie,
18 and their predecessors in interest, used and maintained the same for the
19 diversion of the waters of said Susan River, for the use whereof it is
20 herein found said Seymour Case and Sadie Case, James B. Leavitt, Grace Ellen
21 Elledge, Fannie Leavitt Gunter, C. A. Leavitt, V. B. Leavitt, D. E. Leavitt
22 and Beulah C. Coonie, are entitled, from said Susan River into and through
23 said Leavitt Ditch under color of title and claim of right so to do, actually,
24 openly, notoriously, continuously, peaceably and uninterruptedly, which acts
25 and conduct as aforesaid were hostile and adverse to the whole world and
26 particularly to said Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins
27 Land and Livestock Company, a corporation, and their predecessors in interest
28 and with their knowledge and acquiescence for a period of more than twenty
29 years prior to the acts and conduct of said Rees T. Jenkins, Kate Jenkins
30 and Rees T. Jenkins Land and Livestock Company, a corporation, as herein-
31 after set forth; that said method and means of diversion are and were at

1 all of said times a reasonable means and method of diversion of said water
2 as aforesaid and are and were reasonably necessary for the purposes afore-
3 said; that at some time less than five years prior to the commencement of
4 this action said Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land
5 and Livestock Company, a corporation, without the consent and permission,
6 and against and over the protests of said Seymour Case and Sadie Case,
7 James B. Leavitt, Grace Ellen Elledge, Fannie Leavitt Gunter, C. A. Leavitt,
8 V. B. Leavitt, D. E. Leavitt and Beulah C. Coonie, commenced to divert
9 away from said Susan River and said dam certain of the waters of said
10 Susan River by means of a pump and pipes in such a manner as to materially
11 decrease the available amount of water, which said dam and ditch are
12 capable of diverting as aforesaid and to which said Seymour Case and
13 Sadie Case, James B. Leavitt, Grace Ellen Elledge, Fannie Leavitt Gunter,
14 C. A. Leavitt, V. B. Leavitt, D. E. Leavitt and Beulah C. Coonie are
15 entitled and to interfere with and deprive them of the use thereof, and
16 said Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land and Livestock
17 Company, a corporation, claim and assert the right so to do, but said
18 claim and asserted right is without just basis or foundation, and said
19 Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land and Livestock
20 Company, a corporation, have no right to use or divert water from said
21 dam, or from the backwater thereof, by said or any means and should be
22 enjoined from using and diverting said water as aforesaid or from other-
23 wise or in any manner interfering with the use or maintenance of said
24 dam and ditch as aforesaid.

That A. C. Barham and Delta M. Barham are the owners of the following described acreages of land:

30.8 acres in $SE\frac{1}{4}$ $NE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 29.3 acres in $SW\frac{1}{4}$ $NE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 31.4 acres in $NE\frac{1}{4}$ $SE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 40.0 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 40.0 acres in $SW\frac{1}{4}$ $SE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 33.5 acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$ Section 8, T. 29 N., R. 13 E., M.D.B. & M.
 21.3 acres in $SW\frac{1}{4}$ $SW\frac{1}{4}$ Section 9, T. 29 N., R. 13 E., M.D.B. & M.
 5.1 acres in $NW\frac{1}{4}$ $SW\frac{1}{4}$ Section 9, T. 29 N., R. 13 E., M.D.B. & M.
16.6 acres in $NW\frac{1}{4}$ $NE\frac{1}{4}$ Section 17, T. 29 N., R. 13 E., M.D.B. & M.
 248.0 acres - Total

that the waters of Susan River flow, as they are accustomed to flow by nature, down, to, over and across said lands; that said lands are irrigated by said owners; that said lands are depicted in green upon Map Sheet No. 3 of Exhibit "A" hereof; that said owners divert and use, and are entitled to divert and use, water from Susan River upon said lands for domestic, stock watering and irrigation purposes by means of the A and B Canal and the Barham Ditch (designated on said Map Sheet respectively as Diversions 41 and 46) which divert at points respectively located as follows:

- (41). approximately S. 40° W., approximately 3000 feet distant from the Northeast corner of Section 11, T. 29 N., R. 12 E., M.D.B. & M., being within the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 11.
- (46). approximately S. 55° W., approximately 3050 feet distant from the Northeast corner of Section 8, T. 29 N., R. 13 E., M.D.B. & M., being within the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 8.

that the total amount of water which said owners divert, and are entitled to divert, through said diversions is 3.10 cubic feet per second, or its equivalent if rotated, or as much thereof as they directly apply to beneficial use; that said owners divert, and are entitled to divert, all or any portion of said total amount of water through said Barham Ditch, but not more than 1.67 cubic feet per second, through said A and B Canal; that said owners divert, and are entitled to divert, said water from said Susan River during the period from March first to October thirty-first, both dates inclusive, of each year; that said owners use, and are entitled to use any drainage waters that may at any time flow onto said lands; that said amount of water which said owners are

1 herein found to divert, and to be entitled to divert, is sufficient and adequate
2 to properly supply the requirements of said owners for use upon said acreages
3 for said purposes and is all the water reasonably necessary therefor; that the
4 right herein found for said owners in the use of said Barham Ditch and diversion
5 dam together with the right herein found for May L. Leavitt is subject to the
6 judgment of the above entitled court in the case of Barham vs. Kelley No. 3037;
7 and that the right to said amount of water from the natural flow of said Susan
8 River which said owners are herein found to divert, and to be entitled to divert,
9 is inferior and subject to the aggregate of first priority gross diversion
10 rights from said Susan River of 15.95 cubic feet per second, is equal in prior-
11 ity and correlative in right with the aggregate of other second priority gross
12 diversion rights from said river of 64.45 cubic feet per second, and is superior
13 to all other rights to the natural flow of said Susan River.

14 XVII

15 That Edward Lucas is the owner of 3.0 acres in Lot 1 and 0.2 acre
16 in the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 4, T. 29 N., R. 12 E., M.D.B. & M., lying between
17 the State Highway and the Old Channel of Susan River; that the waters of Susan
18 River flow, as they are accustomed to flow by nature, down, to, over and across
19 said lands; that said lands are irrigated by said owner; that said lands are
20 depicted in green upon Map Sheet No. 10 of Exhibit "A" hereof; that said owner
21 diverts and uses, and is entitled to divert and use, water from Susan River
22 upon said lands for domestic and irrigation purposes by means of the Lucas
23 Pump at a point (designated on said Map Sheet as Diversion 15) approximately
24 S. 51° W., approximately 1530 feet distant from the Northeast corner of Section
25 4, T. 29 N., R. 12 E., M.D.B. & M., being within Lot 1 of said Section 4; that
26 the total amount of water which said owner diverts, and is entitled to divert,
27 by means of said pump is 0.04 cubic foot per second or its equivalent if
28 rotated, or as much thereof as he directly applies to beneficial use; that said
29 owner diverts, and is entitled to divert, said water from said Susan River
30 during the period from March first to October thirty-first, both dates inclu-
31 sive, of each year; that said amount of water which said owner is herein found

1 to divert, and to be entitled to divert, is sufficient and adequate to pro-
2 perly supply the requirements of said owner for use upon said acreages for
3 said purposes and is all the water reasonably necessary therefor; and that
4 the right to said amount of water from the natural flow of said Susan River
5 which said owner is herein found to divert, and to be entitled to divert, is
6 inferior and subject to an aggregate of first priority gross diversion rights
7 from said Susan River of 15.95 cubic feet per second, is equal in priority
8 and correlative in right with an aggregate of other second priority gross
9 diversion rights from said river of 67.51 cubic feet per second, and is superi-
10 or to all other rights to the natural flow of said Susan River.

11 XVIII

12 That U. J. Travis is the owner of 2.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 7.4
13 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, and 0.6 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11,
14 all in T. 29 N., R. 12 E., M.D.B. & M., lying between Travis Lane and the
15 channel of Susan River; that the waters of said Susan River flow, as they are
16 accustomed to flow by nature, down, to, over and across said lands; that said
17 lands are irrigated by said owner; that said lands are shown upon Map Sheet No.
18 3 of Exhibit "A" hereof; that said owner diverts and uses, and is entitled to
19 divert and use, water from said Susan River upon said lands for domestic, stock
20 watering and irrigation purposes by means of the Travis Pump at a point (desig-
21 nated on said Map Sheet as Diversion 42) approximately S. 9° E., approximately
22 1840 feet distant from the Northwest corner of Section 12, T. 29 N., R. 12 E.,
23 M.D.B. & M., being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12; that the total amount
24 of water which said owner diverts, and is entitled to divert, by means of said
25 pump is 0.13 cubic foot per second or its equivalent if rotated, or as much
26 thereof as he directly applies to beneficial use; that said owner diverts, and
27 is entitled to divert, said water from said Susan River during the period from
28 March first to October thirty-first, both dates inclusive, of each year; that
29 said amount of water which said owner is herein found to divert, and to be
30 entitled to divert, is sufficient and adequate to properly supply the require-
31 ments of said owner for use upon said acreages for said purposes and is all

1 the water reasonably necessary therefor; and that the right to said amount of
2 water from the natural flow of said Susan River which said owner is herein
3 found to divert, and to be entitled to divert, is inferior and subject to an
4 aggregate of first priority gross diversion rights from said Susan River of
5 15.95 cubic feet per second, is equal in priority and correlative in right
6 with an aggregate of other second priority gross diversion rights from said
7 river of 67.42 cubic feet per second, and is superior to all other rights to
8 the natural flow of said Susan River.

9 XIX

10 The lands of defendant R. H. Cross are correctly depicted on Map
11 Sheet No. 9 of Exhibit "A" hereof; the descriptions of three tracts of said
12 lands as set forth on Sheet 7 of Table 1 in Exhibit "A" hereof, and on Sheet
13 7 of Schedule 1 in the Stipulation for Judgment on file in the above entitled
14 cause are in error; and that the correct descriptions of said lands on said
15 Sheet 7 under the name of R. H. Cross are as follows:

16 8.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 31 N., R. 14 E., M.D.B. & M.
17 11.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 31 N., R. 14 E., M.D.B. & M.
18 6.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 31 N., R. 14 E., M.D.B. & M.
19 0.7 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 31 N., R. 14 E., M.D.B. & M.
20 0.7 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 31 N., R. 14 E., M.D.B. & M.
21 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 31 N., R. 14 E., M.D.B. & M.
22 0.2 acre in Lot 2, Section 18, T. 31 N., R. 14 E., M.D.B. & M.
23 0.1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 31 N., R. 14 E., M.D.B. & M.
24 6.4 acres in Lot 3, Section 18, T. 31 N., R. 14 E., M.D.B. & M.
25 1.6 acres in Lot 2, Section 13, T. 31 N., R. 14 E., M.D.B. & M.
26 8.8 acres in Lot 3, Section 13, T. 31 N., R. 14 E., M.D.B. & M.
27 4.8 acres in Lot 4, Section 13, T. 31 N., R. 14 E., M.D.B. & M.
28 32.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 31 N., R. 14 E., M.D.B. & M.

29 CONCLUSIONS OF LAW

30 And as conclusions of law from the foregoing facts, the referee finds:

31 1. All of the acreages hereinbefore found as owned by James Streshley,
the acreages lying in Sections 24 and 25, T. 31 N., R. 12 E., M.D.B. & M., here-
inbefore found as owned by John M. Hagata and Anne Hagata, and the acreages
hereinbefore found as owned by Roy S. Loisel and Carrie Loisel are riparian
to Willow Creek; all of the acreages hereinbefore found as owned by Robert
Satica, Bernardina Satica, Miguel Satica and Fernanda Satica are riparian to
Gold Run Creek; all of the acreages hereinbefore found as owned by A. C. Bar-
ham and Delta M. Barham, Edward Lucas, and U. J. Travis are riparian to Susan

1 River; and all of the acreages hereinbefore found as owned by Rees T. Jenkins,
2 Kate Jenkins and Rees T. Jenkins Land and Livestock Company, except 53.5 acres
3 in the $N\frac{1}{2}$ $S\frac{1}{2}$ of Section 7 and $NW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 12, T. 29 N., R. 12 E., M.D.B.
4 & M., are riparian to Susan River.

5 2. All rights of first priority class hereinbefore found in and to
6 the natural flow of Willow Creek are equal in priority and correlative in right
7 and are superior to all other rights in and to the natural flow of said Willow
8 Creek; all rights of second priority class hereinbefore found in and to the
9 natural flow of said Willow Creek are equal in priority and correlative in
10 right, are inferior and subject to all said rights of first priority class,
11 and are superior to all other rights in and to the natural flow of said Willow
12 Creek; all rights of first priority class hereinbefore found in and to the
13 natural flow of Gold Run Creek are equal in priority and correlative in right
14 and are superior to all other rights in and to the natural flow of said Gold
15 Run Creek; all rights of second priority class hereinbefore found in and to
16 the natural flow of said Gold Run Creek are equal in priority and correlative
17 in right, are inferior and subject to all said rights of first priority class,
18 and are superior to all other rights in and to the natural flow of said Gold
19 Run Creek; all rights of first priority class hereinbefore found in and to the
20 natural flow of Susan River are equal in priority and correlative in right and
21 are superior to all other rights in and to the natural flow of said Susan River;
22 all rights of second priority class in and to the natural flow of said Susan
23 River are equal in priority and correlative in right, are inferior and subject
24 to all said rights of first priority class, and are superior to all other
25 rights in and to the natural flow of said Susan River.

26 3. That the lands now owned by defendants J. R. Collier and Jessie
27 H. Collier were purchased from Roy R. Ramsey, predecessor of Elberta DeForest,
28 together with a proportional interest in the Ramsey water right in the Ramsey
29 Ditch from Susan River; the proportional share of said water right belonging
30 to said J. R. Collier and Jessie H. Collier is 0.032 cubic foot per second in
31 first priority class and 0.058 cubic foot per second in second priority class

1 making a total allotment of 0.09 cubic foot per second instead of 0.013 cubic
2 foot per second as set forth on Sheet 1 of Schedule 5 in the stipulation for
3 judgment on file in the above entitled cause; and the remaining proportional
4 share of said water right belonging to said Elberta DeForest is 1.133 cubic
5 feet per second in first priority class and 2.09 cubic feet per second in second
6 priority class making a total allotment of 3.223 cubic feet per second instead
7 of 3.30 cubic feet per second as set forth on Sheet 1 of Schedule 5 in said
8 Stipulation for Judgment.

9 4. That whenever Willow Creek is referred to herein, or in said
10 stipulation for judgment and its schedules, that reference includes the tribu-
11 taries of Willow Creek; that whenever Piute Creek is referred to herein, or in
12 said stipulation for judgment and its schedules, that reference includes the
13 tributaries of Piute Creek; that whenever Gold Run Creek is referred to herein,
14 or in said stipulation for judgment and its schedules, that reference includes
15 the tributaries of Gold Run Creek; that whenever Lassen Creek is referred to
16 herein, or in said stipulation for judgment and its schedules, that reference
17 includes the tributaries of Lassen Creek; and that whenever Susan River is
18 referred to herein, or in said stipulation for judgment and its schedules,
19 that reference includes all the tributaries of Susan River except said Willow
20 Creek, Piute Creek, Gold Run Creek and Lassen Creek.

21 5. All of the provisions of the stipulation for judgment, except
22 as hereinafter specifically provided, which are general in character and
23 pertinent to the rights of Reno National Bank, James Streshley, the Hagatas,
24 the Loiselles, the Saticas, the Jenkins, the Barhamis, Edward Lucas, and U. J.
25 Travis, as said rights are hereinbefore found in findings IX to XVII, and
26 specifically, those provisions of said stipulation in paragraphs 3, 4, 5, 6,
27 7, 8, 9, 10, 11, 12, 13, 44, 45, 46, 47 and 48 (which relate to the definition
28 of "natural flow"; the definition of "available water supply of Willow Creek and
29 Susan River below Willow Creek"; the definition of "available water supply of
30 Gold Run Creek and its tributaries"; the definition of "available water supply
31 of Lassen Creek and its tributaries"; the definition of "available water supply
of Piute Creek and its tributaries"; the definition of "available water supply
of Susan River and Lower Willow Creek"; the definition of "available water

1 supply of Susan River Stream system subject to allotments of Schedules 3, 4
2 and 5"; the "Division of Water Resources Map"; the points of diversion and
3 points of measurement of allotments made; seasons of diversions; agreements
4 to pool interests; rotation agreements; water master supervision; installation
5 of permanent diversion works, headgates and measuring devices; injunctive
6 provisions; and costs of suit and expenses incurred by the Division as referee)
7 are applicable to said rights of said Reno National Bank, James Streshley,
8 the Hagatas, the Loiselles, the Saticas, the Jenkins, the Barhams, Edward
9 Lucas and U. J. Travis and should be recognized in the decree to be entered
10 herein as so applicable.

11 6. Substitution of parties should be made and other parties
12 should be dismissed as appears proper from the findings hereinbefore made.

13 7. Diversions at any time in excess of a quantity of water
14 reasonably necessary and being put to beneficial use should be prohibited by
15 the judgment and decree in this action.

16 8. The judgment and decree in this action should supersede all
17 former judgments and decrees as to the water rights involved, except the de-
18 crees of the above entitled court in the cases of Barham vs. Kelly, No. 3037,
19 and Frank Buffum, et ux. vs. Lassen Irrigation Company, No. 4099.

20 9. Nothing contained in the judgment and decree in this action
21 should restrict the right of the defendant, Fruit Growers Supply Company,
22 its successors and assigns, to continue in the future the use, repair, replace-
23 ment and maintenance of the pumps and wells used by said company in pumping
24 water from below the surface of its lands, or the use of such water on its
25 lands in addition to the water herein allotted to it, for stock, irrigation,
26 domestic, and/or industrial purposes, the allotments to said Fruit Growers
27 Supply Company hereinabove provided for being allotments of surface waters of
28 said Susan River and its tributaries.

30 10. The intent of paragraphs 11, 12 and 25 of the stipulation for
31

1 judgment as intended by the various signatory parties is more clearly set
2 forth by use of the following language and said paragraphs 11, 12 and 25
3 should be construed as though written as follows:

4 "11. All of the allotments of water hereinafter provided
5 shall be diverted from the Susan River stream system
6 at the present points of diversion of the respective
7 ditches, as said points of diversion are hereinafter
8 described; and the points of measurement of all allot-
9 ments of water hereinafter provided shall be at or near
10 the respective points of diversion from said Susan River
11 and its tributaries; except as to the allotments herein-
12 after provided for Mabel Jackson, Sam Jackson, Edward
13 Jackson, Andrew Jackson, Marian Jackson, Erma Jackson
14 and Lillian Jackson, Mary S. Murrer, Patrick H. Walsh
15 and Margarite Walsh, James Streshley, John M. Hagata
16 and Anne Hagata, Ed Lanigar, H. W. Lanigar, Ada L.
17 Elledge and Edna E. Elledge, Wilson E. Mallery, Antone
18 Bantley and Ada E. Bantley, H. E. Nett, Richard Castneleas
19 and Fay Castneleas, and Roy S. Loiselle and Carrie Loiselle
20 from Willow Creek and its tributaries, the allotment here-
21 inafter provided for the Federal Land Bank of Berkeley
22 from Lassen Creek, and the allotments hereinafter pro-
23 vided for California Utilities Company, Frank Gehrig,
24 Salvina Forno, Fred H. Taylor, Blanche L. Taylor, George
25 H. Taylor and Katherine Taylor, Joseph L. French and
26 Winifred B. French, J. M. Gottfredson, Cyril C. Houghton
27 and Eleanora Houghton, and Jennie A. Boggs from Piute
28 Creek and its tributaries which said allotments are here-
29 inafter specified in terms of quantity allowed for net
30 consumptive use as distinguished from all other allotments
31 which are hereinafter specified in terms of quantity
allowed for gross diversion and which said allotments to
the parties named in this paragraph shall be ascertained
by measurement of the average difference during any seven
day period between (a) the waters available for use upon
their respective lands hereinafter described and (b) the
waters passing off of their respective acreages, whether
in a natural stream channel or in the process of return-
ing thereto and whether through conduits, ditches, pipes
or by drainage or other means; provided, however, that
said parties named in this paragraph shall be obligated
either to deliver the drainage flow from their respective
acreages back to the stream channel above the irrigated
lands of the next downstream water user, or to limit
their respective diversions to such an extent that no
material drainage occurs therefrom."

26 "12. All diversions for domestic, stock watering, municipal
27 and industrial purposes under the rights hereinafter
28 provided shall be for continuous usage without regard to
29 season; that the season of diversion of water for general
30 irrigation purposes under the rights hereinafter set
31 forth in Schedules 3, 4, 5 and 6, shall be for continuous
usage during the period from March 1 to October 31, both
dates inclusive, of each and every year and during said
period all rights set forth in said schedules shall be
superior to the storage rights hereinafter provided in
paragraphs 22, 23, 24, 36, 41, 42 and 43; except that
no water shall be diverted through Diversions 106 to 114,
inclusive, (said diversions being located as hereinafter

1 described in Schedule 2) between June 20 and August
2 1 of each and every year; except further, that Lassen
3 Irrigation Company shall be entitled to divert, or
4 store up to the present capacity of its reservoirs,
5 estimated at 31,500 acre-feet, from the natural flow
6 of Susan River between March 1 and July 1 of each
7 year when the flow of said Susan River is in excess
8 of 20 cubic feet per second, measured immediately
9 above the confluence of said river with Willow Creek,
10 and at all other times when the flow of said river
11 is in excess of 5 cubic feet per second measured at
12 said point, irrespective of and notwithstanding the
13 allotments granted to users in Schedules 3 and 6 and
14 to users of third priority class in Schedule 5; except
15 further that diversion shall be made from the natural
16 flow of Susan River through Diversion 44 during the
17 last two days in May of each and every year, and
18 through Diversion 41 during the first five days in
19 June of each and every year (said diversions being
20 located as hereinafter described in Schedule 2) only
21 from the flow of said Susan River in excess of 20
22 cubic feet per second measured immediately above the
23 confluence of said river with Willow Creek; and except
24 as otherwise hereinafter provided; and that during
25 the period from November 1 of each and every year to
26 the last day of February of the succeeding year, both
27 dates inclusive, the rights hereinafter provided for
28 the storage of the waters of said Susan River and its
29 tributaries shall be superior to all irrigation rights,
30 from said stream system, but said storage rights shall
31 at all times be inferior and subject to the rights from
said stream system for domestic, stock watering, municipal and industrial purposes of the parties hereto, who require water from said stream system for said domestic, stock watering, municipal and industrial purposes."

"25. B. F. Gibson and Clara E. Gibson, collectively, shall be entitled to divert from the natural flow of Balls Canyon by means of the Balls Canyon Ditch at a point (designated on Division of Water Resources Map as Diversion 250 as described in Schedule 2 hereof) and impound said water so diverted in the Ward Lake Reservoirs in an amount equal to the present capacity of said reservoirs, or approximately 9,500 acre-feet per annum; and in addition to said water so diverted and impounded, said B. F. Gibson and Clara E. Gibson shall be entitled to divert from said Balls Canyon through said ditch such water as is necessary to maintain said reservoirs full and provide a continuous flow from said reservoirs of 1.50 cubic feet per second to be directly applied to beneficial use; and said water is to be used for domestic and stock watering purposes and for the irrigation of 106.0 acres of the lands of said B. F. Gibson and Clara E. Gibson and 10.0 acres of the lands of Ray Fraley as described under their respective names under the Ward Lake Irrigation System in Schedule 1 hereof."

11. Diversion by the Tule Irrigation District and by the Baxter Creek Irrigation District into the District By-Pass Canal (designated on Map Sheet No. 5 of Exhibit "A" hereof as Diversion 121) should be restricted to

1 the excess Eagle Lake waters, if any, flowing in Willow Creek over and above
 2 a combined natural and foreign water flow at that point sufficient to meet
 3 the water requirements for uses under Diversions 122 to 148, inclusive (shown
 4 on Map Sheets No. 4 and No. 5 of said Exhibit "A"), said water requirements
 5 not to exceed 24 cubic feet per second; and that diversion into the District
 6 Re-Diversion Canal (designated on said Map Sheet No. 5 as Diversion 149) should
 7 be restricted to Eagle Lake waters, if any, flowing in said Willow Creek at
 8 that point.

9 **EXPENSES OF THE DIVISION OF WATER RESOURCES AS REFEREE**

10 The expenses incurred by the Division of Water Resources as referee
 11 in the above entitled proceedings are as itemized in the following statement:

Salaries and Wages	\$6554.02
Field Expenses	1676.02
Printing and Blueprinting	<u>263.77</u>
Total	\$8493.81

14 Said total expense is apportioned by referee against the parties to
 15 the suit in accordance with the respective maximum continuous flow equivalents
 16 of water respectively allotted herein to said parties as follows:

	<u>Maximum Continuous Flow Equivalent</u>	<u>Portion of Expense</u>
20 Steve Actis	0.06	\$ 1.65
21 Gordon Alway	0.03	.82
George B. Bailey and Annie K. Bailey	5.00	137.18
22 F. H. Bangham	1.29	35.39
Josephine T. Bangham	1.36	37.31
23 Ross E. Bangham and Harriet P. Bangham Estate	0.90	24.69
Bank of Lassen County, a corporation	8.85	242.80
24 Ada E. Bantley	1.67	45.82
Antone Bantley and Nelia M. Bantley	4.10	112.49
25 A. C. Barham and Delta M. Barham	3.10	85.05
Mardis Barry and Mabel Barry	1.05	28.81
26 J. A. Bennett and Margaret C. Bennett	9.25	253.78
Jennie A. Beggs	0.07	1.92
27 Charles S. Brockman and Bertha Brockman	1.30	35.67
John Frederick Brockman	1.30	35.67
28 Frank B. Buffum and Sara E. Buffum	1.00	27.44
Eva A. Cain	0.35	9.60
29 California Lands, Inc., a corporation	4.43	121.54
Seymour Case and Sadie Case	2.20	60.36
30 Richard Castneleas and Fay Castneleas	0.30	8.23
Frank Clabots	0.03	.82
31 J. O. Church	0.02	.55

	Maximum Continuous Flow Equivalent	Portion of Expense
1		
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4	E. T. Clark and Edith A. Clark	\$ 10.97
	Lester Clark and Lena Clark	98.77
5	J. R. Collier and Jessie H. Collier	2.47
	Abbie F. Cooper	78.19
6	Henry T. Coulthurst and Katherine C. Coulthurst	144.04
	Catherine O. Cramer	37.04
7	R. H. Cross	93.28
	Clarence E. Dakin, Elsie M. Dakin, Walter	
8	J. Dakin and Gertrude A. Dakin	85.05
	Willis H. Davis and Neva Davis Nuckolls	21.95
9	Frank Dawson and Mary E. Dawson	1.10
	Elberta DeForest	88.43
10	W. H. DeWitt and Josephine C. DeWitt	48.01
	William A. Dill and Clara F. Dill	248.29
11	E. F. Elskamp	.69
	Grace Ellen Elledge	67.22
12	Tro Emerson and Clarissa Emerson	300.42
	A. Farris and T. A. Farris	.14
13	The Federal Land Bank of Berkeley, a corporation	157.76
	J. J. Fleming, Ora Lee Fleming, Robert Fleming	
14	and Mary W. L. Fleming	526.77
	Salvina Forno	2.74
15	Harry Fitch, Bert Hostetter and Zebnor Johnson	4.12
	Joseph L. French and Winifred B. French	1.37
16	Fruit Growers Supply Company, a corporation	68.59
	Estate of Joe Garbani, and W. L. Sovy	7.68
17	Frank Gehrig	4.39
	B. F. Gibson and Clara E. Gibson	205.77
18	J. M. Gottfredson	.55
	Fannie Leavitt Gunter	41.15
19	Joe Gwerder and Annie Gwerder	15.09
	John M. Hagata and Anne Hagata	61.73
20	Fred Hansen and Vivian K. Hansen	107.00
	W. D. Haws and Mrs. W. D. Haws	2.06
21	Mary Hoffman, Fred Bantley and Rose Mallery	52.13
	Irene Holcomb and D. B. Holcomb	2.19
22	Nathan W. Holmes and Jessie P. Holmes	10.97
	Cyril C. Houghton and Eleanora Houghton	3.84
23	William G. Hulsman and Hannah F. Hulsman	126.20
	J. L. Humphrey	149.52
24	Rees T. Jenkins, Kate Jenkins and Rees T.	
	Jenkins Land and Livestock Company, a corporation	168.18
25	A. R. Jensen	45.27
	Delia Jensen and C. C. Ulrich	63.10
26	Georgia B. Jensen	43.90
	Emma F. Johnston	41.15
27	Fred Johnston, Edna L. Johnston, Edward	
	Chappius and Nancy C. Chappius	78.19
28	Ed Lanigar, H. W. Lanigar, Ada L. Elledge and	
	Edna E. Elledge	38.41
29	County of Lassen	2.47
	Lassen Irrigation Company, a corporation	1005.52
30	Lassen Lumber and Box Company, a corporation	20.91
	C. A. Leavitt, V. B. Leavitt, D. E. Leavitt	
31	and Beulah C. Coonie	41.15
	James B. Leavitt	41.15
	May L. Leavitt	60.36
	Roy S. Loiselle and Carrie Loiselle	21.95

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	Maximum Continuous Flow Equivalent	Portion of Expense
Edward Lucas	0.04	\$ 1.10
Leland A. Mahle and Ida May Eagar	0.475	13.03
Rose Mallery and Wilson E. Mallery	2.05	56.24
Wilson E. Mallery, Antone Bantley and Ada E. Bantley	1.95	53.50
James W. Mapes and Donna G. Mapes	13.29	364.62
Ena May Marden	0.475	13.03
James H. B. McClelland, Esther A. McClelland, J. D. Andrews and Ida Andrews	10.75	294.93
Grace L. Millsap	1.524	41.81
Frank Morando and Serafina M. Morando	0.65	17.83
Ralph Morgan	0.03	.82
Mary S. Murrer	4.38	120.17
H. E. Nett	0.15	4.12
J. A. Pardee, trustee	0.70	19.20
Joe Parisena and Mary Parisena	0.034	.93
Lizzie E. Perry	1.50	41.15
Thomas Masten Ramsey and Addie Mae Ramsey	2.20	60.36
Reno National Bank and W. J. Tobin, Receiver	0.70	19.20
California Utilities Company, a corporation	2.45	67.22
Henry Reuck	0.15	4.12
S. D. Ridenour and Minnie Ridenour	5.20	142.67
Pierre Saffores	3.33	91.36
Miguel Satica, Fernanda Satica, Robert Satica and Bernardina Satica	3.85	105.63
J. T. Sharp	1.25	34.29
Florence D. Stampfli and Shirley Stampfli	4.70	128.95
J. H. Staup and Nellie Staup	0.002	.05
G. M. Stewart, Matilda E. Stewart, Walter Stewart, Estella Streshley, Martin E. Wright and Laura Stewart Wright	0.67	18.38
James Streshley	3.50	96.02
John Tanner and Lola L. Tanner	5.00	137.18
Fred H. Taylor, Blanche L. Taylor, George H. Taylor and Katherine Taylor	0.15	4.12
John T. Theodore and Hattie E. Theodore	4.48	122.91
U. J. Travis	0.13	3.57
United States Department of Agriculture	0.09	2.47
Patrick H. Walsh and Margarite Walsh	17.00	466.41
Wm. H. Warner and Mary E. Warner	0.01	.27
Frank V. Wood and Maude E. Wood	1.20	32.92
George E. Woodstock and Dora S. Woodstock	1.00	27.44
George L. Woodstock	1.05	28.81
Totals- - - - -	\$ 309.159	\$ 8493.81

1 Rees T. Jenkins, Kate Jenkins, Rees T. Jenkins Land and Livestock
2 Company, James Streshley, and W. F. Williamson, through their attorneys
3 Messrs. Williamson and Wallace, have objected to the Draft of Report of
4 Referee on seven points summarized as follows:

- 5 1. That the order of reference executed by the court
6 in the above entitled action was invalid and that the
7 Division has no right, authority or jurisdiction under
8 said order.
- 9 2. That the findings in said report of priorities as
10 between defendants is unwarranted because of the absence
11 of pleadings tendering issues on said points and because
12 these objectors have not had their day in Court.
- 13 3. That the reservation of Lassen Irrigation Company
14 under which said company signed the stipulation for
15 judgment on file in this action does not appear in the
16 report, that it cannot be determined from the report
17 what the issues were and that the report should find
18 and determine that the rights and claims of said company
19 are based upon two appropriations recorded by B. H.
20 Leavitt on January 28, 1889 on pages 216 to 219 in Book
21 "A" of Water Rights in the office of the County Recorder
22 of Lassen County.
- 23 4. That there are no findings in said report relating
24 to defendants Rees T. Jenkins, Kate Jenkins and Rees T.
25 Jenkins Land and Livestock Company as to the lands of
26 said defendants irrigated under appropriative rights
27 and what waters are used under riparian rights.
- 28 5. Objection is made to the findings that said defendants
29 Jenkins and Jenkins Land and Livestock Company have no
30 right to divert from the backwater of the Ripley (Leavitt)
31 Dam in Susan River.
6. Objection is made to the irrigated acreages found for
 defendant James Streshley.
7. Objection is made to the finding that W. F. Williamson
 has no rights in or to the waters of Susan River stream
 system inasmuch as the lands of said defendant are riparian
 and that said defendant was never served and did not appear,
 consent or stipulate in any respect.

A discussion of each of the above seven points follows:

1. The order of reference is general, referring the entire
matter, any and all issues, to the Division as referee. All eventualities of
a case cannot be foreseen, as it may be necessary to bring in new parties for
a full determination, and supplemental or amended pleadings may be required.
It is a general rule of law that new parties take a case as it exists when

1 they enter. If there is a reference of any and all issues, they are bound by
2 this reference upon making a general appearance. Appearance has been made by
3 all of these objectors except by W. F. Williamson. There can be no question
4 as to jurisdiction of the subject matter. (Sec. 24 Water Commission Act;
5 Peabody vs. City of Vallejo, 2 Cal. (2nd) 351-40 Pac. (2d) 486, 494; Tulare Irr.
6 Dist. v. Lindsay-Strathmore Irr. Dist. Cal. 3 (2d) 489-45 Pac. (2d) 972, 1011.)

7 The motion made by the attorneys for these objectors to have the
8 above entitled Court vacate the order of reference has been denied by said
9 Court.

10 2. All defendants claiming rights in and to the waters of Willow
11 Creek, including defendant James Streshley, and all defendants claiming rights
12 in and to the waters of Susan River except defendants Rees T. Jenkins, Kate
13 Jenkins, Rees T. Jenkins Land and Livestock Company and W. F. Williamson have
14 entered into a stipulation in regard to the pleadings in the above entitled
15 action to the effect that the issues in said action shall include a determination
16 of the rights to water of every kind and character whatsoever possessed by the
17 parties thereto from the sources involved and that the issues in said action
18 shall embrace a determination of the entire water rights of each and every party
19 thereunto subscribed and that said action shall be deemed to embrace such a
20 comprehensive adjudication of the relative water rights of each and every party
21 as against each and every other party regardless of whether such pleadings as
22 have been filed or may hereafter be filed by those parties shall be sufficient
23 to join issues for such a comprehensive adjudication, it being the object of
24 said stipulation to insure a determination of the relative rights as among and
25 between each and every signatory party and to eliminate the necessity for a
26 multiplicity of pleadings to accomplish that object.

27 Said stipulation in regard to the pleadings further provides that
28 after completion of the investigation of said Division of Water Resources and the
29 filing of its report as referee, the parties thereto agree to file such plead-
30 ings as may be necessary to set forth their claims of right or may be necessary
31 to bring about a comprehensive adjudication of the relative rights of each and

1 every party as against each and every other party, if any are necessary for
2 such purposes or are required by the court.

3 Such pleadings as are necessary to effect a comprehensive adjudi-
4 cation of the relative rights of each and every party as against each and every
5 other party should be filed after the submission of this report to the Court.
6 Most of the issues have already been settled by stipulation. Some remaining
7 issues may be settled by the findings and conclusions herein submitted.
8 Therefore, few pleadings, if any, will be necessary to effect such a compre-
9 hensive adjudication.

10 3. The reservation of defendant Lassen Irrigation Company, in
11 signing the stipulation for judgment on file in the above entitled action,
12 relates to the proper interpretation of paragraph 12 of said stipulation. The
13 correct interpretation of said paragraph 12 of said stipulation has herein-
14 before been set forth in the Conclusions of Law.

15 The two filings made by B. H. Leavitt in 1889 indicate the time
16 of initiation and the contemplated scope at the time of initiation of the
17 rights of Lassen Irrigation Company. The priorities of these rights however
18 are largely determined by the manner in which these rights have been developed
19 and customarily exercised in respect to the other rights in the stream system.
20 The true measure of the extent of the rights is beneficial use. The data
21 that have been collected by referee support the findings and conclusions here-
22 tofore made concerning the rights of Lassen Irrigation Company, and no change
23 therein is justified.

24 4. It is set forth in Finding XV that all of the irrigated lands
25 of Rees T. Jenkins, Kate Jenkins and Rees T. Jenkins Land and Livestock Com-
26 pany as described in said Finding XV are riparian to Susan River, except 53.5
27 acres situated in the $N\frac{1}{2} S\frac{1}{2}$ of Section 7, T. 29 N., R. 13 E., M.D.B. & M., and
28 in the $NW\frac{1}{4} SE\frac{1}{4}$ of Section 12, T. 29 N., R. 12 E., M.D.B. & M. It appears that
29 these defendants have without distinction customarily used all or any portion
30 of their combined riparian and appropriative rights on all or any portion of
31 their irrigated lands as described in said Finding XV without objection from

1 any other claimant to the waters of Susan River and that they have a right
2 to continue so to do. It appears that a further distinction or classification
3 of their rights and the places of use thereunder is not warranted by the facts
4 and would result in an unjustified limitation in the customary exercise of said
5 rights.

6 5. The recent installation of a pump by Rees T. Jenkins, Kate
7 Jenkins, and Rees T. Jenkins Land and Livestock Company in Susan River in the
8 backwater of the Ripley (Leavitt) Dam was a primary consideration contribut-
9 ing to the institution of the above entitled action. The operation of said
10 pump has the same effect as removal of flashboards from the dam. The back-
11 water of said dam is an integral part of the means of diversion from said
12 river into the Leavitt Ditch in which said Rees T. Jenkins, Kate Jenkins and
13 Rees T. Jenkins Land and Livestock Company have no interest. The scope of
14 the pending litigation covers the relative rights of all parties to the action
15 to divert from the stream system of said river and the finding relating to
16 an integral part of a diversion from said river appears to be within said
17 scope.

18 6. The area of irrigated acreage found for the predecessor of
19 defendant James Streshley on the Streshley Ranch by the above entitled Court
20 in the case of Edna Streshley, et al. vs. M. O. Folsom, et al., No. 1808 was
21 497 acres. The survey and re-survey by referee show that the map, upon which
22 the finding of said 497 acres was predicated, was erroneous. The irrigated
23 acreage on the Streshley Ranch embraces an area of 423.6 acres and said area
24 is correctly depicted on Map Sheet No. 5 of Exhibit "A" hereof. However, full
25 cognizance has been given to all acreages and other provisions in said Streshley
26 v. Folsom decree in the findings and conclusions covering the relation of the
27 rights involved in said decree.

28 7. It is hereinabove found that the lands of W. F. Williamson as
29 depicted on Map Sheet No. 6 of Exhibit "A" hereof are riparian to Susan River
30 but that the rights appurtenant thereto are inferior to and subject to all
31 other rights as hereinabove found in and to the waters of the Susan River stream

1 system.

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Dated June 12, 1937.

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Respectfully submitted,

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Division of Water Resources,
Department of Public Works,
State of California,

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Referee

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Edward Hyatt
State Engineer and Chief of the
Division of Water Resources

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By Harold Conkling
Deputy in charge of Water Rights

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No 3037

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

A. C. BARHAM, et al,
Plaintiffs,

vs.

E. T. CANNON, et al,
Defendants.

J U D G M E N T .

March 3-1921

Wm. G. Jones

Clerk

Deputy

BARRY & BARRY
ATTORNEYS AT LAW
CALIFORNIA

AT

Witness.

72-15

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
2 COUNTY OF LASSEN.

3
4 A. C. BARHAM and DELTA M^{rs} BARHAM,
5 Plaintiffs,
6 vs.
7 E. T. CANNON, GEORGE F. KELLEY,
8 MAUD R. HOLMES, FRED E. KELLEY,
9 and RUBY B. TEHANEY,
10 Defendants.

J U D G M E N T .

11 This cause came on regularly for trial on the 6th day
12 of September, 1926, Barry & Barry appearing as attorneys for
13 plaintiffs, and R. M. Rankin appearing as attorney for defendants.
14 A trial by jury having been waived by the parties, the cause was
15 tried before the Court without a jury, whereupon witnesses on the
16 part of the plaintiffs and defendants were duly sworn and examined,
17 and documentary evidence introduced by the respective parties, and
18 the evidence being closed, the cause was submitted to the Court
19 for consideration and decision; and after due deliberation thereon,
20 the Court filed its findings and decision in writing, and ordered
21 that judgment be entered herein in accordance therewith.

22 WHEREFORE, by reason of the law and the findings aforesaid,
23 IT IS ORDERED, ADJUDGED AND DECREED, and this does order, adjudge
24 and decree that the plaintiffs have a superior right to divert and
25 use of the waters of said Susan River for the irrigation of their
26 said lands as riparian owners, six hundred (600) acre feet of
27 water during each and every year, or the equivalent thereof in
28 Miner's inches, as, for example, eighty (80) Miner's inches contin-
29 uously, day and night, for one hundred fifty (150) days, or two
30 hundred (200) Miner's inches continuously, day and night, for sixty
31 (60) days, and to use said quantity of water continuously for

200 MINER'S INCHES = 5 CFS

1 fifteen days each month, and not otherwise, during that part of each
2 year prior to the first day of July; and that defendants, their
3 agents, servants, attorneys and all persons claiming under them,
4 be perpetually enjoined and restrained from diverting any water from
5 said Susan River during the period of plaintiffs' use as aforesaid.
6 And further that defendants, their agents, servants, attorneys and
7 all persons claiming under them, be perpetually enjoined from re-
8 moving, molesting, or in any manner interfering with the three
9 and one-half ($3\frac{1}{2}$) feet of flash boards in plaintiffs' dam in said
10 Susan River, as particularly described in the complaint and find-
11 ings, or the two feet of flash boards in plaintiffs' bulkhead
12 in the Fitzell Ditch as described in said findings, at any time or
13 at all.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants
15 have a right, secondary and subordinate to that of the plaintiffs,
16 to divert and use of the waters of said Susan River and the Fitzell
17 Ditch one hundred forty (140) acre feet of water during the irrig-
18 ation season or each and every year, prior to the first day of
19 July of each year, and to divert and use such quantities of water
20 upon their said lands during the fifteen days of each month of
21 the irrigation season prior to the first day of July, when plain-
22 tiffs are not using and are enjoined from using said waters of
23 Susan River, as will aggregate, during the fifteen day interval of
24 each month of the irrigation season prior to the first day of July,
25 a total of one hundred forty (140) acre feet apportioned to the
26 defendants, and that plaintiffs, their agents, attorneys, and
27 all persons claiming under them be permanently enjoined from ob-
28 structing, molesting or interfering with the defendants' secondary
29 and subordinate right to use the said quantity of water, to-wit,
30 one hundred forty (140) acre feet, during the irrigation season of
31 each year prior to the first day of July, or the equivalent thereof
in Miner's inches, and defendants' further right to make use of

1 said water during fifteen days of each month of the irrigation
2 season prior to the first day of July.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED in view of
4 the determination and decision of this Court that plaintiffs in
5 this action are entitled to a prior and a superior right to divert
6 and use of the natural flow of Susan River Six Hundred (600)
7 acre feet of water for the irrigation of the lands of plaintiffs,
8 described in this action; and in view of the determination and
9 decision of this Court that the defendants have a right, secondary
10 and subordinate to that of plaintiffs, to divert and use of the
11 natural flow of Susan River for the irrigation of defendants' lands
12 one hundred forty (140) acre feet of water during the irrigation
13 season of each year until the first day of July of each year,
14 that in the event that the natural flow of Susan River in its natur-
15 al channel, measured at the points of diversion of the plaintiffs
16 and defendants in this action, is less than two hundred miner's
17 inches of water measured under a six (6) inch pressure, that
18 plaintiffs shall have the prior and the preferred right to divert
19 and to use for the irrigation of plaintiffs' lands, in case the
20 said lands are dry and in need of irrigation, the whole of said
21 quantity of water, thus found to be under two hundred (200) miner's
22 inches continuously until such time as plaintiffs have completed
23 one full irrigation of their said lands, and one hundred fifty
24 (150) acre feet is hereby determined and fixed as a sufficient
25 quantity of water for one complete irrigation of plaintiffs' lands.
26 And under such conditions, it is further ordered that, thereafter,
27 defendants shall be entitled to divert and use the entire flow
28 of said Susan River when less than two hundred inches, contin-
29 uously, but prior to July 1st, until such time as defendants have
30 completed a full irrigation of seventy acres of land, and thirty-
31

1 five acre feet measured on defendants' premises is hereby fixed
2 as a sufficient quantity of water for one full irrigation of
3 defendants' seventy acres of land.

4 DATED: This 3rd day of April, 1931.

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7 H. J. Burroughs,
8 Judge of the Superior Court.
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EXHIBIT 3

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO: Lawrence R. Smalley REESE, SMALLEY, WISEMAN & SCHWEITZER, LLP 1265 Willis Street Redding, CA 96001

2014-04406

Recorded at the request of: REESE SMALLEY WISEMAN & SCHWEITZER 10/08/2014 10:54 AM Fee: \$17.00 Pgs: 1 of 4 D OFFICIAL RECORDS Julie M. Bustamante - Clerk-Recorder Lassen County, CA



MAIL TAX STATEMENTS TO: Jay S. Dow and Susan A. Bonomini, Trustees 726-200 Mapes Road Wendel, California 96136

Documentary Transfer Tax: -0- X Transfer to revocable living trust for the benefit of grantor (R&T 11930) The undersigned hereby declares

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JAY DOW and SUSAN BONOMINI, husband and wife, as community property with right of survivorship

hereby GRANT to:

JAY S. DOW and SUSAN A. BONOMINI, Trustees of THE DOW-BONOMINI FAMILY 2013 TRUST

the following real property in the County of Lassen, California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

APN: 117-690-04; 117-690-05; 117-640-04; 117-510-07; 117-510-33; 117-510-38; 117-510-39; 117-510-69; 117-510-70; 117-280-01; 117-280-32; 117-150-19; 117-150-20; 117-150-25

Dated: 10/6, 2014

JAY DOW (signature) SUSAN BONOMINI (signature)

STATE OF CALIFORNIA) COUNTY OF Lassen) ss.

On 10/8, 2014, before me, R Fink, a Notary Public, personally appeared JAY DOW and SUSAN BONOMINI, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(signature) NOTARY PUBLIC

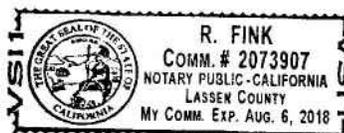


EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF LASSEN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel 1:

In Township 29 North, Range 13 East, Mount Diablo Meridian, according to the official plat thereof.

Section 3: The SW 1/4 of the SE 1/4; and the S 1/2 of the SW 1/4.

EXCEPTING THEREFROM the strip of land described in the deed to the Central Pacific Railway Company, recorded June 25, 1910 in Book "T" of Deeds, at Page 427.

ALSO EXCEPTING THEREFROM the strip of land described in the deed to the Central Pacific Railway Company, recorded November 11, 1912 in Book "W" of Deeds, at Page 10.

Section 4: The S 1/2 of the SE 1/4.

EXCEPTING THEREFROM the following parcels A through G:

(A) The strip of land described in the deed to the Central Pacific Railway Company recorded June 10, 1910 in Book "T" of Deeds, at Page 427.

(B) Beginning at a point on the Southerly right of way line of the County Road, as said line of said Road is established by that certain grant from May Leavitt to the County of Lassen, dated November 13, 1939 and recorded November 14, 1939 in Book 38 of Deeds, at Page 140, which point bears S 15° 47' W, 1456.90 feet from the East one-quarter corner of said Section 4; thence S 2° 54' 15" W, 638.45 feet; thence N 87° 05' 45" W, 300 feet; thence S 2° 54' 15" W, 50.00 feet to the Northerly line of the Southern Pacific Railroad right of way; thence N 87° 05' 45" W, 697.50 feet along said line of said railroad; thence N 22° 51' W, 303.85 feet to the Southerly line of the County Road; thence along said line of said Road, N 70° 36' E, 648.50 feet and thence 556.15 feet along a curve to the right having a radius of 3414.25 feet and a central angle of 9° 20' to the point of beginning, being a portion of the S 1/2 of the SE 1/4 of said Section 4.

(C) All that portion of the S 1/2 of the SE 1/4 of said Section 4 which lies Northerly of the Northern line of that certain County Road described in the grant from May Leavitt to the County of Lassen, recorded November 14, 1939 in Book 38 of Deeds, at Page 140, and East of a line drawn parallel to and distant East at right angles 225 feet from the West line of the S 1/2 of the SE 1/4 of said Section 4.

(D) All that portion of the SW 1/4 of the SE 1/4 of said Section 4, contained in the Agreement of Sale between Chas. Beckett and Vada H. Beckett, husband and wife, seller, and John DePalma and Alice M. DePalma, husband and wife, buyer, dated December 13, 1960, recorded December 14, 1960 in Book 163 of Official Records, at Page 77.

(E) The Westerly 225 feet of the SW 1/4 of the SE 1/4 of said Section 4 which lies Northerly of the Northern line of that certain County Road described in the grant from May Leavitt to the County of Lassen, dated November 13, 1939, recorded November 14, 1939 in Book 38 of Deeds, at Page 140.

(F) Commencing at a point on the Southerly right of way line of that County Road, as said line of said Road is established by that certain grants from May Leavitt to County of Lassen, dated November 13, 1939, recorded

November 14, 1939 in Book 38 of Deeds, at Page 140, which point bears S 15° 47' W, 1456.90 feet from the East one-quarter corner of said Section 4; thence Westerly along said line of said road, along the arc of a curve to the left having a radius of 3414.25 feet and a long chord which bears S 75° 16' W, 555.56 feet; thence continuing along said line of said Road S 70° 36' W, 648.50 feet to the actual point of beginning, said point being on the Western line of that certain parcel of land conveyed by Chas. Beckett, et ux, to Johnson, Drake & Piper, Incorporated, a Corporation, by deed dated October 6, 1960, recorded October 14, 1960, in Book 161 of Official Records, at Page 272; thence S 22° 51' E, along Western line of said parcel so conveyed to said Corporation, 303.85 feet to the Northern line of that certain railroad right of way, as said line of said right of way is established by that certain grant from Emily B. Kelley to the Central Pacific Railway Company, a Corporation, dated June 10, 1910, recorded June 25, 1910, in Book "T" of Deeds, at Page 427; thence Westerly along said line of said railroad right of way 1183.50 feet to the intersection thereof with the Eastern line of Leavitt Lane, as shown on that certain map entitled, "Official Map of Leavitt, Lassen County, Cal.", filed January 8, 1913 in Book 1 of Maps, at Page 65; thence North along said line of said Lane 64 feet to said line of said County Road, extended Westerly; and thence Easterly along said line of said Road 1081.15 feet, more or less, to said actual point of beginning, being a portion of the SW 1/4 of the SW 1/4 of said Section 4.

(G) That portion of the SW 1/4 of the SE 1/4 of Section 4, Township 29 North, Range 13 East, Mount Diablo Meridian, according to the official plat thereof, lying South of the lands of the Central Pacific Railway Company as described in Book "T" of Deeds, at Page 427.

Section 8: The S 1/2 of the NE 1/4; and the SE 1/4.

Section 9: The NE 1/4; the S 1/2 of the NW 1/4; and the SW 1/4.

EXCEPTING THEREFROM Parcel 1, as described in the deed to Calvin L. Smith, et al, recorded August 21, 1958 in Book 123 of Official Records, at Page 49.

Section 10: The NW 1/4.

Section 16: The N 1/2 of the NW 1/4; and that portion of the SW 1/4 of the NW 1/4 lying Northerly of State Highway 395, as described in the deed to the State of California, recorded August 12, 1936 in Book 34 of Deeds, at Page 17.

EXCEPTING THEREFROM that portion of the NE 1/4 of the NW 1/4 lying North and East of the centerline of the Susan River.

Section 17: Those portions of the N 1/2 of the NE 1/4 and of the SE 1/4 of the NE 1/4 lying Northerly of State Highway 395.

EXCEPTING THEREFROM that portion thereof described in the deed to Garneth R. Pinneo, et Vir., recorded April 17, 1950 in Book 60 of Official Records, at Page 161.

ALSO EXCEPTING THEREFROM that portion thereof described in the deed to Curt Moran, et ux, recorded August 23, 1988 in Book 494 of Official Records, at Page 238.

Parcel 2:

In Township 29 North, Range 13 East, Mount Diablo Meridian, according to the official plat thereof.

Section 3: All that portion of the SE 1/4 of the SE 1/4 lying Northerly of the Northerly line of the strip of land described in the deed to the Central Pacific Railway Company, recorded July 5, 1910 in Book "T" of Deeds, at Page 455.

Parcel 3:

In Township 29 North, Range 13 East, Mount Diablo Meridian, according to the official plat thereof.

Section 3: All that portion of the SE 1/4 of the SE 1/4 lying Southerly of the Southerly line of the strip of land described in the in the deed to the Central Pacific Railway Company, recorded July 5, 1910 in Book "T" of Deeds, at Page 455.

Parcel 4:

In Township 29 North, Range 13 East, Mount Diablo Meridian, according to the official plat thereof.

Section 9: The SE 1/4.

Section 10: The NE 1/4; the N 1/2 of the SE 1/4; the SW 1/4 of the SE 1/4; and the SW 1/4.

Section 15: The N 1/2 of the NW 1/4; and the NW 1/4 of the NE 1/4.

EXCEPTING THEREFROM the parcel described in the deed to Lassen Irrigation Company, recorded November 26, 1974 in Book 285, Page 62, Official Records.

Parcel 5:

A non-exclusive easement for ingress and egress to adjoining parcel #117-280-01 20 feet in width lying Easterly and Southerly of the following described line:

Beginning at the intersection of the West line of the NE 1/4 of Section 16, Township 29 North, Range 13 East, Mount Diablo Meridian, and the North right-of-way line of U. S. Highway No. 395; thence along said West line N 0° 06' 19" E, 621.81 feet; thence N 42° 38' 17" E, 120.72 feet; thence N 71° 33' 30" E, 263.61 feet; thence N 28° 08' 28" E, 126.50 feet; thence N 54° 51' 21" E, 191.15 feet; thence N 47° 11' 44" E, 366.46 feet to the North line of said NE 1/4 of NE 1/4.

