BEFORE THE DEPARTMENT OF PUBLIC WORKS
OF THE STATE OF CALIFORNIA
DIVISION OF WATER RESOURCES
STATE ENGINEER

IN THE MATTER OF THE DETERMINATION OF THE RIGHTS OF THE VARIOUS CLAIMANTS TO THE WATERS OF SHACKLEFORD CREEK AND ITS TRIBUTARIES IN SISKIYOU COUNTY, CALIFORNIA	)	1946 AGREEMENT FOR TRIAL DISTRIBUTION

WHEREAS, the above entitled proceeding is pending before the Department of Public Works of the State of California, Division of Water Resources, State Engineer, in which the rights in and to the waters, and in and to the use thereof, from Shackleford Creek and its tributaries, of all the claimants hereunto subscribed are involved; and

WHEREAS, said Department has completed the investigation of said stream system; all proofs of claims of water rights have been filed; an abstract of said proofs of claims has been prepared and served on all claimants; contests of a large number of said proofs of claims have been filed by various claimants in the proceeding; and said contests have been set for hearing on May 22, 1946, all in accordance with the provisions of the Water Code, and

WHEREAS, said Department has completed and filed its report on trial distribution for the 1945 season and has circulated copies of said report among the various claimants in the proceeding, and

WHEREAS, it appears from the data and information now before the Department in said proceeding that it may be possible to work out an allocation of the waters of said stream system among the various claimants thereto that will afford a basis, acceptable to all of said claimants, for settlement of all water rights involved in said proceeding, together with settlement of all contests of claims heretofore filed in said proceeding without extended hearings on said contests, and

WHEREAS, the claimants hereunto subscribed desire that diversions

from said stream system be administered by said Department during the 1946 season in order to afford said Department an opportunity to attempt to develop by trial an allocation of the waters of said stream system among the claimants in the proceeding that may be acceptable to said claimants as a basis for settlement of the water rights involved therein.

NOW THEREFORE IT IS HEREBY AGREED by and between each and every claimant hereunto subscribed and among all of said claimants, that said Department may undertake to distribute the waters of said Shackleford Creek and its tributaries among the various claimants hereunto subscribed as hereinafter set forth, it being understood and agreed that the following plan of distribution and apportionment of water shall be for the period extending from the date hereof to October 1, 1946, only, and subject to such provisions as are hereinafter contained, to wit:

1. Estate of Abbie C. Albee shall be entitled to impound the waters of the South Fork of Shackleford Creek in Cliff and Campbell Lakes (designated on Division of Water Resources Map as Diversions 1 and 2, respectively), as follows:

150 acre-feet per annum in Cliff Lake

350 acre-feet per annum in Campbell Lake,

or as much thereof as it applies to beneficial use for stock-watering purposes and for the irrigation of 310.4 acres of its lands involved in said proceeding as shown on said map. Said water shall be collected in said lakes during the period from about November 1 of each year to July 1 of the succeeding year and thereafter withdrawn from storage during the period from April 1 to October 30, both dates inclusive, of each year and applied to beneficial use for the aforesaid purposes.

2. Subject to the foregoing rights, the rights in and to the waters, and in and to the use thereof, from each of the following divisions of Shackleford Creek and its tributaries, namely, Upper Shackleford Creek (that portion of Shackleford Creek above the junction of Shackleford

and Mill Creeks), Lower Shackleford Creek (that portion of Shackleford Creek below the junction of Shackleford and Mill Creeks), Upper Mill Creek (that portion of Mill Creek above the Shackleford Ditch Crossing) and Lower Mill Creek (that portion of Mill Creek between Shackleford Ditch Crossing and the junction of Shackleford and Mill creeks) shall be separate groups. All rights in each of said groups in and to the waters, and in and to the use thereof, shall be independent of the rights in any other of said groups.

3. Subject to the foregoing rights and provisions, the various claimants enumerated in Schedules 1, 2, 3 and 4, hereunto annexed and made a part hereof shall be entitled to rights in and to the use of the natural flows of Shackleford Creek and Mill Creek during the period from the date hereof to September 30, both dates inclusive, in 1946, for domestic, stock-watering and irrigation purposes upon their respective lands involved in said proceeding as shown on the Division of Water Resources Map, in accordance with the acreages to be supplied, priorities and quantities of water allotted, and through the diversions from the sources named as set forth in said Schedules 1, 2, 3 and 4.

4. All allotments set forth in said Schedules 1, 2, 3 and 4 which are within the same priority class and within the same group are equal in priority and correlative in right and at all times when the water supply available for rights within a priority class is inadequate to supply all rights and allotments within said class, then during the continuance of such shortage, the owners of such allotments shall prorate the available water supply, if any, in excess of the quantity required for prior rights, or rotate in the use thereof, in accordance with their respective allotments in that class.

5. All rights set forth in Schedules 1, 2, 3 and 4 hereof shall be for continuous usage during the period from the date hereof to September 30, 1946; provided, however, that nothing herein contained shall, or shall

be construed to, prevent any of the claimants hereunto subscribed, who have a joint diversion, where there is a continuous flow allotment to said diversion, from employing by agreement of such joint users of said diversion a system of rotation in use as among themselves, or from preventing any claimant hereunto subscribed, who has allotments to two or more diversions, from using all or any portion of his allotments through each or any number of his diversions on all or any portion of his lands, so long as the maximum quantity of water diverted shall not exceed the aggregate of all allotments to all of his diversions.

6. Subject to the foregoing rights and provisions; Jesse Arnold Cason shall be entitled to divert from Shackleford Creek at a point within the SE¼ of NE¼ of Section 9, T. 43 N., R. 10 W., M.D.B.&M., as described in Application 10350 filed December 31, 1941,

1.00 cubic foot per second

or as much thereof as is applied to beneficial use during the period from March 15 to July 1 of each year for domestic purposes and for the irrigation of 36.0 acres of land described as follows:

5.0 acres in NW¼ SW¼ of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
12.0 acres in NE¼ SW¼ of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
6.0 acres in SE¼ SW¼ of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
13.0 acres in SW¼ SE¼ of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
36.0 acres - Total

Such diversion and use shall be expressly subject to the terms and conditions of Permit 6113 issued by the Department on February 25, 1943, in approval of Application 10350.

7. The points of measurement of all allotments of water hereinbefore provided shall be at or near the respective points of diversion from Shackleford Creek and its tributaries.

8. Said Department shall have the power and authority to deviate from the plan of distribution herein provided, if in its opinion any changes are necessary or convenient in order to expedite accomplishment of the purpose of this agreement.

9. Nothing herein contained shall be, or shall be construed as, an admission by any claimant that his legal rights or the rights of any other claimant are as herein provided; and the distribution of water in accordance with this agreement shall not in any manner prejudice the rights which are now claimed or may hereafter be asserted by any of the claimants hereunto subscribed.

10. Said Department may appoint a watermaster to distribute the waters of Shackleford Creek and its tributaries, as herein provided for, during the 1946 season, and said watermaster shall have power and authority to inspect and regulate the diversions of all the claimants hereunto subscribed in accordance with this agreement, and in the exervise of such authority may enter upon the lands of said claimants for the purpose of such inspection and regulation, and may establish and maintain such gaging stations and measuring devices in said stream system and diversion conduits as may be necessary or convenient. The several ditch owners shall furnish the necessary labor and material for the construction and installation of diversion works, headgates and measuring devices for their respective ditches.

11. It is finally agreed that in order to meet the costs of such distribution by the watermaster during the 1946 season, the claimants hereunto subscribed will pay to the Division of Water Resources on or before July 1, 1946, the amount of $270.00, which amount shall be apportioned among the said claimants in accordance with the assessments set forth in Schedule 5 hereunto annexed and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this 22nd day of May, 1946.

Estate of Abbie G. Albee, Ralph Albee, Executor	Weed, Calif.
Lena Butler Silva	880 Lane St., Yreka, Calif.
Lorene M. Heide J.H.	Fort Jones
John H. Heide	Fort Jones
Frances Vanaredell by Ed Burton	Fort Jones
Edward Burton	Fort Jones
Burnell M. Burton	Fort Jones
Rose A. Burton by B.M.B.	Fort Jones
William B. Miller	
Robert A. English	Fort Jones
W. A. Hicks	Ft. Jones
C. J. Mulloy	Ft. Jones
L. D. Mulloy	Fort Jones
Georgina C. Lathrop	Fort Jones
Morris L. Prather	Montague, Cal.
For Robert P. Davis	Fort Jones
G. Douglas Kastlick	Fort Jones
Jacob Dangel	
Julio Pereira	Fort Jones
Jack E. Schulz	Fort Jones
Richard R. Schulz	Fort Jones
J. B. Rivallier	Fort Jones

SCHEDULE 1

PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM
UPPER SHACKLEFORD CREEK

Name of Claimant	Acreage to be Supplied	Diversion No. as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second							
			1st	2nd	3rd	4th	5th	6th	7th	Total
John H. and Lorene M. Heide	147.7	3				3.50				3.50
Estate of Abbie C. Albee	310.4	4		7.00			5.00			12.00
Robert A. English	20.6	5				0.75				0.75
Arthur L. and Mildred J. Soderquist	10.8	5				0.375				0.375
William A. and Ollie P. Hicks	3.0	5				0.375				0.375
Cornelius J. and L. Dennis Mulloy	169.7	5				5.00				5.00
United States of America	151.8	6	2.00		2.00		4.00			8.00
O. R. and O. D. Jordon	39.7	7						*1.20		1.20
L. Dennis Mulloy	Domestic	8	0.03							.03
L. Dennis Mulloy	55.4	9							*1.30	1.30
Jacob Dangel	75.2	10							*1.70	1.70
Total	984.3		2.03	7.00	2.00	10.00	9.00	1.20	3.00	34.23

* Water may be diverted under the rights in 6th and 7th priority classes from Upper Shackleford Creek at three times the average rate herein set forth whenever water is available therefor.

SCHEDULE 2
PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM
LOWER SHACKLEFORD CREEK

Name of Claimant	Acreage to be Supplied	Diversion No. as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second							
			1st	2nd	3rd	4th	5th	6th	7th	Total
O. R. and O. D. Jordon	2.5	17	0.10							0.10
United States of America	203.0	17						3.25		3.25
Edward Burton and Frances Vanarsdell	54.5	17						1.08		1.08
F. L. and Georgina C. Lathrop	21.9	17						2.17		2.17
Henry F. Chester	23.0	18		1.50						1.50
Henry F. Chester	6.9	19		0.20						0.20
Lillian B. Miller	11.9	19					0.40			0.40
Joseph Rivallier	125.1	19					1.30		2.00	3.30
C. B. and Jeanne Camblin	140.8	19					1.80		3.00	4.80
Edward Burton and Frances Vanarsdell	89.0	20			1.75					1.75
Burnell M. and Rose A. Burton	29.0	20			1.75					1.75
F. L. and Georgina C. Lathrop	129.1	20			3.50					3.50
Lillian B. Miller	10.6	21		0.40						0.40
Joseph Rivallier	87.9	21				3.60				3.60
Burnell M. and Rose A. Burton	59.4	22	1.20							1.20
Robert E. and Ina G. Macaulay	9.7		0.20							0.20
Total	1004.1		1.50	2.10	7.00	3.60	3.50	6.50	5.00	29.20

SCHEDULE 3
PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM
UPPER MILL CREEK

Name of Claimant	Acreage to be Supplied	Diversion No. as per D.W.R. Map	Priority Classes and Allotments		
			1st	2nd	Total
Robert L. Couch	4.0	11		0.08	0.08
Lena Butler Silva	49.6	11	1.00		1.00
Robert P. and Margaret W. Davis	200.4	11	4.50		4.50
G. Douglas and Elma J. Eastlick	172.4	11	4.50		4.50
Robert L. Couch	18.0	12		0.54	0.54
Total	444.4		10.00	0.62	10.62

SCHEDULE 4
PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM
LOWER MILL CREEK

Name of Claimant	Acreage to be Supplied	Diversion No. as per D.W.R. Map	Priority Classes and Allotments		
			1st	2nd	Total
Cornelius J. and L. Dennis Mulloy	21.4	13	0.50		0.50
Julio Pereira	52.1	14	2.00		2.00
Jacob Dangel	15.8	15	1.00		1.00
Jacob Dangel	3.5	16	0.60		0.60
L. Dennis Mulloy	78.4	26	1.57		1.57
Total	171.2		5.67		5.67

SCHEDULE 5
APPORTIONMENT OF COST OF TRIAL DISTRIBUTION ON
SHACKLEFORD CREEK AND TRIBUTARIES DURING THE 1946 SEASON

Name of Claimant	Continuous Flow Equivalent Cu. Ft. per Sec.	Portion of Expense
Albee, Estate of Abbie C.	13.43	$ 40.90
Burton, Burnell M. and Burton, Rose A.	2.95	9.86
Burton, Edward and Vanarsdell, Frances	2.83	9.51
Camblin, C. B. and Camblin, Jeanne	4.80	15.34
Cason, Jesse Arnold	1.00	4.09
Chester, Henry F.	1.70	6.16
Couch, Robert L.	0.62	2.96
Dangel, Jacob	3.30	10.90
Davis, Robert P. and Davis, Margaret W.	4.50	14.45
Eastlick, G. Douglas and Eastlick, Elma J.	4.50	14.45
English, Robert A.	0.75	3.34
Heide, John H. and Heide, Lorene M.	3.50	11.49
Hicks, William A. and Hicks, Ollie P.	0.375	2.24
Jordon, O. R. and Jordon, O. D.	1.20	4.68
Lathrop, F. L. and Lathrop, Georgina C.	5.67	17.92
Macaulay, Robert E. and Macaulay, Ina G.	0.20	1.72
Miller, Lillian B.	0.80	3.49
Mulloy, Cornelius J. and Mulloy, L. Dennis	5.50	17.41
Mulloy, L. Dennis	2.90	9.71
Pereira, Julio	2.00	7.05
Rivallier, Joseph	6.90	21.56
Silva, Lena Butler	1.00	4.09

SCHEDULE 5 (Cont'd.)

Name of Claimant	Continuous Flow Equivalent Cu. Ft. per Sec	Portion of Expense
Soderquist, Arthur L. and Soderquist, Mildred J.	0.375	$ 2.24
United States of America	11.25	34.44
Total	82.05	$ 270.00