

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

2 IN AND FOR THE COUNTY OF SANTA BARBARA

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4  
5 JOHN G. REINHART,

6 Plaintiff,

7 vs.

8 R. E. EASTON, C. M. CAREAGA,  
9 MARIA A. CAREAGA, UNION SUGAR  
10 COMPANY, a corporation, B. F.  
11 BARCA, FIRST DOE, SECOND DOE,  
12 THIRD DOE, FOURTH DOE, FIFTH  
13 DOE, and SIXTH DOE, FIRST DOE  
14 COMPANY, a corporation, SECOND  
15 DOE COMPANY, a corporation, and  
16 THIRD DOE COMPANY, a corporation,

17 Defendants.

NO. 16827

DECREE

18  
19 The above entitled cause having been referred to the Division of  
20 Water Rights (now Division of Water Resources) of the Department of Public Works  
21 of the State of California, as referee, by an order of this Court, dated May 9,  
22 1927, and made under authority of law as conferred by Section 24 of the Water  
23 Commission Act of the State of California, Statutes 1913, Chapter 586, as amended,  
24 and thereafter all of the parties hereto, except B. F. Barca and Union Sugar  
25 Company having entered into a written stipulation and agreement, action having  
26 been dismissed as against said B. F. Barca and Union Sugar Company, and said  
27 stipulation providing that said referee might report to the above entitled court  
28 a decree in accordance with the provisions of said stipulation and that said  
29 Court might enter a decree in accordance with the provisions of said stipulation,  
30 said parties having further stipulated that findings of fact and conclusions of  
31 law be waived, said Division, as referee, having filed its report herein, which  
report embodies said stipulation of the parties, and said matter being finally  
submitted to this Court on said report, including said stipulation, and it appear-  
ing that said stipulation is signed by all of the parties who now appear in this

1 action and that said parties who have signed said stipulation are the owners of  
2 the rights as agreed upon and set forth in said stipulation;

3 NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

4 (1st) There is in said Santa Barbara County a natural stream of water known  
5 as and called "Los Alamos Creek" (sometimes called San Antonio Creek), which  
6 said creek arises east of the Town of Los Alamos in said Santa Barbara County,  
7 State of California, and flows thence through Los Alamos Valley in a general  
8 westerly direction between well defined banks in a well defined channel to, upon,  
9 and across some of the lands of some of the parties to this action which lands  
10 are hereinafter described, and has so flowed since the memory of man.

11 (2nd) At the time of the commencement of this action, John G. Reinhart was the  
12 owner, in the possession, and entitled to the possession, and for more than  
13 twenty years prior thereto, he and his grantors and predecessors in interest  
14 were the owners, in the possession, and entitled to the possession of the follow-  
15 ing described lands situated in said Santa Barbara County, California, to-wit:

16  
17 Lot Number two (2) of the Juan B. Careaga Tract of the  
18 Los Alamos Rancho, posted in Book 5 of Maps and Surveys at page  
19 94 of the records in the Office of the County Recorder of the  
20 County of Santa Barbara, State of California

21 (3rd) At the time of the commencement of this action, R. E. Maston was the  
22 owner, in the possession, and entitled to the possession, and for more than  
23 twenty years prior thereto, he and his grantors and predecessors in interest  
24 were the owners, in the possession, and entitled to the possession of the follow-  
25 ing described lands situated in said Santa Barbara County, California, to-wit:

26 Lot A of the Partition of Lot Number three (3) of the Juan  
27 B. Careaga Tract of the Los Alamos Rancho, posted in Book 5 of Maps  
28 and Surveys at page 94 of the records in the Office of the County  
29 Recorder of the County of Santa Barbara, State of California.

30 (4th) At the time of the commencement of this action, Maria A. Careaga was the  
31 owner, in the possession, and entitled to the possession, and for more than  
twenty years prior thereto, she and her grantors and predecessors in interest  
were the owners, in the possession, and entitled to the possession of the

1 following described lands situated in said Santa Barbara County, California,  
2 to-wit;

3 Lots Number twelve, thirteen, and fourteen (12, 13, and 14)  
4 of the Maria Antonia Careaga Subdivision, posted in Book 8 of  
5 Maps and Surveys at page 89 of the records in the Office of the  
6 County Recorder of the County of Santa Barbara, State of California.

7 (5th) At the time of the commencement of this action, C. M. Careaga was the  
8 owner, in the possession, and entitled to the possession, and for more than  
9 twenty years prior thereto, he and his grantors and predecessors in interest  
10 were the owners, in the possession, and entitled to the possession of the follow-  
11 ing described lands situated in said Santa Barbara County, California, to-wit;

12 Lot Number seven (7) of the Maria Antonia Careaga Subdivision,  
13 posted in Book 8 of Maps and Surveys at page 89 of the records in  
14 the Office of the County Recorder of the County of Santa Barbara,  
15 State of California.

16 (6th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that John G. Reinhart, R. E.  
17 Easton, C. M. Careaga, and Maria A. Careaga are the owners of first, equal and  
18 correlative rights in and to the use of the natural flow of said Los Alamos Creek  
19 at all times, for domestic and stock watering purposes upon their respective  
20 lands hereinbefore described; provided, that the amount of water to which each of  
21 said parties is so entitled shall be limited to the amount applied to beneficial  
22 use for said purposes by said party, and shall not exceed one tenth (0.10) cubic  
23 foot per second measured at the point where said creek enters upon the lands of  
24 said party; and provided further, that at all times when the natural flow of said  
25 creek is inadequate to supply the full allotments therefrom as in this paragraph  
26 provided, then during the continuance of such shortage, said parties shall divide  
27 the available natural flow of said creek equally among themselves so that each party  
28 will receive his or her share thereof at the point where said creek enters upon  
29 his or her lands.

30 (7th) Subject to the rights hereinbefore adjudged and decreed, John G. Reinhart  
31 and C. M. Careaga are the owners of correlative second rights in and to the use  
of the natural flow of said Los Alamos Creek at all times for the irrigation of  
their respective lands as heretofore irrigated and hereinbefore described;

1 provided, that the amount of water to which John G. Reinhart is so entitled shall  
2 be limited to the amount applied to beneficial use for said purpose by him, and  
3 shall not exceed fifty hundredths (0.50) cubic foot per second measured at his  
4 point or points of diversion from said creek; and the amount of water to which  
5 G. M. Careaga is so entitled shall be limited to the amount applied to beneficial  
6 use for said purpose by him and shall not exceed thirty-five hundredths (0.35)  
7 cubic foot per second measured at his point or points of diversion from said  
8 creek; and provided further, that at all times when the natural flow of said  
9 creek is inadequate to supply the full allotments therefrom hereinbefore provided  
10 in Paragraph (5th) and also the full allotments as in this paragraph provided,  
11 then during the continuance of such shortage, said parties shall divide the  
12 natural flow of said creek available over and above the flow necessary to supply  
13 the allotments hereinbefore provided in Paragraph (5th) so that the amount of  
14 water which G. M. Careaga is receiving, as measured at his point or points of  
15 diversion from said creek shall at all times be equal to seventy (70) per cent of  
16 the amount of water which John G. Reinhart is receiving, as measured at his point  
17 or points of diversion.

18 (8th) Nothing in this decree shall be construed as affecting or defining the  
19 rights of R. E. Easton to pump from his wells which do not tap the stream flow of  
20 said Los Alamos Creek but which are supplied from independent underground sources.

21 (9th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each and every party to  
22 this action, his or her agents, successors, grantees and assigns, be, and they  
23 are hereby perpetually enjoined and restrained from doing anything in violation  
24 of the terms or provisions of this decree, or diverting any water from said Los  
25 Alamos Creek at any time in violation of the terms hereof, or from doing anything  
26 that will obstruct or interfere with any other right in this decree adjudged and  
27 decreed.

28 (10th) FINALLY IT IS ORDERED, ADJUDGED, AND DECREED that each party hereto shall  
29 pay his or her own costs.

30 Done in open court this 8<sup>th</sup> day of May, 1931.

31  
(Judge Crow)  
\_\_\_\_\_  
Judge of Said Superior Court