

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF MODOC.

3 George M. Warrens,

4 Plaintiff,

5 vs.

6 J.A.Wimer; W.A.Odbert; Nannie Daniels; Joshua Streiff  
7 and Ida Streiff (his wife); Victor L.Jacobs; and  
8 Georgie Jacobs (his wife); L.V.Tonningson; Mary J.  
9 Jones; W.S.Painter; Thomas Painter; Porter Heard; J.  
10 H. Hutchinsen; S.B.Streif; S.B.Streif as Administra-  
11 tor of Estate of E.P.Streif, Deceased; T.A.Read; Rufus  
12 S. Carter; Horace Hobbs; M. W. Jones; George Weil-  
13 munster; Frances E. Wilson; W. S. Jacobs, F. M. Smith  
14 and L. L. Hays; F. M. Smith; L. L. Hays; J.A.Largent  
15 and Mildred Largent (his wife) M.J.Wimer; O.P.Robin-  
16 son; Hama Painter; Maggie J.Brown; Maggie J. Brown as  
17 Administrator of Estate of Judethan Brown, deceased;  
18 David W. Baty; Miss Ellen Shartell; Mrs.W.P.Polander;  
19 Mrs. Annie L. Akens and William C. Akens (her hus-  
20 band); Lloyd G. Wimer; Mrs. Minie Polander; Estate of  
21 Joseph K. Polander, deceased; Clara E. Vaughn; W. E.  
22 Polander; Ollie O. Crampton; E. M. Shartell; Odbert  
23 Berry and Watkins a co-partnership; W. A. Odbert,  
24 manager and owner of said co-partnership; Sam Streig;  
25 Mrs. Wilhelmie M. Streig; John Vernon and Bessie  
26 Vernon (his wife); Marion Stewart; Gerald Wilson;  
27 R.R.Hays; Simon Bennett; W. J. Hays; Mrs. C.H.Darst  
28 and C.H.Darst (husband and wife); John Miller; JOHN  
29 GOE; SAM LOE; PETER POE; JAMES DOE; HENRY MOE  
30 AND JACK ROE.

31 Defendants,

NO. 5024

DIORITE

32 The above entitled cause having been referred to the Division of Water  
33 Rights (now Division of Water Resources) of the Department of Public Works of the  
34 State of California, as referee, by an order of this Court, dated May 1, 1929, and  
35 made under authority of law as conferred by Section 24 of the Water Commission  
36 Act of the State of California, Statutes 1913, Chapter 586, as amended, said  
37 referee having made its investigation, the parties hereto having thereafter  
38 entered into a written stipulation and agreement, said stipulation being com-  
39 prised of two identical documents, each of said documents being signed by  
40 different parties and said documents comprising said stipulation being marked  
41 Part 1 and Part 2, respectively, said stipulation providing that said referee  
42 might report to the above entitled Court a decree in accordance with the provisions

1 of said stipulation and that said Court might enter a decree in accordance with  
2 the provisions of said stipulation, said parties having further stipulated that  
3 findings of fact and conclusions of law be waived, said Division, as referee,  
4 having filed its report herein, which report embodies said stipulation of the  
5 parties, and said matter being finally submitted to this Court on said report,  
6 including said stipulation, and it appearing that said stipulation is signed  
7 by all of the parties who have appeared in this action or by their successors  
8 in interest and that said parties who have signed said stipulation are the  
9 owners of the rights as agreed upon and set forth in said stipulation, and it  
10 further appearing as follows, to-wit:

11 (1) Joshua Streiff and Ida M. Streiff are jointly interested in the  
12 property described and listed in the exhibits to the report of referee in said  
13 action under the sole ownership of Joshua Streiff.

14 (2) Georgie Jacobs is the wife of Victor L. Jacobs and her interests  
15 have been included in the allotments herein decreed to said Victor L. Jacobs.

16 (3) Mrs. L. V. Tonningson herein sued as L. V. Tonningson has sold,  
17 transferred and disposed of her interests in the property involved in said  
18 action to Minard Hanks and Stella Hanks and said Hanks are now the real parties  
19 in interest in lieu of said Mrs. L. V. Tonningson.

20 (4) Porter Heard has died since the commencement of this action and  
21 Frances Heard, surviving wife, is the administratrix of the estate of Porter Heard.

22 (5) F. M. Smith and L. L. Hays have sold, transferred and disposed  
23 of their interests in the property involved in said action to Mrs. Phebe M.  
24 Mickle; since said transfer Mrs. Phebe M. Mickle has been married to B. B.  
25 Robinson and is now known as Mrs. Phebe Mickle Robinson; and said Mrs. Phebe  
26 Mickle Robinson is now the real party in interest in lieu of said F. M. Smith and  
27 L. L. Hays.

28 (6) Mildred Largent is the wife of J. A. Largent and her interests  
29 have been included in the allotments herein decreed to said J. A. Largent.

30 (7) The true name of defendant herein sued as M. J. Wimer is Mrs.  
31 M. J. Wimer and she has appeared in said action under her true name.

(8) The true name of defendant herein sued as Nannie Daniels is

1 Mrs. Nannie Daniels and she has appeared in said action under her true name.

2 (9) The true name of defendant herein sued as E. M. Shartell is Mrs.  
3 E. M. Shartell and she has appeared in said action under her true name.

4 (10) The true name of defendant herein sued as Mrs. Minie Polander  
5 is Mrs. Minnie Polander; she has appeared in said action under her true name;  
6 and she is the sole owner of the property described and listed in the exhibits  
7 to the report of referee in said action under the ownership of W. E. Polander.

8 (11) W. A. Odbert is the sole owner of the interests of defendants  
9 herein sued as Odbert, Berry and Watkins a co-partnership.

10 (12) Defendant herein sued as Mrs. Wilhemie M. Streig is sometimes  
11 known as Mrs. W. M. Streig and she is the sole owner of the property described  
12 and listed in the exhibits to the report of referee in said action under the  
13 ownership of Sam Streig.

14 (13) The true name of defendant herein sued as Marion Stewart is  
15 Marion Steward and he has appeared in said action under his true name.

16 (14) The true name of defendant herein sued as Gerald Wilson is  
17 Gherald D. Wilson and he has appeared in said action under his true name.

18 (15) R. R. Hays has sold, transferred and disposed of his interests  
19 in the property involved in said action to Roy Hobbs and said Roy Hobbs is  
20 now the real party in interest in lieu of said R. R. Hays.

21 (16) The true name of defendants herein sued as Mrs. Annie L. Akens  
22 and William C. Akens are Mrs. Annie L. Akins and William C. Akins; they have  
23 appeared in said action under their true names; William C. Akins is the husband  
24 of Mrs. Annie L. Akins and his interests have been included in the allotments  
25 herein decreed to said Mrs. Annie L. Akins.

26 (17) C. H. Darst is the husband of Mrs. C. H. Darst and his interests  
27 have been included in the allotments herein decreed to said Mrs. C. H. Darst.

28 (18) A portion of the estate of Joseph R. Polander has been sold,  
29 transferred and disposed of to Oliver Crampton and Ollie Crampton and the remainder  
30 has been distributed to the heirs, W. E. Polander, Mrs. Clara Vaughn and Mrs.  
31 M. J. Wimer and they are now the real parties in interest in said estate.

1           (19) Defendant herein sued as Mrs. Clara E. Vaughn is sometimes  
2 known as Mrs. Clara Vaughn.

3           (20) Defendant herein sued as Mrs. Ollie O. Crampton is sometimes  
4 known as Ollie Crampton.

5           (21) The Mountain Valleys Dairy Products, Inc., was not served with  
6 summons and complaint in said action but now appears by stipulation as a party  
7 in said action, and the interests of said company have been described and  
8 listed in the exhibits to the report of referee in said action under the  
9 ownership of H. C. Watson, the president of said company.

10          (22) Defendants, Miss Ellen Shartell, Mrs. W. P. Polander, and Lloyd  
11 G. Wimer have no interest in any water right from Mill Creek and its tributaries  
12 and have no interest in any of the lands involved in said action.

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

14          (1st) There is in said Modoc County a natural stream of water known  
15 as and called "Mill Creek", which said creek arises on the eastern slope of the  
16 Warner Range of Mountains in said Modoc County, State of California, and flows  
17 thence in a general easterly direction between well defined banks in a well  
18 defined channel to, upon, and across some of the lands of some of the parties  
19 to this action which lands are hereinafter described; said Mill Creek has an  
20 important tributary known as and called "Rutherford Creek" which rises to the  
21 south of said Mill Creek on said eastern slope of said range of mountains in  
22 said county and state and flows thence in a general northeasterly direction  
23 between well defined banks in a well defined channel to its confluence with said  
24 Mill Creek; said Rutherford Creek has an important tributary known as and called  
25 "Brown Creek" which rises to the north of said Rutherford Creek and to the south  
26 of said Mill Creek on said eastern slope of said range of mountains in said  
27 county and state and flows thence in a general easterly direction between well  
28 defined banks in a well defined channel to its confluence with said Rutherford  
29 Creek; and said streams have so flowed since the memory of man.

30          (2nd) In accordance with the stipulation hereinabove referred to and  
31 made a part hereof, by reference, the various parties to same and to whom rights

1 are by this decree, adjudged, have diverted and used water and are entitled  
2 to divert and use water in accordance with the terms and provisions contained  
3 in said stipulation and in this decree set forth, through various and sundry  
4 ditches, which said ditches are referred to by name, and the points of diversion  
5 of each are hereby adjudged and decreed to be as follows, to-wit:

6 Mill Ditch

7 At a point (designated on Division of Water Resources Map as Diversion 1)  
8 which bears approximately S 40° E, approximately 1850 feet distant from the  
9 Northwest corner of Section 35, T44N, R15E, M.D.B.& M., and being within  
10 the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 35.

11 Kings Ditch

12 At a point (designated on Division of Water Resources Map as Diversion  
13 2) which bears approximately S 5°-15' W, approximately 2150 feet distant from  
14 the Northeast corner of Section 35, T 44 N, R 15 E, M.D.B.and M., and being  
15 within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Said Section 35.

16 Brown Ditch

17 At a point (designated on Division of Water Resources Map as Diversion  
18 3) which bears approximately S 4°-30' E, approximately 2050 feet distant  
19 from the Northwest corner of Section 36, T44N, R 15E, M.D.B.and M., and  
20 being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

21 Dry Ditch

22 At a point (designated on Division of Water Resources Map as Diversion  
23 4) which bears approximately S 7°-45' E, approximately 1950 feet distant  
24 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
25 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

26 Largent Ditch

27 At a point (designated on Division of Water Resources Map as Diversion  
28 5) which bears approximately S 15° E, approximately 1890 feet distant from  
29 the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
30 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

31 Watson Pipe Diversion

1 At a point (designated on Division of Water Resources Map as Diversion  
2 6) which bears approximately S 29<sup>0</sup>-30' E., approximately 1900 feet distant  
3 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
4 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

5 Johnson Ditch

6 At a point (designated on Division of Water Resources Map as Diversion  
7 7) which bears approximately S 30<sup>0</sup>-20'E, approximately 1915 feet distant  
8 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and  
9 being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

10 County Pipe Diversion

11 At a point (designated on Division of Water Resources Map as Diversion  
12 8) which bears approximately S 31<sup>0</sup> E., approximately 1925 feet distant from  
13 the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being with-  
14 in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said section 36.

15 Shop Ditch

16 At a point (designated on Division of Water Resources Map as Diversion  
17 9) which bears approximately S 32<sup>0</sup>-05' E., approximately 1935 feet distant  
18 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
19 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said section 36.

20 Hutchinson Pipe Diversion

21 At a point (designated on Division of Water Resources Map as Diversion  
22 10) which bears approximately S 34<sup>0</sup>-45' E., approximately 1935 feet distant  
23 from the Northwest corner of Section 36, T44N, R15<sup>E</sup>W, M.D.B.and M., and being  
24 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

25 Barclay Ditch

26 At a point (designated on Division of Water Resources Map as Diversion  
27 11) which bears approximately S 36<sup>0</sup>-30' E., approximately 1965 feet distant  
28 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
29 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said section 36.

30 Heard Ditch

31 At a point (designated on Division of Water Resources Map as Diversion

1 12) which bears approximately S 37° E., approximately 1980 feet distant  
2 from the Northwest corner of Section 36, T44N, R15E., M.D.B.and M., and  
3 being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

4 Odbert Ditch

5 At a point (designated on Division of Water Resources Map as Diversion  
6 13) which bears approximately S 37° E, approximately 1980 feet distant from  
7 the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
8 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

9 Hotel Pipe Diversion

10 At a point (designated on Division of Water Resources Map as Diversion  
11 14) which bears approximately S 37°-15' E, approximately 2000 feet distant  
12 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M. and being  
13 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

14 Hotel Ditch

15 At a point (designated on Division of Water Resources Map as Diversion  
16 15) which bears approximately S 37°-45' E, approximately 2030 feet distant  
17 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
18 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

19 Wallace Ditch

20 At a point (designated on Division of Water Resources Map as Diversion  
21 16) which bears approximately S 37°-45' E, approximately 2030 feet distant  
22 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
23 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

24 Streiff Ditch

25 At a point (designated on Division of Water Resources Map as Diversion  
26 17) which bears approximately S 40°-35' E, approximately 2070 feet distant  
27 from the Northwest corner of Section 36, T44N, R15E, M.D.B.and M., and being  
28 within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

29 Hutchinson Flood Ditch

30 At a point (designated on Division of Water Resources Map as Diversion  
31 18) which bears approximately S 49° E, approximately 2235 feet distant from

1 the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
2 within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

3 Hobbs Ditch

4 At a point (designated on Division of Water Resources Map as Diversion  
5 19) which bears approximately S 49 $^{\circ}$ -30' E, approximately 2305 feet distant  
6 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
7 within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

8 Wimer House Ditch

9 At a point (designated on Division of Water Resources Map as Diversion  
10 20) which bears approximately S 54 $^{\circ}$ -10' E, approximately 2350 feet distant  
11 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and  
12 being within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

13 Wimer Orchard Ditch

14 At a point (designated on Division of Water Resources Map as Diversion  
15 21) which bears approximately S 58 $^{\circ}$  E, approximately 2415 feet distant from  
16 the Northwest Corner of Section 36, T44N, R15E, M.D.B. and M. and being within  
17 the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

18 Wimer Garden Ditch

19 At a point (designated on Division of Water Resources Map as Diversion  
20 22) which bears approximately S 63 $^{\circ}$ -30' E, approximately 2740 feet distant  
21 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
22 within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

23 Wimer Main Ditch

24 At a point (designated on Division of Water Resources Map as Diversion  
25 23) which bears approximately S 66 $^{\circ}$ -0' W, approximately 2370 feet distant  
26 from the Northeast corner of Section 36, T44N, R15E, M.D.B. and M., and being  
27 within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 36.

28 Bear Ditch

29 At a point (designated on Division of Water Resources Map as Diversion  
30 24) which bears approximately S 79 $^{\circ}$ -30' W, approximately 1960 feet distant  
31 from the Northeast corner of Section 36, T44N, R15E, M.D.B. and M., and being  
within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 36.

1 Wilson Garden Ditch

2 At a point (designated on Division of Water Resources Map as Diversion  
3 25) which bears approximately S 81°-30' W, approximately 1550 feet distant  
4 from the Northeast corner of Section 36, T44N, R15E, M.D.B. and M, and being  
5 within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 36.

6 Wilson East Ditch

7 At a point (designated on Division of Water Resources Map as Diversion  
8 26) which bears approximately S 88°-30' W, approximately 1490 feet distant  
9 from the Northeast corner of Section 36, T44N, R15E, M.D.B. and M, and being  
10 within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 36.

11 Wilson Lower Ditch

12 At a point (designated on Division of Water Resources Map as Diversion  
13 27) which bears approximately N 27°-36' W, approximately 1530 feet distant  
14 from the southeast corner of Section 25, T44N, R15E, M.D.B. and M, and being  
15 within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 25.

16 Polander Ditch

17 At a point (designated on Division of Water Resources Map as Diversion  
18 28) which bears approximately S 26° E, approximately 1750 feet distant from  
19 the Northwest corner of Section 36, T44N, R15E, M.D.B. and M, and being within  
20 the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

21 Old Read Ditch

22 At a point (designated on Division of Water Resources Map as Diversion  
23 29) which bears approximately S 44°-30' E, approximately 1700 feet distant  
24 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
25 within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

26 Read Ditch

27 At a point (designated on Division of Water Resources Map as Diversion  
28 29A) which bears approximately S 35°-30' E, approximately 1530 feet distant  
29 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
30 within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

31

1 Read Pipe Diversion

2 At a point (designated on Division of Water Resources Map as  
3 Diversion 29B) which bears approximately S 30°-20' E, approximately 1645  
4 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B.  
5 and M., and being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

6 Painter - Polander Ditch

7 At a point (designated on Division of Water Resources Map as  
8 Diversion 30) which bears approximately S 30°-20' E, approximately 1645  
9 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. and  
10 M., and being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

11 Jones Ditch

12 At a point (designated on Division of Water Resources Map as Diversion  
13 31) which bears approximately S 30°-45' E, approximately 1625 feet distant  
14 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
15 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

16 Streig Ditch

17 At a point (designated on Division of Water Resources Map as Diversion  
18 32) which bears approximately S 44°-30' E, approximately 1425 feet distant  
19 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M. and being  
20 within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

21 Shartell Ditch

22 At a point (designated on Division of Water Resources Map as Diversion  
23 33) which bears approximately S 46°-15' E, approximately 1425 feet distant  
24 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
25 within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

26 Tonningson Ditch

27 At a point (designated on Division of Water Resources Map as Diversion  
28 34) which bears approximately S 53°-30' E, approximately 1405 feet distant  
29 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
30 within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

31 Jacobs West Ditch

1 At a point (designated on Division of Water Resources Map as Diversion  
2 35) which bears approximately S 71° E, approximately 1780 feet distant from  
3 the Northwest corner of Section 36, T44N, R15E, M.D.B. and M. and being within  
4 the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

5 Jacobs East Ditch

6 At a point (designated on Division of Water Resources Map as Diversion  
7 36) which bears approximately S 78°-10' E, approximately 1860 feet distant  
8 from the Northwest corner of Section 36, T44N, R15 E, M.D.B. and M. and  
9 being within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

10 Jacobs Lower Ditch

11 At a point (designated on Division of Water Resources Map as Diversion  
12 37) which bears approximately S 88°-30' E, approximately 1975 feet distant  
13 from the Northwest corner of Section 36, T44N, R15E, M.D.B. and M., and being  
14 within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 36.

15 Jacobs Lower Dam Diversion

16 At a point (designated on Division of Water Resources Map as Diversion  
17 38) which bears approximately N 80°-35' E, approximately 2010 feet distant  
18 from the Southwest corner of Section 25, T44N, R15E, M.D.B. and M., and being  
19 within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 25.

20 Mickle Dam Diversion

21 At a point (designated on Division of Water Resources Map as Diversion 39)  
22 which bears approximately N 53°-25' E, approximately 2260 feet distant from  
23 the Southwest corner of Section 25, T44N, R15E, M.D.B. and M., and being  
24 within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 25.

25 Weilmunster Ditch

26 At a point (designated on Division of Water Resources Map as Diversion  
27 40) which bears approximately S 59°-15' E, approximately 3075 feet distant  
28 from the Northwest corner of Section 25, T44N, R15E, M.D.B. and M., and being  
29 within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 25.

30 Hot Channel

31 At a point (designated on Division of Water Resources Map as Diversion

1 41) which bears approximately S 49°-0' W, approximately 2140 feet distant  
2 from the Northeast corner of Section 25, T44N, R15E, M.D.B. and M. and being  
3 within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 25.

4 Lower East Channel

5 At a point (designated on Division of Water Resources Map as Diversion  
6 42) which bears approximately S 43°-30' E, approximately 500 feet distant  
7 from the Northwest corner of Section 30, T44N, R16E, M.D.B. and M., and  
8 being within Lot 1 of said Section 30.

9 Lower Main Channel

10 At a point (designated on Division of Water Resources Map as Diversion  
11 43) which bears approximately S 43°-30' E, approximately 500 feet distant  
12 from the Northwest corner of Section 30, T44 N, R16E, M.D.B. and M., and  
13 being within Lot 1 of said Section 30.

14 Steward Garden Ditch

15 At a point (designated on Division of Water Resources Map as Diversion  
16 44) which bears approximately S 52°-50' E, approximately 1605 feet distant  
17 from the Northwest corner of Section 1, T43N, R15E, M.D.B. and M., and being  
18 within Lot 4 of said Section 1.

19 Steward Ditch

20 At a point (designated on Division of Water Resources Map as Diversion  
21 45) which bears approximately S 60°-30' E, approximately 2175 feet distant  
22 from the Northwest corner of Section 1, T43N, R15E, M.D.B. and M., and being  
23 within Lot 3 of said Section 1.

24 Steward Dam Diversion

25 At a point (designated on Division of Water Resources Map as Diversion  
26 46) which bears approximately S 64°-0' W, approximately 2600 feet distant  
27 from the Northeast corner of Section 1, T43N, R15E, M.D.B. and M., and being  
28 within Lot 2 of said Section 1.

29 Hays-- Wilson Ditch

30 At a point (designated on Division of Water Resources Map as Diversion  
31 47) which bears approximately N 29°-30' E, approximately 2800 feet distant

1 from the Southwest corner of Section 1, T43N, R15E, M.D.B.and M., and  
2 being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1.

3 Warrens - Vernon Ditch

4 At a point (designated on Division of Water Resources Map as Diversion  
5 48) which bears approximately N 33 $^{\circ}$ -0' E, approximately 2840 feet distant  
6 from the Southwest corner of Section 1, T43N, R15E, M.D.B.and M., and being  
7 within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1.

8 Vernon Ditch

9 At a point (designated on Division of Water Resources Map as Diversion  
10 49) which bears approximately N 34 $^{\circ}$ -35' E, approximately 2860 feet distant  
11 from the Southwest corner of Section 1, T43N, R15E, M.D.B.and M., and being  
12 within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1.

13 Vernon Collecting Ditch

14 At a point (designated on Division of Water Resources Map as Diversion  
15 50) which bears approximately N 50 $^{\circ}$ -35' W, approximately 2560 feet distant  
16 from the Southeast corner of Section 1, T43N, R15E, M.D.B.and M., and being  
17 within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 1.

18 Steward Swamp Ditch

19 At a point (designated on Division of Water Resources Map as Diversion  
20 51) which bears approximately S 38 $^{\circ}$ -25' W., approximately 1740 feet distant  
21 from the Northeast corner of Section 1, T43N, R15E, M.D.B.and M., and being  
22 within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 1.

23 Bennett Collecting Ditch

24 At a point (designated on Division of Water Resources Map as Diversion  
25 52) which bears approximately N 83 $^{\circ}$ -10' W, approximately 1550 feet distant  
26 from the Southeast corner of Section 36, T44N, R15E, M.D.B.and M., and being  
27 within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 36.

28 Hobbs Swamp Ditch

29 At a point (designated on Division of Water Resources Map as Diversion  
30 53) which bears approximately S 1 $^{\circ}$ -0' E, approximately 2045 feet distant from  
31 the Northwest Corner of Section 31, T44N, R16 E, M.D.B.and M., and being within  
the Lot 2 of said Section 31.

1 Bennett Re-Diversion Ditch

2 At a point (designated on Division of Water Resources Map as  
3 Diversion 54) which bears approximately S 2°-30' E, approximately 1975 feet  
4 distant from the Northwest corner of Section 31, T44N, R16E, M.D.B.and M.,  
5 and being within Lot 1 of said Section 31.

6 Hays Collecting Ditch

7 At a point (designated on Division of Water Resources Map as Diversion  
8 54A) which bears approximately S 29°-00' W, approximately 2000 feet distant  
9 from the Northwest corner of Section 31, T 44 N, R 16 E, M.D.B.and M. and  
10 being within Lot 1 of said Section 31.

11 Hays Ditch

12 At a point (designated on Division of Water Resources Map as Diversion  
13 55) which bears approximately S 66°-25' E, approximately 1480 feet dis-  
14 tant from the Northwest corner of Section 31, T 44 N, R 16 E, M.D.B.and M.  
15 and being within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 31.

16 Hays House Ditch

17 At a point (designated on Division of Water Resources Map as Diver-  
18 sion 56) which bears approximately N 69°-15' E, approximately 2420 feet  
19 distant from the Southwest corner of Section 30, T 44 N, R 16 E, M.D.B.and  
20 M., and being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 30.

21 Hays Garden Ditch

22 At a point (designated on Division of Water Resources Map as Diver-  
23 sion 57) which bears approximately N 62°-40' E, approximately 2640 feet  
24 distant from the Southwest corner of Section 30, T 44 N, R 16 E, M.D.B.and  
25 M., and being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 30.

26 Daniels Upper Ditch

27 At a point (designated on Division of Water Resources Map as Diversion  
28 58) which bears approximately S 50°-0' E, approximately 3425 feet distant  
29 from the Northwest corner of Section 30, T 44 N, R 16 E, M.D.B.and M., and  
30 being within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 30.

1 Daniels Lower Ditch

2 At a point (designated on Division of Water Resources Map as Diver-  
3 sion 59) which bears approximately S 58°-55' E, approximately 3070 feet  
4 distant from the Northwest corner of Section 30, T 44 N, R 16 E, M.D.B.  
5 and M., and being within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 30.

6 Robinson Ditch

7 At a point (designated on Division of Water Resources Map as Diversion  
8 59A) which bears approximately S 58°-50' E, approximately 3060 feet distant  
9 from the Northwest corner of Section 30, T 44 N, R 16 E, M.D.B. and M. and  
10 being within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Said Section 30.

11 Hays Lower Ditch

12 At a point (designated on Division of Water Resources Map as Diver-  
13 sion 60) which bears approximately S 80°-10' W, approximately 2010 feet  
14 distant from the Northeast corner of Section 30, T 44 N, R 16 E, M.D.B. and  
15 M., and being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 30.

16 Warrens Ditch

17 At a point (designated on Division of Water Resources Map as Diversion  
18 61) which bears approximately S 89°-15' W, approximately 1825 feet distant  
19 from the Northeast corner of Section 30, T 44 N, R 16 E, M.D.B. and M., and  
20 being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 30.

21 Miller Collecting Ditch

22 At a point (designated on Division of Water Resources Map as Diversion  
23 62) which bears approximately S 41°-0' W, approximately 1030 feet distant  
24 from the Northeast corner of Section 36, T 44 N, R 15 E, M.D.B. and M., and  
25 being within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 36.

26 (3rd) At the time of commencement of this action, Mrs. Annie L. Akins  
27 was the owner, in the possession, and entitled to the possession, and for more  
28 than twenty years prior thereto, she and her grantors and predecessors in interest  
29 were the owners, in the possession, and entitled to the possession of the follow-  
30 ing described land situated in said Modoc County, California, to-wit:  
31

1 The Northerly portion of the Southeast quarter  
2 of the Southwest quarter of the Northwest quar-  
3 ter ( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) containing about four (4.0)  
4 acres of Section thirty-six (36), Township forty-  
5 four (44) North, Range fifteen (15) East, M.D.B.  
6 and M., being within the town of Lake City.

7 and during all of said times, she and her grantors have irrigated from the waters  
8 of Mill Creek, the following portion of said land, to-wit:

9 Three and four-tenths (3.4) acres in said South-  
10 east quarter of the Southwest quarter of the  
11 Northwest quarter ( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) of said Section  
12 thirty-six (36).

13 (4th) At the time of the commencement of this action, David W. Baty  
14 was the owner, in the possession, and entitled to the possession, and for more  
15 than twenty years prior thereto, he and his grantors and predecessors in  
16 interest were the owners, in the possession, and entitled to the possession of  
17 the following described lands situated in said Modoc County, California, to-wit:

18 Southeasterly portion of Lot three (3) contain-  
19 ing twenty and five-tenths (20.5) acres, and  
20 Lot four (4) of Section eighteen (18); North  
21 one-half ( $N\frac{1}{2}$ ), North one-half of the Southwest  
22 quarter ( $N\frac{1}{2} SW\frac{1}{4}$ ), and the southwesterly portion  
23 of Lot six (6) containing about fourteen (14)  
24 acres, of Section nineteen (19), all in Town-  
25 ship forty-four (44) North, Range sixteen (16)  
26 East, M.D.B. & M.

27 and during all of said times, he and his grantors have irrigated from the waters  
28 of Mill Creek, the following portions of said land, to-wit:

29 Twenty and five tenths (20.5) acres in said  
30 Lot three (3), and sixty-one and six tenths  
31 (61.6) acres in said Lot four (4) of said  
Section eighteen (18); one hundred and eleven  
and seven tenths (111.7) acres in Lot one (1),  
thirty-nine and two tenths (39.2) acres in  
Lot two (2), and one hundred and fourteen and  
one tenth (114.1) acres in Lot five (5) of  
said North one-half ( $N\frac{1}{2}$ ), thirty-six and six  
tenths (36.6) acres in Lot three (3) and  
thirty-four and seven tenths (34.7) acres in  
the Northeast quarter of the Southwest quarter  
( $NE\frac{1}{4} SW\frac{1}{4}$ ) of said North one-half of the South-  
west quarter ( $N\frac{1}{2} SW\frac{1}{4}$ ), and twelve and one tenth  
(12.1) acres in said Lot six (6) of said Section  
nineteen (19).

(5th) At the time of commencement of this action, Simon Bennett was

1 the owner, in the possession, and entitled to the possession, and for more  
2 than ten years prior thereto, he and his grantors and predecessors in interest  
3 were the owners, in the possession and entitled to the possession of the  
4 following described land situated in said Modoc County, California, to-wit:

5 Southeast quarter ( $SE\frac{1}{4}$ ) of Section thirty  
6 (30), Township forty-four (44) North, Range  
seventeen (16) East, M.D.B. and M.

7 and during all of said times, he and his grantors have irrigated from the  
8 waters of Rutherford Creek, the following portion of said land, to-wit:

9 Twenty-seven and two tenths (27.2) acres in the  
10 Southwest quarter of said Southeast quarter  
( $SW\frac{1}{4} SE\frac{1}{4}$ ) of said Section thirty (30).

11 (6th) At the time of the commencement of this action, Mrs. Maggie  
12 J. Brown, administratrix of the estate of Judethan Brown, deceased, was the  
13 owner, in the possession, and entitled to the possession as such administratrix,  
14 and for more than twenty years prior thereto, she and her grantors and prede-  
15 cessors in interest were the owners, in the possession, and entitled to the  
16 possession of the following described land situated in said Modoc County,  
17 California, to-wit:

18 Central portion of the Southeast quarter of the  
19 Southwest quarter of the Northwest quarter  
( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) containing about two (2.0) acres  
20 of Section thirty-six (36), Township forty-four  
(44) North, Range fifteen (15) East, M.D.B. and M.,  
21 being within the town of Lake City

22 and during all of said times, she and her grantors have irrigated from the  
23 waters of Mill Creek, the following portion of said land, to-wit:

24 One and eight tenths (1.8) acres in said  
25 Southeast quarter of the Southwest quarter of  
the Northwest quarter ( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) of said  
26 Section thirty-six (36).

27 (7th) At the time of the commencement of this action, Rufus S. Carter  
28 was the owner, in the possession, and entitled to the possession, and for more  
29 than twenty years prior thereto, he and his grantors and predecessors in  
30 interest were the owners, in the possession, and entitled to the possession of  
the following described land situated in said Modoc County, California, to-wit:

1 Central portion of the Southwest quarter of the  
2 Northeast quarter of the Northwest quarter ( $SW\frac{1}{4}$   
3  $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) containing about two and one-tenth  
4 (2.1) acres of Section thirty-six (36), Township  
5 forty-four (44) North, Range fifteen (15) East,  
6 M.D.B. and M., being within the town of Lake City,

7 and during all of said times, he and his grantors have irrigated from the waters  
8 of Mill Creek, the following portion of said land, to-wit:

9 Two and one tenth (2.1) acres in said Southwest  
10 quarter of the Northeast quarter of the North-  
11 west quarter ( $SW\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) of said Section  
12 thirty-six (36).

13 (8th) At the time of the commencement of this action, the heirs of  
14 the Estate of Joseph K. Polander were the owners, in the possession, and entitled  
15 to the possession, and for more than twenty years prior thereto, said heirs and  
16 their grantors and predecessors in interest were the owners, in the possession,  
17 and entitled to the possession, and now Oliver Crampton and Ollie Crampton are  
18 the owners, in the possession, and entitled to the possession of the following  
19 described lands situated in said Modoc County, California, to-wit:

20 A strip along the west side of the Northwest  
21 quarter of the Southeast quarter ( $NW\frac{1}{4}$   $SE\frac{1}{4}$ )  
22 containing four and six tenths (4.6) acres,  
23 North one-half of the Southwest quarter ( $N\frac{1}{2}$   
24  $SW\frac{1}{4}$ ), a strip along the south side of the  
25 Southwest quarter of the Northwest quarter  
26 ( $SW\frac{1}{4}$   $NW\frac{1}{4}$ ) within the town of Lake City con-  
27 taining about one and five tenths (1.5) acres,  
28 and a strip along the south side of the Southeast  
29 quarter of the Northwest quarter ( $SE\frac{1}{4}$   $NW\frac{1}{4}$ )  
30 within the town of Lake City containing about  
31 four (4.0) acres, all in Section thirty-six  
(36), Township forty-four (44) North, Range  
fifteen (15) East, M.D.B. and M.

and during all of said times, said heirs and their grantors had irrigated from  
the waters of Mill Creek, the following portions of said land, to-wit:

Four (4.0) acres in said Southeast quarter  
of the Northwest quarter ( $SE\frac{1}{4}$   $NW\frac{1}{4}$ ), seven  
tenths (0.7) acre in said Southwest quarter  
of the Northwest quarter ( $SW\frac{1}{4}$   $NW\frac{1}{4}$ ), six  
and three tenths (6.3) acres in the Northwest  
quarter of said Southwest quarter ( $NW\frac{1}{4}$   $SW\frac{1}{4}$ ),  
thirty-seven and three tenths (37.3) acres in  
the Northeast quarter of said Southwest quarter  
( $NE\frac{1}{4}$   $SW\frac{1}{4}$ ), and four and six tenths (4.6) acres  
in said Northwest quarter of the Southeast quar-  
ter ( $NW\frac{1}{4}$   $SE\frac{1}{4}$ ) of said Section thirty-six (36).

1 (9th) At the time of the commencement of this action, Mrs. Nannie  
2 Daniels was the owner, in the possession, and entitled to the possession, and  
3 for more than twenty years prior thereto, she and her grantors were the owners,  
4 in the possession, and entitled to the possession of the following described  
5 lands situated in said Modoc County, California, to-wit:

6 Northeast quarter of the Northeast quarter ( $NE\frac{1}{4}$   
7  $NE\frac{1}{4}$ ) and North one-half of the South one-half of  
8 the Northeast quarter ( $N\frac{1}{2}$   $S\frac{1}{2}$   $NE\frac{1}{4}$ ) of Section  
9 thirty (30), Township forty-four (44) North, Range  
10 sixteen (16) East, M.D.B. and M.; southerly portion  
11 of the Southwest quarter of the Northeast quarter  
12 of the Northwest quarter ( $SW\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) containing  
13 about four tenths (0.4) acre, and a northerly por-  
14 tion of the Northwest quarter of the Southeast  
15 quarter of the Northwest quarter ( $NW\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$ )  
16 containing about six tenths (0.6) acre of Section  
17 thirty-six (36), being in the town of Lake City  
18 in Township forty-four (44) North, Range fifteen  
19 (15) East, M.D.B. and M.

20 and during all of said times, she and her grantors have irrigated from the  
21 waters of Mill Creek and Rutherford Creek, the following portions of said  
22 land, to-wit:

23 Thirty-six and seven tenths (36.7) acres in said  
24 Northeast quarter of the Northeast quarter ( $NE\frac{1}{4}$   
25  $NE\frac{1}{4}$ ), fifteen and nine tenths acres in the North  
26 one-half of the Southeast quarter of said Northeast  
27 quarter ( $N\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ ), and nineteen and one tenth  
28 (19.1) acres in the North one-half of the Southwest  
29 quarter of said Northeast quarter ( $N\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ ) of  
30 said Section thirty (30); four tenths (0.4) acre in  
31 said Southwest quarter of the Northeast quarter of  
the Northwest quarter ( $SW\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ ), and six tenths  
(0.6) acre in said Northwest quarter of the South-  
east quarter of the Northwest quarter ( $NW\frac{1}{4}$   $SE\frac{1}{4}$   
 $NW\frac{1}{4}$ ) of said Section thirty-six (36).

(10th) At the time of the commencement of this action, Mrs. C. H.  
Darst was the 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 following described land situated in said Modoc County, California, to-  
wit:

South one-half of the South one-half of the Northeast  
quarter ( $S\frac{1}{2}$   $S\frac{1}{2}$   $NE\frac{1}{4}$ ) of Section thirty (30), Town-  
ship forty-four (44) North, Range sixteen (16) East,  
M.D.B. and M.

1 and during all of said times, she and her grantors have irrigated from the  
2 waters of Rutherford Creek, the following portion of said land, to-wit:

3 Six (6.0) acres in the South one-half of the South-  
4 west quarter of said Northeast quarter ( $SE\frac{1}{2} SW\frac{1}{2} NE\frac{1}{2}$ )  
of said Section thirty (30).

5 (11th) At the time of the commencement of this action, W. J. Hays  
6 was the owner, in the possession, and entitled to the possession, and for more  
7 than twenty years prior thereto, he and his grantors and predecessors in interest  
8 were the owners, in the possession, and entitled to the possession of the follow-  
9 ing described lands situated in said Modoc County, California, to-wit:

10 Northwest quarter of the Northeast quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ),  
11 Southeast quarter of the Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ),  
12 and East one-half of the Southwest quarter ( $E\frac{1}{2} SW\frac{1}{4}$ )  
of Section thirty (30), Township forty-four (44) North,  
Range sixteen (16) East, M.D.B. and M.

13 and during all of said times, he and his grantors have irrigated from the waters  
14 of Rutherford Creek, the following portions of said land, to-wit:

15 Twenty-five and eight tenths (25.8) acres in said  
16 Northwest quarter of the Northeast quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ) twenty-four and eight tenths (24.8) acres in  
17 said Southeast quarter of the Northwest quarter  
18 ( $SE\frac{1}{4} NW\frac{1}{4}$ ), thirty-five and seven tenths (35.7)  
19 acres in the Northeast quarter of said Southwest  
quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ), and thirty-five and eight tenths  
20 (35.8) acres in the Southeast quarter of said South-  
west quarter ( $SE\frac{1}{4} SW\frac{1}{4}$ ) of said Section thirty (30).

21 (12th) At the time of the commencement of this action, Porter Heard  
22 was the owner, in the possession, and entitled to the possession, and for more  
23 than twenty years prior thereto, he and his grantors and predecessors in interest  
24 were the owners, in the possession, and entitled to the possession, and now  
25 Frances Heard, administratrix of the Estate of Porter Heard, deceased, is the  
26 owner, in the possession, and entitled to the possession of the following des-  
cribed land situated in said Modoc County, California, to-wit:

27 A portion of the Southwest quarter of the Southeast  
28 quarter of the Northwest quarter ( $SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) con-  
29 taining about six and seven tenths (6.7) acres of  
30 Section thirty-six (36), Township forty-four (44)  
North, Range fifteen (15) East, M.D.B. and M. being  
31 within the town of Lake City.

and during all of said times, said Porter Heard and his grantors had irrigated

1 from the waters of Mill Creek, the following portion of said land, to-wit:

2 Six and three tenths (6.3) acres in said Southwest  
3 quarter of the Southeast quarter of the Northwest  
quarter ( $SW\frac{1}{2} SE\frac{1}{2} NW\frac{1}{2}$ ) of said Section thirty-six (36).

4 (13th) At the time of the commencement of this action, Horace Hobbs  
5 was the owner, in the possession, and entitled to the possession, and for more  
6 than twenty years prior thereto, he and his grantors and predecessors in  
7 interest were the owners, in the possession, and entitled to the possession of  
8 the following described lands situated in said Modoc County, California, to-wit:

9 A portion of the Southeast quarter of the Northwest  
10 quarter ( $SE\frac{1}{2} NW\frac{1}{2}$ ) in the town of Lake City containing  
11 about five (5.0) acres, North one-half of the South  
12 one-half of the Northeast quarter ( $N\frac{1}{2} S\frac{1}{2} NE\frac{1}{2}$ ) of  
13 Section thirty-six (36), Township forty-four (44)  
North, Range fifteen (15) East, M.D.B. and M; and the  
North one-half of Lot two (2) of Section thirty-one  
(31), Township forty-four (44) North, Range sixteen  
(16) East, M.D.B. and M.

14 and during all of said times, he and his grantors have irrigated from the  
15 waters of Mill Creek and Rutherford Creek the following portions of said land,  
16 to-wit:

17 Eighteen and five tenths (18.5) acres in said Lot  
two (2) of said Section thirty-one (31); Nineteen  
18 and five tenths (19.5) acres in the Southwest  
quarter of said Northeast quarter ( $SW\frac{1}{2} NE\frac{1}{2}$ ),  
19 twenty and two tenths (20.2) acres in the South-  
east quarter of said Northeast quarter ( $SE\frac{1}{2} NE\frac{1}{2}$ ),  
20 and three and five tenths (3.5) acres in said South-  
east quarter of the Northwest quarter ( $SE\frac{1}{2} NW\frac{1}{2}$ )  
21 of said Section thirty-six (36).

22 (14th) At the time of the commencement of this action, R. R. Hays and  
23 Belva Hays were the owners, in the possession, and entitled to the possession,  
24 and for more than twenty years prior thereto, they and their grantors and  
25 predecessors in interest were the owners, in the possession, and entitled to the  
26 possession, and now Roy Hobbs is the owner, in the possession, and entitled to  
27 the possession of the following described lands situated in said Modoc County,  
California, to-wit:

28 South one-half of the Southwest quarter ( $S\frac{1}{2} SW\frac{1}{2}$ ) of  
29 Section thirty-six (36), Township forty-four (44)  
30 North, Range fifteen (15) East, M.D.B. and M.

31 and during all of said times, said R. R. Hays and Belva Hays and their grantors  
had irrigated from the waters of Rutherford Creek, the following portions of said

1 land, to-wit:

2 Thirty-five and eight tenths (35.8) acres in the  
3 Southeast quarter of said Southwest quarter ( $SE\frac{1}{4}$   
4  $SW\frac{1}{4}$ ), and nine tenths (0.9) acre in the South-  
west quarter of said Southwest quarter ( $SW\frac{1}{4}$   $SW\frac{1}{4}$ )  
of said Section Thirty-six (36).

5 (15th) At the time of the commencement of this action, J. H.  
6 Hutchinson was the owner, in the possession, and entitled to the possession, and  
7 for more than twenty years prior thereto, he and his grantors and predecessors in  
8 interest were the owners, in the possession, and entitled to the possession of  
9 the following described lands situated in said Modoc County, California, to-wit:

10 A portion of the Northeast quarter of the Northwest  
11 quarter ( $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) containing about four (4.0) acres,  
12 and a portion of the Southeast quarter of the North-  
13 west quarter ( $SE\frac{1}{4}$   $NW\frac{1}{4}$ ) containing about two tenths  
(0.2) acre of Section thirty-six (36), Township  
forty-four (44) North, Range fifteen (15) East, M.D.  
B. and M., being within the town of Lake City

14 and during all of said times, he and his grantors have irrigated from the waters  
15 of Mill Creek, the following portions of said land, to-wit:

16 Four (4.0) acres in said Northeast quarter of the  
17 Northwest quarter ( $NE\frac{1}{4}$   $NW\frac{1}{4}$ ), and two tenths (0.2)  
18 acre in said Southeast quarter of the Northwest  
quarter ( $SE\frac{1}{4}$   $NW\frac{1}{4}$ ) of said Section thirty-six (36)

19 (16th) At the time of the commencement of this action, Victor L. Jacobs  
20 was the owner, in the possession, and entitled to the possession, and for more  
21 than twenty years prior thereto, he and his grantors and predecessors in interest  
22 were the owners, in the possession, and entitled to the possession of the follow-  
23 ing described lands situated in said Modoc County, California, to-wit:

24 A strip along the north side of the Northwest  
25 quarter of the Northeast quarter ( $NW\frac{1}{4}$   $NE\frac{1}{4}$ )  
26 in the town of Lake City, containing about six  
(6.0) acres of Section thirty-six (36); South-  
27 west quarter of the Northeast quarter ( $SW\frac{1}{4}$   $NE\frac{1}{4}$ ),  
28 Northwest quarter of the Southeast quarter  
( $NW\frac{1}{4}$   $SE\frac{1}{4}$ ), and Southwest quarter of the South-  
29 east quarter ( $SW\frac{1}{4}$   $SE\frac{1}{4}$ ), except a strip contain-  
ing two and five tenths (2.5) acres along the  
east side of said forty acre tract, of Section  
twenty-five (25), Township forty-four (44) North,  
Range fifteen (15) East, M.D.B. & M.

30 and during all of said times, he and his grantors have irrigated from the waters  
31 of Mill Creek, the following portions of said land, to-wit:

1 Thirty-nine and four tenths (39.4) acres in said  
2 Southwest quarter of the Northeast quarter ( $SW\frac{1}{4}$   
3  $NE\frac{1}{4}$ ), forty (40.0) acres in said Northwest quarter  
4 of the Southeast quarter ( $NW\frac{1}{4}$   $SE\frac{1}{4}$ ), and thirty-  
5 six and two tenths (36.2) acres in said Southwest  
6 quarter of the Southeast quarter ( $SW\frac{1}{4}$   $SE\frac{1}{4}$ ) of  
7 said Section twenty-five (25); and four and two  
8 tenths (4.2) acres in said Northwest quarter of  
9 the Northeast quarter ( $NW\frac{1}{4}$   $NE\frac{1}{4}$ ) of said Section  
10 thirty-six (36).

11 (17th) At the time of the commencement of this action, W. S. Jacobs  
12 was the owner, in the possession, and entitled to the possession, and for more  
13 than 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 Modoc County, California, to-wit:

16 Northeasterly portion of the Northeast quarter  
17 of the Northwest quarter ( $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) in the town  
18 of Lake City containing about seven (7.0) acres  
19 of Section thirty-six (36); and Southeast quarter  
20 of the Southwest quarter ( $SE\frac{1}{4}$   $SW\frac{1}{4}$ ) of Section  
21 twenty-five (25), Township forty-four (44) North,  
22 Range fifteen (15) East, M.D.B.& M.

23 and during all of said times, he and his grantors have irrigated from the waters  
24 of Mill Creek, the following portions of said land, to-wit:

25 Five and nine tenths (5.9) acres in said  
26 Northeast quarter of the Northwest quarter  
27 ( $NE\frac{1}{4}$   $NW\frac{1}{4}$ ) of said Section thirty-six (36);  
28 and thirty one and one tenth (31.1) acres  
29 in said Southeast quarter of the Southwest  
30 quarter ( $SE\frac{1}{4}$   $SW\frac{1}{4}$ ) of said Section twenty-  
31 five (25).

(18th) At the time of the commencement of this action, Mrs. Mary J.  
Jones was the 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 following described land situated in said Modoc County, California, to-wit:

A portion of the Northwest quarter of the  
Southeast quarter of the Northwest quarter  
( $NW\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$ ) containing about one and  
one tenth (1.1) acres of Section thirty-six  
(36), in Township forty-four (44) North,  
Range fifteen (15) East, M.D.B.& M., being  
within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters

1 of Mill Creek, the following portion of said land, to-wit:

2 One (1.0) acre in said Northwest quarter of  
3 the Southeast quarter of the Northwest quarter  
(NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section thirty-six (36).

4 (19th) At the time of the commencement of this action, M. W. Jones  
5 was the owner, in the possession, and entitled to the possession, and for more  
6 than twenty years prior thereto, he and his grantors and predecessors in interest  
7 were the owners, in the possession, and entitled to the possession of the follow-  
8 ing described land situated in said Modoc County, California, to-wit:

9 Westerly portion of the Southeast quarter of  
10 the Northwest quarter of the Northwest quarter  
(SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing about one and three  
11 tenths (1.3) acres of Section thirty-six (36),  
12 Township forty-four (44) North, Range fifteen  
(15) East, M.D.B.& M., being within the town  
of Lake City

13 and during all of said times, he and his grantors have irrigated from the waters  
14 of Mill Creek the following portion of said land, to-wit:

15 One and three tenths (1.3) acres in said  
16 Southeast quarter of the Northwest quarter  
of the Northwest quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of  
17 said Section thirty-six (36).

18 (20th) At the time of the commencement of this action, J. A. Largent  
19 was the owner, in the possession, and entitled to the possession, and for more  
20 than twenty years prior thereto, he and his grantors and predecessors in interest  
21 were the owners, in the possession, and entitled to the possession of the follow-  
22 ing described lands situated in said Modoc County, California, to-wit:

23 Southwesterly portion of the Northwest quarter  
24 of the Northwest quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing  
about five (5.0) acres, and Northwesterly portion  
25 of the Southwest quarter of the Northwest quarter  
(SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing about six (6.0) acres, of  
26 Section thirty-six (36), Township forty-four (44)  
North, Range fifteen (15) East, M.D.B.& M.,  
27 being within the town of Lake City

28 and during all of said times, he and his grantors have irrigated from the waters  
29 of Mill Creek, the following portions of said land, to-wit:

30 Three and six tenths (3.6) acres in said North-  
west quarter of the Northwest quarter (NW $\frac{1}{4}$   
NW $\frac{1}{4}$ ), and four and three tenths (4.3) acres in  
31 said Southwest quarter of the Northwest quarter  
(SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), of said Section thirty-six (36).

1 (21st) At the time of the commencement of this action, John Miller  
2 was the owner, in the possession, and entitled to the possession, and for more  
3 than twenty years prior thereto, he and his grantors and predecessors in interest  
4 were the owners, in the possession, and entitled to the possession of the follow-  
5 ing described lands situated in said Modoc County, California, to-wit:

6 Lot two (2), Lot three (3), and Lot four (4)  
7 of Section thirty (30), Township forty-four  
(44) North, Range sixteen (16) East, M.D.B. & M.

8 and during all of said times, he and his grantors have irrigated from a ditch  
9 collecting waste waters of Mill Creek, the following portions of said land, to-  
10 wit:

11 Thirty-seven and one tenth (37.1) acres in said  
12 Lot two (2), thirty-nine and four tenths (39.4)  
13 acres in said Lot three (3), and thirty-eight and  
seven tenths (38.7) acres in said Lot four (4)  
of said Section thirty (30).

14 (22nd) At the time of the commencement of this action, W. A. Odbert  
15 was the owner, in the possession, and entitled to the possession, and for more  
16 than twenty years prior thereto, he and his grantors and predecessors in interest  
17 were the owners, in the possession, and entitled to the possession of the follow-  
18 ing described lands situated in said Modoc County, California, to-wit:

19 Southwesterly portion of the Southwest quarter  
20 of the Northeast quarter of the Northwest  
21 quarter ( $SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$ ) containing about four  
22 tenths (0.4) acre, Northwesterly portion of  
23 the Northwest quarter of the Southeast quarter  
24 of the Northwest quarter ( $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) con-  
25 taining about six tenths (0.6) acre, and north-  
26 easterly portion of the Northeast quarter of the  
27 Southwest quarter of the Northwest quarter  
28 ( $NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) containing about one tenth (0.1)  
29 acre of Section thirty-six (36), Township forty-  
30 four (44) North, Range fifteen (15) East, M.D.B.  
31 & M. being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters  
of Mill Creek, the following portions of said land, to-wit:

Four tenths (0.4) acre in said Southwest  
quarter of the Northeast quarter of the North-  
west quarter ( $SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$ ), six tenths  
(0.6) acre in said Northwest quarter of the  
Southeast quarter of the Northwest quarter  
( $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ), and one tenth (0.1) acre in  
said Northeast quarter of the Southwest quarter  
of the Northwest quarter ( $NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) of  
said Section thirty-six (36).

1           (23rd) At the time of the commencement of this action, Emma Painter  
2 was the owner, in the possession, and entitled to the possession, and for more  
3 than twenty years prior thereto, she and her grantors and predecessors in  
4 interest were the owners, in the possession, and entitled to the possession of  
5 the following described land situated in said Modoc County, California, to-wit:

6           Southwesterly portion of the Northwest quarter  
7 of the Northwest quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing  
8 about four (4.0) acres of Section thirty-six,  
9 Township forty-four (44) North, Range fifteen  
10 (15) East, M.D.B. & M., being within the  
11 town of Lake City

12 and during all of said times, she and her grantors have irrigated from the waters  
13 of Mill Creek, the following portion of said land, to-wit:

14           Three (3.0) acres in said Northwest quarter  
15 of the Northwest quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said  
16 Section thirty-six (36).

17           (24th) At the time of the commencement of this action, Thomas Painter  
18 was the owner, in the possession, and entitled to the possession, and for more  
19 than twenty years prior thereto, he and his grantors and predecessors in interest  
20 were the owners, in the possession, and entitled to the possession of the follow-  
21 ing described land situated in said Modoc County, California, to-wit:

22           A portion near the center of the Northwest  
23 quarter of the Northwest quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
24 containing about eight tenths (0.8) acre of  
25 Section thirty-six (36), Township forty-four  
26 (44) North, Range fifteen (15) East, M.D.B.  
27 & M., being within the town of Lake City

28 and during all of said times, he and his grantors have irrigated from the waters  
29 of Mill Creek, the following portion of said land, to-wit:

30           Eight tenths (0.8) acre in said Northwest quarter  
31 of the Northwest quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said  
Section thirty-six (36).

          (25th) At the time of the commencement of this action, W. S. Painter  
was the owner, in the possession, and entitled to the possession, and for more  
than twenty years prior thereto, he and his grantors and predecessors in interest  
were the owners, in the possession, and entitled to the possession of the follow-  
ing described lands situated in said Modoc County, California, to-wit:

1 Westerly portion of the Southwest quarter of  
2 the Southeast quarter of the Northwest quar-  
3 ter ( $SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) containing about two and  
4 two tenths (2.2) acres, and easterly portion  
5 of the Southeast quarter of the Southwest  
6 quarter of the Northwest quarter ( $SE\frac{1}{4} SW\frac{1}{4}$   
7  $NW\frac{1}{4}$ ) containing about two tenths (0.2) acre  
8 of Section thirty-six (36), Township forty-  
9 four (44) North, Range fifteen (15) East,  
10 M.D.B.& M., being within the town of Lake  
11 City

12 and during all of said times, he and his grantors have irrigated from the waters  
13 of Mill Creek, the following portions of said land, to-wit:

14 Two and two tenths (2.2) acres in said South-  
15 west quarter of the Southeast quarter of the  
16 Northwest quarter ( $SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ), and two  
17 tenths (0.2) acre in said Southeast quarter  
18 of the Southwest quarter of the Northwest  
19 quarter ( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) of said Section thirty-  
20 six (36).

21 (26th) At the time of the commencement of this action, Mrs. Minnie  
22 Polander was the owner, in the possession, and entitled to the possession, and  
23 for more than twenty years prior thereto, she and her grantors and predecessors  
24 in interest were the owners, in the possession, and entitled to the possession of  
25 the following described land situated in said Modoc County, California, to-wit:

26 Northwesterly portion of the Southeast quarter  
27 of the Northwest quarter of the Northwest quar-  
28 ter ( $SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) containing about eight tenths  
29 (0.8) acre of Section thirty-six (36), Township  
30 forty-four (44) North, Range fifteen (15) East,  
31 M.D.B.&M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters  
of Mill Creek, the following portion of said land, to-wit:

Eight tenths (0.8) acre in said Southeast  
quarter of the Northwest quarter of the  
Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) of said  
Section thirty-six (36).

(27th) At the time of the commencement of this action, the heirs of  
the Estate of Joseph K. Polander were the owners, in the possession, and entitled  
to the possession, and for more than twenty years prior thereto, they and their  
grantors and predecessors in interest were the owners, in the possession, and  
entitled to the possession, and now W. E. Polander, Mrs. Clara Vaughn, and Mrs.

1 M. J. Wimer are the owners, in the possession, and entitled to the possession of  
2 the following described land situated in said Modoc County, California, to-wit:

3 A portion of the northeast quarter of the  
4 Southwest quarter of the Northwest quarter  
(NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing about three tenths  
5 (0.3) acre of Section thirty-six (36), Town-  
6 ship forty-four (44) North, Range fifteen (15)  
East, M.D.B. & M., being within the town of  
Lake City

7 and during all of said times, said heirs of said estate and their grantors had  
8 irrigated from the waters of Mill Creek, the following portion of said land,  
9 to-wit:

10 Three tenths (0.3) acre in said Northeast  
11 quarter of the Southwest quarter of the  
12 Northwest quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said  
Section thirty-six (36).

13 (28th) At the time of the commencement of this action, T. A. Read was  
14 the owner, in the possession, and entitled to the possession, and for more than  
15 twenty years prior thereto, he and his grantors and predecessors in interest  
16 were the owners, in the possession, and entitled to the possession of the  
17 following described lands situated in said Modoc County, California, to-wit:

18 A portion of the Southeast quarter of the North-  
19 west quarter of the Northwest quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$   
NW $\frac{1}{4}$ ) containing about one and four tenths (1.4)  
20 acres, a portion of the Northeast quarter of the  
21 Southwest quarter of the Northwest quarter (NE $\frac{1}{4}$   
SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) containing about four tenths (0.4) acre,  
22 and a portion of the Southwest quarter of the North-  
23 east quarter of the Northwest quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$   
NW $\frac{1}{4}$ ) containing about seven tenths (0.7) acre of  
24 Section thirty-six (36), Township forty-four (44)  
North, Range fifteen (15) East, M.D.B. & M.,  
being within the town of Lake City

25 and during all of said times, he and his grantors have irrigated from the waters  
26 of Mill Creek, the following portions of said land, to-wit:

27 One and four tenths (1.4) acres in said Southeast  
28 quarter of the Northwest quarter of the Northwest  
quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), four tenths (0.4) acre  
29 in said Northeast quarter of the Southwest quarter  
of the Northwest quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), and seven  
30 tenths (0.7) acre in said Southwest quarter of the  
Northeast quarter of the Northwest quarter (SW $\frac{1}{4}$   
31 NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section thirty-six (36).

(29th) At the time of the commencement of this action, O. P. Robinson

1 was the owner, in the possession, and entitled to the possession, and for more  
2 than twenty years prior thereto, he and his grantors and predecessors in  
3 interest were the owners, in the possession, and entitled to the possession of  
4 the following described lands situated in said Modoc County, California, to-wit:

5 South one-half ( $S\frac{1}{2}$ ) of Section twenty-four  
6 (24), Township forty-four (44) North, Range  
7 fifteen (15) East, M.D.B. & M; Lot one (1),  
8 and Northeast quarter of the Northwest quar-  
9 ter ( $NE\frac{1}{4} NW\frac{1}{4}$ ) of Section thirty (30); Lot  
four (4), and Southeast quarter of the South-  
west quarter ( $SE\frac{1}{4} SW\frac{1}{4}$ ) of Section nineteen  
(19), Township forty-four (44) North, Range  
sixteen (16) East, M.D.B. & M.

10 and during all of said times, he and his grantors have irrigated from the waters  
11 of Mill Creek and Rutherford Creek, the following portions of said land, to-wit:

12 Eight and seven tenths (8.7) acres in the North-  
13 east quarter of the Southeast quarter ( $NE\frac{1}{4}$   
 $SE\frac{1}{4}$ ), and twenty-seven and seven tenths (27.7)  
14 acres in the Southeast quarter of the Southeast  
15 quarter ( $SE\frac{1}{4} SE\frac{1}{4}$ ) of said Section twenty-four  
(24); thirty-nine and six tenths (39.6) acres  
16 in said Lot one (1), and thirty-nine (39.0)  
17 acres in said Northeast quarter of the Northwest  
18 quarter ( $NE\frac{1}{4} NW\frac{1}{4}$ ) of said Section thirty (30);  
thirty-nine and five tenths (39.5) acres in said  
19 Lot four (4), and thirty-seven and eight tenths  
(37.8) acres in said Southeast quarter of the  
Southwest quarter ( $SE\frac{1}{4} SW\frac{1}{4}$ ) of said Section  
nineteen (19).

20 (30th) At the time of the commencement of this action, F. M. Smith  
21 and L. L. Hays were the owners, in the possession, and entitled to the possession,  
22 and for more than twenty years prior thereto, they and their grantors and  
23 predecessors in interest were the owners, in the possession, and entitled to  
24 the possession, and now Mrs. Phebe Mickle Robinson is the owner, in the posses-  
25 sion, and entitled to the possession of the following described lands situated  
26 in said Modoc County, California, to-wit:

27 South one-half of the Northwest quarter ( $S\frac{1}{2}$   
 $NW\frac{1}{4}$ ), and North one-half of the Southwest  
28 quarter ( $N\frac{1}{2} SW\frac{1}{4}$ ) of Section twenty-five (25),  
29 Township forty-four (44) North, Range fifteen  
(15) East, M.D.B. & M.

30 and during all of said times, said F.M. Smith and L.L. Hays and their grantors  
31 had irrigated from the waters of Mill Creek, the following portions of said land,

1 to-wit:

2 Nine and three tenths (9.3) acres in the  
3 Southeast quarter of said Northwest quarter  
4 ( $SE\frac{1}{4}NW\frac{1}{4}$ ), thirty-seven and nine tenths  
5 (37.9) acres in the Northeast quarter of  
6 said Southwest quarter ( $NE\frac{1}{4}SW\frac{1}{4}$ ), and three  
and four tenths (3.4) acres in the Northwest  
quarter of said Southwest quarter ( $NW\frac{1}{4}SW\frac{1}{4}$ )  
of said Section twenty-five (25).

7 (31st) At the time of the commencement of this action, Mrs. E. M.  
8 Shartell was the owner, in the possession, and entitled to the possession, and  
9 for more than twenty years prior thereto, she and her grantors and predecessors  
10 in interest were the owners, in the possession, and entitled to the possession  
11 of the following described lands situated in said Modoc County, California,

12 to-wit:

13 Easterly portion of the Northwest quarter of  
14 the Northwest quarter ( $NW\frac{1}{4}NW\frac{1}{4}$ ) containing  
15 about one (1.0) acre of Section thirty-six  
(36), Township forty-four (44) North, Range  
fifteen (15) East, M.D.B. & M., being within  
the town of Lake City

16 and during all of said times, she and her grantors have irrigated from the  
17 waters of Mill Creek, the following portion of said land, to-wit:

18 Nine tenths (0.9) acre in said Northwest  
19 quarter of the Northwest quarter ( $NW\frac{1}{4}NW\frac{1}{4}$ )  
of said Section thirty-six (36).

20 (32nd) At the time of the commencement of this action, Marion Steward  
21 was the owner, in the possession, and entitled to the possession, and for more  
22 than twenty years prior thereto, he and his grantors and predecessors in interest  
23 were the owners, in the possession, and entitled to the possession of the  
24 following described lands situated in said Modoc County, California, to-wit:

25 Lot one (1), Lot two (2), Lot three (3), and  
26 Southeast quarter of the Northwest quarter  
( $SE\frac{1}{4}NW\frac{1}{4}$ ) of Section one (1), Township forty-  
27 three (43) North, Range fifteen (15) East,  
M.D.B. & M.

28 and during all of said times, he and his grantors have irrigated from the waters  
29 of Brown Creek and Rutherford Creek, the following portions of said land, to-wit:

30 Twenty-two and seven tenths (22.7) acres in said  
31 Lot one (1), thirty and three tenths (30.3) acres  
in said Lot two (2), ten and five tenths (10.5)

1                    acres in said Lot three (3), and five tenths  
2                    (0.5) acre in said Southeast quarter of the  
3                    Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ) of said Section  
4                    one (1).

5                    (33rd) At the time of the commencement of this action, Joshua Streiff  
6                    and Ida Streiff were the owners, in the possession, and entitled to the  
7                    possession, and for more than twenty years prior thereto, they and their  
8                    grantors and predecessors in interest were the owners, in the possession, and  
9                    entitled to the possession of the following described lands situated in said  
10                    Modoc County, California, to-wit:

11                    A portion of the Southeast quarter of the  
12                    Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ) containing about  
13                    five (5.0) acres in the town of Lake City,  
14                    and South one-half of the South one-half of  
15                    the Northeast quarter ( $S\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$ ) of Section  
16                    thirty-six (36), Township forty-four (44)  
17                    North, Range fifteen (15) East, M.D.B. & M.;  
18                    South one-half of Lot two (2) of Section  
19                    thirty-one (31), Township forty-four (44)  
20                    North, Range sixteen (16) East, M.D.B. & M.

21                    and during all of said times, they and their grantors have irrigated from the  
22                    waters of Mill Creek, the following portions of said land, to-wit:

23                    Four and five tenths (4.5) acres in said  
24                    Southeast quarter of the Northwest quarter  
25                    ( $SE\frac{1}{4} NW\frac{1}{4}$ ), twenty and three tenths (20.3)  
26                    acres in the Southeast quarter of said North-  
27                    east quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ ), and eighteen and  
28                    one tenth (18.1) acres in the Southwest  
29                    quarter of said Northeast quarter ( $SW\frac{1}{4} NE\frac{1}{4}$ )  
30                    of said Section thirty-six (36); and thirteen  
31                    and three tenths (13.3) acres in said Lot two  
                      (2) of said Section thirty-one (31).

                      (34th) At the time of the commencement of this action, S.B. Streif as  
                      trustee of the Estate of E. P. Streif was the owner, as said trustee, in the  
                      possession, and entitled to the possession, and for more than twenty years  
                      prior thereto, said trustee and his grantors and predecessors in interest were  
                      the owners, in the possession, and entitled to the possession of the following  
                      described land situated in said Modoc County, California, to-wit:

                      Easterly portion of the Northeast quarter  
                      of the Northwest quarter of the Northwest  
                      quarter ( $NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) containing about

1 two (2.0) acres of Section thirty-six (36),  
2 Township forty-four (44) North, Range fifteen  
3 (15) East, M.D.B. & M., being within the town  
of Lake City

4 and during all of said times, said trustee and his grantors have irrigated from  
5 the waters of Mill Creek, the following portion of said land, to-wit:

6 One and nine tenths (1.9) acres in said  
7 Northeast quarter of the Northwest quarter  
8 of the Northwest quarter ( $NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) of  
said Section thirty-six (36).

9 (35th) At the time of the commencement of this action, S. B. Streif  
10 was the owner, in the possession, and entitled to the possession, and for more  
11 than twenty years prior thereto, he and his grantors were the owners, in the  
12 possession, and entitled to the possession of the following described land  
13 situated in said Modoc County, California, to-wit:

14 Southerly portion of the Northwest quarter  
15 of the Southeast quarter of the Northwest  
16 quarter ( $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) containing about two  
17 tenths (0.2) acre of Section thirty-six  
(36), Township forty-four (44), Range fifteen  
of Lake City

18 and during all of said times, he and his grantors have irrigated from the  
19 waters of Mill Creek, the following portion of said land, to-wit:

20 Two tenths (0.2) acre in said Northwest  
21 quarter of the Southeast quarter of the  
22 Northwest quarter ( $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) of said  
Section thirty-six (36).

23 (36th) At the time of the commencement of this action, Mrs. W. M.  
24 Streig was the owner, in the possession, and entitled to the possession, and for  
25 more than twenty years prior thereto, she and her grantors and predecessors in  
26 interest were the owners, in the possession, and entitled to the possession of  
27 the following described land situated in said Modoc County, California, to-wit:

28 Westerly portion of the Northeast quarter of  
29 the Northwest quarter of the Northwest quarter  
30 ( $NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) containing about four and five  
31 tenths (4.5) acres of Section thirty-six, (36),  
Township forty-four (44) North, Range fifteen  
(15) East, M.D.B. and M., being within the town  
of Lake City

1 and during all of said times, she and her grantors have irrigated from the  
2 waters of Mill Creek, the following portion of said land, to-wit:

3 Two (2.0) acres in said Northeast quarter  
4 of the Northwest quarter of the Northwest  
5 quarter ( $NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) of said Section  
thirty-six (36).

6 (37th) At the time of the commencement of this action, Mrs. L. V.  
7 Tonningson was the owner, in the possession, and entitled to the possession,  
8 and for more than twenty years prior thereto she and her grantors and predecessors  
9 in interest were the owners, in the possession, and entitled to the possession,  
10 and now Minard Hanks and Stella Hanks are the owners, in the possession, and  
11 entitled to the possession of the following described lands situated in said  
12 Modoc County, California, to-wit:

13 Westerly portion of the Northeast quarter of  
14 the Northwest quarter ( $NE\frac{1}{2} NW\frac{1}{4}$ ) containing  
15 about one and two tenths (1.2) acres, and  
16 easterly portion of the Northwest quarter of  
17 the Northwest quarter ( $NW\frac{1}{4} NW\frac{1}{4}$ ) containing  
18 about five tenths (0.5) acre of Section  
19 thirty-six (36), Township forty-four (44)  
20 North, Range fifteen (15) East, M.D.B. & M.,  
21 being within the town of Lake City,

22 and during all of said times, said Mrs. L. V. Tonningson and her grantors had  
23 irrigated from the waters of Mill Creek, the following portions of said land,  
24 to-wit:

25 One and two tenths (1.2) acres in said North-  
26 east quarter of the Northwest quarter ( $NE\frac{1}{4}$   
27  $NW\frac{1}{4}$ ), and five tenths (0.5) acre in said  
28 Northwest quarter of the Northwest quarter  
29 ( $NW\frac{1}{4} NW\frac{1}{4}$ ) of said Section thirty-six (36).

30 (38th) At the time of the commencement of this action, John Vernon and  
31 Bessie Vernon were the owners, in the possession, and entitled to the possession,  
and for more than twenty years prior thereto, they and their grantors and prede-  
cessors in interest were the owners, in the possession, and entitled to the  
possession of the following described lands situated in said Modoc County,  
California, to-wit:

South one-half of the Northeast quarter  
( $S\frac{1}{2} NE\frac{1}{4}$ ), North one-half of the Southeast  
quarter ( $N\frac{1}{2} SE\frac{1}{4}$ ), and Northeast quarter  
of the Southwest quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ) of

1 Section one (1), Township forty-three (43)  
2 North, Range fifteen (15) East, M.D.B. & M.

3 and during all of said times, they and their grantors have irrigated from the  
4 waters of Rutherford Creek, the following portions of said land, to-wit:

5 Thirty-five and nine-tenths (35.9) acres in  
6 the Southeast quarter of said Northeast  
7 quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ ), twenty-seven and nine  
8 tenths (27.9) acres in the Southwest quarter  
9 of said Northeast quarter ( $SW\frac{1}{4} NE\frac{1}{4}$ ), forty  
10 and nine tenths (40.9) acres in the Northeast  
11 quarter of said Southeast quarter ( $NE\frac{1}{4} SE\frac{1}{4}$ ),  
thirty-three (33.0) acres in the Northwest  
quarter of said Southeast quarter ( $NW\frac{1}{4} SE\frac{1}{4}$ ),  
and one and nine tenths (1.9) acres in said  
Northeast quarter of the Southwest quarter  
( $NE\frac{1}{4} SW\frac{1}{4}$ ) of said Section one (1).

12 (39th) At the time of the commencement of this action, George M.  
13 Warrens was the owner, in the possession, and entitled to the possession, and  
14 for more than twenty years prior thereto, he and his grantors and predecessors  
15 in interest were the owners, in the possession, and entitled to the possession  
16 of the following described lands situated in said Modoc County, California, to-  
17 wit:

18 Southeast quarter of the Southwest quarter  
19 ( $SE\frac{1}{4} SW\frac{1}{4}$ ), and Southwest quarter of the  
20 Southeast quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ) of Section one  
21 (1), Township forty-three (43) North, Range  
22 fifteen (15) East, M.D.B. & M.; all of Lot  
six (6), except about fourteen (14.0) acres  
of the southwesterly portion, Lot seven (7),  
and Lot eight (8) of Section nineteen (19),  
Township forty-four (44) North, Range sixteen  
(16) East, M.D.B. & M.

23 and during all of said times, he and his grantors have irrigated from the waters  
24 of Mill Creek and Rutherford Creek, the following portions of said land, to-wit:

25 Three and four tenths (3.4) acres in said  
26 Southeast quarter of the Southwest quarter  
27 ( $SE\frac{1}{4} SW\frac{1}{4}$ ), and thirty-five and two tenths  
28 (35.2) acres in said Southwest quarter of the  
29 Southeast quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ) of said Section  
30 one (1); ninety and five tenths (90.5) acres  
in said Lot six (6), thirty-three (33.0) acres  
in said Lot seven (7), and fifty-two and seven  
tenths (52.7) acres in said Lot eight  
(8) of said Section nineteen (19).

31 (40th) At the time of the commencement of this action, George Weilmunster

1 was the owner, in the possession, and entitled to the possession, and for more  
2 than twenty years prior thereto, he and his grantors and predecessors in  
3 interest were the owners, in the possession, and entitled to the possession of  
4 the following described lands situated in said Modoc County, California, to-wit:

5 North one-half of the North one-half ( $N\frac{1}{2} N\frac{1}{2}$ )  
6 of Section twenty-five (25), Township forty-four  
(44) North, Range fifteen (15) East, M.D.B. & M.

7 and during all of said times, he and his grantors have irrigated from the waters  
8 of Mill Creek, the following portions of said land, to-wit:

9 Thirty-six (36.0) acres in the Northeast quarter  
10 of the Northeast quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ ), and ten and  
11 three tenths (10.3) acres in the Northwest quar-  
ter of the Northeast quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ) of said  
Section twenty-five (25).

12 (41st) At the time of the commencement of this action, Frances E.  
13 Wilson was the owner, in the possession, and entitled to the possession, and for  
14 more than twenty years prior thereto, she and her grantors and predecessors in  
15 interest were the owners, in the possession, and entitled to the possession of  
16 the following described lands situated in said Modoc County, California, to-wit:

17 A strip along the north side of the Northeast  
18 quarter of the Northeast quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ )  
containing about five and five tenths (5.5)  
19 acres, and the Northeasterly portion of the  
20 Northeast quarter of the Northwest quarter of  
the Northeast quarter ( $NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$ ) con-  
21 taining about one and two tenths (1.2) acres of  
Section thirty-six (36); Southeast quarter of  
22 the Northeast quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ ), East one-half  
of the Southeast quarter ( $E\frac{1}{2} SE\frac{1}{4}$ ), and a strip  
23 along the east side of the Southwest quarter of  
the Southeast quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ) containing about  
24 two and five tenths (2.5) acres, of Section  
twenty-five (25), Township forty-four (44) North,  
Range fifteen (15) East, M.D.B. & M.

25 and during all of said times, she and her grantors have irrigated from the waters  
26 of Mill Creek, the following portions of said land, to-wit:

27 Five (5.0) acres in said Northeast quarter of  
the Northeast quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ ), and one and  
28 two tenths (1.2) acres in said Northeast  
quarter of the Northwest quarter of the North-  
29 east quarter ( $NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$ ) of said Section  
thirty-six (36); thirty-four and two tenths  
30 (34.2) acres in said Southeast quarter of said  
Northeast quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ ), thirty-four and  
31 one tenth (34.1) acres in the Northeast quarter

1 of said Southeast quarter ( $NE\frac{1}{4} SE\frac{1}{4}$ ), thirty-  
2 seven and nine tenths (37.9) acres in the  
3 Southeast quarter of said Southeast quarter  
4 ( $SE\frac{1}{4} SE\frac{1}{4}$ ), and two and five tenths (2.5) acres  
in said Southwest quarter of the Southeast  
quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ) of said Section twenty-five  
(25).

5 (42nd) At the time of the commencement of this action, Gherald D.  
6 Wilson was the owner, in the possession, and entitled to the possession, and for  
7 more than twenty years prior thereto, he and his grantors and predecessors in  
8 interest were the owners, in the possession, and entitled to the possession of  
9 the following described lands situated in said Modoc County, California, to-wit:

10 Southeast quarter ( $SE\frac{1}{4}$ ), except a strip along  
11 the west side of the Northwest quarter of said  
12 Southeast quarter ( $NW\frac{1}{4} SE\frac{1}{4}$ ) containing about  
13 four and six tenths (4.6) acres, of Section  
14 thirty-six (36), Township forty-four (44) North,  
Range fifteen (15) East; and Lot three (3)  
and Lot four (4) of Section thirty-one (31),  
Township forty-four (44) North, Range sixteen  
(16) East, M.D.B. & M.

15 and during all of said times, he and his grantors have irrigated from the waters  
16 of Rutherford Creek, the following portions of said land, to-wit:

17 Thirty-five (35.0) acres in the Northeast quarter  
18 of said Southeast quarter ( $NE\frac{1}{4} SE\frac{1}{4}$ ), thirty and  
19 six tenths (30.6) acres in the Northwest quarter  
20 of said Southeast quarter ( $NW\frac{1}{4} SE\frac{1}{4}$ ), thirty-  
21 eight (38.0) acres in the Southwest quarter of  
22 said Southeast quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ), and twenty-  
three and one tenth (23.1) acres in the Southeast  
quarter of said Southeast quarter ( $SE\frac{1}{4} SE\frac{1}{4}$ ) of  
said Section thirty-six (36); and three and nine  
tenths (3.9) acres in said Lot three (3) of said  
Section thirty-one (31).

23 (43rd) At the time of the commencement of this action, J. A. Wimer  
24 was the owner, in the possession, and entitled to the possession, and for more  
25 than twenty years prior thereto, he and his grantors and predecessors in  
26 interest were the owners, in the possession, and entitled to the possession of  
27 the following described lands situated in said Modoc County, California, to-wit:

28 Northeasterly portion of the Southeast quarter  
29 of the Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ) containing  
30 about two (2.0) acres within the town of Lake  
31 City, southeasterly portion of the Northeast  
quarter of the Northwest quarter ( $NE\frac{1}{4} NW\frac{1}{4}$ ) con-  
taining about fourteen (14.0) acres within the  
town of Lake City, southerly portion of

1 the Northwest quarter of the Northeast  
2 quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ) containing about thirty  
3 (30.0) acres within the town of Lake City,  
4 and southerly portion of the Northeast  
5 quarter of the Northeast quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ )  
6 containing about thirty-three (33.0) acres  
7 of Section thirty-six (36), Township forty-  
8 four (44) North, Range fifteen (15) East;  
9 and Lot one (1) of Section thirty-one (31),  
10 Township forty-four (44) North, Range sixteen  
11 (16) East, M.D.B. & M.

12 and during all of said times, he and his grantors have irrigated from the waters  
13 of Mill Creek, the following portions of said land, to-wit:

14 Eight tenths (0.8) acre in said Southeast  
15 quarter of the Northwest quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ),  
16 thirteen and five tenths (13.5) acres in  
17 said Northeast quarter of the Northwest  
18 quarter ( $NE\frac{1}{4} NW\frac{1}{4}$ ), twenty-nine and five  
19 tenths (29.5) acres in said Northwest  
20 quarter of the Northeast quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ),  
21 and thirty-two and seven tenths (32.7)  
22 acres in said Northeast quarter of the North-  
23 east quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ ) of said Section  
24 thirty-six (36); and thirty-nine and six  
25 tenths (39.6) acres in said Lot one (1) of  
26 said Section thirty-one (31).

27 (44th) At the time of the commencement of this action, Mrs. M. J.  
28 Wimer was the owner, in the possession, and entitled to the possession, and for  
29 more than twenty years prior thereto, she and her grantors and predecessors in  
30 interest were the owners, in the possession, and entitled to the possession of  
31 the following described land situated in said Modoc County, California, to-wit:

32 Southeasterly portion of the Southeast quarter  
33 of the Southeast quarter of the Northwest quar-  
34 ter ( $SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) containing about six (6.0)  
35 acres of Section thirty-six (36.0), Township  
36 forty-four (44) North, Range fifteen (15) East,  
37 M.D.B. & M., being within the town of Lake City

38 and during all of said times, she and her grantors have irrigated from the  
39 waters of Mill Creek, the following portion of said land, to-wit:

40 Six (6.0) acres in said Southeast quarter of  
41 the Southeast quarter of the Northwest quarter  
42 ( $SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ) of said Section thirty-six (36).

43 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED AS FOLLOWS, TO-WIT:

44 (45th) Marion Steward is entitled to divert from the natural flow of  
45 Brown Creek, by means of either the Steward Garden Ditch, the Steward Ditch, or  
46 the Steward Dam, or in

1 part by means of each of said diversions, 0.80 cubic foot per second, or as  
2 much thereof as he directly applies to beneficial use for the purposes herein-  
3 after set forth; said water to be diverted from said Brown Creek at any, or in  
4 part from all, of three points designated on Division of Water Resources Map  
5 as Diversions 44, 45 and 46, which points are hereinbefore described in  
6 paragraph (2nd); said water to be used for domestic and stock watering purposes  
7 and for the irrigation of his lands hereinbefore described; and whenever the  
8 total flow of Brown Creek is in excess of 0.80 cubic foot per second, said  
9 Marion Steward may divert and apply water to said lands at a greater rate than  
10 hereinabove provided in this paragraph; provided however, that the maximum rate of  
11 diversion under the right provided in this paragraph shall not exceed 1.60  
12 cubic feet per second and the continuous flow equivalent thereof during any  
13 90 day period shall not exceed 0.80 cubic foot per second.

14 (46th) Simon Bennett is entitled to divert from the flow developed  
15 by means of the Bennett Collecting Ditch from Rutherford Swamp, 0.40 cubic foot  
16 per second, said ditch heading at a point designated on Division of Water  
17 Resources Map as Diversion 52, as hereinbefore described in paragraph (2nd);  
18 all of said water to be delivered by said Bennett Collecting Ditch into the  
19 natural channel of Rutherford Creek near the Northeast corner of the South-  
20 east quarter (SE $\frac{1}{4}$ ) of Section thirty-six (36), Township forty-four (44) North,  
21 Range fifteen (15) East, M.D.B. & M.; all of said water or as much thereof as  
22 he directly applies to beneficial use, to be re-diverted from said Rutherford  
23 Creek by means of the Bennett Re-diversion Ditch at a point designated on  
24 Division of Water Resources Map as Diversion 54 as hereinbefore described in  
25 paragraph (2nd); and said water to be used for domestic and stock watering  
26 purposes and for the irrigation of his lands hereinbefore described; provided,  
27 however, that the amount of water re-diverted from said Rutherford Creek by  
28 means of said Bennett Re-diversion Ditch, as measured at the point where said  
29 ditch crosses the east boundary of the Southwest quarter (SW $\frac{1}{4}$ ) of the North-  
30 west quarter (NW $\frac{1}{4}$ ) of Section thirty-one (31), Township (44) North, Range (16)  
31 East, M.D.B. & M., shall at no time exceed the amount of water being delivered

1 into said Rutherford Creek by means of said Bennett Collecting Ditch.

2 (47th) W. J. Hays, Mrs. Nannie Daniels, and Mrs. C. H. Darst are  
3 entitled to divert the entire flow developed by them by means of the Hays  
4 Collecting Ditch heading at a point designated on Division of Water Resources  
5 Map as Diversion 54A as hereinbefore described in paragraph (2nd) from  
6 springs and swamps on the ranches of Horace Hobbs and J. A. Wimer in lieu  
7 of an equal amount of water hereinafter decreed to them; said developed water  
8 to be collected and delivered into Rutherford Creek and re-diverted therefrom  
9 by means of diversions designated on said map as Diversions 55, 56, 57, 58  
10 and 59, as hereinbefore described in said paragraph (2nd).

11 (48th) John Miller is entitled to divert from the flow developed  
12 by means of the Miller Collecting Ditch from the ranch of J. A. Wimer,

13 1.65 cubic feet per second,

14 said ditch heading at a point designated on Division of Water Resources Map as  
15 Diversion 62, as hereinbefore described in paragraph (2nd); and said water to  
16 be used by him for domestic, stock watering and irrigation purposes upon his  
17 lands as hereinbefore described.

18 (49th) Subject to the foregoing rights and provisions the water  
19 that drains into the natural channel of Rutherford Creek from Rutherford  
20 Swamp to the extent of 0.25 cubic foot per second, measured at a point designated  
21 on Division of Water Resources Map as Diversion 55, as hereinbefore described  
22 in paragraph (2nd), shall be allowed to flow unobstructed down said channel of  
23 Rutherford Creek for stock watering purposes.

24 (50th) Subject to the foregoing rights and provisions the following  
25 named parties are entitled to the use of the water that drains into the natural  
26 channel of Rutherford Creek from Rutherford Swamp for garden irrigation and  
27 domestic purposes in the amounts set opposite to their respective names and  
28 through the ditches set opposite their respective names, to-wit:

29	<u>Name</u>	<u>Ditch</u>	<u>Cubic-feet per Second</u>
30	W. J. Hays	Hays Garden	0.10
	Mrs. C. H. Darst	Daniels Upper	0.05
31	Mrs. Nannie Daniels	Daniels Upper	0.10

1           Each and all of the foregoing rights and allotments in this paragraph  
 2 adjudged and decreed are on an equal and correlative basis as to priority,  
 3 and at all times when the water supply in said creek from said swamp is  
 4 inadequate to supply all prior rights and to fully supply said rights provided  
 5 in this paragraph, then during the continuance of such shortage, the owners  
 6 of said rights provided in this paragraph shall divide said available water  
 7 supply, if any, which may be flowing in said creek in excess of all prior  
 8 rights, in the ratios that their respective rights provided in this paragraph  
 9 bear to the total of said rights provided in this paragraph.

10           (51st) Subject to the foregoing rights and provisions, John Vernon  
 11 and Bessie Vernon, jointly, Roy Hobbs, and Gherald D. Wilson are the owners  
 12 of the first right in and to the waters flowing in said Rutherford Creek above  
 13 Rutherford Swamp and in and to the use thereof, during the period from  
 14 January first to December thirty-first, inclusive, of each and every year, in  
 15 the respective amounts of water set opposite their respective names, through  
 16 the Hays-Wilson Ditch as hereinbefore described in paragraph (2nd), for use  
 17 upon their respective lands so heretofore irrigated and hereinbefore described,  
 18 to-wit:

<u>Name</u>	<u>Cubic feet per Second</u>
19           John Vernon and Bessie Vernon, jointly	0.01
20           Roy Hobbs	0.10
21           Gherald D. Wilson	0.10

22           Each and all of the foregoing rights and allotments in this paragraph  
 23 adjudged and decreed are first rights for continuous use for garden irrigation  
 24 and domestic and stock watering purposes throughout the entire year and are  
 25 superior to all other rights to the use of water from said Rutherford Creek  
 26 above Rutherford Swamp during said season; and said allotments of first priority  
 27 are on an equal and correlative basis as to priority, and at all times when the  
 28 net available water supply of said creek is inadequate to fully supply such  
 29 allotments of first priority, then during the continuance of such shortage, the  
 30 owners of such allotments of first priority shall divide the water which may  
 31 be flowing in said creek above said swamp, in the ratios that their respective

1 allotments of first priority specified hereinabove in this paragraph bear to  
2 the total of said allotments of first priority.

3 (52nd) Subject to the foregoing rights and provisions, George M.  
4 Warrens is the owner of the second right in and to the waters flowing in  
5 said Rutherford Creek above Rutherford Swamp, and in and to the use thereof,  
6 during the period from January first to December thirty-first, inclusive, of  
7 each and every year, in the amount of 0.10 cubic foot per second through the  
8 Warrens-Vernon ditch as hereinbefore described in paragraph (2nd) for use  
9 upon his lands so heretofore irrigated and hereinbefore described.

10 Said right and allotment in this paragraph adjudged and decreed is a  
11 second right for continuous use for garden irrigation and domestic and stock  
12 watering purposes throughout the entire year and is inferior and subject to  
13 all rights in this decree hereinbefore adjudged and decreed, but is superior  
14 to all other rights to the use of water from said Rutherford Creek above said  
15 Rutherford Swamp.

16 (53rd) Subject to the foregoing rights and provisions, Roy Hobbs,  
17 and Gherald D. Wilson are the owners of the third right in and to the waters  
18 flowing in said Rutherford Creek above Rutherford Swamp, and in and to the  
19 use thereof, during the period from April first to September thirtieth,  
20 inclusive, of each and every year, in the respective amounts of water set  
21 opposite their respective names, through the Hays-Wilson Ditch as hereinbefore  
22 described in paragraph (2nd), for use upon their respective lands so heretofore  
23 irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Cubic feet per Second</u>
Roy Hobbs	0.10
Gherald D. Wilson	0.10

24  
25  
26  
27 Each and both of the foregoing rights and allotments in this paragraph  
28 adjudged and decreed are for use for irrigation purposes during the irrigation  
29 season defined in this paragraph and are inferior and subject to all rights  
30 in this decree hereinbefore adjudged and decreed, but are superior to all  
31 other rights to the use of water from said Rutherford Creek above Rutherford

1 Swamp during said season; and said allotments of third priority are on an  
2 equal and correlative basis as to priority, and at all times when the net  
3 available water supply of said creek is inadequate to supply all prior rights  
4 and to fully supply such allotments of third priority, then during the con-  
5 tinuance of such shortage, the owners of such allotments of third priority  
6 shall divide the water, if any, which may be flowing in said creek above  
7 said swamp, in the ratios that their respective allotments of third priority  
8 specified hereinabove in this paragraph bear to the total of said allotments  
9 of third priority.

10 (54th) Subject to the foregoing rights and provisions, John Vernon  
11 and Bessie Vernon, jointly, are the owners of the fourth right in and to  
12 the waters flowing in said Rutherford Creek above Rutherford Swamp, and  
13 in and to the use thereof, during the period from April first to September  
14 thirtieth, inclusive, of each and every year, in the amount of 0.11 cubic  
15 foot per second through the Vernon Ditch as hereinbefore described in para-  
16 graph (2nd) for use upon their lands so heretofore irrigated and hereinbe-  
17 fore described.

18 Said right and allotment in this paragraph adjudged and decreed is  
19 for use for irrigation purposes during the irrigation season defined in  
20 this paragraph and is inferior and subject to all rights in this decree  
21 hereinbefore adjudged and decreed, but is superior to all other rights to the  
22 use of water from said Rutherford Creek above said Rutherford Swamp.

23 (55th) Subject to the foregoing rights and provisions, John Vernon  
24 and Bessie Vernon, jointly, and George M. Warrens are the owners of the fifth  
25 right in and to the waters flowing in said Rutherford Creek above Rutherford  
26 Swamp, and in and to the use thereof, during the period from April first  
27 to September thirtieth, inclusive, of each and every year, in the respective  
28 amounts of water set opposite their respective names, through the Warrens-  
29 Vernon Ditch as hereinbefore described in paragraph (2nd), for use upon  
30 their respective lands so heretofore irrigated and hereinbefore described,  
31 to-wit:

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<u>Name</u>	<u>Cubic feet per Second</u>
George M. Warrens	0.50
John Vernon and Bessie Vernon, jointly	0.68

Each and both of the foregoing rights and allotments in this paragraph adjudged and decreed are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Rutherford Creek above Rutherford Swamp during said season; and said allotments of fifth priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said creek is inadequate to supply all prior rights and to fully supply such allotments of fifth priority, then during the continuance of such shortage, the owners of such allotments of fifth priority shall divide the water, if any, which may be flowing in said creek above said swamp, in the ratios that their respective allotments of fifth priority specified hereinabove in this paragraph bear to the total of said allotments of fifth priority.

(56th) Subject to the foregoing rights and provisions, Roy Hobbs is the owner of the sixth right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the amount of 0.20 cubic foot per second through the Hays-Wilson Ditch as hereinbefore described in paragraph (2nd) for use upon his lands so heretofore irrigated and hereinbefore described.

Said right and allotment in this paragraph adjudged and decreed is for use for irrigation purposes during the irrigation season defined in this paragraph and is inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but is superior to all other rights to the use of water from said Rutherford Creek above said Rutherford Swamp.

(57th) Subject to the foregoing rights and provisions, John Vernon and Bessie Vernon, jointly, Marion Steward, Roy Hobbs, Gherald D. Wilson,

1 W. J. Hays, Mrs. C. H. Darst, Mrs. Nannie Daniels, O. P. Robinson, and  
 2 George M. Warrens are the owners of the seventh right in and to the waters  
 3 flowing in Rutherford Creek, and in and to the use thereof, during the period  
 4 from April first to September thirtieth, inclusive, of each and every year,  
 5 in the respective amounts of water set opposite their respective names,  
 6 and through the ditches set opposite their respective names, for use upon  
 7 their respective lands so heretofore irrigated and hereinbefore described,  
 8 to-wit:

9	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
10	John Vernon and Bessie Vernon, jointly	Warrens - Vernon ) and, or Vernon )	0.85
11	Marion Steward	Steward Swamp	0.10
12	Roy Hobbs	Hays- Wilson	0.15
13	Gherald D. Wilson	Hays - Wilson	0.40
14	✓ W. J. Hays	Hays, Hays Garden, Hays ) House and, or Hays Lower )	0.75
15	Mrs. C. H. Darst	Daniels Upper	0.10
16	Mrs. Nannie Daniels	Daniels Upper and, ) or Daniels Lower )	0.90
17	O. P. Robinson	Robinson	0.35
18	George M. Warrens	Warrens	0.65
19	✓ W. J. Hays	Channel of Rutherford Creek	0.70

21 Each and all of the foregoing rights and allotments in this  
 22 paragraph adjudged and decreed are for use for irrigation purposes during  
 23 the irrigation season defined in this paragraph and are inferior and subject to  
 24 all rights from Rutherford Creek in this decree hereinbefore adjudged and  
 25 decreed; and said allotments of seventh priority are on an equal and  
 26 correlative basis as to priority, and at all times when the net available water  
 27 supply of said creek is inadequate to supply all prior rights and to fully  
 28 supply such allotments of seventh priority, then during the continuance of  
 29 such shortage, the owners of such allotments of seventh priority shall divide  
 30 the water, if any, which may be flowing in said creek, in the ratios that their  
 31 respective allotments of seventh priority specified hereinabove in this para-

1 graph bear to the total of said allotments of seventh priority.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED AS FOLLOWS, TO-WIT:

3 (58th) Subject to the foregoing rights and provisions Oliver Crampton  
4 and Ollie Crampton, jointly, Minard Hanks and Stella Hanks, jointly, W. E.  
5 Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer, jointly, Joshua Streiff and  
6 Ida Streiff, jointly, J. A. Largent, Emma Painter, Mrs. Maggie J. Brown, Mrs.  
7 Annie L. Akins, W. S. Painter, Mountain Valley Dairy Products, Inc., T. A. Read,  
8 M. W. Jones, J. H. Hutchinson, Mrs. Mary J. Jones, Mrs. M. J. Wimer, Frances  
9 Heard, administratrix of the Estate of Porter Heard, Rufus S. Carter, W. A.  
10 Odbert, Mrs. Nannie Daniels, S. B. Streif, Horace Hobbs, J. A. Wimer, Thomas  
11 Painter, Mrs. Minnie Polander, Mrs. W. M. Streig, Mrs. E. M. Shartell, and  
12 S. B. Streif, trustee of Estate of E. P. Streif are the owners of the first  
13 right in and to the waters of said Mill Creek, and in and to the use thereof,  
14 during the period from January first to December thirty-first, inclusive, of  
15 each and every year, in the respective amounts of water set opposite their  
16 respective names, through the respective ditches, as hereinbefore described  
17 in paragraph (2nd), set opposite their respective names, for use upon their  
18 respective lands so heretofore irrigated and hereinbefore described,  
19 to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
J. A. Largent	Largent	0.04
J. A. Largent	King	0.10
Emma Painter	King	0.06
Mrs. Maggie J. Brown	Brown	0.09
Oliver Crampton and Mrs. Ollie Crampton, jointly	Brown	0.14
Mrs. Annie L. Akins	Dry	0.09
W. S. Painter	Dry	0.08
Mountain Valleys Dairy Products, Inc.	Watson Pipe	0.01
T. A. Read	Johnson, Read and, or Read Pipe	) ) 0.10

	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
1			
2	M. W. Jones	Shop	0.01
3	M. W. Jones	Jones	0.08
4	J. H. Hutchinson	Hutchinson Pipe and, ) or Hutchinson Flood )	0.02
5	Mrs. Mary J. Jones	Barclay	0.04
6	Mrs. M. J. Wimer	Barclay	0.08
7			
8	Frances Heard, Administratrix of the Estate of Porter Heard	Heard	0.07
9			
10	Rufus S. Carter	Odbert	0.07
11	W. A. Odbert	Odbert	0.08
12	Mrs. Nannie Daniels	Hotel Pipe and, ) or Hotel )	0.08
13	S. B. Streif	Wallace	0.05
14	Joshua Streiff and Ida Streiff, jointly	Streiff	0.10
15			
16	Horace Hobbs	Hobbs	0.10
17	J. A. Wimer	Four Wimer Ditches ) and, or Hobbs )	0.10
18			
19	W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Wimer, jointly	Polander	0.04
20	Thomas Painter	Painter-Polander	0.06
21	Mrs. Minnie Polander	Painter-Polander	0.06
22	Mrs. W. M. Streig	Streig	0.08
23	Mrs. E. M. Shartell	Shartell	0.06
24	S. B. Stroif, Trustee of Estate of E. P. Streif	Tonningson	0.04
25			
26	Minard Hanks and Stella Hanks, jointly	Tonningson	0.08

Each and all of the foregoing rights and allotments are first rights for continuous use for garden irrigation, domestic and stock watering purposes throughout the entire year, and are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of first priority are on an equal and correlative basis as to priority, and at all times when the net available water supply

1 of said Mill Creek, excluding Rutherford Creek and its tributaries, is  
 2 inadequate to fully supply such allotments of first priority, then during  
 3 the continuance of such shortage, the owners of said allotments of first  
 4 priority shall divide said net available water supply of said Mill Creek,  
 5 excluding Rutherford Creek and its tributaries, in the ratios that their  
 6 respective allotments of first priority specified hereinabove in this para-  
 7 graph bear to the total of said allotments of first priority.

8 (59th) Subject to the foregoing rights and provisions, Oliver  
 9 Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly,  
 10 J. A. Largent, Emma Painter, Mrs. Annie L. Akins, W. S. Painter, T. A. Read,  
 11 J. H. Hutchinson, Mrs. M. J. Wimer, Frances Heard, administratrix of the  
 12 Estate of Porter Heard, Rufus S. Carter, Mrs. Nannie Daniels, Horace Hobbs,  
 13 J. A. Wimer, Frances E. Wilson, M. W. Jones, Mrs. W. M. Streig, and Mrs.  
 14 E. M. Shartell are the owners of the second right in and to the waters of  
 15 said Mill Creek, and in and to the use thereof, during the period from  
 16 January first to December thirty-first, inclusive, of each and every year,  
 17 in the respective amounts set opposite their respective names, their respec-  
 18 tive ditches, as hereinbefore described in paragraph (2nd), set opposite  
 19 their respective names, for use upon their respective lands so heretofore  
 20 irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
J. A. Largent	King	0.14
Emma Painter	King	0.06
Oliver Crampton and Ollie Crampton, jointly	Brown	0.10
Mrs. Annie L. Akins	Dry	0.07
W. S. Painter	Dry	0.05
T. A. Read	Johnson and, or Read	0.10
J. H. Hutchinson	Hutchinson Flood	0.12
Mrs. M. J. Wimer	Barclay	0.18
Frances Heard, Administratrix of the Estate of Porter Heard	Heard	0.15

	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
1			
2	Rufus S. Carter	Odbert	0.07
3	Mrs. Nannie Daniels	Hotel	0.02
4	Joshua Streiff and Ida Streiff, jointly	Streiff	0.04
5	Horace Hobbs	Hobbs	0.04
6	J. A. Wimer	Four Wimer Ditches )	
7		and, or Hobbs )	0.10
8	Frances E. Wilson	Three Wilson Ditches	0.20
9	M. W. Jones	Jones	0.02
10	Mrs. W. M. Streig	Streig	0.02
11	Mrs. E. M. Shartell	Shartell	0.02

Each and all of the foregoing rights and allotments are second rights for continuous use for garden and orchard irrigation, domestic and stock watering purposes throughout the entire year and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of second priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of second priority, then during the continuance of such shortage, the owners of said allotments of second priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of second priority specified hereinabove in this paragraph bear to the total of said allotments of second priority.

(60th) Subject to the foregoing rights and provisions, Oliver Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly, Minard Hanks and Stella Hanks, jointly, J. H. Hutchinson, Mrs. M. J. Wimer, Frances Heard, administratrix of the Estate of Porter Heard, Horace Hobbs, J. A. Wimer, Victor L. Jacobs, Frances E. Wilson, S. B. Streif as trustee of the Estate of E. P. Streif, W. S. Jacobs, Mrs. Phebe Mickle Robinson, George

1 Weilmunster, O. P. Robinson, David W. Baty, and George M. Warrens are the  
 2 owners of the third right in and to the waters of said Mill Creek, excluding  
 3 Rutherford Creek and its tributaries, and in and to the use thereof, during  
 4 the period from April first to September thirtieth, inclusive, of each and  
 5 every year, in the respective amounts of water set opposite their respective  
 6 names, through their respective ditches, as hereinbefore described in  
 7 paragraph (2nd), set opposite their respective names, for use upon their  
 8 respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
Oliver Crampton and Ollie Crampton, jointly	Brown	0.90
J. H. Hutchinson	Hutchinson Flood	0.05
Mrs. M. J. Wimer	Barclay	0.04
Frances Heard, administratrix of the Estate of Porter Heard	Heard	0.06
Joshua Streiff and Ida Streiff, jointly	Streiff	0.70
Horace Hobbs	Hobbs	0.75
J. A. Wimer	Four Wimer Ditches ) and, or Hobbs )	1.45
Victor L. Jacobs	Bear and, or ) Creek Direct )	1.45
Frances E. Wilson	Three Wilson Ditches	1.45
S. B. Streif, Trustee of the Estate of E. P. Streif	Tonningson	0.10
Minard Hanks and Stella Hanks, jointly	Tonningson	0.05
W. S. Jacobs	Jacobs West, Jacobs Dam, ) Jacobs East and, or Jacobs ) Lower )	1.30
Mrs. Phebe Mickle Robinson	Mickle Dam	0.75
George Weilmunster	Weilmunster, Creek Direct, ) and, or Hot Channel )	0.90
O. P. Robinson	Hot Channel, Lower East ) Channel, and, or Lower Main ) Channel )	2.40
David W. Baty	Hot Channel, Lower East ) Channel, and, or Lower Main ) Channel.	6.25

	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
1			
2	George M. Warrens	Lower East Channel and, or Lower Main Channel )	1.85
3			

Each and all of the foregoing rights and allotments are third rights for use for irrigation purposes during the season hereinabove defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of third priority are on an equal and correlative basis as to priority, and at all times when the net available water of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of third priority, then during the continuance of such shortage, the owners of said allotments of third priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of third priority specified hereinabove in this paragraph bear to the total of said allotments of third priority; provided, however, that at all times when said flow in excess of all prior rights available for proration among said allotments of third priority is less than 1.50 cubic feet per second, then all of such water available for said allotments of third priority shall be allowed to flow unobstructed down the Wimer Branch of Mill Creek and thence down the Hot Channel of Mill Creek for stock watering purposes.

(61st) Subject to the foregoing rights and provisions, W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer, jointly, Oliver Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly, Minard Hanks and Stella Hanks, jointly, J. A. Largent, Emma Painter, Mrs. Maggie J. Brown, Mrs. Annie L. Akins, W. S. Painter, T. A. Read, J. H. Hutchinson, Mrs. Mary J. Jones, Mrs. M. J. Wimer, Frances Heard, administratrix of the Estate of Porter Heard, Rufus S. Carter, W. A. Odbert, Mrs. Nannie Daniels, S. B. Streif, Horace Hobbs, J. A. Wimer, Frances E. Wilson, Thomas Painter, Mrs. Minnie Polander,

1 M. W. Jones, Mrs. W. M. Streig, Mrs. E. M. Shartell, and S. B. Streif as  
 2 trustee of the Estate of E. P. Streif are the owners of the fourth right in  
 3 and to the waters of said Mill Creek, excluding Rutherford Creek and its  
 4 tributaries, and in and to the use thereof, during the period from April first  
 5 to September thirtieth, inclusive, of each and every year, in the respective  
 6 amounts of water set apposite their respective names, through their respective  
 7 ditches, as hereinbefore described in paragraph (2nd), set opposite their  
 8 respective names, for use upon their respective lands so heretofore irrigated  
 9 and hereinbefore described, to-wit:

	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
10			
11	J. A. Largent	King and, or Largent	0.28
12	Emma Painter	King	0.12
13	Mrs. Maggie J. Brown	Brown	0.04
14	Oliver Crampton and Ollie Crampton, jointly	Brown	0.24
15			
16	Mrs. Annie L. Akin	Dry	0.16
17	W. S. Painter	Dry	0.15
18	T. A. Read	Johnson and, or Read	0.20
19	J. A. Hutchinson	Hutchinson Flood	0.14
20	Mrs. Mary J. Jones	Barclay	0.04
21	Mrs. M. J. Wimer	Barclay	0.26
22	Frances Heard, administra- trix of the Estate of Porter Heard	Heard	0.22
23			
24	Rufus S. Carter	Odbert	0.14
25	W. A. Odbert	Odbert	0.08
26	Mrs. Nannie Daniels	Hotel	0.11
27	S. B. Streif	Wallace	0.05
28	Joshua Streiff and Ida Streiff, jointly	Streiff	0.14
29	Horace Hobbs	Hobbs	0.14
30	J. A. Wimer	Four Wimer Ditches ) and, or Hobbs )	0.20
31			

	<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
1			
2	Frances E. Wilson	Three Wilson Ditches	0.20
3	W. E. Polander, Mrs. Clara		
4	Vaughn, and Mrs. M. J. Wimer, Jointly	Polander	0.04
5	Thomas Painter	Painter - Polander	0.06
6	Mrs. Minnie Polander	Painter - Polander	0.06
7	M. W. Jones	Jones	0.11
8	Mrs. W. M. Streig	Streig	0.11
9	Mrs. E. M. Shartell	Shartell	0.08
10	S. B. Streif as trustee		
11	of the Estate of E. P. Streif	Tonningson	0.04
12	Minard Hanks and Stella Hanks, jointly	Tonningson	0.08

Each and all of the foregoing rights and allotments are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed; and said allotments of fourth priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of fourth priority, then during the continuance of such shortage, the owners of said allotments of fourth priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of fourth priority specified hereinabove in this paragraph bear to the total of said allotments of fourth priority.

(62nd) Subject <sup>to</sup> only the first priority rights of Mrs. Maggie J. Brown, Oliver Crampton and Ollie Crampton, Mrs. Annie L. Akins, W. S. Painter and J. A. Largent in the Brown, Dry, and Largent Ditches, as set forth hereinabove in paragraph (58th), W. A. Odbert is at all times during the period between September 15th of each and every year and July 15th of the succeeding year entitled to divert from the natural flow of Mill Creek through the Mill Ditch, 3.00 cubic feet per second,

1 or as much thereof as he directly applies to beneficial use for the purposes  
2 hereinafter set forth; said water to be diverted from said Mill Creek at a  
3 point designated on Division of Water Resources Map as Diversion 1, as  
4 hereinabove described in paragraph (2nd); and said water to be used for power  
5 purposes at the Lake City Flour Mill situated within the Southwest quarter  
6 ( $SW\frac{1}{4}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section thirty-six (36), Township forty-  
7 four (44) North, Range fifteen (15) East, M.D.B.& M.; provided, however,  
8 that all water diverted under the right provided in this paragraph, with the  
9 exception of that reasonably lost in transportation, shall be discharged into  
10 the Wimer Branch of Mill Creek at a point designated on Division of Water  
11 Resources Map as Diversion 9, as hereinabove described in paragraph (2nd);  
12 and provided further, that said rights in said Dry Ditch may be supplied from  
13 the tailrace of said mill.

14 (63rd) Subject to the foregoing rights and provisions George M.  
15 Warrens is entitled to divert from the natural flow of Mill Creek by means of  
16 the Lower East Channel of said Mill Creek,

17 0.25 cubic foot per second,  
18 in lieu of an equal amount of water from Rutherford Creek as provided herein-  
19 above in paragraph (57th); said water to be used for the irrigation of 18.2 acres  
20 in Lot seven (7), Section nineteen (19) Township forty-four (44) North,  
21 Range sixteen (16) East, M.D.B.& M.

22 (64th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
23 Division of Water Resources of the Department of Public Works of the State of  
24 California, as now or hereafter constituted, or its successor in the  
25 administration of the Water Commission Act, shall supervise diversions from  
26 Mill Creek and its tributaries, through the agency of a water master, whenever  
27 such water master service is found necessary by said Division, to insure strict  
28 adherence to the provisions of this decree, and that all costs and expenses of  
29 such water master service shall be borne by the parties hereto, said costs and  
30 expenses to be apportioned among said parties in accordance with the method of  
31 apportioning the costs of water distribution by water master provided in Section

1 37f of said Water Commission Act of the State of California.

2 (65th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the owners  
3 of each ditch through which water is diverted from Mill Creek and its  
4 tributaries as herein provided, shall install, under the supervision of an  
5 engineer appointed by said Division of Water Resources, such permanent diver-  
6 sion works, headgates and measuring devices in their respective ditches as  
7 shall be required and approved by said Division; such installations to be made  
8 prior to October 1, 1932, or such later date as may be ordered by this  
9 court. The several ditch owners shall furnish all necessary labor and  
10 materials for the construction and installation of said diversion works, head-  
11 gates and measuring devices in their respective ditches, and the cost of  
12 supervision as herein provided shall be borne by the parties hereto, in the  
13 following proportion, to-wit:

14	<u>Name of Party</u>	<u>Per cent of Total Cost</u>
15	Mrs. Annie L. Akin	0.9
16	David W. Baty	17.4
17	Simon Bennett	1.1
18	Mrs. Maggie J. Brown	0.3
19	Rufus S. Carter	0.8
20	Oliver Crampton and Ollie Crampton	3.9
21	Mrs. Nannie Daniels	3.4
22	Mrs. C. H. Darst	0.4
23	Minard Hanks and Stella Hanks	0.6
24	W. J. Hays	4.3
25	Frances Heard, administratrix of the Estate of Porter Heard	1.4
26	Horace Hobbs	2.9
27	Roy Hobbs	1.5
28	J. H. Hutchinson	0.9
29	Victor L. Jacobs	4.0
30	W. S. Jacobs	3.6
31	Mrs. Mary J. Jones	0.2

	<u>Name of Party</u>	<u>Per cent of Total Cost</u>
1		
2	M. W. Jones	0.6
3	J. A. Largent	1.6
4	W. A. Odbert	0.5
5	Emma Painter	0.7
6	Thomas Painter	0.3
7	W. S. Painter	0.7
8	Mrs. Minnie Polander	0.3
9	W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Wimer	0.2
10		
11	T. A. Read	1.1
12	O. P. Robinson	7.7
13	Mrs. Phebe Mickle Robinson	2.1
14	Mrs. E. M. Shartell	0.5
15	Marion Steward	2.5
16	S. B. Streif, Trustee of Estate of E. P. Streif	0.5
17	S. B. Streif	0.3
18	Joshua Streiff and Ida Streiff	2.7
19	Mrs. W. M. Streig	0.6
20	John Vernon and Bessie Vernon	4.6
21	George M. Warrens	8.6
22	Mountain Valleys Dairy Products	0.1
23	George Weilmunster	2.5
24	Frances E. Wilson	5.2
25	Gherald D. Wilson	1.7
26	J. A. Wimer	5.2
27	Mrs. M. J. Wimer	1.6

28 (66th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that nothing  
29 in this decree shall be construed to prevent the owners of first priority  
30 rights on said Mill Creek, as set forth hereinabove in paragraph (58th), from  
31 authorizing the water master to arrange and enforce an emergency schedule of

1 rotation among said owners, in accordance with their respective allotments  
2 of first priority, their respective water requirements as to time, and the  
3 available water supply, whenever the quantity of water available for diversion  
4 from said creek is equal to or less than 1.20 cubic feet per second.

5 (67th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
6 points of measurement of allotments in this decree adjudged and decreed shall  
7 be at the respective points of diversion from said Mill Creek and its tribu-  
8 taries, except that the point of measurement of the flow in the Bennett  
9 Collecting Ditch shall be at a point where its flow is delivered into the  
10 channel of Rutherford Creek, and the point of measurement of the flow in the  
11 Bennett Re-diversion Ditch shall be at the point where said ditch crosses the  
12 east boundary of the Southwest quarter (SW $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of  
13 Section thirty-one (31), Township forty-four (44) North, Range sixteen (16)  
14 East, M.D.B.& M.

15 (68th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party  
16 herein adjudged and decreed a right to divert water shall divert from said  
17 Mill Creek and its tributaries and branches at any time, a quantity of water  
18 in excess of the quantity reasonably necessary for his requirements and  
19 being put to beneficial use by said party.

20 (69th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each and  
21 every party to this action, his or her agents, successors, grantees and assigns,  
22 be, and they are hereby perpetually enjoined and restrained from doing any-  
23 thing in violation of the terms or provisions of this decree, or diverting any  
24 water from said Mill Creek and its tributaries and branches at any time in  
25 violation of the terms hereof, or from doing anything that will obstruct or  
26 interfere with any other right in this decree adjudged and decreed.

27 (70th) FINALLY IT IS ORDERED, ADJUDGED, AND DECREED that each party  
28 hereto shall pay his own costs; the expenses incurred by said Division of  
29 Water Resources, as referee, as set forth in the report of referee on file in  
30 this action shall be borne by the parties hereto in the following proportion:  
31

	<u>Name</u>	<u>Portion of Expense</u>
1		
2	Mrs. Annie L. Akin -----	\$ 15.72
	David W. Baty -----	307.02
3	Simon Bennett -----	19.65
	Mrs. Maggie J. Brown -----	6.39
4	Rufus S. Carter -----	13.75
	Oliver Crampton and Ollie Crampton -----	67.79
5	Mrs. Nannie Daniels -----	59.44
	Mrs. C. H. Darst -----	7.37
6	Minard Hanks and Stella Hanks -----	10.32
	W. J. Hays -----	76.14
7	Frances Heard, administratrix of the Estate of Porter Heard -----	24.56
8	Horace Hobbs -----	50.60
	Roy Hobbs -----	17.02
9	J. H. Hutchinson -----	16.21
	Victor L. Jacobs -----	71.23
10	W. S. Jacobs -----	63.86
	Mrs. Mary J. Jones -----	3.93
11	M. W. Jones -----	10.80
	J. A. Largent -----	27.51
12	Mountain Valleys Dairy Products, Inc. -----	0.50
	W. A. Odbert -----	7.86
13	Emma Painter -----	11.79
	Thomas Painter -----	5.89
14	W. S. Painter -----	12.77
	Mrs. Minnie Polander -----	5.89
15	W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer -----	3.93
16	T. A. Read -----	19.65
	O. P. Robinson -----	135.09
17	Mrs. Phebe Mickle Robinson -----	36.84
	Mrs. E. M. Shartell -----	7.86
18	Marion Steward -----	44.21
	S. B. Streif, trustee of Estate of E. P. Streif -----	8.84
19	S. B. Streif -----	4.91
20	Joshua Streiff and Ida Streiff -----	48.14
	Mrs. M. W. Streig -----	10.32
21	John Vernon and Bessie Vernon -----	66.05
	George M. Warrens -----	137.28
22	George Weilmunster -----	44.21
	Frances E. Wilson -----	90.87
23	Gherald D. Wilson -----	24.47
	J. A. Wimer -----	90.87
24	Mrs. M. J. Wimer -----	27.51
25	Total -----	\$ 1,715.06

and the parties hereto shall pay such assessments to the clerk of this court within thirty days from the date of this decree, said clerk to transmit said sums when paid to said Division of Water Resources, 401 Public Works Building, Sacramento, California.

Done in open court this <sup>19<sup>th</sup></sup>~~December~~ day of <sup>December</sup>~~19~~, 1931.

F. M. Jamison  
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Judge of Said Superior Court