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Dept. of Public Works
3 State of California
Division of Water Resources
4 State Engineer

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6
7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF SISKIYOU

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11 IN THE MATTER OF THE DETERMINATION)
OF THE RIGHTS OF THE VARIOUS CLAIMANTS) NO. 13774
12 TO THE WATER OF SELAD CREEK STREAM) DECREE
SYSTEM IN SISKIYOU COUNTY, CALIFORNIA)
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16 The above entitled cause having come on regularly for hearing,
17 trial and determination on the 20th day of January, 1950, before this Court
18 setting without a jury, Mark C. Nosler appearing as attorney for the Depart-
19 ment of Public Works of the State of California, Division of Water Resources,
20 acting through the State Engineer, hereinafter referred to as "Department";
21 George A. Tebbe appearing as attorney for Arroyo Seco Gold Dredging Company
22 and Yreka Gold Dredging Company; and C.J. Luttrell appearing as attorney for
23 W. R. Shadburne; all parties in interest in said proceeding having been duly
23 and regularly notified of said hearing, trial and determination and no ex-
24 ceptions having been filed to the Order of Determination on file herein; the
25 Department, having made motion for entry of judgment and decree in accordance
26 with said Order of Determination; and the Court being fully advised in the
27 premises; and having entered an order affirming said Order of Determination
28 and instructing the Department to prepare for entry by this Court a decree
29 determining the rights of all persons involved in said proceeding in accordance
30 with said Order of Determination and to submit the same for approval by the
31 Court, now therefore in accordance therewith,

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

2 1. All of the rights hereinafter set forth are subject to all
3 definitions, limitations and provisions hereinafter set forth under the
4 heading "GENERAL DEFINITIONS, LIMITATIONS AND PROVISIONS."

5 2. The following claimants are corporations organized and exist-
6 ing under and by virtue of the laws of the State of California, and their
7 offices and principal places of business are set forth after their respective
8 names as follows, to wit: Arroyo Seco Gold Dredging Company, San Francisco,
9 California; and Yreka Gold Dredging Company, San Francisco, California.

10 HISTORY OF THE PROCEEDING

11 3. This proceeding was initiated in accordance with the pro-
12 visions of Section 2525 of the Water Code of California, pursuant to petition
13 of Arroyo Seco Gold Dredging Company, Yreka Gold Dredging Company, Mr. and
14 Mrs. R. G. Friddy, Mrs. Bertha R. Bradley, Mrs. Nettie Rogers, W. R. Shadburne
15 and Frank E. Smith. Said petition, duly filed with the Department on
16 December 23, 1946, requested a determination of the rights of the various
17 claimants in and to the use of the water of Seiad Creek stream system in
18 Siskiyou County.

19 4. Upon investigation the Department found the facts and conditions
20 to be such that the public interest and necessity would be served by the
21 determination petitioned for. On January 28, 1947, by order duly given and
22 made, the Department granted said petition, and thereafter duly gave notice
23 by publication as provided by law, setting forth the fact of the entry of
24 the aforesaid order and of the pendency of this proceeding, specifying the
25 date upon which the Department would begin its examination of said stream
26 system, to wit: May 1, 1947, and prescribing and requiring all claimants to
27 rights in and to the use of the water of said Seiad Creek stream system to
28 make proof of their claims in the manner provided by law.

29 5. At the time set in said notice the Department began its in-
30 vestigation of the flow of Seiad Creek stream system, and of the conduits
31 diverting water, and of the lands irrigated or irrigable therefrom and

1 proceeded to gather all other data and information essential to the proper
2 determination of the rights in and to the use of the water therefrom, and
3 thereafter the Department reduced its observations, data, information and
4 measurements to writing and executed surveys and prepared maps from the ob-
5 servations of such surveys in accordance with uniform rules and regulations
6 duly and regularly adopted by the Department, which surveys and maps showed
7 with substantial accuracy the course of the streams involved in said proceed-
8 ing, the location of each conduit diverting water therefrom, the land irri-
9 gated and capable of being irrigated by each conduit, and the kind of culture
10 upon said irrigated lands. Said maps were prepared by the Department as the
11 surveys and observations progressed, and when completed were duly and regu-
12 larly filed and made of record in the office of the Department.

13 6. Upon the completion of the aforesaid measurements and maps and
14 after filing of said observations, data, information and measurements, as
15 aforesaid, the Department, by order duly given and made, gave notice by
16 publication thereof, as provided by law, setting forth March 15, 1948, as
17 the date prior to which proofs, to be furnished by claimants, in and to the
18 use of the waters involved in said proceeding, were required to be filed
19 with the Department, and the Department gave like notice and enclosed there-
20 with blank forms of proofs as required by the Water Code, by registered
21 mail, with postage fully prepaid thereon, to each claimant to rights in and
22 to the use of the waters involved in this proceeding, insofar as such
23 claimant could be reasonably ascertained at his last known place of address.
24 Within the period so set claimants herein duly filed with the Department
25 sixteen proofs of their respective rights in and to the use of the waters
26 involved in said proceeding.

27 7. A conference of the various claimants included in said pro-
28 ceeding and their representatives was called by the Department on May 5,
29 1948, at Seiad Valley, in said County of Siskiyou, for the purpose of ex-
30 plaining the status of the proceeding and to discuss plans for trial distri-
31 bution of the waters of the stream system during the 1948 irrigation season.

1 After discussing the matter at said conference, an agreement was entered
2 into by the claimants on the stream system. The agreement provided a plan
3 of trial distribution of the waters of said source among the signatory
4 claimants pursuant to Section 226 of the Water Code. Said plan of distri-
5 bution was to be operative during the 1948 season only and it was provided
6 therein that the rights of said claimants should in no manner be prejudiced
7 by such distribution of water. Said agreement provided that the Department
8 should supervise said plan of distribution through the agency of a water-
9 master. Operation of a similar plan of trial distribution was continued
10 through the 1949 season pursuant to an agreement entered into by said
11 claimants on April 21, 1949.

12 8. After the filing of proofs by claimants as aforesaid, and
13 after the expiration of the time fixed by the Department for the filing of
14 said proofs, the Department duly assembled all proofs which had been filed
15 and prepared and duly certified an abstract of all said proofs, and there-
16 after by order duly given and made, prepared a notice fixing and setting a
17 time and place convenient to the claimants when and where evidence taken by
18 or filed with the Department would be open to inspection for a period of not
19 less than ten days; and a copy of said notice together with a copy of said
20 abstract of proofs, was thereafter, and more than fifteen days prior to the
21 first day prescribed in said order as the commencement of the period of such
22 inspection, duly mailed by registered mail, with the postage fully prepaid
23 thereon, to each claimant who had appeared and filed proofs as required by
24 the Water Code, and thereafter and in accordance with said notice and with
25 the Water Code, all of the evidence taken by or filed with the Department
26 was open for inspection at the times and in the place and for the period
27 designated in said notice, and any and all persons during said period were
28 permitted to inspect such evidence and proofs in conformity with the pro-
29 visions of the Water Code, and during all of said period of inspection, a
30 representative of the Department was present.
31

1 9. Two contests of claims were filed with the Department within
2 fifteen days after expiration of the time during which said evidence and
3 proofs were opened to public inspection in conformity with the provisions
4 of the Water Code; within ten days after the receipt of the notice of each
5 of said contests, the Department notified by registered mail the contestants
6 and the claimants respectively involved in each of said contests of the re-
7 spective time and place fixed for hearing the matter of said contest, each
8 of said times being fixed not less than fifteen nor more than sixty days
9 from the respective time the Department mailed said notice of hearing in
10 conformity with the Water Code; and the Department duly opened and from time
11 to time continued said hearings of contests and finally dismissed and can-
12 celled said hearings upon the withdrawal of said contests by agreement. The
13 agreement, signed by all parties involved in said contests, is dated May 23,
14 1949, and is on file in this proceeding.

15 10. Said Department duly made, on October 31, 1949, its order,
16 determining and establishing the several rights to the water of Seiad Creek
17 stream system, in Siskiyou County, California, which said order was entered
18 of record on said date in the office of said Department in Book 2, Orders
19 of Determination, at page 105, which said order was duly certified by said
20 Department. Thereafter said Department caused said Order of Determination
21 so certified to be printed and a copy thereof to be sent by registered mail,
22 postage fully prepaid thereon, to each person who filed proof of claim,
23 directed to the last known place of address, in all respects as required
24 by the Water Code.

25 11. At the time of submission of said proofs, said Department
26 collected the fees due thereon as prescribed in Section 2850 of the Water
27 Code, and after the time of mailing its Order of Determination as aforesaid,
28 compiled the entire cost incurred in performing the duties prescribed in
29 Chapter 3, Part 3, Division 2 of the Water Code, including salaries, wages,
30 traveling expenses, and all costs of whatever character properly chargeable
31 to the proceeding, and duly made an equitable apportionment against the

1 parties of said expense in excess of the total amount received by the
2 Department from claimants with their submission of said proofs, and duly
3 served on November 30, 1949, a notice of statement and apportionment of
4 said expense by registered mail with the postage fully prepaid thereon,
5 on each of the parties to this proceeding. No objections having been
6 filed by any party to this proceeding, to said statement and apportionment
7 of expense within the period prescribed by law; said statement and appor-
8 tionment of expense was duly approved by the Court on January 20, 1950;
9 and said Court duly ordered that all apportionments of expense remaining
10 unpaid at the time of entry of judgment and decree should be included
11 therein.

12 12. After entry of the Order of Determination as aforesaid, and
13 on November 23, 1949, a certified copy thereof, together with the original
14 evidence and transcript of testimony filed with or taken before the Depart-
15 ment, all duly certified by said Department, was filed with the clerk of
16 the Superior Court of the State of California in and for the County of
17 Siskiyou. Upon the filing of said certified copy of said order, evidence
18 and transcript with the Clerk of said Court, and on November 23, 1949, the
19 Department procured an order from said Court setting January 20, 1950, at
20 ten o'clock in the morning of said day in the courtroom of said Court in
21 the City of Yreka in said county and state, as the time and place for hear-
22 ing on said Order of Determination. The Department thereupon procured from
23 the Clerk of said Court a certified copy of said order of said Court setting
24 the time and place for hearing as aforesaid, and forthwith the Department
25 mailed a copy of such certified copy of said order by registered mail, with
26 postage fully prepaid thereon, addressed to each known party in interest at
27 his last known place of address, in all respects as required by the Water
28 Code, and duly caused said certified copy of said order to be published as
29 required by the Water Code, and duly filed with the Clerk of said Court
30 proof of such service by registered mail and publication.

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1 13. No exceptions were filed with said Court within the time or
2 in the manner provided by Sections 2757 to 2763, inclusive, of the Water
3 Code, and said proceeding came on duly and regularly for hearing before
4 Honorable James M. Allen, Judge of said Superior Court on January 20, 1950,
5 at which time said Court made an order affirming said Order of Determination
6 and directing said Department to prepare for entry by said Court a decree
7 determining the rights of all persons involved in said proceeding in
8 accordance with said Order of Determination.

9 DESCRIPTION OF AREA INVOLVED

10 14. Seiad Creek rises on the southerly slopes of the Siskiyou
11 Mountains in the northwesterly portion of Siskiyou County, California. The
12 main stream has its source in the east and west forks which unite about
13 three miles below their respective sources. From this junction the stream
14 takes a southerly course through a steep, narrow canyon for a distance of
15 about two miles and then flows southwesterly through Seiad Valley about
16 three miles to a junction with the Klamath River. Two tributaries, Canyon
17 Creek and Darky Creek, join the main stream near the head of Seiad Valley
18 one mile and one and one-half miles, respectively, from the Klamath River.
19 The stream system drains an area of about twenty-nine square miles which
20 ranges in elevation from about 1,400 to 6,700 feet.

21 15. The waters of the stream system are used for irrigation,
22 mining, domestic and stock-watering purposes, with the two latter uses
23 largely incidental to irrigation. A total area of approximately 307 acres
24 of land is irrigated. The elevations of this area range from about 1,800
25 feet at the northeasterly end of Seiad Valley to 1,400 feet along Klamath
26 River.

27 16. The climatic characteristics of the area, in common with
28 similar mountain valley areas in the north central portion of California,
29 are deficient rainfall, wide range of temperature variations, low humidity
30 and rapid evaporation during the growing season. The average growing season
31 in the area has been estimated to be about 180 days.

1 17. The principal crops grown on the irrigated lands are alfalfa,
2 meadow hay, grain and pasturage. These crops are well adapted to the
3 gravelly loam soils of the area.

4 18. The successful production of crops within the area is depen-
5 dent upon irrigation, and since the water supply of the Seiad Creek stream
6 system is inadequate for all agricultural needs throughout each irrigation
7 season, it is essential that the rights in and to the use of said water be
8 determined in order that there may be an orderly distribution thereof to
9 the lawful owners.

10 GENERAL DEFINITIONS, LIMITATIONS AND PROVISIONS

11 19. The term "proceeding" when used herein means "in the matter
12 of the determination of the rights of the various claimants to the water of
13 Seiad Creek stream system in Siskiyou County, California"; the term "Depart-
14 ment" when used herein means the "Department of Public Works of the State of
15 California, acting through the State Engineer"; the term "Water Code" when
16 used herein means Chapter 368, Statutes of 1943 of the State of California
17 as amended; the term "stream system" when used herein means Seiad Creek
18 stream system above its junction with Klamath River; the term "claimant"
19 when used herein means a party claiming rights in and to the use of the
20 water of Seiad Creek stream system in Siskiyou County, California; the term
21 "proof" when used herein means "Proof of Claim of Water Right".

22 20. Although all quantities of water hereinafter allotted to the
23 several claimants for direct application to beneficial use are severally ex-
24 pressed in terms of continuous flow, nevertheless, nothing herein contained
25 shall be construed as limiting or restricting the rights of any such
26 claimants to rotate in the use of water, or the right of any such claimant
27 to divert for limited periods of time convenient irrigation heads, and thus
28 apply water to his lands at a greater rate than indicated by the quantity
29 of continuous flow so allotted; provided, that such practice of rotation or
30 use of irrigation heads shall not result in the use by any such claimant of
31 a total quantity of water during any thirty-day period in excess of the

1 equivalent of such claimant's continuous flow allowance for thirty days;
2 and provided further, that such practice of rotation or such use of irriga-
3 tion heads shall not impair or infringe the rights of any other claimant.

4 21. Nothing herein contained shall, or shall be construed to,
5 prevent any of the claimants herein, who jointly use a ditch, where there
6 is a continuous flow allotment to said ditch, from employing by agreement
7 of such joint users of said ditch a system of rotation in use as among them-
8 selves; or prevent any claimant herein who has allotments to two or more
9 ditches, from using all or any portion of the summation of such allotments
10 through each or any of said ditches on all or any portion of his lands;
11 provided the total quantity of water diverted by said claimant at any time
12 shall not exceed said summation of such allotments; and provided further,
13 such practice of rotation or such use of irrigation heads shall not impair
14 or infringe the rights of any other claimant.

15 22. The term "directly apply to beneficial use" means the direct
16 conveyance and application of water diverted to beneficial use without inter-
17 mediate storage, except such regulatory storage as may be practiced for the
18 purpose of equalizing the flow of water diverted for a convenient irrigation
19 head.

20 23. The term "natural flow" means such flow as will naturally
21 occur at any given point in a stream from the runoff of the watershed which
22 it drains, from springs which naturally contribute to the stream, from seep-
23 age, and from waste and return flow from dams, conduits and irrigated lands,
24 as distinguished from released stored water, and from foreign water directly
25 conveyed to the stream from another watershed.

26 24. Nothing herein contained shall, or shall be construed to,
27 allocate to any claimant a right to divert from the stream system at any
28 time, a quantity of water in excess of the amount reasonably necessary for
29 his requirements and being put to beneficial use by said claimant.

30 25. The "Division of Water Resources Map", hereinafter referred
31 to as D.W.R. Map, is the map prepared by the Department from its surveys

1 made in 1947, which map is entitled "Seiad Creek Stream System Showing
2 Diversions and Irrigated Lands, Siskiyou County, California", is dated
3 1947, and is on file in this proceeding.

4 DEFINITION OF WATER RIGHTS

5 26. The rights in and to the water, and in and to the use thereof,
6 from said stream system are divided into two separate groups, designated as
7 Seiad Creek Group and Canyon Creek Group, and all rights in each group are
8 independent of all rights in the other group.

9 27. The various claimants in the proceeding are entitled to use
10 of the water of said stream system upon the places of use hereinafter de-
11 scribed under their respective names in Schedule 1, and are entitled to di-
12 vert said water at the respective points of diversion from said stream system
13 as hereinafter named, numbered and described in Schedule 2. The respective
14 points of measurement of the quantities of water hereinafter allotted to the
15 several claimants are at or near said respective points of diversion from
16 said stream system.

17 28. The various claimants in the proceeding are entitled to
18 "interrelated", "winter class" and "surplus class" water rights. All alloca-
19 tions of "interrelated" water rights in each of said groups in said stream
20 system, as hereinbefore designated in paragraph 26, occur in various prior-
21 ity classes and are hereinafter set forth in Schedules 3 and 4; each of said
22 groups contains rights in "winter class" as hereinafter set forth in para-
23 graphs 32 and 36, which rights are independent of all "interrelated" rights
24 in the group in which said "winter class" rights occur. The Seiad Creek
25 Group contains one right in "surplus class" as hereinafter set forth in
26 paragraph 33, in addition to the water right allocations set forth in said
27 Schedule 3 and paragraph 32, which right is subject and inferior to all
28 other rights in said Seiad Creek Group.

29 29. All allotments in priority class "1st" set forth in Schedule 4
30 hereof shall be for continuous usage without regard to season; all allotments
31 in priority classes "1st" to "4th", inclusive, set forth in Schedule 3 hereof

1 and all allotments in priority class "2nd" set forth in Schedule 4 hereof,
2 shall be for usage during the season from April 1 to September 30, both
3 dates inclusive, of each year; all allotments in "winter class" set forth
4 in paragraphs 32 and 36, respectively, shall be for continuous usage from
5 October 1 of each year to and including March 31 of the succeeding year; and
6 the allotment in "surplus class" set forth in paragraph 33 shall be for
7 diversion from April 1 to July 31, both dates inclusive, of each year.

8 Definition of Water Rights in Seiad Creek Group

9 30. The Seiad Creek Group, as hereinbefore designated in para-
10 graph 26, comprises all rights in and to the water, and in and to the use
11 thereof of Seiad Creek. Said group contains "interrelated" rights in four
12 priority classes, as set forth in Schedule 3 hereof and hereinafter defined
13 in paragraph 31; "winter class" rights in two priority classes, as herein-
14 after set forth and defined in paragraph 32; and one "surplus class" right,
15 as hereinafter set forth and defined in paragraph 33.

16 31. The various claimants enumerated in Schedule 3 hereof are
17 entitled to "interrelated" rights in priority class "1st", priority class
18 "2nd", priority class "3rd", and priority class "4th" in and to the use of
19 the natural flow of Seiad Creek, during the season hereinbefore stated in
20 paragraph 29, for domestic, stock-watering and irrigation purposes upon
21 their respective lands as shown on said D.W.R. Map and as described under
22 their respective names in Schedule 1 hereof, in accordance with the acreages
23 to be supplied, priorities and quantities of water allotted, and through the
24 diversions numbered as set forth in said Schedule 3. Said right in priority
25 class "1st" is superior in priority and in right to said rights in priority
26 classes "2nd" to "4th", inclusive, and to the said right hereinafter defined
27 in "surplus class". Said rights in priority class "2nd" are equal in prior-
28 ity and correlative in right, are subject and inferior to said right in
29 priority class "1st", but are superior in priority and in right to said
30 rights in priority classes "3rd" and "4th", and to the said right hereinafter
31 defined in "surplus class", and at all times when the available water supply

1 is inadequate to supply all of said rights in priority class "2nd", then
2 during the continuance of such shortage, the owners of such rights shall
3 prorate the available water supply, if any, in excess of the quantity re-
4 quired to supply all prior rights, in accordance with their respective
5 allotments in said priority class "2nd" as set forth in said Schedule 3.
6 Said rights in priority class "3rd" are equal in priority and correlative
7 in right, are subject and inferior to said rights in priority classes "1st"
8 and "2nd", but are superior in priority and in right to said rights in
9 priority class "4th", and to said right hereinafter defined in "surplus
10 class", and at all times when the available water supply is inadequate to
11 supply all of said rights in priority class "3rd", then during the contin-
12 uance of such shortage, the owners of such rights shall prorate the avail-
13 able water supply, if any, in excess of the quantity required to supply all
14 prior rights, in accordance with their respective allotments in said prior-
15 ity class "3rd" as set forth in said Schedule 3. Said rights in priority
16 class "4th" are equal in priority and correlative in right, are subject and
17 inferior to said rights in priority classes "1st" to "3rd", inclusive, but
18 are superior in priority and in right to said right hereinafter defined in
19 "surplus class", and at all times when the available water supply is in-
20 adequate to supply all of said rights in priority class "4th", then during
21 the continuance of such shortage, the owners of such rights shall prorate
22 the available water supply, if any, in excess of the quantity required to
23 supply all prior rights, in accordance with their respective allotments in
24 said priority class "4th" as set forth in said Schedule 3, provided however,
25 that in accordance with agreement herein referred to in paragraph 9, W. R.
26 Shadburne shall at all times maintain a conduit for the conveyance of the
27 water allocated herein to Arroyo Seco Gold Dredging Company and Yreka Gold
28 Dredging Company through the Grant Lowden Ditch (Diversion 10), or as much
29 thereof as is available for diversion, and shall deliver said water, with a
30 maximum conveyance loss of two per cent, to the companies' measuring device
31 located at the boundary line between said companies and W. R. Shadburne.

1 32. The various claimants hereinafter enumerated in this para-
 2 graph, are entitled to "winter class" rights in priority class "1st" and
 3 priority class "2nd" in and to the use of the natural flow of Seiad Creek,
 4 during the season hereinbefore stated in paragraph 29, for domestic and
 5 stock-watering purposes upon their respective lands as shown on said D.W.R.
 6 Map and as described under their respective names in Schedule 1 hereof, in
 7 accordance with the quantities of water and priorities allotted and through
 8 the diversions numbered as set forth opposite their respective names, to wit:

<u>Name of Claimant</u>	<u>Diversion No. as per D.W.R. Map</u>	<u>Allotment in cubic feet per second</u>	<u>Priority Class</u>
11 Arroyo Seco Gold Dredging Co. and Yreka Gold Dredging Co.	10	0.20	1st
13 W. R. Shadburne	9 & 10	<u>0.10</u>	2nd
14 Total		0.30	

15 Said right in priority class "1st" is superior in priority and in right to
 16 said right in priority class "2nd".

17 33. Subject to all rights hereinbefore defined, WALTER W. ROBINSON
 18 is entitled to divert as a right in "surplus class" from the natural flow of
 19 Seiad Creek at a point designated on said D.W.R. Map as Diversion 2, de-
 20 scribed in Schedule 2 hereof, through the Upper Chace Ditch,
 21 0.30 cubic foot per second,
 22 during the period from April 1 to July 31, both dates inclusive, of each
 23 year for domestic and irrigation purposes upon the 13.8 acres served by said
 24 ditch as hereinafter described under his name in Schedule 1.

25 Definition of Water Rights in Canyon Creek Group

26 34. The Canyon Creek Group, as hereinbefore designated in para-
 27 graph 26, comprises all rights in and to the water and in and to the use
 28 thereof of Canyon Creek. Said group contains "interrelated" rights in two
 29 priority classes, as set forth in Schedule 4 hereof and hereinafter defined
 30 in paragraph 35, and "winter class" rights equal in priority and correlative
 31 in right, as hereinafter set forth and defined in paragraph 36.

1 35. The various claimants enumerated in Schedule 4 hereof are
 2 entitled to "interrelated" rights in priority class "1st", and priority
 3 class "2nd" in and to the use of the natural flow of Canyon Creek, during
 4 the seasons hereinbefore stated in paragraph 29, for domestic, stock-
 5 watering and irrigation purposes upon their respective lands as shown on
 6 said D.W.R. Map and as described under their respective names in Schedule 1
 7 hereof, in accordance with the acreages to be supplied, priorities and
 8 quantities of water allotted, and through the diversions numbered as set
 9 forth in said Schedule 4. Said rights in priority class "1st" are equal
 10 in priority and correlative in right, are superior in priority and in
 11 right to said right in priority class "2nd", and at all times when the avail-
 12 able water supply is inadequate to supply all of said rights in priority
 13 class "1st", then during the continuance of such shortage, the owners of
 14 such rights shall prorate the available water supply in accordance with
 15 their respective allotments in said priority class "1st" as set forth in
 16 said Schedule 4. Said right in priority class "2nd" is subject and in-
 17 ferior to said rights in priority class "1st".

18 36. The various claimants hereinafter enumerated in this para-
 19 graph are entitled to "winter class" rights in and to the use of the
 20 natural flow of Canyon Creek, during the season hereinbefore stated in
 21 paragraph 29, for domestic and stock-watering purposes upon their respective
 22 lands as shown on said D.W.R. Map and as described under their respective
 23 names in Schedule 1 hereof, in accordance with the quantities of water
 24 allotted and through the diversions numbered as set forth opposite their
 25 respective names, to wit:

<u>Name of Claimant</u>	<u>Diversion No. as per D. W. R. Map</u>	<u>Allotment in cubic feet per second</u>
Glenn S. Robinson	8	0.06
R. G. Priddy and Blanche A. Priddy	8a	<u>0.10</u>
Total		0.16

1 Said rights are equal in priority and correlative in right, and at all
2 times when the available water supply is inadequate to supply all of said
3 rights set forth in this paragraph, then during the continuance of such
4 shortage, the owners of said rights shall prorate the available water
5 supply in accordance with their respective allotments as herein set forth.

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1 SCHEDULE 1

2 DESCRIPTION OF PLACES OF USE OF
3 ALLOTMENTS FROM SEIAD CREEK STREAM SYSTEM

4 Arroyo Seco Gold Dredging Company and Yreka Gold Dredging Company

5 3.7 acres in Tract 52 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.
6 22.8 acres in Tract 53 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.
7 13.5 acres in Tract 53 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
8 5.4 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
9 45.4 acres - Total (Grant Lowden Ditch)

10 6.0 acres in Tract 52 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.
11 0.7 acre in Tract 53 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.
12 35.6 acres in Tract 53 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
13 18.0 acres in Tract 53 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.
14 2.4 acres in Tract 53 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.
15 8.5 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
16 24.9 acres in Tract 57 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
17 25.4 acres in Tract 57 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.
18 2.3 acres in Tract 57 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.
19 3.2 acres in Tract 59 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.
20 1.1 acres in Tract 59 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.
21 8.0 acres in Tract 59 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.
22 136.1 acres - Total (Upper and Lower Lowden Ditches)

23 Marshall E. Burstad

24 6.4 acres in Tract 44 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.
25 24.2 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
26 30.6 acres - Total (Upper Rainey Ditch)

27 4.0 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
28 4.0 acres - Total (Upper Lowden Ditch)

29 7.6 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
30 12.4 acres in Tract 45 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
31 2.8 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.
32 22.8 acres - Total (Canyon Creek Ditch)

33 6.0 acres in Tract 45 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
34 3.6 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.
35 9.6 acres - Total (Middle Rainey Ditch)

36 4.0 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.
37 4.0 acres - Total (Lower Rainey Ditch)

38 4.0 acres in Tract 44 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.
39 6.0 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.
40 10.0 acres - Total (Upper South Rainey Ditch)

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SCHEDULE 1 (Cont'd.)

R. G. Priddy and Blanche A. Priddy

2.6 acres in Lot 16 of Section 6, T. 46 N., R. 11 W., M.D.B. & M.
2.6 acres - Total

Glenn S. Robinson

Domestic Purposes in Lot 16 of
Section 6, T. 46 N., R. 11 W., M.D.B. & M.

Walter W. Robinson

0.2 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 47 N., R. 11 W., M.D.B. & M.
6.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 47 N., R. 11 W., M.D.B. & M.
3.8 acres in Tract 41 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.
3.6 acres in Lot 9 of Section 5, T. 46 N., R. 11 W., M.D.B. & M.
13.8 acres - Total (Upper Chace Ditch)

14.9 acres in Tract 42 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.
14.9 acres - Total (Lower Chace Ditch)

W. R. Shadburne

23.3 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
23.3 acres - Total

Frank E. Smith and Margaret Smith

4.4 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.
4.4 acres - Total

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SCHEDULE 2

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POINTS OF DIVERSION FROM SEIAD CREEK
STREAM SYSTEM

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4	:	:	Number	:	:	:	:	:	:	:	:	:
5	:	:	of	:	:	Approximate Location of Point of Diversion						:
6	:	Name of	:	Diversion	:	Legal Subdivi-	:	Reference	:	Bearing	:	Distance
7	:	System	:	Water	:	sion in which	:	corner for	:	from	:	in feet
8	:	:	:	Resources:	:	diversion	:	distance and	:	reference:	:	from
9	:	:	:	Map	:	occurs	:	bearing	:	corner	:	reference:
10	:	:	:	:	:	:	:	:	:	corner	:	:
11	:	:	:	:	:	:	:	:	:	:	:	:
12	:	:	:	:	:	:	:	:	:	:	:	:
13	:	:	:	:	:	:	:	:	:	:	:	:
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30	:	:	:	:	:	:	:	:	:	:	:	:
31	:	:	:	:	:	:	:	:	:	:	:	:
8	:	Ireland Power	:	1	:	:NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32	:	:SE Cor. Sec. 32	:	N 1° W	:	2,050
9	:	:	:	:	:	:T 47 N, R 11 W	:	:T 47 N, R 11 W	:	:	:	:
10	:	Upper Chace	:	2	:	:NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32	:	:SE Cor. Sec. 32	:	N 18° W	:	1,700
11	:	:	:	:	:	:T 47 N, R 11 W	:	:T 47 N, R 11 W	:	:	:	:
12	:	Lower Chace	:	3	:	:Tract 42, Sec. 5:S $\frac{1}{2}$ Cor. Sec. 32	:	:	:	S 4° E	:	540
13	:	:	:	:	:	:T 46 N, R 11 W	:	:T 47 N, R 11 W	:	:	:	:
14	:	Upper Rainey	:	4	:	:Tract 42, Sec. 5:S $\frac{1}{2}$ Cor. Sec. 32	:	:	:	S 51° W	:	2,040
15	:	:	:	:	:	:T 46 N, R 11 W	:	:T 27 N, R 11 W	:	:	:	:
16	:	Upper South Rainey	:	5a	:	:Tract 42, Sec. 5:NW Cor. Sec. 5	:	:	:	S 52° E	:	2,050
17	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
18	:	Upper Lowden	:	5	:	:Tract 44, Sec. 6:SE Cor. Sec. 6	:	:	:	N 26° W	:	1,900
19	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
20	:	Middle Rainey	:	6	:	:Tract 44, Sec. 6:SE Cor. Sec. 6	:	:	:	N 64° W	:	2,050
21	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
22	:	Canyon Creek	:	7	:	:Lot 13 of Sec. 6:NE Cor. Sec. 6	:	:	:	S 62° W	:	2,700
23	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
24	:	Robinson Pump	:	8	:	:Lot 16 of Sec. 6:NE Cor. Sec. 6	:	:	:	S 47° W	:	3,100
25	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
26	:	Priddy Pump	:	8a	:	:Lot 16, of Sec. 6:NE Cor. Sec. 6	:	:	:	S 44° W	:	3,200
27	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 11 W	:	:	:	:
28	:	Lower Rainey	:	9	:	:Tract 45, Sec. 7:NE Cor. Sec. 12	:	:	:	S 59° E	:	1,100
29	:	:	:	:	:	:T 46 N, R 11 W	:	:T 46 N, R 12 W	:	:	:	:
30	:	Grant Lowden	:	10	:	:Tract 56, Sec. 12:NE Cor. Sec. 12	:	:	:	S 43° W	:	1,540
31	:	:	:	:	:	:T 46 N, R 12 W	:	:T 46 N, R 12 W	:	:	:	:
	:	Smith	:	11	:	:Tract 56, Sec. 12:SW Cor. Sec. 12	:	:	:	N 42° E	:	3,850
	:	:	:	:	:	:T 46 N, R 12 W	:	:T 46 N, R 12 W	:	:	:	:
	:	Lower Lowden	:	12	:	:Tract 56, Sec. 12:SW Cor. Sec. 12	:	:	:	N 39° E	:	3,720
	:	:	:	:	:	:T 46 N, R 12 W	:	:T 46 N, R 12 W	:	:	:	:
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SCHEDULE 3

ALLOCATIONS TO VARIOUS CLAIMANTS
FROM SELAD CREEK

Claimant	Acreage to be Supplied	Diversion Number as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second				Total
			1	2	3	4	
Walter W. Robinson	14.9	3			0.30		0.30
Marshall E. Burstad	58.2	4, 5a, 5, 6 or 9		1.20			1.20
R. G. Priddy and Blanche A. Priddy	2.6	4		0.06			0.06
Arroyo Seco Gold Dredging Co. and Yreka Gold Dredging Co.	136.1	5 or 12	0.70	0.76	1.24		2.70
W. R. Shadburne	23.3	9 or 10			0.60		0.60
Arroyo Seco Gold Dredging Co. and Yreka Gold Dredging Co.	45.4	10	0.50	0.40			0.90
Frank E. Smith and Margaret Smith	4.4	11			0.10		0.10
Total	284.9		0.70	2.52	1.64	1.00	5.86

SCHEDULE 4

ALLOCATIONS TO VARIOUS CLAIMANTS
FROM CANYON CREEK

Claimant	Acreage to be Supplied	Diversion Number as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second		Total
			1	2	
Marshall E. Burstad	22.8	7		0.50	0.50
Glenn S. Robinson	Domestic	8	0.06		0.06
R. G. Priddy and Blanche A. Priddy	Domestic	8a	0.10		0.10
Total	22.8		0.16	0.50	0.66

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED as follows:

2 37. That the court retains continuing jurisdiction of the parties
3 to this proceeding, and of the subject matter thereof, and upon application
4 of any party hereto, or successor in interest thereof, or upon its own
5 motion, to review this decree and to change and modify the same as the inter-
6 ests of justice may require.

7 38. That each and every party to this action, his or her
8 agents, successors, grantees and assigns, be and hereby are estopped to
9 object to or interfere with the respective rights of others which are de-
10 creed herein.

11 39. That each and every party to this action, his or her agents,
12 successors, grantees and assigns, be and are hereby perpetually enjoined and
13 restrained from doing anything in violation of the terms or provisions of
14 this judgment and decree, and from diverting any water from said Seiad Creek
15 stream system at any time in excess of a quantity reasonably necessary for
16 and being put to beneficial use, and from doing anything, directly or in-
17 directly, that will obstruct or interfere with any right of another adjudged
18 and decreed herein.

19 40. The Department having computed the entire expense incurred by
20 it in performing the duties prescribed in Chapter 3, Part 3, Division 2
21 of the Water Code and having equitably apportioned against the parties to
22 this proceeding the amount by which said entire expense exceeded the total
23 amount received from claimants on account of fees paid at the time of sub-
24 mission of proofs of claim, and having given notice thereof to the parties
25 to this proceeding as prescribed in said Water Code; no objection having
26 been made to said expense or apportionment thereof; said apportionments
27 having become due and payable to said Department by the respective parties;
28 and all parties having heretofore paid their respective apportionments ex-
29 cepting those parties against whom judgment in favor of said Department is
30 rendered as follows:

31

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Department
2 of Public Works, Division of Water Resources, acting through the State
3 Engineer, do have and recover of and from the respective parties to this
4 proceeding the amounts of money as respectively hereinafter set forth
5 after their respective names together with interest thereon from date here-
6 of until paid at the rate provided by law:

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8 Name of Party Amount of Apportionment

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11 (This page will be replaced in order to show unpaid
12 apportionments as of the date of entry of this decree)

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Done this 3rd day of April, 1950.

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14/ James M. Allen
Judge of the Superior Court

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21

Filed: in Judgment Book Number at Page .

22

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County Clerk

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Certification

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