

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MODOC

Franklin Cook

C. E. CROWDER and MARY A. CROWDER, his wife,)
CHARLES E. CROWDER and VIRGINIA CROWDER, his)
wife, J. G. DAWSON and MATTIE M. DAWSON, his)
wife, JOHN MORRISON and FANNIE MORRISON, his)
wife, PAULINA LEE, EARL EREMAN and MARY)
EREMAN, his wife, IRA A. HANSON and IDA M.)
HANSON, his wife, EARL SHERER and BERNICE)
SHERER, his wife,)

Plaintiffs,)

vs.)

P. INDART and MRS. P. INDART, his wife,)
J. R. STONE, JOHN DOE, HARRY ROE and)
FRANK POE,)

Defendants.)

No. 3118
DECREE

The above entitled cause having been referred to the Division of Water Resources of the Department of Public Works of the State of California, as referee, by an order of this Court, dated June 10, 1930, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes 1913, Chapter 586, as amended, said referee having made its investigation, the parties thereafter having entered into a written stipulation and agreement, said stipulation being comprised of two identical documents, each of said documents being signed by different parties and said documents comprising said stipulation being marked Part 1 and Part 2, respectively, said stipulation providing that said Court might enter a decree in accordance with the provisions of said stipulation, said parties having further stipulated that findings of fact and conclusions of law be waived, said Division, as referee, having filed its report herein, and having filed herein said stipulation of the parties, and said matter being finally submitted to this Court on said report, and on said stipulation, and it appearing that said stipulation is signed by all of the parties who have appeared in this action or by their successors in interest and that said parties who have signed said stipulation are the

owners of the rights as agreed upon and set forth in said stipulation, and it further appearing as follows:

1. That Bank of America National Trust and Savings Association, as mortgagee of the property of Earl Sherer and Bernice Sherer, involved in this action, has control and possession of said property, although title to said property remains in the names of said Earl Sherer and Bernice Sherer; the interests of said bank in said property have been included under the names of said Earl Sherer and Bernice Sherer in said stipulation; and said bank was not served with summons and complaint in said action and did not originally make an appearance in said action, but now appears in said action as a party signatory to said stipulation.

2. Mrs. E. M. Shartel was not served with summons and complaint and did not originally make an appearance in said action, but she now appears by stipulation as a defendant in said action.

3. Plaintiffs Charles E. Crowder and Virginia Crowder have sold, transferred and disposed of their interests in the property involved in said action to plaintiffs C.E. Crowder and Mary A. Crowder and said plaintiffs Charles E. Crowder and Virginia Crowder now have no interest in any water right from Franklin Creek and have no interest in any of the lands involved in said action.

4. The true names of plaintiffs Earl Erhman and Mary Erhman are Earl Ehrman and Mary Ehrman.

5. Defendant Mrs. P. Indart has no interest in any water right from Franklin Creek and has no interest in any of the lands involved in said action.

6. The true name of defendant herein sued as J. R. Stone is G. R. Stone and he has appeared in said action under his true name.

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

(1st) There is in said Modoc County a natural stream of water known as and called "Franklin Creek", which said creek arises on the western slope of the Warner Range of mountains in said Modoc County, State of California, and flows thence in a general westerly direction between well defined banks in a well defined channel to, upon, and across some of the lands of some of the parties to this action, which lands are hereinafter described, and thence into the North Fork of Pit River and has so flowed since the memory of man.

(2nd) The parties plaintiff and parties defendant in the above entitled action are the owners of the lands described in their respective pleadings, and as amended and pleaded by them; the allotments of water from said Franklin Creek as hereinafter set forth are for use upon the acreages described in Schedule 1 hereunto annexed and made a part hereof; the respective parties are the owners of the acreages set forth under their respective names and of all the lands embraced in the legal subdivisions in said Schedule 1; and said lands are depicted on the map herein referred to as the "Division of Water Resources Map", which map was prepared by the Division of Water Resources of the Department of Public Works of the State of California from its surveys made in October, 1930, which map is entitled, "Franklin Creek Showing Diversion System and Irrigated Land, Modoc County, California", which map is dated 1931, and is filed with the records of the above entitled action.

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

(4th) The several parties to this action are entitled to rights in and to the use of the natural flow of Franklin Creek, during the seasons of each year hereinafter defined in paragraph (7th), for domestic, stock water-

ing, and irrigation purposes upon their respective lands as described in Schedule 1 hereof, in accordance with the priorities, the quantities of water allotted and through the ditches named as set forth in Schedule 2 hereunto annexed and made a part hereof.

(5th) During the period commencing on September 15th of each and every year and ending on March 31st of the succeeding year, both dates inclusive, C. E. Crowder and Mary A. Crowder are entitled to an allotment of 1.46 cubic feet per second of second priority, in addition to those specified in Schedule 2 hereof, to be diverted through either the North Channel or the South Channel of Franklin Creek for use for stock watering purposes.

(6th) All allotments hereinabove provided, which are within the same priority class, are equal in priority and correlative in right and at all times when the water supply available for rights within a priority class is inadequate to supply all rights and allotments within said class, then during the continuance of such shortage, the owners of such allotments shall prorate the available water supply, if any, in excess of the quantity required for prior rights, in accordance with their respective allotments for that class that may then be entitled to be diverted.

(7th) All allotments of water of first and second priorities hereinbefore made from Franklin Creek, with the exception of the second priority allotment, in paragraph (5th) hereinbefore provided, to C. E. Crowder and Mary A. Crowder, are for continuous usage without regard to season; said allotment of second priority to said C. E. Crowder and Mary A. Crowder is limited to usage during the period commencing on September 15th of each and every year and ending on March 31st of the succeeding year, both dates inclusive; and all allotments of third and fourth priorities hereinbefore made from said Franklin Creek are limited to usage during the season of irrigation, which is defined as the period commencing on April 1st and extending to September 30th of each and every year, both dates inclusive; provided, however, that nothing herein contained shall be construed as limiting or restricting the

rights of the various parties hereto, who require water from said Franklin Creek for uses other than for domestic and stock watering purposes, to divert and use such of the waters of said creek as they may be legally entitled to, during the period between October 1st of each and every year and March 31st of the succeeding year, both dates inclusive, subject to said allotments of first and second priorities.

(8th) All of the allotments of water hereinbefore provided shall be diverted from the Franklin Creek stream system at the present points of diversion of the respective ditches, as said points of diversion are described in Schedule 3, hereunto annexed and made a part hereof; and the points of measurement of all of said allotments shall be at the respective points of diversion from said Franklin Creek stream system, except that the points of measurement of the allotments to C. E. Crowder and Mary A. Crowder shall be as near as is practicable to the north and south line passing through the center of the southwest quarter (SW $\frac{1}{4}$) of Section eight (8), Township forty-four (44) North, Range fourteen (14) East, M.D.B. & M.

(9th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the term "natural flow", as herein used, shall be construed to designate such flow as will naturally occur at any given point in a stream from the run-off of the watershed which it drains, from springs which naturally contribute to the stream, from seepage, and from waste and return flow from dams, conduits, and irrigated lands; as distinguished from released stored water and from "foreign water" directly conveyed to a stream from another watershed.

(10th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the term "available water supply of Franklin Creek" as herein used, shall be construed to designate the total amount of water available for diversion by all of the various conduits diverting from said Franklin Creek, i. e. the water crop of Franklin Creek plus all waste and return flows to the stream system, less all channel losses in the stream system; and said "available water supply of Franklin Creek" at any given time to be determined by

combining the total of all quantities of water being diverted from the stream system with the flows of Franklin Creek or its branches immediately below all diversions at the time.

(11th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Division of Water Resources of the Department of Public Works of the State of California, as now or hereafter constituted, or its successor in the administration of the Water Commission Act, shall supervise diversions from Franklin Creek through the agency of a water master, whenever necessity for such water master service is found to exist by said Division, to insure strict adherence to the provisions of this decree, and that the costs and expenses of such water master service shall be borne by the parties hereto, said costs and expenses to be apportioned among said parties in accordance with the method of apportioning the costs of water distribution by water master provided in Section 37f of the Water Commission Act of the State of California.

(12th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the owners of each ditch through which water is diverted from Franklin Creek as herein provided, shall install, under the supervision of an engineer appointed by the Division of Water Resources, such permanent diversion works, headgates and measuring devices in their respective ditches as shall be required and approved by said Division; such installations to be made prior to October 1, 1935, or such later date as may be ordered by the above entitled Court. The several ditch owners shall furnish all necessary labor and materials for the construction and installation of said diversion works, headgates and measuring devices in their respective ditches, and the cost of supervision as herein provided shall be borne by the parties hereto, in the ratios that their respective maximum continuous flow allotments, as provided in Schedule 4 hereunto annexed and made a part hereof, bear to the total of such maximum continuous flow allotments provided in said Schedule 4.

(13th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no party herein adjudged and decreed a right to divert water shall divert from said Franklin

Creek at any time, a quantity of water in excess of the quantity reasonably necessary for his requirements and being put to beneficial use by said party.

(14th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each and every party to this action, his or her agents, successors, grantees and assigns, be, and they are hereby perpetually enjoined and restrained from doing anything in violation of the terms or provisions of this decree, or diverting any water from said Franklin Creek at any time in violation of the terms hereof, or from doing anything that will obstruct or interfere with any other right in this decree adjudged and decreed.

(15th) FINALLY, PURSUANT TO SAID STIPULATION, IT IS ORDERED, ADJUDGED AND DECREED that each party hereto shall pay his, her or their own costs and that the balance of the amount due from the parties hereto to said Division of Water Resources for expenses incurred as referee, as set forth in the report of referee on file in this action, shall be borne by the following parties in the following proportion:

<u>Name</u>	<u>Portion of Expense</u>
C. E. Crowder and Mary A. Crowder	\$ 75.10
J. G. Dawson and Mattie M. Dawson	42.59
Earl Ehrman and Mary Ehrman	5.69
Ira A. Hanson and Ida M. Hanson	17.23
P. Indart	73.96
Paulina Lee	75.10
John Morrison and Fannie Morrison	68.27
G. R. Stone	14.30
Mrs. E. M. Shartel	4.55
Earl Sherer, Bernice Sherer, and Bank of America) National Trust and Savings Association)	<u>58.36</u>
Total	\$435.15

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

Done in open court this 8th day of September, 1933.

F. M. JAMISON
Judge of Said Superior Court

SCHEDULE 1.

DESCRIPTION OF IRRIGATED LANDS

G. E. Crowder and Mary A. Crowder

14.5 acres in NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 13, T. 44 N., R. 13 E., M.D.B. & M.
34.6 acres in SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 13, T. 44 N., R. 13 E., M.D.B. & M.
23.3 acres in NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 13, T. 44 N., R. 13 E., M.D.B. & M.
36.1 acres in SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 13, T. 44 N., R. 13 E., M.D.B. & M.
1.2 acres in NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 24, T. 44 N., R. 13 E., M.D.B. & M.
19.5 acres in SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
13.6 acres in NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
11.0 acres in SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
30.9 acres in NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
<u>184.7 acres - Total</u>		

J. G. Dawson and Mattie M. Dawson

32.3 acres in SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 7, T. 44 N., R. 14 E., M.D.B. & M.
10.5 acres in SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 7, T. 44 N., R. 14 E., M.D.B. & M.
32.6 acres in NW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
22.6 acres in NE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
<u>98.0 acres - total</u>		

Mattie M. Dawson

6.7 acres in NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 7, T. 44 N., R. 14 E., M.D.B. & M.
<u>6.7 acres - total</u>		

Earl Ehrman and Mary Ehrman

15.2 acres in SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 4, T. 44 N., R. 14 E., M.D.B. & M.
<u>15.2 acres - total</u>		

Ira A. Hanson and Ida M. Hanson

1.3 acres in NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
10.7 acres in SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
24.0 acres in NW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
5.8 acres in NE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
<u>41.8 acres - Total</u>		

P. Indart

21.3 acres in SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
34.9 acres in NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
21.7 acres in NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
4.9 acres in SE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
34.9 acres in SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
<u>117.7 acres - Total</u>		

Paulina Lee

33.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 44 N., R. 14 E., M.D.B. & M.
17.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
7.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
8.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
24.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
39.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
33.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
164.7 acres - Total

John Morrison and Fannie Morrison

9.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
37.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
5.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
31.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
3.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T. 44 N., R. 14 E., M.D.B. & M.
36.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
35.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
8.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
167.7 acres - Total

Ella M. Shartel

10.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
10.3 acres - Total

Earl Sherer, Bernice Sherer, and Bank of America National Trust and Savings Association

3.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
14.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
21.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
9.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
9.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
8.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T. 44 N., R. 14 E., M.D.B. & M.
67.6 acres - Total

G. R. Stone

27.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 44 N., R. 14 E., M.D.B. & M.
3.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
2.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 44 N., R. 14 E., M.D.B. & M.
33.6 acres - Total

SCHEDULE 2.

PRIORITIES AND ALLOTMENTS TO VARIOUS DITCHES FROM FRANKLIN CREEK

Name of Diversion	Priority Class	Maximum allotment Cu. ft. per sec.	Acreage to be Supplied	Name of Owner
Ehrman	First	0.175	15.2	Earl & Mary Ehrman
Hanson North, and, or Hanson Middle	Second	0.16	12.8	Ira A. & Ida M. Hanson
Indart Main, and, or Indart South	Second	0.26	20.5	P. Indart
Stone	Second	0.16	12.8	G. R. Stone
Morrison	Second)	0.26	20.8	John & Fannie Morrison)
	Second)	0.10	8.0	Earl & Bernice Sherer and)
				Bank of America N.T.&S.A.)
North Channel	Second	0.26	20.8	Paulina Lee
	Second	0.26	20.8	J.G. & Mattie M. Dawson
				P. Indart)
	Third	0.63	50.8	Paulina Lee)
	Third	1.05	52.0	J.G. & Mattie M. Dawson)
North Channel	Third	1.05	83.9	Ella M. Shartel)
	Third	0.14	10.3	C.E. & Mary A. Crowder)
	Third	1.43	114.2	
Stone	Third	0.28	21.8	G. R. Stone
Morrison, Morrison	Third)	1.56	124.6	John & Fannie Morrison)
Middle, and, or Morri- son Lower	Third)	0.10	8.0	Earl & Bernice Sherer and)
				Bank of America N.T. & S.A.)
Hanson North,				
Hanson Middle, and, or	Third	0.12	9.6	Ira A. & Ida M. Hanson
Hanson South				
	Third)	0.40	30.8	P. Indart)
South Channel	Third)	0.85	79.9	Paulina Lee)
	Third)	0.88	70.5	C.E. & Mary A. Crowder)
Hanson North,				
Hanson Middle, and, or	Fourth	0.25	19.5	Ira A. & Ida M. Hanson
Hanson South				
Indart Main	Fourth	0.20	15.6	P. Indart
Lee Upper	Fourth	0.15	12.0	Paulina Lee
Morrison and, or				
Morrison Middle	Fourth	0.28	22.5	John & Fannie Morrison
Morrison, Morrison				
Middle, and, or Morri- son Lower	Fourth	0.65	51.6	Earl & Bernice Sherer
				Bank of America N. T. & S.A.
Totals		11.655	909.3	

SCHEDULE 3

DESCRIPTIONS OF POINTS OF DIVERSION OF DITCHES

DIVERTING FROM FRANKLIN CREEK STREAM SYSTEM

Ehrman Ditch

At a point (designated on Division of Water Resources Map as Diversion 1) which bears approximately S. $6^{\circ} 30'$ E., approximately 2170 feet distant from the Northwest corner of Section 10, T. 44 N., R. 14 E., M.D.B. & M., being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10.

Hanson South Ditch

At a point (designated on Division of Water Resources Map as Diversion 2) which bears approximately S. $1^{\circ} 00'$ E., approximately 2100 feet distant from the Northwest corner of Section 10, T. 44 N., R. 14 E., M.D.B. & M., being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10.

Hanson North Ditch

At a point (designated on Division of Water Resources Map as Diversion 3) which bears approximately S. $8^{\circ} 00'$ W., approximately 1780 feet distant from the Northeast corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 9.

Hanson Middle Ditch

At a point (designated on Division of Water Resources Map as Diversion 4) which bears approximately S. $22^{\circ} 30'$ W, approximately 1740 feet distant from the Northeast corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 9.

Indart Main Ditch

At a point (designated on Division of Water Resources Map as Diversion 5) which bears approximately S. $55^{\circ} 30'$ W, approximately 3230 feet distant from the Northeast corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 9.

Indart South Ditch

At a point (designated on Division of Water Resources Map as Diversion 6) which bears approximately S. 55° 00' E, approximately 3200 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9.

Stone Ditch

At a point (designated on Division of Water Resources Map as Diversion 7) which bears approximately S. 38° 00' E, approximately 3060 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9.

Morrison Ditch

At a point (designated on Division of Water Resources Map as Diversion 8) which bears approximately S. 37° 30' E, approximately 3050 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9.

Indart South Channel

At a point (designated on Division of Water Resources Map as Diversion 9) which bears approximately N. 26° 00' E, approximately 2490 feet distant from the Southwest corner of Section 9, T. 44 N., R. 14 E., M. D.B. & M., being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9.

Indart South Channel

At a point (designated on Division of Water Resources Map as Diversion 10) which bears approximately N. 22° 00' E, approximately 2500 feet distant from the Southwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9.

Indart South Channel

At a point (designated on Division of Water Resources Map as Diversion 11) which bears approximately N. 18° 30' E, approximately 2200 feet distant from the Southwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9.

Morrison Middle Ditch

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately N. 75° 00' W, approximately 1720 feet distant from the Southeast corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

Lee Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately N. 73° 30' W, approximately 2220 feet distant from the Southeast corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

Lee Middle Ditch

At a point (designated on Division of Water Resources Map as Diversion 14) which bears approximately N. 83° 00' E, approximately 2140 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

Lee Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately due E, approximately 1800 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

Morrison Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 16) which bears approximately due E, approximately 1800 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

Indert North Channel

At a point (designated on Division of Water Resources Map as Diversion 17) which bears approximately S. 39° 30' E, approximately 2860 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E., M.D.B. & M., being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9.

Indart North Channel

At a point (designated on Division of Water Resources Map as Diversion 18) which bears approximately S. $32^{\circ} 00'$ E, approximately 2720 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E, M.D.B. & M., being within the $SE\frac{1}{4} NW\frac{1}{4}$ of said Section 9.

Indart North Channel

At a point (designated on Division of Water Resources Map as Diversion 19) which bears approximately S. $30^{\circ} 30'$ E, approximately 2700 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E, M.D.B. & M., being within the $SE\frac{1}{4} NW\frac{1}{4}$ of said Section 9.

Indart North Channel

At a point (designated on Division of Water Resources Map as Diversion 20) which bears approximately S. $19^{\circ} 00'$ E, approximately 2700 feet distant from the Northwest corner of Section 9, T. 44 N., R. 14 E, M.D.B. & M., being within the $SW\frac{1}{4} NW\frac{1}{4}$ of said Section 9.

Indart North Channel

At a point (designated on Division of Water Resources Map as Diversion 21) which bears approximately N. $12^{\circ} 00'$ E, approximately 2520 feet distant from the Southwest corner of Section 9, T. 44 N., R. 14 E, M.D.B. & M., being within the $NW\frac{1}{4} SW\frac{1}{4}$ of said Section 9.

Indart North Channel

At a point (designated on Division of Water Resources Map as Diversion 22) which bears approximately N. $5^{\circ} 30'$ W, approximately 2220 feet distant from the Southeast corner of Section 8, T. 44 N., R. 14 E., M.D.B. & M., being within the $NE\frac{1}{4} SE\frac{1}{4}$ of said Section 8.

Lee Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 23) which bears approximately N. $29^{\circ} 30'$ W, approximately 2280 feet distant from the Southeast corner of Section 8, T. 44 N., R. 14 E., M.D.B. & M., being within the $NE\frac{1}{4} SE\frac{1}{4}$ of said Section 8.

Lee Pasture Ditch

At a point (designated on Division of Water Resources Map as Diversion 24) which bears approximately N. $39^{\circ} 30'$ W, approximately 2420 feet distant from the Southeast corner of Section 8, T. 44 N., R. 14 E., M.D.B. & M., being within the $NW\frac{1}{4}$ $SE\frac{1}{4}$ of said Section 8.

Dawson Ditch

At a point (designated on Division of Water Resources Map as Diversion 25) which bears approximately N. $40^{\circ} 30'$ E., approximately 1860 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E., M.D.B. & M., being within the $NW\frac{1}{4}$ $SW\frac{1}{4}$ of said Section 8.

Lee Ditch

At a point (designated on Division of Water Resources Map as Diversion 26) which bears approximately N. $43^{\circ} 30'$ E, approximately 1860 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of said Section 8.

North Channel

At a point (designated on Division of Water Resources Map as Diversion 27) which bears approximately N. $43^{\circ} 30'$ E, approximately 1860 feet distant from the Southwest corner of Section 8, T. 44 N., R. 14 E, M.D.B. & M., being within the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of said Section 8.

SCHEDULE 4

CONTINUOUS FLOW ALLOTMENTS TO
VARIOUS PARTIES FROM FRANKLIN CREEK

<u>Name of Owner</u>	<u>Continuous Flow Allotment Cubic Feet Per Second</u>
C. E. Crowder and Mary A. Crowder	2.31
J. G. Dawson and Mattie M. Dawson	1.31
Earl Ehrman and Mary Ehrman	0.175
Ira A. Hanson and Ida M. Hanson	0.53
P. Indart	1.49
Paulina Lee	2.31
John Morrison and Fannie Morrison	2.10
Ella M. Shartel	0.14
Earl Sherer, Bernice Sherer and Bank of America) National Trust and Savings Association)	0.85
G. R. Stone	0.44
<hr/> TOTAL	<hr/> 11.655