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

| | | | |
|----|--------------------------|---|-----------|
| 10 | JOHN H. MASON, et al., |) | |
| 11 | Plaintiffs |) | No. 14478 |
| 12 | vs. |) | JUDGMENT |
| 13 | HARRY M. BEMROD, et al., |) | |
| 14 | Defendants |) | |
| 15 | <hr/> | | |

16 The above-entitled cause having been filed for the
17 determination of certain rights to the waters of the French Creek
18 stream system in Siskiyou County; said cause having been referred
19 to the Department of Public Works, State of California, as
20 Referee; said Referee having filed its final report in Court on
21 July 5, 1956; R. E. Richman and five others having filed excep-
22 tions to said report of referee, and the time for filing
23 exceptions thereto having thereafter expired; the State Water
24 Rights Board having succeeded the Division of Water Resources
25 of the Department of Public Works as referee herein by Section
26 179 of the Water Code (added by Statutes of 1956, First Extra
27 Session, Chapter 52, effective July 5, 1956, as Section 189;
28 renumbered as Section 179); said cause having been regularly set
29 for hearing and trial before this Court sitting without a jury,
30 on the 16th day of June, 1958, on which date said
31 cause came on for hearing and trial; said hearing and trial

1 having been regularly continued from said June 16, 1958, to
2 June 23, 1958; evidence to be considered by the Court
3 including (1) said final report of the Referee, in accordance
4 with Section 2019 of the Water Code, and (2) document entitled
5 "Amended Stipulation" dated January 28, 1958, and filed in
6 this action on March 6, 1958, being signed by Harvey A. Green
7 and R. E. Richman and Vera M. Richman; and the cause having
8 been submitted and the Court having made and filed herein
9 its findings of fact and conclusions of law; now, therefore,
10 in accordance therewith,
11

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

13 All of the rights and interests of all of the parties
14 hereto of whatsoever kind and character, in and to the waters of
15 French Creek stream system in Siskiyou County,
16 California, and in and to the use thereof, are hereby finally
17 settled and determined as hereinafter set forth in the parties
18 as specified, for use upon the lands, in the amounts, subject
19 to the priorities, and at the diversion points as set forth in
20 tables numbered one, two, three, four, five, and six, which
21 said tables are annexed hereto and hereby, by this refer-
22 ence thereto, made part and parcel hereof; and further subject
23 to, and in accordance with the following paragraphs of this
24 judgment.

25

26 General Definitions and Limitations

27

1.

28

29 This judgment adjudicates the entire water right of
30 each and every party hereto as against each and every other party
31

30

31

1 hereto, with like effect as if the pleadings in said action
2 properly embraced and included the relative rights, and the whole
3 thereof, of each and every party hereto as against each and every
4 other party hereto, irrespective of and without regard to their
5 status as plaintiffs or defendants and said Court hereby enters
6 such judgment based upon a finding that the justice of the case
7 requires it, and in accordance with Section 578 of the Code of
8 Civil Procedure.

9
10 2.

11 Nothing contained in this judgment shall, or shall be
12 construed to, in any manner, prejudice or affect any right,
13 claim or defense of any party with respect to or against any
14 person, firm, corporation or interest which is not a party to
15 this proceeding.

16 The term "party" when herein used means party to this
17 proceeding who has been served with process or has voluntarily
18 made a general appearance herein, and includes parties substituted
19 or joined by order of the Court. Said parties are listed
20 alphabetically in table 5 annexed hereto, which describes their
21 respective places of use.

22
23 3.

24 The term "stream system" when used herein means
25 French Creek and its tributaries; the term "water right owners"
26 when used herein means a party who is presently using or is
27 entitled to use the water of French Creek stream system.

28
29 4.

30 Although all quantities of water allotted to respective
31 parties for direct application to beneficial use are expressed in

1 terms of continuous flow, nevertheless, nothing herein contained
2 shall be construed as limiting or restricting the right of any
3 water right owner to rotate in the use of water or the right of
4 any party to divert for limited periods of time convenient
5 "irrigation heads", and thus apply water to his lands at a
6 greater rate than indicated by the quantity of continuous flow
7 so allotted; provided, that such practice of rotation or use of
8 "irrigation head" shall not result in the use by any party of a
9 total quantity of water during any thirty-day period in excess
10 of the equivalent of such parties continuous flow allowance for
11 thirty days; and provided further, that this practice of rotation
12 or use of "irrigation heads" shall not impair or infringe the
13 rights of any other party.

14 5.
15

16 Nothing herein contained shall be construed to prevent
17 any parties herein, who jointly use a ditch for which there is a
18 continuous flow allotment, from employing by agreement a system
19 of rotation in use as among themselves; or prevent any party
20 herein who has allotments in two or more ditches, from using all
21 or any portion of the aggregate of such allotments through any of
22 these ditches on all or any portion of his lands; provided the
23 total quantity of water diverted by such party at any time shall
24 not exceed the aggregate of such allotments; and provided further,
25 such practice of rotation or use of combined allotments shall
26 not impair or infringe the rights of any other party hereto.

27 The agreement entered into between Harvey A. Green
28 and R. E. Richman and Vera M. Richman dated January 28, 1958,
29 entitled "Amended Stipulation," and filed herein on March 6,
30 1958, is found and decreed to be a rotation agreement hereby
31 authorized.

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6.

The term "directly apply to beneficial use" means the direct conveyance and application of water diverted to beneficial use without intermediate storage, except such regulation as may be practiced for the purpose of equalizing the flow of water diverted for a convenient irrigation head.

7.

The term "natural flow" means such flow as will naturally occur at any given point in a stream from the runoff 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.

8.

Nothing herein contained shall be construed to allocate to any party hereto a right to divert from French Creek stream system, at any time, a quantity of water in excess of an amount reasonably necessary for his requirements and applied to beneficial use.

9.

The Division of Water Resources Map, hereinafter referred to as D.W.R. Map or as Plate 1, is the map prepared by the Department of Public Works of the State of California, Division of Water Resources, from its surveys made in 1953 and revised in 1955, to show changes in ownership and additional diversions. Said map is entitled "French Creek Stream System showing Diversions and Irrigated Lands, Siskiyou County, California" dated 1953, revised 1955, and is by reference made

1 part and parcel of this judgment.

2

3 Definition of Water Rights

4

5

10.

6 The respective parties hereto are entitled to rights
7 in and to the water, and in and to the use thereof, from the
8 stream system and are divided into four separate groups,
9 designated as follows: (1) Springs and Unnamed Stream Group
10 (Table 1), (2) North Fork French Creek Group (Table 2),
11 (3) Miners Creek Group (Table 3), and (4) French Creek, Payne
12 Lake Creek, Horse Range Creek, and Duck Lake Creek Group (Table
13 4). All rights in Group 1 (Springs and Unnamed Streams) are
14 independent of each other and superior to the rights in all
15 other groups. The rights in Group 2 (North Fork French Creek)
16 and in Group 3 (Miners Creek) are each independent of the rights
17 in all other groups and are each superior to all rights in
18 Group 4 (French Creek, Payne Lake Creek, Horse Range Creek and
19 Duck Lake Creek).

20

11.

21

22 The respective parties are entitled to use of the
23 water from French Creek stream system upon the respective places
24 of use described under their names in Table 5, and are entitled
25 to divert water at the respective points of diversion from the
26 stream system as named, numbered, and described in Table 6.

27 The respective parties are entitled to "interrelated",
28 "special class", and "surplus class" rights. The respective
29 parties entitled to "special class" rights are set forth in
30 Table 1 Springs and Unnamed Streams Group, and the respective
31 parties entitled to "interrelated" rights are set forth in
Tables 2, 3 and 4 North Fork French Creek Group, Miners Creek

1 Group and French Creek, Payne Lake Creek, Horse Range Creek and
2 Duck Lake Creek Group respectively. The North Fork French Creek
3 Group contains one right in "surplus class" as hereinafter set
4 forth in Paragraph 16 of this judgment which right is subject to
5 and inferior to all rights in North Fork French Creek Group.

6
7 12.

8 All allotments in Springs and Unnamed Springs Group
9 are for continuous use without regard to season. All allotments
10 in North Fork French Creek Group, Miners Creek Group, and French
11 Creek, Payne Lake Creek, Horse Range Creek and Duck Lake Creek
12 Group, Tables 2, 3 and 4, respectively, are for continuous use
13 without regard to season but are limited during the period from
14 October 1 of each year to March 31 of the succeeding year to the
15 amount required for domestic, stock water or other beneficial
16 use.

17
18 Definition of Water Rights in
19 Springs and Unnamed Streams Group

20 13.

21 The Springs and Unnamed Streams Group, as designated
22 in Paragraph 10, comprises rights in and to the water, and in
23 and to the use thereof, from Springs and Unnamed Streams. Rights
24 in this Group, as set forth in Table 1 and defined in Paragraph
25 10, are independent of each other and superior to all other
26 rights.

27
28 Definition of Water Rights in
29 North Fork French Creek Group

30 14.

31 The North Fork French Creek Group, comprises all rights

1 in and to the use of water from North Fork French Creek. Rights
2 in this group as set forth in Table 2 are interrelated with each
3 other as defined in Paragraph 15, are independent of the rights
4 in Miners Creek Group, and superior in right to French Creek,
5 Payne Lake Creek, Horse Range Creek Group.

6
7 15.

8 The respective parties enumerated in Table 2 are en-
9 titled to rights in "first priority class", "second priority
10 class", and "third priority class", in and to the use of the
11 natural flow of North Fork French Creek and its tributaries
12 during the seasons stated in Paragraph 12 of this judgment for
13 domestic, stockwatering, and irrigation purposes upon their lands
14 as shown on DWR Map and as described under their respective names
15 in Table 5 in accordance with the acreages to be supplied,
16 priorities and quantities of water allotted at the points of
17 diversion, as numbered and as shown after their names in Table 2.
18 The rights in "first priority class" are equal in priority and
19 correlative in right but are superior in priority and in right
20 to all other rights in Table 2, and at all times when the
21 available water supply of North Fork French Creek and its
22 tributaries is inadequate to supply all rights in "first priority
23 class", then during the continuance of such shortage, the
24 respective parties shall prorate the available water supply in
25 accordance with their allotments in "first priority class". The
26 rights in "second priority class" are equal in priority and
27 correlative in right, are subject and inferior to the rights in
28 "first priority class", but are superior in priority and in
29 right to all other rights in Table 2, and at all times when the
30 available water supply of North Fork French Creek and its
31 tributaries is inadequate to supply all rights in "second

1 priority class", then during the continuance of such shortage,
2 the respective parties shall prorate the available supply, if
3 any, in excess of the quantity required to supply prior rights
4 in accordance with their allotments in "second priority class".
5 The rights in "third priority class" are equal in priority and
6 correlative in right but are subject and inferior to all other
7 rights in Table 2, and at all times when the available water
8 supply of North Fork French Creek and its tributaries is in-
9 adequate to supply all rights in "third priority class", then
10 during the continuance of such shortage, the respective parties
11 shall prorate the available water supply, if any, in excess of
12 the quantity required to supply prior rights in accordance with
13 their allotments in "third priority class", provided, however,
14 that nothing herein contained shall be construed as modifying the
15 provisions of that certain agreement dated May 3, 1945, recorded
16 May 4, 1945, Volume 172, Page 103, of Official Records of
17 Siskiyou County, California, concerning ditch rights and method
18 of distribution of water diverted through the North Fork Ditch
19 as between the owners of said ditch; provided, further, that
20 nothing herein shall be construed as modifying the provisions
21 of the "Amended Stipulation" entered into between Harvey A. Green
22 and R. E. Richman and Vera M. Richman, filed herein on March 6,
23 1958.

24
25 16.

26 Subject to the rights defined in Paragraph 15, R. E.
27 Richman, Vera M. Richman; Calvin A. Ball, Velda C. Ball;
28 John T. Timmons, Marion F. Timmons; Warren J. Halliday,
29 Negra Halliday; Carl F. Tuttle, Sr., and Robert V. Tuttle are
30 entitled to divert as a right in "surplus class" at a point
31 designated on said D.W.R. Map as Diversion 15 described in

1 Table 6 hereof for storage in Smith Lake 80 acre-feet per annum
2 during each season from October 1 to July 1 of the next succeed-
3 ing year for domestic, stockwatering, and irrigation purposes,
4 or as much of said amount of water as is thereafter withdrawn
5 by means of Smith Lake Siphon into North Fork French Creek during
6 the period from April 1 to October 1, both dates inclusive of
7 each year, said water to be rediverted from North Fork French
8 Creek through the North Fork Ditch and applied to beneficial use
9 for irrigation purposes on lands described under their names in
10 Table 5.

11 Each of the parties is entitled to use said water from
12 Smith Lake in proportion to his interest in Smith Lake Siphon as
13 follows:

| 14 | <u>Name of Owner</u> | <u>Interest</u> |
|----|--|-----------------|
| 15 | R. E. Richman and Vera M. Richman | 3/21 |
| 16 | Calvin A. Ball and Velda C. Ball | 3/21 |
| 17 | John T. Timmons and Marion F. Timmons | 1/21 — |
| 18 | Carl F. Tuttle, Sr. and Robert V. Tuttle | 7/21 |
| 19 | Warren J. Halliday and Negra Halliday | 7/21 |

20 provided, however, that nothing herein contained shall be con-
21 strued as modifying the provisions of that certain agreement
22 dated May 3, 1945, recorded May 4, 1945, in Volume 172, Page 103,
23 of Official Records of Siskiyou County, concerning ditch rights
24 and method of distribution of water diverted through the North
25 Fork Ditch as between the owners of said ditch.

26
27 17.

28 The right of Valdmarr J. Berthelsen and Katie C.
29 Berthelsen to use 0.46 cubic foot per second through the North
30 Fork Ditch is subject to the exclusive control of the North Fork
31 Ditch owners R. E. Richman and Vera M. Richman, Calvin A. Ball

1 and Velda C. Ball, Warren J. Halliday and Negra Halliday,
2 Carl F. Tuttle, Sr., Robert V. Tuttle, John T. Timmons and
3 Marion F. Timmons, their heirs, successors and assigns.

4
5 18.

6 The right of Calvin A. Ball and Velda C. Ball to use
7 0.12 cubic foot per second through the North Fork Ditch is sub-
8 ject to the exclusive control of the North Fork Ditch owners
9 R. E. Richman and Vera M. Richman, Calvin A. Ball and Velda C.
10 Ball, Warren J. Halliday and Negra Halliday, Carl F. Tuttle, Sr.,
11 Robert V. Tuttle, John T. Timmons and Marion F. Timmons, their
12 heirs, successors and assigns.

13 Definition of Water Rights
14 in Miners Creek Group

15
16 19.

17 The Miners Creek Group comprises all rights in and to
18 the water and in and to the use of water from Miners Creek.
19 Rights in this group, as set forth in Table 3, are interrelated
20 with each other, as defined in Paragraph 20, are independent of
21 the rights in North Fork French Creek Group and superior in
22 right to French Creek, Payne Lake Creek, Horse Range Creek and
23 Duck Lake Creek Group.

24
25 20.

26 The respective parties enumerated in Table 3 are en-
27 titled to rights in "first priority class", "second priority
28 class", and "third priority class" in and to the use of the
29 natural flow of Miners Creek and its tributaries during the
30 seasons stated in Paragraph 12 of this judgment for domestic,
31 stockwatering, and irrigation purposes upon their lands as shown

1 on D.W.R. Map and as described under their names in Table 5 in
2 accordance with the acreages to be supplied, priorities and
3 quantities of water allotted, at the points of diversion as
4 numbered and as shown after their respective names in Table 3.
5 The rights in "first priority class" are equal in priority and
6 correlative in right but are superior in priority and in right
7 to all other rights in Table 3, and at all times when the avail-
8 able water supply of Miners Creek and its tributaries is
9 inadequate to supply all rights in "first priority class", then
10 during the continuance of such shortage, the respective parties
11 shall prorate the available water supply in accordance with
12 their allotments in "first priority class". The rights in
13 "second priority class" are equal in priority and correlative in
14 right, are subject and inferior to rights in "first priority
15 class", but are superior in priority and in right to all other
16 rights in Table 3, and at all times when the available water
17 supply of Miners Creek and its tributaries is inadequate to
18 supply all rights in "second priority class", then during the
19 continuance of such shortage, the respective parties shall pro-
20 rate the available supply, if any, in excess of the quantity
21 required to supply prior rights, in accordance with their
22 allotments in "second priority class". The rights in "third
23 priority class" are equal in priority and correlative in right
24 but are subject and inferior to all other rights in Table 3,
25 and at all times when the available water supply of Miners Creek
26 and its tributaries is inadequate to supply all rights in "third
27 priority class" then during the continuance of such shortage,
28 the respective parties shall prorate the available water supply,
29 if any, in excess of the quantity required to supply prior rights,
30 in accordance with their allotments in "third priority class".
31

1 water supply in accordance with their allotments in "first
2 priority class". The rights in "second priority class" are equal
3 in priority and correlative in right, are subject and inferior
4 to rights in "first priority class", but are superior in priority
5 and in right to all other rights in Table 4, and at all times
6 when the available water supply of French Creek, Payne Lake Creek,
7 Horse Range Creek, and Duck Lake Creek and their tributaries is
8 inadequate to supply all rights in "second priority class", then
9 during the continuance of such shortage, the respective parties
10 shall prorate the available supply, if any, in excess of the
11 quantity required to supply prior rights, in accordance with
12 their allotments in "second priority class". The rights in
13 "third priority class" are equal in priority and correlative in
14 right, are subject and inferior to rights in "first priority
15 class" and in "second priority class", and are superior in
16 priority and in right to all other rights in Table 4, and at all
17 times when the available water supply of French Creek, Payne
18 Lake Creek, Horse Range Creek and Duck Lake Creek and their
19 tributaries is inadequate to supply all rights in "third priority
20 class", then during the continuance of such shortage, the
21 respective parties shall prorate the available supply, if any,
22 in excess of the quantity required to supply prior rights, in
23 accordance with their allotments in "third priority class". The
24 rights in "fourth priority class" are equal in priority and
25 correlative in right, are subject and inferior to rights in
26 "first priority class", "second priority class", and "third
27 priority class", but are superior in priority and in right to
28 all other rights in Table 4, and at all times when the available
29 water supply of French Creek, Payne Lake Creek, Horse Range
30 Creek and Duck Lake Creek and their tributaries is inadequate to
31 supply all rights in "fourth priority class", then during the

1 continuance of such shortage, the respective parties shall
2 prorate the available supply, if any, in excess of the quantity
3 required to supply prior rights, in accordance with their allot-
4 ments in "fourth priority class". The rights in "fifth priority
5 class" are equal in priority and correlative in right, but are
6 subject and inferior to rights in "first priority class", "second
7 priority class", "third priority class", and "fourth priority
8 class", but are superior in priority and in right to all other
9 rights in Table 4, and at all times when the available water
10 supply of French Creek, Payne Lake Creek, Horse Range Creek and
11 Duck Lake Creek and their tributaries is inadequate to supply all
12 rights in "fifth priority class", then during the continuance of
13 such shortage, the respective parties shall prorate the available
14 water supply in accordance with their allotments in "fifth
15 priority class". The rights in "sixth priority class" are equal
16 in priority and correlative in right, but are subject and in-
17 ferior to rights in "first priority class", "second priority
18 class", "third priority class", "fourth priority class", and
19 "fifth priority class", but are superior in priority and in right
20 to all other rights in Table 4, and at all times when the
21 available water supply of French Creek, Payne Lake Creek, Horse
22 Range Creek and Duck Lake Creek and their tributaries is in-
23 adequate to supply all rights in "sixth priority class", then
24 during the continuance of such shortage, the respective parties
25 shall prorate the available water supply in accordance with their
26 allotments in "sixth priority class". The rights in "seventh
27 priority class" are equal in priority and correlative in right,
28 but are subject and inferior to all other rights in Table 4, and
29 at all times when the available water supply of French Creek,
30 Payne Lake Creek, Horse Range Creek and Duck Lake Creek and their
31 tributaries is inadequate to supply all rights in "seventh

1 priority class", then during the continuance of such shortage,
2 the respective parties shall prorate the available water supply
3 in accordance with their allotments in "seventh priority class".
4 Provided, however, the right of Valdmarr J. Berthelsen and
5 Katie C. Berthelsen to divert 0.24 cubic foot per second through
6 the Richman Ditch be subject to the control of R. E. Richman and
7 Vera M. Richman and Harvey A. Green; the right of Calvin A. Ball
8 and Velda C. Ball to divert 0.29 cubic foot per second through
9 the Green Ditch be subject to the control of Harvey A. Green;
10 and that the total amount of water which can be diverted by
11 Alphonso J. Fuglistaler from Miners Creek or from water brought
12 into Miners Creek from French Creek shall not exceed 1.06 cubic
13 feet per second.

14
15 23.

16 All water diverted by J. D. Proctor and Ruth A. Proctor
17 from Payne Lake Creek as set forth in Table 4 through the Proctor
18 Payne Lake Creek Ditch for the purpose of operating a power wheel
19 situated in the northeast quarter of Section 32, Township 41
20 North, Range 9 West, MDE&M, shall be returned to French Creek
21 above the point of diversion of the Bemrod Ditch.

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TABLE 1

ALLOTMENTS TO PARTIES FROM
SPRINGS AND UNNAMED STREAMS

| Name of user | : :Acreage : to be :supplied : | : Diver- : sion : number : as per :Plate 1 | : : : Name of source : : | : : :Allotments :in cubic feet :per second | : : :Total : |
|--|--|--|---|--|-----------------------|
| Robert E. and Louise Lewis | 41.0 | 27 or 28 | Unnamed streams tributary to Miners Creek | 0.68 | 0.68 |
| Alphonso J. Fuglistaler | Domestic | 34 | Fuglistaler House | 0.02 | 0.02 |
| H. J. Danielson and Elinore Danielson | Domestic | 31 | Tripp House Spring | 0.02 | 0.02 |
| | Domestic | 32 | Tripp Stock Spring | 0.01 | 0.01 |
| Eslie E. and William M. Cory | Domestic | 38 | Cory Spring | 0.01 | 0.01 |
| J. D. and Ruth A. Proctor | Domestic | 6 | Unnamed Spring tributary to French Creek | 0.04 | 0.04 |
| | Domestic | 9 | Proctor Domestic Spring | 0.02 | 0.02 |
| | Domestic | 12 | Proctor Spring | 0.01 | 0.01 |
| John H. and Eleanor A. Mason | Domestic | 41 or 42 | Mason Spring | 0.02 | 0.02 |
| Valdmar J. and Katie C. Berthelsen | Domestic | 46 | Berthelsen Spring | 0.01 | 0.01 |
| TOTALS | 41.0 | | | | 0.84 |

TABLE 2

PRIORITIES AND ALLOTMENTS TO PARTIES
FROM NORTH FORK FRENCH CREEK

| Name of user | : Acreage : : to be : : supplied : | : Diver- : : sion : : number : | : Name of : : source : | : Allotments | | |
|---------------------------------------|--|--------------------------------------|----------------------------|----------------------------|-------|-----------|
| | | | | : in cubic feet per second | | |
| | | | | : Priorities : Total | | |
| | | : DWR map : | | : 1 : | : 2 : | : 3 : |
| Long-Bell Lumber Company | 19.2 | 16 | North Fork of French Creek | 0.38 | | 0.38 |
| W. H. Munson | 1.0 | 16 | North Fork of French Creek | 0.02 | | 0.02 |
| John T. Timmons and Marion F. Timmons | 78.8 | 17 | North Fork of French Creek | 0.94 | | 0.94 |
| Carl F. Tuttle Sr. Robert V. Tuttle | 200.5 | 17 | North Fork of French Creek | 2.82 | | 2.82 |
| Warren J. and Negra Halliday | 24.1 | 17 | North Fork of French Creek | 0.16 | | 0.16 |
| Calvin A. and Velda C. Ball | 112.6 | 17 | North Fork of French Creek | 1.41 | 0.12 | 1.53 |
| Valdmar J. and Katie C. Berthelsen | 27.6 | 17 | North Fork of French Creek | | *0.46 | *0.46 |
| Oscar A. and Edlean R. Lolax | 7.6 | 18 | North Fork of French Creek | 0.12 | | 0.12 |
| R. E. and Vera M. Richman | 140.0 | 17 | North Fork of French Creek | 1.41 | | 1.41 |
| Southern Pacific Land Co. | 8.2 | 18 or 19 | North Fork of French Creek | 0.14 | | 0.14 |
| TOTALS | 619.6 | | | 6.74 | 0.66 | 0.58 7.98 |

* Use through diversion 17 as defined in Paragraph 17.

TABLE 3
PRIORITIES AND ALLOTMENTS TO PARTIES
FROM MINERS CREEK

| Name of user | : Acreage : : to be : : supplied : | : Diver- : : sion : : number : : as per : : DWR map : | : Name : : of : : source : | : Allotments : | | | |
|--|--|---|----------------------------------|------------------------------|-------------------|-------------|---------------------------|
| | | | | : in cubic feet per second : | | | : Total : |
| | | | | : 1 : | : 2 : | : 3 : | : |
| Robert E. and Louise Lewis | 11.8 | 25 or 26 | Miners Creek | 0.20 | | | 0.20 |
| Alphonso J. Fuglistaler | 53.0 | 29 | Miners Creek | | 1.06 ^a | | 1.06 ^a |
| H. J. Danielson and Elinore Danielson | 10.4 | 30 | Miners Creek | 0.17 | | | 0.17 |
| Robert E. and Louise Lewis | 73.2 6.8 | 33 35 | Miners Creek Miners Creek | 1.22 ^b | 0.14 | | 1.22 ^b 0.14 |
| Harry M. and Martha B. Bemrod | 1.6 | 37 | Miners Creek | | 0.03 | | 0.03 |
| Eslie E. and William M. Cory | 17.8 | 36 | Miners Creek | 0.25 | | | 0.25 |
| Walter L. Byers and Barbara J. Byers | 7.7 | 35A | Miners Creek | | 0.13 ^b | | 0.13 ^b |
| TOTALS | 182.3 | | | 0.45 | 1.39 | 1.36 | 3.20 |

^a To be taken from Miners Creek when available without interfering with prior rights. If not so available from Miners Creek diversion shall be made from Duck Lake Creek as shown in Table 4.

^b If water is not available from Miners Creek, diversion shall be made from French Creek as shown in Table 4.

TABLE 4
PRIORITIES AND ALLOTMENTS TO PARTIES FROM
FRENCH CREEK, PAYNE LAKE CREEK, HORSE RANGE CREEK, AND DUCK LAKE CREEK

| Name of party | Acreage to be supplied | Diversion number as per Plan 1 | Name of source | Allotments, in cubic feet per second | | | | | | | Total |
|--|------------------------------|---|--|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------------|
| | | | | Priorities | | | | | | | |
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| Alphonso J. Fuglistaler | 53.0 | 2 | Duck Lake Creek | 2.50 ^a | | | | | | | 2.50 ^a |
| H. J. and Elinore Elinore Danielson | 86.5 | 3 | French Creek | 2.08 | | | | | | | 2.08 |
| Robert E. and Louise Lewis | 84.4 | 4 | French Creek | 2.33 ^b | | | | | | | 2.33 ^b |
| J. D. and Ruth A. Proctor | 7.7 8.0 | 5 7 | French Creek Horse Range Creek | 0.13 | | | | | | | 2.10 ^c |
| | 2.4 | 8 | Horse Range Creek | 0.13 | | | | | | | |
| Domestic | | 8A | Horse Range Creek | 0.04 | | | | | | | |
| Power ^c | | 10 | Payne Lake Creek | 0.10 | | | | | | | |
| | 41.8 | 10 | Payne Lake Creek | 0.90 | | | | | | | |
| Domestic | | 10A | Payne Lake Creek | 0.70 | | | | | | | |
| | | | | 0.10 | | | | | | | |
| Harry M. and Martha B. Benrod | 74.6 | 11 | French Creek | 1.00 | 0.92 | | | | | | 1.92 |
| Walter L. and Barbara S. Byers | 19.0 | 11 | French Creek | 0.44 | | | | | | | 0.44 |
| Vernon M. Reichert | Domestic | 12B | French Creek | 0.02 | | | | | | | 0.02 |
| Charles F. Thompson | Domestic | 12C | French Creek | 0.02 | | | | | | | 0.02 |
| Henry and May Aker | 2.0 4.8 | 13 14 | French Creek French Creek | 0.03 0.08 | | | | | | | 0.11 |
| Elsie E. and William M. Cory | 27.8 | 20 | French Creek | 0.58 | | | | | | | 0.58 |
| John H. and Eleanor A. Mason | 18.4 99.5 16.4 | 20 23 or 39 40 | French Creek French Creek French Creek | 0.38 1.42 | | | | | | | 2.03 |
| | | | | 0.23 | | | | | | | |
| Harvey A. Green | 70.0 16.4 125.6 | 20 43 44 | French Creek French Creek French Creek | 1.46 | | | | | | | 3.49 |
| | | | | 0.25 ^d 0.23 ^d 1.55 ^d | | | | | | | |
| Oscar A. and Edlean R. Lolax | 19.3 10.1 | 21 & 24 22 | French Creek French Creek | 3.25 | 0.07 0.17 | | | | | | 0.49 |
| R. E. and Vera M. Richman | 269.2 | 43 | French Creek | 0.25 ^d 3.60 ^d | | | | | | | 3.85 |
| Long-Bell Lumber Company | Industrial | 45 | French Creek | 0.25 | | | | | | | 0.25 |
| Violet H. Faustina | Domestic | 12A | French Creek | 0.02 | | | | | | | 0.02 |
| Valdmar J. and Katie C. Berthelsen | 16.8 10.8 | 43 47 | French Creek French Creek | 0.24 0.15 | | | | | | | 0.39 |
| Calvin A. and Velda C. Ball | 14.4 25.3 9.8 20.5 | 43 47 47A 44 | French Creek French Creek French Creek French Creek | 0.21 0.40 | | | | | | | 1.11 |
| | | | | 0.29 | | | | | | | |
| Madelyn Browne | 53.2 | 48 | French Creek | 0.76 | | | | | | | 0.76 |
| TOTALS | 1,526.2 | | | 5.36 | 5.65 | 4.00 | 6.74 | 1.48 | 0.29 | 0.97 | 24.49 |

a The amount of water delivered to the southerly boundary of the Alphonso J. Fuglistaler ranch shall not exceed 1.06 cubic feet per second.

b The amount of water diverted from either French Creek or Miners Creek when measured at the head of the Cail South ditch (Diversion 33) shall not exceed 1.46 cubic feet per second.

c Water diverted for power purposes is to be returned unimpaired to Payne Lake Creek and shall be so considered in deriving the water supply available for other rights.

d Subject to rotation agreement. (See paragraph 5 above.)

TABLE 5
DESCRIPTION OF PLACES OF USE

Henry Aker and May Aker

2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
4.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
 6.8 acres - Total

Calvin A. Ball and Velda C. Ball

36.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 6.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 18.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 3.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 27.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 19.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 16.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 27.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
31.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 187.6 acres - Total

Harry M. Bemrod and Martha B. Bemrod

14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 28.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 5.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 26.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
 76.2

Valdmar J. Berthelsen and Katie C. Berthelsen

22.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 16.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
17.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 55.2 acres - Total

Madelyn Browne

0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 17.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 10.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 12.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 53.2 acres - Total

TABLE 5
DESCRIPTION OF PLACES OF USE
(continued)

Walter L. Byers and Barbara J. Byers

19.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.

William M. Cory and Eslie E. Cory

2.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
16.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
26.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
45.6 acres - Total

H. J. Danielson and Elinore E. Danielson

32.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
21.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
12.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
14.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
96.9 acres - Total

Violet H. Faustina

3.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

Alphonso J. Fuglistaler

*0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
*1.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
*0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
10.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
10.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
18.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
53.0 acres - Total

Harvey A. Green

40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
32.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
16.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
36.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
28.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
16.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
212.0 acres - Total

* Denotes land irrigated outside of property line.

TABLE 5
DESCRIPTION OF PLACES OF USE
(continued)

Warren J. Halliday and Negra Halliday

1.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
22.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
1.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
24.1 acres - Total

Robert E. Lewis and Louise Lewis

24.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
12.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
17.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
27.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
1.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
91.2 acres - Total

Robert E. Lewis and Louise Lewis

8.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
30.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
4.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
8.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T40N, R9W, MDB&M.
52.8 acres - Total

Oscar A. Lolax and Edlean R. Lolax

20.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
8.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
37.0 acres - Total

Long-Bell Lumber Company

13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
5.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
1.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T40N, R9W, MDB&M.
20.8 acres - Total

John H. Mason and Eleanor A. Mason

2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
18.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
26.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
12.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
25.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.

TABLE 5
DESCRIPTION OF PLACES OF USE
(continued)

John H. Mason and Eleanor A. Mason (continued)

1.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
15.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
32.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
134.3 acres - Total

W. H. Munson

0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T41N, R9W, MDB&M.
0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T41N, R9W, MDB&M.
1.0 acre - Total

J. D. Proctor and Ruth A. Proctor

6.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
11.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
0.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
16.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
5.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
*4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
61.3 acres - Total

Vernon M. Reichert

Domestic SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

R. E. Richman and Vera M. Richman

12.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
22.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
25.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
14.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
42.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
16.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
17.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
42.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.

* Denotes land irrigated outside of property line.

TABLE 5
DESCRIPTION OF PLACES OF USE
(continued)

R. E. Richman and Vera M. Richman (continued)

10.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 38.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 4.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 11.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 29.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 42.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 20.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 409.2 acres - Total

John T. Timmons and LaVerne Dillman

10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 18.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 21.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 3.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 22.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 78.8 acres - Total

Charles F. Thompson

Domestic SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

Carl F. Tuttle Sr., and Robert V. Tuttle

0.7 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 26.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 26.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 11.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 35.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 43.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 42.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 36.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 24.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 16.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 1.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 34.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.

TABLE 5
DESCRIPTION OF PLACES OF USE
(continued)

Carl F. Tuttle, Sr. and Robert V. Tuttle (continued)

40.0 acres in $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
11.2 acres in $SW\frac{1}{4}$ $NW\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
3.2 acres in $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
6.0 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
8.0 acres in $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
0.3 acre in $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 35, T42N, R9W, MDB&M.
4.0 acres in $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 35, T42N, R9W, MDB&M.
519.0 acres - Total

Southern Pacific Land Company

6.8 acres in $NE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 21, T41N, R9W, MDB&M.
1.4 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 21, T41N, R9W, MDB&M.
8.2 acres - Total

TABLE 6
POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM

| Name of diversion system | Number of diversion | Approximate location of point of diversion | | | |
|--|---------------------|--|---|---------------------|--------------------------------|
| | | Legal subdivision in which diversion occurs | Reference corner for distance and bearing | Bearing from corner | Distance from reference corner |
| Resources: | Map | MDB&M. | MDB&M. | | in feet |
| Fuglistaler French Creek Ditch | 1 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T4ON, R9W | N $\frac{1}{4}$ Cor. Sec. 8, T4ON, R9W | S 22° W | 2050 |
| Fuglistaler Duck Lake Creek Ditch | 2 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T4ON, R9W | NE Cor. Sec. 7, T4ON, R9W | S 56° W | 1650 |
| Tripp French Creek Ditch | 3 | NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T4ON, R9W | E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W | S 87° W | 1200 |
| Cail French Creek Ditch | 4 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W | E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W | N 52° W | 1200 |
| Proctor French Creek Ditch | 5 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W | E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W | N 38° W | 1250 |
| Proctor Meadow Ditch | 6 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T4LN, R9W | SE Cor. Sec. 32, T4LN, R9W | N 48° W | 1300 |
| Proctor South Horse Range Creek Ditch | 7 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T4ON, R9W | N $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W | S 66° W | 600 |
| Proctor North Horse Range Creek Ditch | 8 | NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T4LN, R9W | S $\frac{1}{4}$ Cor. Sec. 32, T4LN, R9W | N 16° W | 1500 |
| Proctor Domestic Horse Range Creek Ditch | 8A | SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T4LN, R9W | S $\frac{1}{4}$ Cor. Sec. 32, T4LN, R9W | N 10° E | 1900 |
| Proctor Domestic Spring | 9 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T4LN, R9W | NE Cor. Sec. 32, T4LN, R9W | S 42° W | 1900 |
| Proctor Payne Lake Creek Ditch | 10 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T4LN, R9W | W $\frac{1}{4}$ Cor. Sec. 32, T4LN, R9W | N 86° E | 2700 |
| Proctor Domestic Payne Lake Creek Ditch | 10A | SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T4LN, R9W | E $\frac{1}{4}$ Cor. Sec. 32, T4LN, R9W | N 30° W | 1900 |
| Bemrod Ditch | 11 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T4LN, R9W | NE Cor. Sec. 32, T4LN, R9W | S 60° W | 1450 |
| Proctor Spring | 12 | NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T4LN, R9W | E $\frac{1}{4}$ Cor. Sec. 29, T4LN, R9W | S 23° W | 1000 |

TABLE 6
POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

| Name of diversion system | Number of diversion | Approximate location of point of diversion | | | | Distance from reference corner in feet |
|-------------------------------|---------------------|--|---|-------------------------------|--------------------------------|--|
| | | Legal subdivision in which diversion occurs | Reference corner for distance and bearing | Bearing from reference corner | Distance from reference corner | |
| Resources: | Map: | MDB&M. | MDB&M. | : | : | : |
| Faustina Pump Proposed | 12A | NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.20, T41N, R9W | W $\frac{1}{2}$ Cor. Sec.28, T41N, R9W | S 37° W | 980 | |
| Reichert Pump Proposed | 12B | SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W | W $\frac{1}{2}$ Cor. Sec.28, T41N, R9W | N 10° E | 500 | |
| Thompson Pump Proposed | 12C | SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W | W $\frac{1}{2}$ Cor. Sec.28, T41N, R9W | N 20° E | 600 | |
| Aker South Ditch | 13 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W | N $\frac{1}{2}$ Cor. Sec.28, T41N, R9W | S 40° W | 1700 | |
| Aker North Ditch | 14 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W | N $\frac{1}{2}$ Cor. Sec.28, T41N, R9W | S 39° W | 1200 | |
| Smith Lake Siphon | 15 | NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T41N, R10W | S $\frac{1}{2}$ Cor. Sec.26, T41N, R10W | N 39° E | 1650 | |
| Long-Bell Ditch | 16 | SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.29, T41N, R9W | W $\frac{1}{2}$ Cor. Sec.29, T41N, R9W | N 82° E | 1300 | |
| North Fork Ditch | 17 | SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W | SW Cor. Sec.21, T41N, R9W | N 1° E | 1000 | |
| Caloia Upper North Fork Ditch | 18 | SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W | SW Cor. Sec.21, T41N, R9W | N 52° E | 1100 | |
| Caloia Lower North Fork Ditch | 19 | SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W | S $\frac{1}{2}$ Cor. Sec.21, T41N, R9W | N 52° W | 600 | |
| Company Ditch | 20 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.28, T41N, R9W | NE Cor. Sec.28, T41N, R9W | S 87° W | 1350 | |
| Caloia Upper Ditch | 21 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.21, T41N, R9W | SE Cor. Sec.21, T41N, R9W | N 37° W | 800 | |
| Caloia Middle Ditch | 22 | SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W | SW Cor. Sec.22, T41N, R9W | N 11° E | 1250 | |
| Milk House Ditch | 23 | NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W | W $\frac{1}{2}$ Cor. Sec.22, T41N, R9W | S 12° E | 1250 | |

TABLE 6
POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

| Name of diversion system | Number of | Approximate location of point of diversion | | | |
|--------------------------------|-----------|--|---|---------|--|
| | | Legal subdivision in which diversion occurs | Reference corner for distance and bearing | Bearing | Distance from reference corner in feet |
| Water Resources: | Map: | Map: | Map: | Map: | Map: |
| Caloia Lower Ditch | 24 | NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W | W $\frac{1}{2}$ Cor. Sec. 22, T41N, R9W | S 77° E | 900 |
| Lewis Lower South Ditch | 25 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W | SE Cor. Sec. 8, T40N, R9W | N 12° W | 1050 |
| Lewis Upper South Ditch | 26 | NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W | E $\frac{1}{4}$ Cor. Sec. 8, T40N, R9W | S 10° W | 1200 |
| Lewis Lower West Ditch | 27 | NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W | SE Cor. Sec. 8, T40N, R9W | N 50° W | 2300 |
| Lewis Upper West Ditch | 28 | NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W | E $\frac{1}{4}$ Cor. Sec. 8, T40N, R9W | S 68° W | 1900 |
| Fuglistaler Miners Creek Ditch | 29 | SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T40N, R9W | S $\frac{1}{4}$ Cor. Sec. 4, T40N, R9W | N 45° E | 100 |
| Tripp Miners Creek Ditch | 30 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, T41N, R9W | SE Cor. Sec. 33, T41N, R9W | N 75° W | 1200 |
| Tripp House Spring | 31 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T41N, R9W | N $\frac{1}{4}$ Cor. Sec. 33, T41N, R9W | S 58° E | 1000 |
| Tripp Stock Spring | 32 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T41N, R9W | NE Cor. Sec. 33, T41N, R9W | S 76° W | 700 |
| Cail South Ditch | 33 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W | NW Cor. Sec. 34, T41N, R9W | S 28° E | 1300 |
| Fuglistaler House Spring | 34 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W | N $\frac{1}{4}$ Cor. Sec. 34, T41N, R9W | S 22° W | 1900 |
| Cail North Ditch | 35 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W | NW Cor. Sec. 34, T41N, R9W | S 15° E | 1500 |
| Byers Ditch | 35A | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, T41N, R9W | Ctr. Sec. 27, T41N, R9W | N 18° W | 1500 |
| Cory Ditch | 36 | SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W | S $\frac{1}{4}$ Cor. Sec. 22, T41N, R9W | N 45° W | 1000 |
| Bemrod Pump Proposed | 37 | SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W | S $\frac{1}{4}$ Cor. Sec. 22, T41N, R9W | N 53° W | 1600 |

TABLE 6
POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

| Name of diversion system | Number of | Approximate location of point of diversion | | | Distance from corner reference |
|--------------------------|-----------|--|---|-------------------------------|--------------------------------|
| | | Legal subdivision in which diversion occurs | Reference corner for distance and bearing | Bearing from reference corner | |
| Resources: | Map | Legal subdivision in which diversion occurs | Reference corner for distance and bearing | Bearing from reference corner | Distance from corner reference |
| Cory Spring | 38 | NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.22, T41N, R9W | S $\frac{1}{4}$ Cor. Sec.22, T41N, R9W | N 2° E | 2300 |
| Swamp Ditch | 39 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41N, R9W | W $\frac{1}{4}$ Cor. Sec.22, T41N, R9W | N 59° E | 1950 |
| Mason Ditch | 40 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41 N, R9W | NW Cor. Sec.22, T41N, R9W | S 63° E | 1600 |
| Mason House Spring | 41 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.22, T41N, R9W | S 34° E | 1300 |
| Mason Stock Spring | 42 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.22, T41N, R9W | S 46° E | 1500 |
| Richman Ditch | 43 | NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.15, T41N, R9W | S $\frac{1}{4}$ Cor. Sec.15, T41N, R9W | N 13° W | 1800 |
| Green Ditch | 44 | SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W | S 4° E | 2250 |
| Long-Bell Pump | 45 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W | S 10° E | 1600 |
| Berthelsen Spring | 46 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W | S 48° W | 550 |
| Berthelsen-Ball Ditch | 47 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W | NE Cor. Sec.15, T41N, R9W | S 70° W | 1600 |
| Ball Ditch | 47A | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W | NE Cor. Sec.15, T41N, R9W | N 20° W | 700 |
| Browne Ditch | 48 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W | SE Cor. Sec.10, T41N, R9W | N 10° W | 700 |

TABLE 6
POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

| | | Approximate location of point of diversion | | | |
|-------------------------------|-------------------|--|---|--------------|--------------|
| : Number : | : of : | :diversion: | : Reference : | : Bearing : | : Distance : |
| : on Divi-: | : sion in which : | : Legal subdivi-: | : corner for : | : from : | : from : |
| : sion of : | : diversion : | : sion in which : | : distance and : | : reference: | : reference: |
| : Water : | : occurs : | : bearing : | : corner : | : corner : | : in feet : |
| : Resources: | : : | : : | : : | : : | : : |
| : Map : | : MDB&M. : | : MDB&M. : | : : | : : | : : |
| Timmons Upper Ditch | 49 | SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W | E $\frac{1}{4}$ Cor. Sec.10, T41N, R9W | N 88° W | 2450 |
| Timmons Middle Ditch | 50 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W | E $\frac{1}{4}$ Cor. Sec.10, T41N, R9W | N 89° W | 1100 |
| Timmons Lower Ditch | 51 | SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W | E $\frac{1}{4}$ Cor. Sec.10, T41N, R9W | N 4° E | 700 |
| Richman Clarks Creek Ditch | 52 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W | N $\frac{1}{4}$ Cor. Sec.11, T41N, R9W | S 21° W | 1500 |

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

24.

That this Court retain jurisdiction of the parties hereto, their successors in interest, and of the subject matter hereof, and also jurisdiction to review this or any further judgment or decree and to change or modify the same as the interests of justice may require, upon application of any party hereto or his successor in interest, or by the Court on its own motion.

25.

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 judgment, or diverting any water from said French Creek stream system at any time in violation of the terms hereof or in excess of a quantity of water reasonably necessary for and being put to beneficial use, or from doing anything, directly or indirectly, that will obstruct or interfere with any other right in this judgment adjudged and determined.

26.

That this judgment superseded, and it hereby does supersede, all inconsistent former judgments and decrees as to the rights to the "natural flow" (as defined in Paragraph 7 above) of the French Creek stream system. However, this judgment does not supersede rotation or ditch agreements consistent herewith.

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27.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that each party hereto shall pay his own costs in said cause.

Done this 1 day of July, 1958.

JAMES M. ALLEN
Judge of the Superior Court

Goodwin J. Knight
Governor



STATE OF CALIFORNIA
State Water Rights Board

HENRY HOLSINGER, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. MCGILL, MEMBER

1401 21ST STREET
P. O. BOX 1582
SACRAMENTO 7, CALIFORNIA

L. K. HILL
EXECUTIVE OFFICER

July 8, 1958

French Creek Reference
Mason, et al., vs. Bemrod, et al.,
Siskiyou County No. 14478

To all Parties to the above action
and to their Attorneys:

At the request of the Court, the State Water Rights Board, Referee in the above action, prepared Findings of Fact and Conclusions of Law, also the Court's final Judgment, which were signed by the Court on July 1, 1958. A conformed copy of the Judgment is enclosed herewith for the completion of your records. If and when property subject to the judgment is sold, it is suggested that the enclosed document be turned over to the new owner.

For the completion of files of the attorneys, there are also enclosed to them conformed copies of the Court's Findings of Fact and Conclusions of Law.

Very truly yours,

L. K. Hill
L. K. Hill
Executive Officer

Enclosure

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ENDORSED
FILED
1958 JUL 1 PM 1:43
RACHAEL N. CORDES, CLERK
BY: Annetta McKenzie
Deputy

Donee

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

JOHN H. MASON, et al.,
Plaintiffs
vs.
HARRY M. BEMROD, et al.,
Defendants

No. 14478
FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

The above-entitled cause having been filed for the determination of certain rights to the waters of the French Creek stream system in Siskiyou County; said cause having been referred to the Department of Public Works, State of California, as Referee, by an order of the above-entitled Court, dated March 19, 1953, and made under authority of law as conferred by Sections 2000 and 2001 of the Water Code; said order of reference, as amended by order of the Court entered on December 17, 1953, directing said Referee, pursuant to said Section 2001, to investigate any and all of the physical facts involved in said action and to seasonably report to the Court thereon; said Referee having filed its final report as Referee in Court on July 5, 1956; R. E. Richman and Vera M. Richman, Evelyn Wolford, John T. Timmons, LaVerne Dillman and Madelyn Browne having filed exceptions to said report of referee, and the time for filing exceptions thereto having thereafter expired; the State Water

1 Rights Board having succeeded the Division of Water Resources of
2 the Department of Public Works as referee herein by Section 179
3 of the Water Code (added by Statutes of 1956, First Extra
4 Session, Chapter 52, effective July 5, 1956, as Section 189;
5 renumbered as Section 179); all parties to this cause, except-
6 ing Madelyn Browne, William M. Cory, W. H. Munson, R. E. Richman
7 and Vera M. Richman, John T. Timmons and Marion F. Timmons, and
8 LaVerne Dillman, having entered into and filed in Court on
9 July 5, 1956, a written stipulation for judgment; said stipula-
10 tion for judgment providing for settlement and determination of
11 all issues involved in said cause among, and by and between,
12 said signatory parties; said cause having been regularly set
13 for hearing and trial before this Court sitting without a jury,
14 on the 16th day of June, 1958, on which date said cause came on
15 for hearing and trial; said hearing and trial having been
16 regularly continued from said June 16, 1958, to June 23, 1958;
17 evidence to be considered by the Court in this matter including
18 (1) said final report of Referee, in accordance with Section
19 2019 of the Water Code, and (2) document entitled "Amended
20 Stipulation" dated January 28, 1958, and filed in this action
21 on March 6, 1958, being signed by Harvey A. Green and
22 R. E. Richman and Vera M. Richman; and the cause having been
23 submitted, the Court now makes its findings of fact as follows:

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1 FINDINGS OF FACT

2 1.. Said final report of the Referee, as filed on July 5, 1956,
3 is based upon certain substitutions of parties and the joinder of
4 certain additional parties, consistent with ownership in or cer-
5 tain transfers of interests in certain of the lands appurtenant
6 to the waters of the French Creek stream system in Siskiyou
7 County, which substitution and joinder of parties had been
8 authorized by orders of the Court entered herein on February 14,
9 1955, and on October 31, 1955, and had been made effective by
10 the service of process or by the voluntary appearance of said
11 parties; said substitutions being as follows:

- 12 (a) Alphonso J. Fuglistaler for Russell Draper.
13 (b) John T. Timmons and Marion F. Timmons (and LaVerne
14 Dillman) for Evelyn Wolford.
15 (c) Madelyn Browne as an individual for Madelyn Browne,
16 Administratrix.
17 (d) Oscar A. Lolax and Edlean R. Lolax for Melvin Calcia.
18 (e) H. J. Danielson and Elinore Danielson for Walter Tripp;
19 and said additional persons authorized to be joined as parties,
20 as follows:

- 21 (f) Louise Lewis, wife of Robert Lewis.
22 (g) Ruth A. Proctor, wife of J. D. Proctor.
23 (h) May Aker, wife of Henry Aker.
24 (i) Eslie E. Cory, brother of William McKinley Cory.
25 (j) Kate C. Berthelsen, wife of Valdmar J. Berthelsen.
26 (k) Carl F. Tuttle and Robert V. Tuttle, interested in the
27 real property of Carl F. Tuttle, Sr.
28 (l) Negra Halliday, wife of Warren Halliday.

29 2. Said Stipulation for Judgment, filed in Court on July 5, 1956,
30 with the Referee's Final Report, contains an express statement
31 that it "constitutes a general appearance in the above entitled

1 action by each party signatory hereto."
2 3. No additional motions have been made for the substitution of
3 parties to correspond to the transfer of interest in land and
4 the right to water of said French Creek stream system appurtenant
5 thereto, although it has been suggested to the Court that certain
6 recent changes in the ownership of property have taken place,
7 particularly with respect to that property described herein as
8 being in the name of John H. Mason and Eleanor A. Mason. However,
9 the Court finds that no prejudice will result to the parties from
10 the failure to make further substitutions, under the provisions
11 of Section 385 of the Code of Civil Procedure.
12 4. The Court incorporates by reference and adopts as its own
13 each and all of the findings of fact as contained in said Final
14 Report of Referee, as filed herein on July 5, 1956, particularly
15 those findings of fact set forth in Chapter III "FINDINGS,"
16 starting at page 13 of said Final Report.
17 5. The "Suggested Solution of the Problem," contained in said
18 Referee's Report and the basis for said Stipulation for Judgment,
19 is found to be fair, and based upon the Referee's findings of
20 fact and opinions.
21 6. The Court finds that said Amended Stipulation entered into
22 by Harvey A. Green and R. E. Richman and Vera M. Richman, filed
23 in this action on March 6, 1958, is a rotation agreement con-
24 sistent with the judgment to be entered herein, fair as between
25 the parties to said Amended Stipulation, and without prejudice to
26 the rights of others.

27 CONCLUSIONS OF LAW

28 And as conclusions of law from the foregoing facts,
29 the Court finds:
30 1. Substitution of parties and the joinder of additional parties
31 have been authorized and made as indicated above. No prejudice

1 will result from not making further substitution of parties.
2 2. All persons named as parties to this cause who voluntarily
3 filed an answer or who signed said Stipulation for Judgment,
4 thereby submitted themselves to the jurisdiction of this Court
5 with respect to this action, regardless of whether said parties
6 had otherwise been served with process in connection with this
7 action.
8 3. All exceptions to said Final Report of the Referee are hereby
9 overruled.
10 4. The Court incorporates by reference and adopts as its own
11 conclusions of law, each and all of the opinions of the Referee
12 as set forth in said Final Report of Referee, and particularly
13 in Chapter IV thereof, entitled "Opinion of the Referee."
14 5. A judgment should be entered in the above-entitled cause
15 adjudicating and determining the rights of the parties in and to
16 the use of the waters of the French Creek stream system, based
17 upon said final report of the Referee, and the within findings
18 of fact and conclusions of law.
19 Judgment is hereby ordered to be entered accordingly.

20 Dated this 1st day of July, 1958.

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22 JAMES M. ALLEN
23 Judge of the Superior Court
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