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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SHASTA

10 In the Matter of the Determination )  
of the Rights of the Various )  
11 Claimants to the Water of )  
12 ROARING CREEK STREAM SYSTEM )  
UPSTREAM FROM THE BIG BEND ROAD )  
13 BRIDGE, )  
14 Shasta County, California. )

DECREE NO. 83723

15  
16 The above-entitled cause having come on regularly for  
17 hearing, trial and determination on May 31, 1985, before this court  
18 sitting without a jury; all parties in interest in said proceeding  
19 having been duly and regularly notified of said hearing; the State  
20 Water Resources Control Board (hereinafter referred to as the  
21 "Board") having filed with the clerk of this court a certified copy  
22 of the Order of Determination together with the original evidence  
23 filed with or taken before the Board and certified by it; excep-  
24 tions to the Order of Determination having been filed by Mary Jane  
25 Mallinson aka Mary Jane Meckley, Jerry and Charleen Carroll, and  
26 the United States Forest Service; the exceptions to the Order of  
27 Determination having been heard on May 31, 1985; the matter having  
28 been taken under submission; the court having announced a tentative

1 decision on July 5, 1985 which approved the Order of Determination  
2 of the Board except with respect to the claim of the United States  
3 Forest Service; the court having determined that the Forest Service  
4 should receive an additional allotment of water for public trust  
5 purposes; the court now affirms said Order of Determination, except  
6 to the extent that it is modified herein, and renders this decree  
7 determining the rights of all parties to this proceeding as  
8 follows:

9           IT IS ORDERED, ADJUDGED AND DECREED that the several  
10 rights of all existing claimants in and to the use of water of the  
11 Roaring Creek Stream System, upstream from the Big Bend Road  
12 Bridge, in Shasta County, California, are determined and estab-  
13 lished to be as hereinafter set forth:

14 Definitions

15           1. "Water Code" means the State of California Water  
16 Code.

17           2. "Stream System" means the Roaring Creek stream system  
18 upstream of the Big Bend Road Bridge. It includes Roaring Creek,  
19 two unnamed streams known locally as Browns Creek and Jake Creek,  
20 and other tributaries from their headwaters to their confluence  
21 with Roaring Creek. It also includes water in subterranean streams  
22 which flow in known and definite channels and which contribute to  
23 the Roaring Creek stream system.

24           3. "Claimant" means a party who has filed a proof of  
25 claim of water right in and to the use of the Roaring Creek stream  
26 system, or who, having failed or refused to file such a proof of  
27 claim properly, has had his right determined pursuant to provisions  
28 of Water Code Section 2577.

1           4. "Directly apply to beneficial use" means the direct  
2 conveyance and application of water diverted to beneficial use  
3 without intermediate storage, except reasonable regulatory storage  
4 used to create a convenient head for irrigation or other beneficial  
5 use allowed herein.

6           5. "Seasonal storage" is defined as the collection of  
7 natural flow in a reservoir during a time of high stream flow, such  
8 as the winter and spring months, where such water is held and used  
9 during a time of deficient stream flow, such as the summer and fall  
10 months.

11           6. "Regulatory storage" is the collection of a direct  
12 diversion allotment in a reservoir in which water is held in  
13 storage for the purpose of creating a convenient head for irriga-  
14 tion or other beneficial use allowed herein, for less than 30 days  
15 before being withdrawn.

16           7. "Natural flow" means flow which occurs at the point in  
17 a stream from the runoff of the watershed which it drains, from  
18 springs and seepage which naturally contribute to the stream, and  
19 from waste and return flow from dams, conduits, and irrigated  
20 land. Natural flow is distinguished from water released directly  
21 from storage for rediversion and use, or water imported from  
22 another watershed which is released directly to the natural channel  
23 for conveyance to the place of beneficial use.

24           8. "Watershed" means the drainage area or region which  
25 contributes to the water supply of a stream or lake. The watershed  
26 boundary for this adjudication is delineated on the State Water  
27 Resources Control Board map described below.

28           9. "Return flow" is that portion of applied irrigation

1 water that after use, finds its way back into a ditch or drain and  
2 becomes available for reuse by persons other than the original  
3 diverter.

4           10. The "State Water Resources Control Board Map"  
5 (hereinafter referred to as the SWRCB map) was prepared by the  
6 Board from surveys made in 1978 and 1979 and updated in 1984. It  
7 is entitled "Roaring Creek Stream System, Showing Diversions,  
8 Properties and Irrigated Lands, Shasta County, dated 1984". The  
9 SWRCB map comprises one sheet which is incorporated and included in  
10 this decree.

11 General Entitlement

12           11. The claimants found in this proceeding to possess  
13 water rights are entitled to the use of water of the Roaring Creek  
14 stream system on their lands described under their respective names  
15 in Schedule 1, and shown on the SWRCB map, from points of diversion  
16 described in Schedule 2. They are entitled to the use of water  
17 during the periods of time specified in Paragraph 13 entitled  
18 "Seasons of Use" and in the amounts allotted from the various  
19 sources under the priorities and for the uses set forth after their  
20 respective names in Schedules 3 through 6. Schedules 1 through 6  
21 are attached to and incorporated in this decree. The amounts of  
22 water allotted shall be measured at the points of diversion from  
23 the stream system unless otherwise specified. Nothing contained  
24 herein shall be construed to allocate to any claimant a right to  
25 divert at any time from the Roaring Creek stream system more water  
26 than is reasonably necessary for his beneficial use, nor to permit  
27 him a right to unreasonably impair the quality of the natural  
28 flow.

1 Priority Classes

2           12. The term "priority class" when used herein means a  
3 class of rights each one of which is equal in priority and correla-  
4 tive in right with all other rights of the same class appearing  
5 within the schedule. When available water is sufficient to supply  
6 only part of the entitlement of any specific priority class, the  
7 available supply shall be prorated in accordance with allotments in  
8 that priority class. Except as provided in Paragraph 14, no  
9 priority class is entitled to use any water until all higher  
10 priority rights have been fully satisfied. Thus, within the same  
11 schedule, all rights of the Second Priority Class are inferior in  
12 priority and subordinate to all rights of the First Priority Class  
13 but are superior in priority and entitled to full satisfaction  
14 ahead of rights in the Third Priority Class.

15 Seasons of Use

16           13. Allotments for irrigation shall be for continuous use  
17 from April 1 to November 1 of each year. Allotments for domestic  
18 and stockwatering purposes shall be for continuous use throughout  
19 the year.

20 Domestic Use

21           14. Domestic use is limited to water applied exclusively  
22 for household purposes, watering of domestic animals and irrigation  
23 of up to one-half acre of yard, garden and family orchard. In  
24 accordance with Water Code Section 106, all parties named in  
25 Schedules 3 through 5 are allotted 500 gallons per day at their  
26 place of use, on a year-round basis for domestic use with priority  
27 over all other uses set forth in said schedules.

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1 Stockwatering Use

2 15. Stockwatering use is limited to water required by  
3 commercial livestock.

4 Irrigation Use

5 16. Irrigation use is limited to the application of water  
6 for the purpose of meeting moisture requirements of growing crops.

7 Industrial Use

8 17. Industrial use is limited to the application of water  
9 in the culture and harvesting of timber including incidental  
10 domestic use, the building and maintenance of roads, sprinkling to  
11 allay dust, fire protection, operation of portable or semi-portable  
12 sawmills including operation and maintenance of appurtenant logging  
13 ponds, chippers and debarkers and the initial irrigation of timber  
14 plantings including Christmas tree stock. Use of water for stock-  
15 watering and domestic purposes by livestock and recreational users  
16 of timber lands in conjunction with, but not in excess of, the  
17 allotments contained herein for timber culture is deemed to be  
18 within this defined use.

19 The U. S. Forest Service and all owners of private riparian  
20 lands in the Roaring Creek stream system may divert throughout the  
21 year, subject to all Roaring Creek rights specifically defined in  
22 this decree, an amount of water that may be necessary for timber  
23 harvesting and road building and maintenance purposes on said lands  
24 from any point of diversion on said lands or to which access is  
25 obtained. The diversion of water for timber harvesting and road  
26 building and maintenance shall not impair numbered priority rights  
27 in the schedule in which the diversion would be placed if the right  
28 were specifically defined.

1 Water for such uses may be diverted as set forth above  
2 provided there is an amount of water in Roaring Creek equal to or  
3 greater than the amount specified in Paragraph 22 herein.

4 Combined Uses

5 18. Claimants diverting water under allotments for  
6 irrigation use are entitled to use water for domestic and  
7 stockwatering purposes incidental to irrigation.

8 Domestic and Stockwatering Uses During the Non-Irrigation Season

9 19. To provide water at the various places of use for  
10 domestic and stockwatering purposes during the non-irrigation  
11 season from November 1 to about April 1, all claimants listed in  
12 Schedules 3 through 5 are entitled to divert a sufficient amount of  
13 water in their priority class to offset reasonable conveyance  
14 losses and to deliver 0.01 cfs at the place of use.

15 Equivalent Flow to Provide Adequate Head

16 20. All quantities of water allotted to the several  
17 claimants for direct application to beneficial use in Schedules 3,  
18 4, 5 and 6 are expressed in terms of continuous flow. However,  
19 such claimants may rotate the use of water with other related  
20 rights in the same stream group for the specified purpose of use  
21 and thus apply water to the place of use at a greater rate than  
22 indicated by the quantity of continuous flow so allotted. The  
23 several claimants may also divert, for limited periods of time, a  
24 convenient "head" to achieve the same purpose. Such practice of  
25 rotation or use of a convenient "head" shall not result in the use  
26 by any such claimant of a total quantity of water during any 30-day  
27 period in excess of the equivalent of claimant's continuous allow-  
28 ance. It is further provided that such practice of rotation or use

1 of convenient "heads" shall not cause an unreasonable interference  
2 in the regime and quantity of available natural flow to which  
3 others are entitled or which would adversely impact on the existing  
4 fisheries.

5 Water Use on National Forest Lands

6           21. An allotment of 1500 gallons per day is made from the  
7 spring designated as Diversion 1 on the SWRCB map. This allotment  
8 is made for the public trust purposes of wildlife enhancement and  
9 incidental domestic use by hikers, campers and Forest Service  
10 personnel. The U. S. Forest Service also has a federal reserved  
11 right to divert water from the spring identified as Diversion 2 on  
12 the SWRCB map. The right was reserved by presidential proclamation  
13 on October 3, 1904. The water from Diversion 2 is to be used for  
14 dust control, road maintenance and construction, and fire suppres-  
15 sion. Diversions 1 and 2 are minor diversions which have a  
16 negligible effect on the downstream water supply. The Forest  
17 Service allotments are placed in first priority in a separate  
18 schedule. (Schedule 6.)

19 Insteam Use in Roaring Creek

20           22. The use of water under future appropriative rights and  
21 under future activation of presently unexercised riparian rights is  
22 subject to the maintenance of a minimum flow of 5 cubic feet per  
23 second in Roaring Creek at the Big Bend Road Bridge to provide  
24 protection of fish life.

25 Pre-1914 Appropriations on Public Land

26           23. Diversions from Roaring Creek into the Henry-Carroll  
27 Roaring Creek Ditch and the Upper Roaring Creek Ditch and the Jake  
28 Creek Ditch were initiated prior to December 19, 1914.



1 Appropriations made on public lands are superior to the riparian  
2 rights of lands contiguous to the same stream that passed to  
3 private ownership after the accrual of the appropriation right.  
4 The points of diversion of the Henry-Carroll Roaring Creek Ditch,  
5 the Jake Creek Ditch and the Upper Roaring Creek Ditch were located  
6 on vacant government land at the time appropriation was initiated.  
7 Therefore, these diversions are accorded priority over diversions  
8 made under riparian rights. As specified in Schedules 3 through 5,  
9 Henry and Carroll possess first priority rights (1887). Reich,  
10 Vopat, Parham, and Epperson, diverting water through the Upper  
11 Roaring Creek Ditch and the Jake Creek Ditch possess second  
12 priority rights (1888).

13 Riparian Rights

14           24. Riparian water rights are accorded priority over  
15 appropriative water rights except where the appropriation was made  
16 on the public land under the conditions described in Paragraph 23.  
17 The only appropriate rights in this category in the adjudication  
18 area are the first priority rights to divert into the Henry-Carroll  
19 Roaring Creek Ditch and the second priority rights to divert into  
20 the Upper Roaring Creek Ditch and the Jake Creek Ditch. Therefore,  
21 riparian rights are placed in the third priority classification in  
22 Schedules 3 and 5. Third priority rights include the riparian  
23 rights of Roderick, Parham and Carroll.

24 Other Pre-1914 Appropriations

25           25. The 1906 appropriative rights to divert water into the  
26 Vaughn Ditch are placed in the fourth priority classification in  
27 Schedule 3.

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1 Post-1914 Appropriations

2           26. Following are appropriative rights within the Roaring  
3 Creek stream system which were initiated after December 19, 1914:

4           a. Application 14321 of James C. and Delores J.  
5 Roderick was filed on May 23, 1951, and License 5241 was issued to  
6 confirm a right for diversion of 0.065 cubic foot per second from  
7 Diversion No. 10 on Roaring Creek for year-round domestic use and  
8 irrigation of five acres from May 1 to October 1 of each year.  
9 Schedule 3 contains an allotment of 0.15 cfs in third priority  
10 under riparian right to irrigate five acres. The Roderick property  
11 is riparian to Roaring Creek. Total diversion under both appropria-  
12 tive and riparian rights shall not exceed 0.15 cfs.

13           b. Stockpond Water Right Certificate No. 3243 was  
14 issued to James C. and Delores J. Roderick on March 23, 1979, to  
15 certify storage of 3.0 acre-feet per annum at Diversion No. 11 on  
16 an unnamed stream tributary to Roaring Creek. Priority of the  
17 right is the date of construction, which was during 1940.

18 Apportionment of Water in Henry-Carroll Roaring Creek Ditch

19           27. Water diverted under the 1887 appropriative right to  
20 divert through the Henry-Carroll Roaring Creek Ditch shall be  
21 apportioned as described below:

22           a. When there is sufficient water in Roaring Creek to  
23 divert 2.01 cfs into the Henry-Carroll Roaring Creek Ditch, then  
24 Henry shall receive 0.75 cfs (including 0.25 cfs as Henry's pro  
25 rata share of ditch loss) and Carroll shall receive 1.26 cfs  
26 (including 0.43 cfs as Carroll's pro rata share of ditch loss).

27           b. The deed by which property was transferred from  
28 Henry to Carroll provides that if less than 200 miners inches

1 (5 cfs) is flowing in the Henry-Carroll Roaring Creek Ditch, the  
 2 water would be evenly divided between Henry and Carroll. As  
 3 indicated in subparagraph a., above, the maximum allotments for  
 4 Henry and Carroll during periods when adequate water is available  
 5 equal a combined total flow of 2.01 cfs including ditch loss.  
 6 Under the deed provision desired, any time there is insufficient  
 7 water in Roaring Creek to divert their combined total allotments of  
 8 2.01 cfs into the Henry-Carroll Roaring Creek Ditch, then the  
 9 allocation of water between Henry and Carroll shall be subject to  
 10 the deed limitation applied in conjunction with the allotments of  
 11 water described in subparagraph a., above. At such time, Henry  
 12 shall receive 1/2 of the flow in the ditch or 0.75 cfs, whichever  
 13 is less, and Carroll shall receive the remaining flow in the ditch  
 14 after subtracting the quantity allotted to Henry.

15 Upper Roaring Creek Ditch

16 28. When there is sufficient flow in Roaring Creek to  
 17 divert 2.30 cfs into the Upper Roaring Creek Ditch without  
 18 infringing upon prior rights, then claimants Walter H. and Annabel  
 19 Reich, Frank Vopat, Eugene and Linda Parham, et al., and Ronald T.  
 20 and Theresa M. Epperson are allotted water at Diversion 3, Upper  
 21 Roaring Creek Ditch, as set forth in the following table:

22	OWNER	DEEDED DITCH APPOR- TIONMENT	ACRES IRRI- GATED	DITCH LOSS*	IRRIGATION ALLOTMENT* (1 cfs per 30 acres)	TOTAL ALLOT- MENT*
24	Reich	1/4	16	0.22	0.53	0.75
25	Vopat Parham, et al.	1/4	10	0.14	0.33	0.47
26	Epperson	6/14	19	0.26	0.63	0.89
27		1/14	4	0.06	0.13	0.19
28	TOTAL		49	0.68	1.62	2.30

\* in cfs

1           When flow in the ditch is less than 2.30 cfs, the flow  
2 shall be apportioned among the owners in accordance with their  
3 deeded apportionments as limited by the total allotment for each  
4 party. The allotments from the Upper Roaring Creek Ditch are  
5 summarized as follows:

- 6 Reich . . . . . 0.75 cfs or 1/4 of flow, whichever is less.
- 7 Vopat . . . . . 0.47 cfs or 1/4 of flow, whichever is less.
- 8 Parham, et al. . . 0.89 cfs or 6/14 of flow, whichever is less.
- 9 Epperson . . . . . 0.19 cfs or 1/14 of flow, whichever is less.

10 Vaughn Ditch

11           29. When 2.11 cfs or less is flowing in Vaughn Ditch under  
12 the 1906 appropriative right referred to in Paragraph 25, any water  
13 in excess of the amount required for domestic purposes shall be  
14 apportioned among the users for irrigation based on the ratio of  
15 the presently irrigated acreage. Joaquim and Hildegard Peschel and  
16 Margaret Anstin are entitled to water from Roaring Creek for irriga-  
17 tion of 32 acres to the extent that surplus water or return flow  
18 from Vaughn Ditch leaves the property of Charles L. and Evelyn A.  
19 Richard.

20 Unexercised Riparian Rights

21           30. All claimants and other persons not named in this  
22 decree owning land riparian to streams in the Roaring Creek stream  
23 system have unexercised riparian rights to the use of water; how-  
24 ever, any riparian right that is not defined in this decree shall  
25 be defined and exercised only in accordance with the provisions of  
26 this decree. Any person who holds an unexercised riparian right  
27 may apply to the court under Paragraph 31 or to the Board under  
28 Paragraph 32 for definition of a riparian right which is not

1 defined in this decree at the time of such application. If the  
2 court finds that such person proposes diligently, reasonably and  
3 beneficially to exercise such right, the court shall define the  
4 right in terms consistent with such proposed reasonable beneficial  
5 use. Any riparian right defined pursuant to this paragraph shall  
6 be the subject of a supplemental decree and shall possess a prior-  
7 ity as of the date of application to the court or to the Board, as  
8 the case may be. Riparian rights defined pursuant to this para-  
9 graph shall be subject (1) to all rights which are defined in this  
10 decree, including any supplemental decree, as said decree exists on  
11 the date of application to the court or to the Board by a riparian  
12 claimant; and (2) to any appropriative right initiated by applica-  
13 tion, in accordance with Part 2 (commencing with Section 1200) of  
14 Division 2 of the Water Code, prior to the date of application to  
15 the court or to the Board by a riparian claimant.

16 Reserved Jurisdiction

17           31. The court reserves continuing jurisdiction, upon  
18 application of any party hereto, or successor in interest thereto,  
19 or upon its own motion or the motion of the State Water Resources  
20 Control Board, to review this decree and to change or modify the  
21 same as the interests of justice may require.

22 Changes in Exercise of Rights

23           32. Any party who wishes to change or modify the exercise  
24 of his rights set forth in the decree may request the Board to  
25 investigate said change or modification. The Board shall notify  
26 affected parties of its investigation and provide an opportunity to  
27 object to the proposed change. If an application to activate un-  
28 exercised riparian rights is filed with the Board, notice shall be

1 given in accordance with the notice provisions for appropriative  
2 applications as set forth in Water Code Sections 1300 et seq. If  
3 any affected party objects to the proposed change or modification,  
4 the Board shall hold a hearing or other proceedings in lieu of hear-  
5 ing. Following its investigation, the Board shall file its report  
6 which determines whether the proposed change or modification is in  
7 accordance with applicable law and which makes a recommendation  
8 regarding changes or modifications of the decree. Any changes or  
9 modifications of the decree recommended by the Board shall be  
10 entered, subject to court review and approval, as a supplemental  
11 decree. The Board shall be entitled to receive reimbursement for  
12 the expenses of making its investigation and recommendations to the  
13 court. Proceedings on the apportionment of the expense shall  
14 closely conform with the provisions of Article 13, Chapter 3, Part 3,  
15 Division 2 of the Water Code, commencing with Section 2850.  
16 Nothing in this paragraph shall restrict any right which any person  
17 may have under any statute or common law to change or modify the  
18 exercise of his rights set forth in the decree.

19 Water Rights Disputes in Watermaster Service Area

20 33. If a watermaster service area is created in accordance  
21 with applicable law, the watermaster shall distribute the water in  
22 accordance with this decree. If a water rights dispute arises  
23 between users, the watermaster shall regulate those diversions as  
24 set forth in the decree and as necessary to settle the dispute.  
25 Any party who alleges that the watermaster is not regulating his  
26 water right in accordance with this decree may apply to the Board  
27 to investigate said allegations. The Board shall notify all  
28 affected parties of its investigation and give them an opportunity

1 to respond to the allegations. If any affected party requests a  
2 hearing or other proceedings in lieu of hearing, the Board shall  
3 duly notice and schedule a hearing or other proceedings in lieu of  
4 hearing. Following its investigation, the Board shall file its  
5 report which determines whether the watermaster has regulated the  
6 water right in accordance with the decree and which makes its  
7 recommendation to the court for any change, modification or  
8 clarification of the decree. Any change, modification or clarifi-  
9 cation of the decree recommended by the Board shall be entered,  
10 subject to court review and approval, as a supplemental decree.  
11 The Board shall be entitled to receive reimbursement for the  
12 expense of making its investigation and recommendation to the  
13 court. Proceedings on the apportionment of expenses shall closely  
14 conform with the provisions of Article 13, Chapter 3, Part 3,  
15 Division 2 of the Water Code, commencing with Section 2850.  
16 Nothing in this paragraph shall restrict any right which any person  
17 may have under any statute or common law to seek enforcement of  
18 this decree or to seek any other relief.

19 Effects of the Decree

20           34. Each and every claimant, his or her agents,  
21 successors, grantees and assigns, shall be and hereby are  
22 perpetually enjoined and restrained from doing anything in  
23 violation of the terms or provisions of the judgment and decree,  
24 and from diverting any water from said Roaring Creek stream system  
25 as defined in this decree at any time in excess of a quantity  
26 reasonably necessary for, and actually applied to, reasonable  
27 beneficial use by reasonable methods of diversion and use, and from  
28 doing anything, directly or indirectly, that will obstruct or

1 interfere with any right of another adjudged and decreed in this  
2 action.

3 35. This decree is conclusive as to the rights of all  
4 existing claimants in the Roaring Creek stream system as defined  
5 herein.

6 36. This decree supersedes and modifies all inconsistent  
7 former judgments and decrees as to the rights to the flow of the  
8 Roaring Creek stream system. However, this decree does not  
9 supersede any rotation or ditch agreements which are consistent  
10 with the provisions of this decree.

11 37. Permits and licenses initiated by application under  
12 provisions of the Water Commission Act or the Water Code shall  
13 continue to be administered by the Board as in other cases. Upon  
14 issuance, revocation or authorized change in any permit or license  
15 in accordance with the California Water Code and upon motion of the  
16 licensee or the Board, the court shall enter a supplemental decree  
17 confirming the Board's action.

18 38. Except as provided by Paragraph 30, any claimant who  
19 has failed to appear and submit proof of his claim as provided in  
20 Chapter 3, Part 3 of Division 2 of the Water Code, shall be barred  
21 and estopped from subsequently asserting any rights heretofore  
22 acquired upon the Roaring Creek stream system as defined herein.  
23 Any such claimant forfeits all rights to water heretofore claimed  
24 by him on said stream system, other than as provided in the decree,  
25 unless entitled to relief under the laws of this state.

26 Statements of Diversion and Use

27 39. All persons diverting water under water rights other  
28 than appropriative water rights initiated after December 19, 1914,



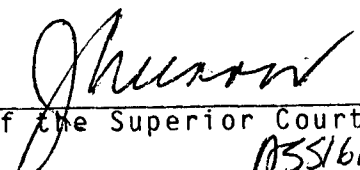
1 are required to file Statements of Water Diversion and Use with the  
2 Board in accordance with Part 5.1 of Division 2 of the Water Code  
3 commencing with Section 5100.

4 Dated:

5

6 September 4, 1985

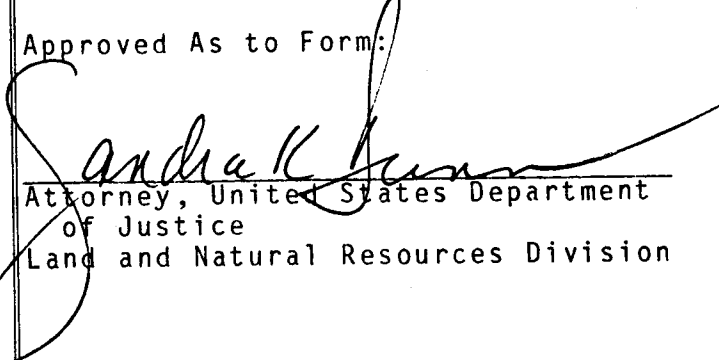
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Judge of the Superior Court  
ASSIGNED

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9 Approved As to Form:

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12 Attorney, United States Department  
13 of Justice  
14 Land and Natural Resources Division

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SCHEDULE 1

Description of Places of Use  
Of Water From Roaring Creek Stream System

<u>NAME</u>	<u>USE*</u>	<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP-RANGE</u> <u>MDB&amp;M</u>	
Bay Histology Service	Dom, Stk, Irr.	2	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	35N	1W
Caldwell, Forest B. III and Robert B. Easton	Dom, Stk, Irr.	2	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
		3	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	35N	1W
Cantrell, Gloria	Dom, Stk, Irr.	2	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Carroll, Jerry T. and Charlene C.	Dom, Stk, Irr.	25	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of NE $\frac{1}{4}$	6	35N	1E
Close, James & Lucille	Dom, Stk,	1	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	12	35N	1E
Leonard, Vernon L. and Leona J.	Dom, Stk, Irr.	10	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	35N	1W
Easton, Robert B. and Constance C.	Dom, Stk, Irr.	3	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of SW $\frac{1}{4}$	1	35N	1W
				6	35N	
Epperson, Ronald T. and Theresa M.	Dom, Stk, Irr	4	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	31	36N	1E
Swain, Susan Marie Winkler	Dom.		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Garnett, Bernard E. and Ruth M.	Dom.		SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Henry, Lynn and Christine	Dom, Stk, Irr.	15	N $\frac{1}{2}$ of NE $\frac{1}{4}$	6	35N	1E
Roseberg Lumber Co.	Ind.		Various Portions	28	36N	1E
				29	36N	1E
				31	36N	1E
				32	36N	1E
				2	35N	1E
				3	35N	1E
				4	35N	1E
				9	35N	1E
				10	35N	1E
Meckley, Chester and Mary Jane	Dom, Stk, Irr.	6	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	35N	1W
Miller, Jack O. and Helen	Dom, Stk, Irr.	2	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	35N	1W

<u>NAME</u>	<u>USE*</u>	<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>MDB&amp;M</u>	
Nipper, Jack J. and Crane M.	Dom.		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Parham, Eugene and Linda, et al.	Dom, Stk, Irr.	19	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ N $\frac{1}{2}$ of SE $\frac{1}{4}$	31 31	36N 36N	1E 1E
Peschel, Joachim O. Hildegard, Uwe and Diana and Margaret Anstin		32	S $\frac{1}{2}$ of NE $\frac{1}{4}$	12	35N	1W
Reddick, Arthur C. and Sally	Dom.		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Reich, Walter H. and Annabel	Dom, Stk Irr.	16	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	32	36N	1E
Richard, Charles I. and Evelyn A.	Dom, Stk, Irr.	3	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	12	35N	1W
Roderick, James C. and Dolores J.	Dom, Stk, Irr.	5	Within Lot 4 SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6 6	35N 35N	1E 1E
Terry, Eugene F. and Marsha P.	Dom,		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Van Steen, Jack L. and Doris A.	Dom.		SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	35N	1E
Vopat, Frank	Dom, Stk, Irr.	10	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	32	36N	1E
Wilson, Thomas E. and Gayle A	Dom, Stkn.		NE $\frac{1}{4}$ of NE $\frac{1}{4}$	12	35N	4W

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\*Dom - Domestic  
 Stk - Stockwatering  
 Irr - Irrigation  
 Ind - Industrial

SCHEDULE 2  
Location of Points of Diversion

LOCATION OF POINT OF DIVERSION					
Name of Diversion System	Diversion No. on State Water Resources Control Board Map	Legal Sub-division in which diversion Occurs MDB&M	Reference Corner for Distance and Bearing MDB&M	Bearing From Reference Corner	Distance from Reference Corner In Feet
USFS SPRING #1	1	Projected Section 34, T36N, R1E MDB&M	SE Corner Section 34	N25°W	3300'
USF SPRING #2	2	Projected Section 34, T36N, R1E, MDB&M	SE Corner Section 34	N48°W	1800'
Upper Roaring Creek Ditch	3	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 4, T35N, R1E MDB&M	NW Corner Section 4	S5°E	2000'
Jake Creek Ditch	4	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 5, T35N, R1E MDB&M	NE Corner Section 5	W	900'
Henry-Carroll Roaring Creek Ditch	5	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 5, T35N, R1E MDB&M	NW Corner Section 5	S68°E	1000'
Vaughn Ditch	6	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 6, T35N, R1E MDB&M	NE Corner Section 6	S38°W	700'
Upper Roaring Creek Ditch -- Browns Creek Diversion	7	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 32, T36N, R1E MDB&M	SW Corner Section 32	N11°E	2600'
Parham Pump	8	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 31, T36N, R1E MDB&M	SE Corner Section 31	N42°W	2500'
Henry-Carroll Roaring Creek Ditch -- Browns Creek Diversion	9	SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 31, T36N, R1E MDB&M	SE Corner Section 31	N76°W	3000'
Roderick Ditch	10	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 6, T35N, R1E MDB&M	NE Corner Section 6	S58°W	3300'

SCHEDULE 2 (CONT'D)  
Location of Points of Diversion

LOCATION OF POINT OF DIVERSION					
Name of Diversion System	Diversion No. on State Water Resources Control Board Map	Legal Sub-division in which diversion Occurs MDB&M	Reference Corner for Distance and Bearing MDB&M	Bearing From Reference Corner	Distance from Reference Corner In Feet
Roderick Stockpond	11	SE $\frac{1}{4}$ of NW Sec 6, T35N, R1E MDB&M	NE Corner Section 6	S60°W	3800'
Roaring Creek at Big Bend Road Bridge	12	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 1, T35N, R1W MDB&M	NE Corner Section 1	S22°W	2700'
Jack Nipper Pond	13	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 6, T35N, R1E	SE Corner Section 6	N86°W	3200'
Joachim Peschel Reservoir	14	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 12, T35N, R1W	NE Corner Section 12	S35°W	2000'

SCHEDULE 3

ALLOTMENTS TO VARIOUS CLAIMANTS  
FROM ROARING CREEK

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in Cubic Feet Per Second Continuous Flow			
				FIRST <sup>1/</sup> Prior- ity	SECOND <sup>2/</sup> Prior- ity	THIRD Prior- ity	FOURTH <sup>3/</sup> Prior- ity
Reich, Walter H. and Annabel	3	Dom, Stk Irr	16		0.75		
Vopat, Frank	3	Dom, Stk Irr	10		0.47		
Parham, Eugene and Linda, et al.	3	Dom, Stk Irr	19		0.89		
Epperson, Ronald T. and Theresa M.	3	Dom, Stk Irr	4		0.19		
Henry, Lynn and Christine	5	Dom, Stk Irr	15	0.75			
Carroll, Jerry T. and Charlene C.	5	Dom, Stk Irr	25	1.26			
Miller, Jack O. and Helen	6	Dom, Stk Irr	2				0.12
Leonard, Vernon I. and Leona J.	6	Dom, Stk Irr	10				0.60
Caldwell, F. B. III and Easton, R. B.	6	Dom, Stk Irr	5				0.30
Easton, Robert B. and Constance C.	6	Dom, Stk Irr	3				0.18
Cantrell, Gloria	6	Dom, Stk Irr	2				0.12

<sup>1/</sup> Includes 0.68 cfs ditch loss prorated according to irrigated acreages.

<sup>2/</sup> Includes 0.68 cfs ditch loss prorated according to irrigated acreages.

<sup>3/</sup> Includes 0.90 cfs ditch loss prorated according to irrigated acreages.

SCHEDULE 3 (Cont'd)

ALLOTMENTS TO VARIOUS CLAIMANTS  
FROM ROARING CREEK

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in Cubic Feet Per Second Continuous Flow			
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity	FOURTH <sup>3/</sup> Prior- ity
Bay Histology Service	6	Dom, Stk Irr	2				0.12
Meckley, Chester and Mary J.	6	Dom, Stk Irr	6				0.36
Terry, Eugene F. and Marsha P.	6	Dom					0.01
Van Steene, Jack I. and Doris A.	6	Dom					0.01
Nipper, Jack J. and Grace M.	6	Dom					0.01
Reddick, Arthur C. and Sally	6	Dom					0.01
Sivain, Susan Marie Wimble	6	Dom					0.01
Garnett, Bernard E. and Ruth M.	6						0.01
Close, James and Lucille	6	Dom Irr	1				0.06
Wilson, Thomas E. and Gayle A.	6	Dom, Stk					0.01
Richard, Charles L. and Evelyn A.	6	Dom, Stk Irr	3				0.18
Roderick, James C and Delores J.	10	Dom, Stk Irr	5				0.15

<sup>3/</sup> Includes 0.90 cfs ditch loss prorated according to irrigated acreages.

SCHEDULE 4

ALLOTMENTS TO VARIOUS CLAIMANTS  
FROM JAKE CREEK

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in Cubic Feet Per Second Continuous Flow		
				FIRST Prior- ity	SECOND <sup>1/</sup> Prior- ity	THIRD Prior- ity
Reich, Walter H. and Annabel	4	Dom, Stk Irr	16		0.75	
Vopat, Frank	4	Dom, Stk Irr	10		0.47	
Parham, Eugene and Linda, et al.	4	Dom, Stk Irr	19		0.89	
Epperson, Ronald T. and Theresa M	4	Dom, Stk Irr	4		0.19	

<sup>1/</sup> Supplements diversion from Roaring Creek at Diversion Point No. 3 only when required. Total amount diverted shall not exceed the allotment set forth in Schedule 3 for Diversion Point No. 3. Allotments include ditch loss prorated according to irrigated acreage.



SCHEDULE 5

ALLOTMENTS TO VARIOUS CLAIMANTS  
FROM BROWNS CREEK

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in Cubic Feet Per Second Continuous Flow <sup>1/</sup>		
				FIRST <sup>2/</sup> Prior- ity	SECOND <sup>3/</sup> Prior- ity	THIRD Prior- ity
Parham, Eugene and Linda, et al.	7	Dom, Stk Irr	19		0.89	
Epperson, Ronald T. and Theresa M.	7	Dom, Stk Irr	4		0.19	
Parham, Eugene and Linda, et al.	8	Dom, Stk Irr	2			0.04
Henry, Lynn and Christine	9	Dom, Stk Irr	15	0.75		
Carroll, Jerry T. and Charlene C.	9	Dom, Stk Irr	25			1.26 <sup>2/</sup>

<sup>1/</sup> Allotments include applicable ditch loss, prorated according to irrigated acreage.

<sup>2/</sup> To supplement water diverted at Diversion Point 5 only when required. Total amount diverted shall not exceed the allotments set forth in Schedule 3 for Diversion Point 5.

<sup>3/</sup> To supplement water diverted at Diversion Point 3 only when required. Total amount diverted shall not exceed the allotments set forth in Schedule 3 for Diversion Point No. 3.

SCHEDULE 6

ALLOTMENTS TO VARIOUS CLAIMANTS  
FROM MISCELLANEOUS SOURCES WITHIN  
ROARING CREEK STREAM SYSTEM

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served in Acres	Allotments in Cubic Feet Second Continuous Flow		
				FIRST Prior- ity	SECOND Prior- ity	THIRD Prior- ity
U. S. Forest Service	1	Wild Life Enhancement & Incidental Domestic		1,500 gal/day		
U. S. Forest Service	2	Ind.		0.06		
Roseberg Lumber Co.	12 <sup>1/</sup>	Ind.		0.05		

<sup>1/</sup> Other points of diversion are various water holes on Roaring Creek and its tributaries.