IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LASSEN

REES T. JENKINS, et als.

Plaintiffs,

- vs. -

ROYAL R. RAMSEY, et als.

Defendants.

GRACE L. MILLEAR, et als.

Cross-Complainants,

- vs. -

REES T. JENKINS, et als.

Cross-Defendants.

LASSEN LUMBER & BOX COMPANY, a corporation,

Cross-Complainant,

- vs. -

REES T. JENKINS, et als.

Cross-Defendants.

No. 5414

DECREE AND JUDGMENT ADJUDICATING WATER RIGHTS

The above entitled action came on regularly for trial on the 3rd day of October, 1920, before the Court, sitting without a jury, a jury having been expressly waived, [illegible] Williamson, and L. V. Garler, Esq. appearing as attorneys for Rees T. Jenkins, A. G. Barham, Della M. Barham, Ida [illegible] Bartley, [illegible] Emma F. Johnston, Fannie L. Gunter, Grace [illegible] Alleaire, George B. Leavitt, James E. Leavitt, Frank B. Buffum, Sarah [illegible] Buffum, Ja[illegible]

May Hemler, Laura S. Wright, Ada Streshley, Mark C. Stewart, Walter Stewart and Jennie Doyle, as plaintiffs and as cross-defendants in the Cross-Complaint of Lassen Lumber & Box Company, also to the Cross-Complaint of Grace L. Willsap, et als.; and James A. Nutting, Esq., appearing as attorney for Royal E. Ramsey, defendant and cross-complainant, and cross-defendant in the Cross-Complaints of Lassen Lumber & Box Company and Grace L. Willsap, et als.; and Erwin C. Easton, Esq., appearing as attorney for Grace L. Willsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey and DeForest Ramsey, as defendants, and cross-complainants in their own cross-complaint, and as cross-defendants in the cross-complaint of Lassen Lumber & Box Company; and Hardin Barry, Esq., appearing as attorney for Frank Marando, defendant and cross-defendant in the Cross-complaints of Lassen Lumber & Box Company and Grace L. Willsap, et als.; and Grover C. Julian, Esq., appearing for W. D. Haws, W. F. Elskamp and Vercie A. Elskamp as defendants, and Louis Ammorati, C. M. Bussey, John F. Kosicki, James M. Duke, F. W. Elskamp, Vercie A. Elskamp, T. A. Farris, A. Farris, J. R. Glasser, F. L. Glasser, Joseph Houghton, Gussie Houghton, Marie Hoffman, J. R. Wisner, W. D. Haws, Arthur A. McCrary, Rachel A. McCrary, J. W. Stewart, J. H. Staup, Nellie Staup, Arthur F. Stauffer, Maggie M. Stauffer, F. L. Tracey, Susan F. Vernon, Ralph Vernon, Herman Gilliland, Jamie Warden, J. E. White, Anna M. White, Sam Sacco, Regur Tillerin, Frank Gehrig, Joe Gehrig, Thomas McGee, Mary McGee, Joe Manesse, Isaac Enoch, B. W. McClain, L. Ellena, G. C. Mansfield, Joe Jacco, James Tiley, Marie Sarti, W. G. Culbreth, and Orland Gasparoni, cross-defendants in the cross-complaint of Lassen Lumber & Box Company and also cross-defendants in the cross-complaint of Grace L. Willsap, et als.; and James A. Nutting, Esq., appearing as attorney for County of Lassen, a body politic, and Joe Garboni and William Pearson, cross-defendants in the cross-complaint of Lassen Lumber &

Box Company and also cross-defendants in the cross-complaint of Grace L. Millsap, et als.,and Messrs. Cushing & Cushing and Barry & Barry, appearing as attorneys for Lassen Lumber & Box Company, a corporation, defendant and cross-complainant in its own cross-complaint and as cross-defendant in the cross-complaint of Grace L. Millsap, et als., and J. A. Pardee, Esq., appearing for W. W. Long as a defendant and as cross-defendant in the cross-complaint of Lassen Lumber & Box Company and Grace L. Millsap, et als.

And there being no appearance for or on behalf of any of the following, sued herein as cross-defendants in the cross-complaints of Lassen Lumber & Box Company, Royal E. Ramsey, and Grace L. Millsap, et als.,to-wit: James McGee, Mrs. L. L. Duke, Fern Kosicki, Minnie Rusney, James Ainscough, Sarah A. Winchester, J. H. Rooney, Mabel Rooney, Caterina Armeraiti, Gladys Stewart, Caterina Sacco, Alicia Marden, Charles Spann, Jose Salazar, Bertha Hanford, Mrs. Afton White, and Nellie Vernon; and it appearing that each of said cross-defendants was regularly and personally served with process and a copy of said cross-complaints, and proof of said service filed in this action; and that the time allowed by law to the said cross-defendants to appear and answer said cross-complaint had expired before the trial of this action, and the default of each of said cross-defendants has been duly and regularly entered herein.

And the said action having been in Open Court dismissed as to the following named cross-defendants: Fruit Growers Supply Company, a corporation, Grace L. Andrews, Elsie A. Burbank, Rose B. Hartson, Addison Cooley, William F. Staup, Pedro Errdeia, Steve Borsoli, Albert Brown, Alexander & Knoch, a partnership, John Doe Alexander, Richard Roe Knoch, Mabel M. Durand, L. J. Moore, Edith Alexander, Third Doe Company, Fourth Doe Company,Fifth Doe Company,

Sixth Doe Company, Seventh Doe Company and Eighth Doe Company; also as to defendants sued under fictitious names as follows, First Doe, Second Doe, Third Doe, Fourth Doe and Fifth Doe; and that the following - Atha Carman, F. A. Carman, Theda Carman, George A. Carman, E. F. Dwyer, Jerry Ryan, Caroline Ryan, W. A. Ross, H. E. Ross and Pearl Ross, named as defendants in each of said cross-complaints, have filed herein their written disclaimers.

And evidence oral and documentary having been offered and received and by the Court considered, and the cause submitted for decision and Findings of Fact having been expressly waived in Open Court, IT IS NOW BY THE COURT ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. At the time of the commencement of this action, plaintiff Laura May Hemler was the owner of, and Laura May Helmer and Reen T. Jenkins ~~are now~~ were the owners of, the Winchester Ranch in the County of Lassen, State of California, being and embracing the Southwest quarter of the Northeast quarter; the South half of the Northwest quarter; and the northwest quarter of the Southwest, of Section 12, Township 29 North, Range 12 East, Mount Diablo Base and Meridian, together with one share, or 1/24th part, of the Ditch and Dam and the water rights thereto appurtenant known as the "Batchelder and Adams Ditch", or "Buggytown Ditch", as the said dam and ditch are hereinafter referred to and described.

2. That plaintiffs E. Lizzie Perry, Emma F. Johnston, Fannie L. Gunter, Grace E. Elledge, George R. Leavitt and James H. Leavitt collectively owned at the commencement of this action, and now own collectively, the interests of each of said plaintiffs being several and not joint or in common, as to a portion of said lands, the Leavitt Home Ranch embracing the West half of Section 8; the West half of Section 17; the Southeast quarter of the Northeast quarter; the East Half

of the Southeast quarter of Section 18, in Township 29 North, Range 13 East, Mount Diablo Base and Meridian, together with five shares or 5/24ths parts of the "Batchelder and Adams" or "Buggytown Ditch" and the dam and the water rights thereto appurtenant.

3. That plaintiff Rees T. Jenkins was at the commencement of this action and now is the owner of the Ripley Ranch embracing and containing the Southeast quarter of the northeast quarter; the fractional Northeast quarter of the Southeast quarter of Section 12, Township 29 North, Range 12 East, also the North half of Section 7 in Township 29 North, Range 13 East, also a strip of land 320 rods long and about 15 rods wide extending East and West across the North line of the South half of Section 7, and which strip of land is bounded on the South by the lands of W. W. Long and Ware Bantley in the South half of said Section 7, Township 29 North, Range 13 East, Mount Diablo Base and Meridian, together with 5½ shares or 5½/24th parts, of the said "Batchelder and Adams" or "Buggytown Ditch" and the dam and water rights thereto appurtenant.

4. That the defendant W. W. Long was at the commencement of this action and now is the owner of the Neuhaus Ranch being and consisting of fractional Southwest quarter of Section 7 containing 150 acres, more or less, also the North half of the Northwest quarter of Section 18; the Southwest quarter of Northeast Quarter and the Northwest quarter of the Southeast Quarter of Section 18, also that portion of the North half of the Northeast quarter of Section 18 lying South of the County Road from Johnstonville to Standish all in Township 29 North, Range 13 East, Mount Diablo Base and Meridian, together with 5 shares, or 5/24th parts of the Batchelder and Adams, or Buggytown, Ditch, and the dam and the water rights appurtenant thereto.

5. That the plaintiffs Ada E. Bantley and Mare Bantley were at the date of the commencement of this action, the owners of the Southeast quarter of Section 7, in Township 29 North, Range 18 East, Mount Diablo Base and Meridian, except a strip of land off of the north end 18 rods wide and 160 rods long, also that portion of the north half of the Northeast quarter of Section 18 of said Township and Range lying on the north side of the County Road, containing 7½ acres, together with 2½ shares of 2½24th parts of the Batchelder and Adams, or Buggytown, Ditch and the dam and the water rights thereto appurtenant. That during the pendency of this action said Mare Bantley deceased, and plaintiff Ada E. Bantley has succeeded to his rights and interests in said lands, ditch and water rights and is now the owner thereof.

6. That the plaintiffs A. C. Barham and Della M. Barham were at the commencement of this action and now are the owners of the George Riddle Ranch embracing and containing the South half of the Northeast quarter of Section 8 in Township 29 North, Range 18 East, M. D. B. & M., except a parcel of land containing 10.17 acres, described as beginning at the one-quarter section corner at the southeast corner of the northeast quarter of Section 8, and running thence north on survey line 5 chains; thence at right angles west 11 chains; thence at right angles south 9 chains to a point near a bend in Susan River, being four chains south of the point where the one-quarter section line crosses said Susan River and running thence 11 chains easterly to a point on survey line between Sections 8 and 9, 4.50 chains south of the place of beginning; thence north on survey line to place of beginning, 4.50 chains; also that portion of the west half of the southwest quarter of Section 9, in said township and range described as commencing at a point four rods east of the southwest corner of said section 9; running thence northeasterly along the center of a slough to the center of Susan River

thence northwesterly along the center of Susan River to the west line of the Northwest quarter of the Southwest quarter of said Section 9; also all that portion of the northwest quarter of the northeast quarter of Section 17, lying north of the County Road, together with 2½ shares or 2½/24th parts of the Batchelder and Adams, or Buggytown, Ditch and the dam and the water rights thereto appurtenant.

7. That the plaintiffs Laura G. Wright, Ada Streshley, Mark C. Stewart, Jennie Doyle and Walter Stewart were at the commencement of this action and now are the owners of the I. M. Stewart Ranch embracing and containing the North half of the Northwest quarter of Section 16, Northeast quarter of Northeast quarter of Section 17; also commencing at the Southeast corner of the southwest quarter of the southwest quarter of Section 9; thence north to the center of the Susan River; thence westerly to the mouth of the main slough; thence along slough to a point 4 rods from the southwest corner of southwest quarter of southwest quarter of Section 9; thence southeasterly 76 rods to the place of beginning; also that portion of the southeast quarter of the northeast quarter of section 17, lying north of the County Road and containing about 9 acres, all in township 29 north of Range 13 East, M.D.B. and M., together with 1 share or 1/24th part of the Batchelder and Adams, or Buggytown, Ditch and the dam and the water rights thereto appurtenant.

8. That the plaintiffs Frank B. Buffum and Sarah E. Buffum were at the commencement of this action and now are the owners of the G. W. Wright Ranch, being and embracing the South Half of the Southeast quarter of Section 17, the northwest quarter of the northeast quarter of Section 20, and the southwest one-quarter of Section 16 in Township 29 North, Range 13 East, Mount Diablo Base and Meridian, together with 1½ shares or 1½/24th parts of the Batchelder and Adams, or Buggytown, Ditch, and the dam and the water rights thereto appurtenant.

9. That prior to the year 1870, the predecessors in interest of the several plaintiffs in the ownership of the said lands hereinabove described, and the predecessors of the defendant W. W. Long in the ownership of said land owned by him as hereinbefore described, entered upon the channel of Susan River at a point about 8.60 chains north and about 6 chains east of the center of Section 11, Township 29 North, Range 18 East, Mount Diablo Base and Meridian, where the waters of said River were then flowing in their natural channel and between well defined banks, and constructed a dam in the channel of said River of sufficient strength to divert 3,000 inches of water, measured under a four inch pressure, and also constructed a ditch from the channel of said river immediately above said dam in a general Easterly direction to the said lands of the said plaintiffs and the said defendant W. W. Long; that the said ditch, as so constructed, was about 9 feet ten inches in width and about 2 feet 8 inches in depth and had a sufficient capacity and grade to carry at least 3,000 inches of water of the said stream, measured under a four inch pressure, to and upon the said lands now owned by said plaintiffs and defendant W. W. Long respectively; that immediately thereafter, the said predecessors of plaintiff and said W. W. Long appropriated and within a reasonable time and as fast as said lands were cleared, diverted of the waters of Susan River for irrigation of said lands and for stock and domestic purposes 3,000 inches of water, measured under a four inch pressure, and by means of said ditch and laterals transported said water to and upon the said lands now owned and possessed by said plaintiffs and said W. W. Long, and thereafter used the same in the irrigation of the said lands and for the growing and ripening of crops thereon and for stock and domestic purposes during the irrigation season of each year; that at the time the said dam and ditch were so constructed and at the date of the first

appropriation and diversion of said water, the said lands upon which the said dam and ditch were so constructed were open and public lands and the water so appropriated was surplus and unappropriated water flowing in the natural channel of the said Susan River and within its well defined banks, and the said dam was so located and the said ditch so constructed and the water so appropriated and used in conformance with the local customs and laws.

10. That the said ditch at the time of its construction was known and ever since has been known as and called, the Batchelder and Adams Ditch, or the Buggytown Ditch, and the interests of the several owners therein were divided into 24 shares or parts; and each successive owner held one or more of said shares in said ditch, and has at all times enjoyed and used his proportion of the waters diverted at said dam and conveyed by said ditch, in the ratio that his shares bore to the said 24 shares. That ever since the said construction of said dam and ditch and the said first appropriation of said waters, plaintiffs and defendant W. W. Long, and their several predecessors in the ownership of the shares of said ditch and of the lands now possessed and owned by the plaintiffs and said W. W. Long, respectively, have during the irrigation season of each and every year diverted and used in the irrigation of their several lands their said proportions of the waters of said stream; and the said owners of said Batchelder and Adams Ditch have, during the irrigation season of each and every said year since the said first appropriation, collectively diverted from the waters of said stream and transported through said ditch and used in the irrigation of their said lands at least the said 5,000 inches of water, measured under a four inch pressure whenever said quantity of water was flowing in said River at said dam, and the said water has during all said times been and now is indispensable for the irrigation of the crops of hay, grain,

vegetables and pasture on the said lands, and for stock and domestic purposes thereon. That said lands of plaintiffs and of said defendant W. W. Long require irrigation during the irrigation season of each year, and said irrigation season normally extends from the 15th day of March to the 15th day of September in each year.

11. That in or about the year 1870, one Philip Myer, the predecessor in interest of the defendants and cross-complainants Royal N. Ramsey, Grace L. Millsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey, DeForest Ramsey, Lassen Lumber & Box Company, and of the cross-defendants County of Lassen, a body politic, United States of America, George Garboni, and William Pearson, J. H. Staup, Nellie Staup, T. A. Farris and A. Farris, and of the cross-defendants W. G. Culbreth, J. R. Collier and Jessie H. Collier entered upon the channel of the said Susan River at a point higher up on said River and West of the said dam of plaintiffs, and constructed a dam at a point about 9.50 chains east of the southwest corner of the northeast quarter of the northwest quarter of Section 21 in Township 30 North, Range 12 East, M. D. B. & M., and, from a point immediately above said dam also constructed a ditch of sufficient size and capacity and on a grade adequate to carry 250 inches of water, measured under a six inch pressure, and thereafter, and within a reasonable time appropriated and diverted by means of said dam and ditch sufficient of the water then flowing in said Susan River at the point of diversion for the irrigation of certain lands then owned by said Philip Myers and now owned by said Royal N. Ramsey, Grace L. Millsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey, DeForest Ramsey, Lassen Lumber & Box Company, County of Lassen, United States of America, George Garboni, William Pearson, J. H. Staup, Nellie Staup, T. A. Farris, A. Farris and W. G. Culbreth. That said ditch has been generally known as the "Myers Ditch" and in more recent years as the "Ramsey Ditch." That

the lands upon which said dam and ditch were so constructed were open and public lands, and the water so appropriated was surplus and unappropriated water flowing in the channel of said river and said dam and ditch were so located and constructed and said water so appropriated in conformance with the local customs and laws. That by means of said dam and said ditch, said Myers thereafter, and within a reasonable time, diverted water from said Susan River for the irrigation of his said lands as the same are hereinafter described, for the purpose of growing hay, grain, fruits and pasture thereon and for stock and domestic purposes.

12. That on the 26th day of June, 1878, there existed a controversy between the said Philip Myers and the predecessors of the plaintiffs and of the defendant W. W. Long in the ownership of the lands claimed by them and hereinbelow described, as to the priority of rights of appropriation attaching to the said dams and ditches above described, and, in order to settle said controversy, the said Philip Myers entered into an agreement in writing with the predecessors of said plaintiffs and defendant W. W. Long, said predecessors being the joint owners of the said Batchelder and Adams Ditch and said dam and the claimants to the water diverted through said dam and said ditch, in the words and figures following:

"THIS AGREEMENT made the 26th day of June, A.D. 1878, between Philip Myers the party of the first part and Fred Hines, John Cahlan, William Scholls, Robert Johnson, David Johnson and J. B. Sanders, J. Jensen and William Brockman, A. U. Sylvester, Granville Fullen, Levi McCoy, J. F. Garrett, J. W. Stewart, S. C. Talbot, B. H. Leavitt, D. A. Edwards and E. Winchester, the parties hereto of the second part,

WITNESSETH:

That the parties of the second part being owners of lands lying along Susan River and having appropriated the waters of the river for irrigation by means of several ditches and otherwise, and the party of the first part, having several years since taken out a large quantity of water from said river by means of a ditch and having used a considerable quantity of the water at divers times in the said ditch for irrigating purposes the said ditch being taken out above the lands and ditches of the parties of the second part, and which said ditch connects with Susan River about a half mile above Susanville and is known as the Myers Ditch; and a dispute having risen between the party of the first part on one side and the parties of the second part on the other in regard to the right of the party of the first part to divert any of the waters in Susan River by means of his said ditch; now in order to put an end to all dispute and avoid litigation concerning the subject matter of this agreement and to adjust and settle all differences between the said parties concerning the same, this agreement witnesseth:

That the party of the first part, Philip Myers, agrees to and with the parties of the second part, that when the waters of Susan River are low and he cannot divert the same through his ditch without detriment to the rights of the parties of the second part, which rights are hereby acknowledged, he, the said party of the first part, will not divert or use any of the waters of Susan River by means of his said ditch except to the extent hereafter specified, that is to say:

Two and one quarter inches in depth and thirty-six inches in width in his flume at the head of his ditch, the gate under which the water is to be measured being about seventy feet below the head of the ditch, the flume being thirty-six inches in width and the water diverted by the party of the first

part to be measured in this manner; the gate shall be raised two and one-quarter inches from the bottom of the flume, the water to be nine inches deep on the upperside of the gate; the waste gate now on the north side of the flume and adjoining on the upper side, the gate under which the quantity taken shall be measured, and which said water gate is 25½ inches wide, shall be open when the measurement is made. The flume to remain on the same grade it now is above the gate and which grade has been fixed at one quarter of an inch to the rod.

And the parties of the second part, in consideration of the above agreement, on the part of the party of the first part agree and with the party of the first part that they will not disturb the party of the first part in his use of the water as he has heretofore used it, when there is sufficient water for the parties of this agreement, and that when the water is low they will allow him to use it to the extent, heretofore mentioned, without regard to the effect upon themselves.

Dated June 26th, 1875.

Philip Myers	Elliot Winchester
F. Hines	M. S. Talbot
Granville Fullen	D. A. Edwards
John Cahlan	Levi McCoy
W. W. Schell	J. F. Garrett
R. Johnston	B. H. Leavitt
J. M. Stewart."	

15. That from the date of said agreement and until the year 1913, the successors of said Philip Myers in the ownership of said ditch and water rights thereto appurtenant, and of the lands hereinbefore referred to and hereinafter described as formerly belonging to said Philip Myers, have conformed to said agreement, but that in the year 1926, the said Myers Dam in Susan River was washed out; and thereafter a new dam and flume were constructed by the defendants and cross-complainants successors of said Philip Myers which dam, flume and outlets do not conform to the requirements

of said agreement of June 26th, 1875, but said dam is situated lower down the River at approximately the same elevation as was the original dam, and the present outlet and flume from said dam connects with the original ditch constructed by said Philip Myers; that defendants and cross-complainants Royal R. Ramsey, Grace L. Willsap, Amelia Ramsey, Frankie Ramsey, Bessie Ramsey, DeForest Ramsey and Lassen Lumber and Box Company, and cross-defendants County of Lassen, a body politic, W. G. Culbreth, William Pearson and Joe Garboni are successors to Philip Myers in the ownership of said dam and ditch and the water rights appurtenant thereto, and in the ownership of said Myers lands hereinbefore referred to and hereinafter described; and that plaintiffs in this action and defendant W. W. Long are the successors in ownership of A. W. Sylvester, Granville Pullen, Levi McCoy, J. P. Garrett, J. M. Stewart, D. A. Edwards and E. Winchester, parties to said agreement of June 26th, 1875, in the Batchelder and Adams Ditch and the said dam and the water rights appurtenant to said ditch and in the lands irrigated by the waters so diverted. That when the natural flow of water in the said Susan River immediately above the said Myers or Ramsey Dam is 15 second feet or less, the waters of "the said Susan River are low" as said term was used and understood by the parties to the said agreement of June 26th, 1875. That in any season when the natural flow of water in Susan River immediately above the head of the said Myers or Ramsey Ditch shall be fifteen second feet or less, the said defendants and cross-complainants Royal R. Ramsey, Grace L. Willsap, Amelia Ramsey, Frankie Ramsey, Bessie Ramsey, DeForest Ramsey, Lassen Lumber & Box Company, County of Lassen, a body politic, United States of America, and cross-defendants William Pearson, Joe Garboni, W. G. Culbreth, J. P. Collier and Jessie H. Collier may, without injury to the rights of plaintiff or defendant W. W. Long, divert through the said Myers or Ramsey Ditch ninety-two and one-half inches, or two and 3/10 second feet of water, and no more, for use upon the lands and for the purposes claimed by said defendants and cross-complainants and cross-defendants, respectively, in this action; and when

the said natural flow of said River at said point shall be in excess of fifteen second feet, but less than 45 second feet, the said defendants and cross-complainants and cross-defendants may divert through said Myers or Ramsey Ditch and for the uses and purposes aforesaid, one hundred fifty-two and one-half inches, or three and eighty-two one hundredths second feet of water; and when said natural flow of said River shall be in excess of forty-five second feet, the said defendants and cross-complainants and cross-defendants may so divert through said ditch and use for said purposes, the full capacity of said ditch, which is hereby fixed at two hundred fifty inches, measured under a six inch pressure.

14. That the Lassen Lumber & Box Company, a corporation, defendant and cross-complainant in its own behalf and as cross-defendant in the cross-complaint of Grace L. Willsap, et als., was at the commencement of this action, and is now, the owner of the following described pieces or parcels of land situated in the County of Lassen, State of California, to-wit:

Commencing at a point south 8 degrees 47' west

and sixty feet distant from the southeast corner of Block L-6 of Lassen Townsite, said point being in line with the west line of Sierra Street; thence south 81 degrees 12' east along the south line of Tehama Street five hundred ten feet to the west line of Siskiyou Street; thence southerly along the west line of Siskiyou Street four hundred thirty-one feet to a point on line with the south line of Amador Street; thence north eighty-one degrees 12' west 579.6 feet; thence north eight degrees 47' east 432.6 feet to the place of beginning, containing five and thirty-eight hundredths (5.38) acres.

All that portion of the west half of the northeast quarter and the east half of the east half of the northwest quarter, section five, Township 29 north, Range 12 east, M. D. M., lying south of the right-of-way of the Southern Pacific Railway Company containing seventy acres.

All that portion of the southeast quarter of the northeast quarter of Section five, Township 29 north, Range 12 east, lying south of the right-of-way of the Southern Pacific Railroad Company, containing eleven plus acres.

That a part of said lands are a portion of the lands owned by Philip Myers on the 26th day of June, 1875, and prior thereto and ever since said date and until the year 1918, were irrigated with the waters of Susan River diverted through the said Myers or Ramsey Ditch, and with the said water, crops of hay and grain were grown upon said lands; that in the year 1918, the said Lassen Lumber & Box Company acquired said lands and constructed thereon and upon other lands owned by it and lying contiguous thereto a lumber and box mill with a mill pond and other appurtenances; and continuously ever since, said Lassen Lumber & Box Company has received from the said Ditch and used in the operation of its said plant, mill and mill-pond, and for domestic purposes, a portion of the waters of Susan River diverted at said dam and conveyed through the said Myers or Ramsey Ditch; that the said Lassen Lumber & Box Company was, at the commencement of this action and is now, entitled to have and use in the operation of its said plant, mill and millpond and for domestic purposes, one-eighth part of the waters diverted from said river at the said dam and carried through said Myers or Ramsey Ditch after the waters hereinafter allotted to defendants and cross-defendants Frank Marando, J. M. Staup and Nellie Staup, T. A. Farris and A. Farris have been turned out of said Ditch; that the said Lassen Lumber & Box Company is entitled to receive said waters, as in this paragraph provided, during the time and at all times that the said water shall be flowing in said ditch.

15. That Grace L. Millsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey and DeForest Ramsey were, at the commencement of this action, and now are, the owners of the following described pieces or parcels of land situated, lying, and being in the County of Lassen, State of California, to-wit:

The southeast one-quarter of the southeast one-quarter of Section 5, and the fractional north one-half of the northeast one-quarter of section 8, in Township 29 North, Range 12 East, containing 180 acres.

That said lands are a portion of the lands originally owned by Phillip Myers on the 26th day of June, 1875, and at the time of the said agreement and prior thereto and ever since, the said lands have been irrigated annually with a portion of the waters of Susan River diverted at said dam and conveyed through the said Myers or Ramsey Ditch; that the said waters were and are necessary for the proper irrigation of said lands and have been used heretofore by the said Grace L. Willsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey and DeForest Ramsey, and their predecessors in interest, in the growing of crops of hay and grain upon said lands; that said Grace L. Willsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey, and DeForest Ramsey were at the commencement of this action and now are entitled to have and receive for the proper irrigation of said lands during the irrigation season of each year, one-fourth of all waters diverted and to be diverted through the said Myers or Ramsey Ditch and as hereinbefore provided after there shall have been turned out from said ditch to the said Frank Marando, J. H. Staup, Nellie Staup, T. A. Farris and A. Farris, the quantities of said water hereinafter allotted to them respectively in this decree.

16. That the said Royal R. Ramsey, defendant and cross-defendant, was, at the commencement of this action and is now, the owner of the following described land situate, lying and being in the County of Lassen, State of California, to-wit:

The fractional S½ of the SW¼; S½ of the W½ of the SW¼, SW¼ of the SE¼, and S½ of the NW¼ of the SE¼, the W½ of the N½ of the SW¼, the W½ of the NW¼ of the SE¼, the fractional SW¼ of the NW¼ and the fractional W½ of the SW¼ of the NW¼ of Section 8 in Township 29 North, Range 12 East, M.D.B.& M. containing 262 acres more or less.

17. That Joe Carboni and William Pearson, cross-defendants, were, at the commencement of this action, and now are, the owners of the following described lands situated in the County of Lassen, State of California, to-wit:

> That portion of the SW¼ of the NW¼ of Section 5, Township 29 North, Range 12 East, lying west of the Richmond Road, together with that portion of the SE¼ of the NE¼ of Section 6, Township 29 North, Range 12 East, M.D.B. & M. lying east of the said Myers or Barney Ditch, which lands contain in the aggregate 22.9 acres.

18. That cross-defendant W. G. Culbreth was, at the commencement of this action, and is now, the owner of the following described lands situated in the County of Lassen, State of California, to-wit:

> Beginning at point S 8 degrees 47 minutes W. 60 feet from SE corner, block L-4 Townsite of Lassen, then south 8 degrees 27' East 422.6 feet, thence N. 81 degrees 12' 30" W. 660 feet to East line of Richmond Road, thence N. 8 degrees 47' E. 422.6 ft. thence S. 81 degrees 12' 30" E. along S. line of Tehama Street 660 feet to place of beginning, containing 6.5 acres more or less.

19. That J. R. Collier and Jessie H. Collier, his wife, as joint tenants, are the owners of the following described parcel of land situate in the County of Lassen, State of California, to-wit:

> Commencing at the one-quarter Section corner between Section 5 and 6, Township 29 North, Range 12 East, M.D.M., running thence north 180 feet; thence East 260 feet more or less to the Westerly line of Richmond Road; thence southeasterly along said Westerly line of said Road 407 feet; thence in a southwesterly direction 488 feet; more or less to the Section line between said Section 5 and 6; thence North on said line 270 feet to the place of beginning, containing four acres, more or less; also commencing at a point on the west line of Section 5, in Township 29 North of Range 12 East, M. D. M. 270 feet south of one-quarter Section corner, and running thence northeasterly along the Southerly line of the property now owned by the

parties of the second part herein a distance of 240.5 feet; thence south and parallel with said section line a distance of 181.2 feet; thence southwesterly 240.5 feet to the said section line; thence north along said line 181.2 feet to the place of beginning and containing one acre of land, more or less.

That said lands were owned by defendant and cross-defendant Royal H. Ramsey at the commencement of this action and have since been conveyed by the said Royal H. Ramsey to the said J. R. Collier and Jessie H. Collier, his wife, and that the said J. R. Collier and Jessie H. Collier acquired the said lands with full knowledge and notice of the pendency of this action and of the rights and claims of all parties thereto.

20. That the cross-defendant, County of Lassen, a body politic, is the owner of the following described lands situated in the County of Lassen, State of California, to-wit:

Commencing at point on S. line of Lot 1, Section 6, Twp. 29 N. Range 12 East, M. D. M. 100 feet East of SE¼ of said lot, thence West on S. line of said lot 250 feet more or less to Ramsey Ditch, thence northeasterly along said ditch to west line of U. S. A. Forestry Experimental Station grounds; thence South along said W. line 200 feet more or less, to place of beginning, containing 7 acres.

21. That the United States of America is now the owner of the following described lands situated in the County of Lassen, State of California, to-wit:

Commencing at SW corner of Lot 4, Section 5, Township 29 N. Range 12 East M. D. M.; thence North parallel to Section line between Section 5 and 6, 624.5 feet; thence East 576 feet to Easterly boundary of Richmond Road; thence Southerly along said Easterly boundary 637 feet to subdivision line; thence West along subdivision line 292 feet to place of beginning, containing 7.77 acres.

That said lands were acquired by the United States of America subsequent to the commencement of this action and with the knowledge of the pendency of said action, and of all the

water rights and claims thereto of the parties to this action.

22. That the lands of said Royal T. Ramsey, Joe Garboni and William Pearson, W. G. Culbreth, J. R. Collier and Jessie H. Collier, his wife, as joint tenants, County of Lassen and the United States of America, were all a part of the original holdings of Philip Myers and were so owned and irrigated by the said Philip Myers at the time of the said agreement of June 26, 1875, and prior thereto; that said lands require water for proper irrigation thereof and have been irrigated with the waters diverted from the said Susan River by means of and through said Myers or Ramsey Ditch during the irrigation season of each year prior to the commencement of this action and since, and are entitled to receive collectively for the irrigation thereof, and for domestic uses and purposes thereon, five-eighths of the waters diverted from the said Susan River by means of said dam and said Myers or Ramsey ditch after there shall have been turned out of said ditch to defendant and cross-defendant Frank Marando and to cross-defendants J. H. Stoup and Nellie Stoup and T. A. Farris and A. Farris, the amount and quantity of water allotted to them respectively, as hereinbefore provided; that the said Royal T. Ramsey, Joe Garboni and William Pearson, W. G. Culbreth, J. R. Collier and Jessie H. Collier, his wife, as joint tenants, the County of Lassen, a body politic, and the United States of America, are entitled to receive of the said waters allotted to them as in this paragraph provided, that is to say, of said five-eighths of said water conveyed through said Myers or Ramsey Ditch, after making the said allotments aforesaid in proportion to their several acreages, and the said Joe Garboni and William Pearson are entitled to receive 22/80ths; the said W. G. Culbreth 6/80ths, the said J. R. Collier and Jessie H.

Collier, his wife, as joint tenants, 1/205th; the United States of America, 7/205ths; County of Lassen, 7/205ths; and the said Royal W. Ramsey, 262/205ths of the said water.

23. That the defendant and cross-defendant W. D. Haws is the owner of the following described lands in the County of Lassen, State of California:

> Commencing at a point where the Central Pacific Railway Company's right of way intersects the east line of the NW¼ of the SE¼ of Section 21, Township 30 North, Range 12 East, M.D.M.; running thence North 53 degrees 32½' West along the south line of said right of way 1181 feet; thence south 28 degrees west 480 feet; thence South 70 degrees 50' East 545 feet to the center of Susan River; thence easterly along the center of said River to the east line of the NW¼ of SE¼ of said Section 21; thence north 50 feet to the place of beginning.

Said lands are riparian to said Susan River. Of said lands 3½ acres, that is to say, one half an acre lying immediately south of the channel of said river and three acres lying north of said channel and between said river and the existing road, are capable of irrigation with waters naturally flowing in the channel of said River; at the commencement of this action and for more than five years prior thereto, said last described lands were and had been so irrigated with the waters of said Susan River; and by means of said irrigation, crops of fruit, berries and vegetables were grown upon said lands by the predecessors in ownership of said Haws; that three inches, measured under a six inch pressure, was and is a sufficient amount of water for the proper irrigation of said last described lands during the irrigation season between the 15th day of March and the 15th day of October in each year; that the use of said quantity of water is a reasonable use and the said W. D. Haws as defendant and cross defendant is entitled to the use of said water for the irrigation of said last described lands in the quantity and within the period named; but said Haws has no other right or interest in the waters

of said Susan River, nor has he the right to divert said waters through the said Myers or Ramsey ditch; and all the waters taken from said Susan River by said defendant and cross-defendant W. D. Haws may be and should be, together with all waste water, returned to the channel of the Susan River before the same shall leave the said lands of said defendant, and cross-defendant, Haws.

24. That E. F. Elskamp and Vercie A. Elskamp, defendants and cross-defendants, are and were at the commencement of this action, the owners of the following described lands in the County of Lassen, State of California;

The said E. F. Elskamp lands are as follows, to-wit:

> Commencing at a point on the south line of the NW¼ of SE¼ of Section 21, Township 30 North, Range 12 East, M.D.M., 140 feet east of the southwest corner of said forty; running thence east 600 feet; thence North 41 degrees 41' East 350 feet to the Arnold Ditch; thence northwesterly along said ditch to the point where the westerly line of Block 34 of the Town of Susanville, if extended southerly, would intersect said ditch; thence South 18 degrees 20' East 460 feet, more or less, to the place of beginning.

The said Vercie A. Elskamp lands are as follows, to-wit:

> Commencing at the intersection of the center line of Susan River with the west line of the NE¼ of SE¼ Section 21, Township 30 North, Range 12 East, M.D.M., running thence south 725 feet; more or less, to the southwest corner of said NE¼ of SE¼; thence east 140 feet; thence north 18 degrees 20' East, 460 feet more or less to the center of Susan River; thence northwesterly along the center line of said Susan River 450 feet more or less to the place of beginning.

That of said lands, about two acres lying between the Myers or Ramsey ditch and the south bank of Susan River, were and are riparian to said stream and capable of irrigation from the waters naturally flowing in said river; that said E. F. Elskamp and Vercie A. Elskamp have, ever since the year 1911, irrigated said last described lands with waters naturally flowing in said Susan River, and by the use of said waters have grown crops of grain and grass upon said last described

lands; that in the irrigation of said lands the said F. F. Flakamp and Vercie A. Flakamp have used, during the irrigation season of each, one inch of water measured under a six inch pressure, and said use was and is a reasonable use of said waters, and the said one inch of water was and is sufficient water for the proper irrigation of said lands; that said F. F. Flakamp and Vercie A. Flakamp have no other rights or interests in the waters of said Susan River, and no right to divert or take the said waters through or from the said Myers or Ramsey Ditch, and all water taken by the said F. F. Flakamp and Vercie A. Flakamp for the irrigation of said last described lands, and all waste waters upon said lands, will naturally drain back into the channel of said Susan River and should be so returned and drained before they leave the said lands.

25. That defendant and cross-defendant, Frank Marando, was, at the commencement of this action, and now is, the owner of the following described lands, situate in the County of Lassen, State of California, to-wit:

> Lot Five of Block One, and a strip of land, one-half acre or less, that lies north of the Ramsey Ditch and West of Lot Five of Block One running North to the quarter section line of Winchester's Addition to the town of Susanville.
>
> And a parcel of land commencing at the southwest quarter of Lot 8 of Block 1 of the Winchester Addition, thence running west 100 feet, thence North to the Ramsey Ditch, comprising about one acre of land, as said parcels of land are laid down and described on the official map of the Winchester Addition to the town of Susanville now on file in the County Recorder's office of the County of Lassen, State of California.

Of said lands, about eight acres described as follows: Lot Five in Block 1 of the Winchester Addition, and the area immediately west of said Lot 8 and bounded on the south by the Myers or Ramsey Ditch, were and are riparian to said Susan River and for a period in excess of ten years prior to the commencement of this action, were irrigated either by the said Frank Marando, or his predecessors in

the ownership of said lands with the waters of Susan River and by means of said waters, the said Marando and his predecessors in ownership, have grown upon the said last described lands annually crops of fruits, grass and vegetables; that six inches of water, measured under a six inch pressure, was and is a sufficient quantity of water for the proper irrigation of said lands and during the irrigation season, that is to say, between the 15th day of March and the 15th day of October in each year; that the use of said six inches of water, so measured, in the irrigation of said last described lands was and is a reasonable use, and any waters diverted by said Marando from Susan River for use upon said lands and which are not so used, and any waste water, should be returned or drained into the natural channel of said Susan River from the said lands of Marando; that the said Marando and his predecessors in the ownership of said lands, have heretofore received the said water used by them from the Myers or Ramsey ditch with the consent of the owners of said ditch, and the same may be so taken without injury to the rights of the plaintiffs in this case, or the owners of said ditch, but the said lands of Marando, as heretofore irrigated, may be properly and sufficiently irrigated by the taking of said waters through one gate or box in said ditch; that said Frank Marando has no other right or interest in or to the waters of Susan River or in or to the said Myers or Ramsey ditch.

26. That cross-defendants J. H. Stamp and Nellie Stamp are, and were at the commencement of this action, the owners of the following described lands in the County of Lassen, State of California, to-wit:

> Fractional Lot 6 of the Winchester Addition to the Town of Susanville,

and the said cross-defendants are entitled to receive for the irrigation of said lands out of and from the waters diverted from

Susan River and conveyed through said Myers or Ramsey ditch, three gallons of water per minute over a period of not exceeding eight hours per day during the irrigation season, commencing on March 15th, and ending October 15th in each year; that said cross-defendants have no other rights or interests in the waters of Susan River.

27. That cross-defendants T. A. Farris and A. Farris are and were at the commencement of this action, the owners of the following described lands, in the County of Lassen, State of California:

> Lot 3, Block L-11 and Lot 18 of Block L-5 in Lassen Townsite.

Said cross defendants are not entitled to water for the irrigation of said Lot 18 of Block L-5, but they and their predecessors have, for a period of more than five years prior to the commencement of this action, received from and through the said Myers or Ramsey ditch, and with the consent of the owners of said ditch, two-tenths of one miners inch of water, measured under a six inch pressure and used the same in the irrigation of said lands in Lot 3, Block L-11, during the irrigation season commencing March 15th and ending October 15th in each year, and said quantity of water is sufficient to properly irrigate the said lands; and that said cross-defendants, T. A. Farris and A. Farris have no other rights or interests in the waters of said Susan River.

28. That cross-defendants, Louis Amoraiti, C. M. Bussey, John P. Kozicki, James B. Duke, J. T. Glasser, T. L. Glasser, Joseph Houghton, Gussie Houghton, Marie Hoffman, Ellena Lodorico, J. E. Misner, Arthur A. McCrary, Rachel A. McCrary, J. R. Stewart, Arthur F. Stauffer, Maggie M. Stauffer, F. L. Tracey, Susan E. Vernon, Ralph Vernon, Sam Sacco, Joe Sacco, Tocne Tallerin, Herman Gilliland, Somie Harden, J. F. White, Annie M. White, Frank Gehrig, Joe Gehrig, Thomas McGee, Mary McGee, Joe Mancuso, Isaac Knowh, B. W. McClain, L. Ellena, C. C.

Hammeld, James Riley, Mary Sarti, Atha Carman, Phebe Carman, George A. Carman, E. F. Dwyer, Jerry Ryan, Caroline Ryan, M. A. Ross, H. E. Ross, Pearl Ross, James McGee, Mrs. L. L. Duke, Fern Kozicki, Minnie Bussey, James Ainscough, Sarah A. Winchester, J. H. Rooney, Mabel Rooney, Rose B. Hartson, Caterina Ammeraiti, Gladys Stewart, Caterina Sacco, Alicia Marden, Charles Spann, Jose Salazar, Bertha Hanford, Mrs. Afton White and Nellie Vernon have not, nor had they at the commencement of this action, any right or interest in the waters of said Susan River or in the said Wyers or Bussey ditch, or in the waters conveyed in said ditch, or the right to divert from the said River or from the said ditch, any waters whatsoever.

WHEREFORE and by reason of the premises, IT IS ORDERED, ADJUDGED AND DECREED that W. D. Hawe, as defendant and cross-defendant in this action, is entitled and permitted to take out of the waters of Susan River, in their natural flow by the following described lands, situated in the County of Lassen, State of California, to-wit:

> Commencing at a point where the Central Pacific Railway Company's right of way intersects the east line of the NW¼ of SE¼ of Section 21, Township 30 North, Range 12 East, M. D. M.; running thence North 52 degrees 32½' West along the south line of said right of way 1181 feet; thence south 35 degrees west 480 feet; thence south 70 degrees 50' East 545 feet to the center of Susan River; thence easterly along the center of said river to the east line of the NW¼ of SE¼ of said Section 21; thence north 50 feet to the place of beginning,

and between the 15th day of March and the 15th day of October in each year, three inches of water measured under a six inch pressure; and to divert and use the said water in the irrigation of one half of an acre of said land lying immediately south of the channel of said river and three acres lying north of said channel and between the said channel and the existing road; and that all waters so diverted from the said Susan River by the said W. D. Hawe shall be returned to the said channel of said

Susan River before the same shall leave the said lands hereinbefore described; AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said W. D. Hawe has no other right or interest in the waters of Susan River, nor is he entitled to divert the said or any waters through the ditch known as the Myers or Ramsey Ditch and he is hereby enjoined and restrained from diverting or taking any waters through or by means of the said Myers or Ramsey Ditch, after the same leaves the flume at the head thereof, and from diverting or taking from the said channel of Susan River any waters in excess of the said three inches, measured under a six inch pressure, or in any manner otherwise interfering with the natural flow of the waters in the Susan River as the same flow past the said lands above described, and from interfering in any manner with the rights of the plaintiffs or other defendants or cross-defendants as the same are hereinafter defined.

That the defendants and cross-defendants, F. F. Elskamp and Vercie A. Elskamp are entitled, and are hereby permitted, to divert from the waters naturally flowing in the channel of Susan River and as the same are flowing by the following described lands of said defendants and cross-defendants situated in the County of Lassen, State of California, to-wit:

The said F. F. Elskamp lands are as follows, to-wit:

> Commencing at a point on the south line of the NW¼ of SE¼ of Section 21, Township 30 North, Range 12 East, M.D.M., 140 feet east of the southwest corner of said forty; running thence east 680 feet; thence north 41 degrees 41' West 380 feet to the Arnold Ditch; thence northwesterly along said ditch to the point where the westerly line of Block 34 of the town of Susanville, if extended southerly, would intersect said ditch; thence south 1[illegible] degrees 30' West 460 feet more or less, to the place of beginning.

The said Vercie A. Elskamp lands are as follows, to-wit:

> Commencing at the intersection of the center line of Susan River with the west line of the NE¼ of the SE¼ Section 21, Township 30 North, Range 12 East, M.D.M. running thence south 728 feet; more or less, to the southwest corner of said NE¼ of SE¼; thence east 140

feet; thence north 18 degrees 20' West, 460 feet, more or less, to the center of Susan River; thence northwesterly along the center line of said Susan River 485 feet, more or less to the place of beginning.

between the 15th day of March and the 15th day of October in each year, one inch of water measured under a six inch pressure; and to use the said water so diverted in the irrigation of a parcel of land embracing about two acres lying between the Myers and Ramsey Ditch and the South bank of Susan River and being a parcel of the larger tract of land in this paragraph described, and the said E. F. Elskamp and Vereie A. Elskamp are hereby ordered and directed to return and drain all waters so diverted by them and not so used in the irrigation of said land, together with all waste waters, into the channel of Susan River before they leave said lands; IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said E. F. Elskamp and Vereie A. Elskamp have no other rights or interests in the waters of Susan River, and no right to take or divert the said or any water through or from the said Myers and Ramsey Ditch.

That when the natural flow in Susan River at a point immediately above the head of the Myers or Ramsey Ditch, as hereinbefore described, shall be fifteen second feet or less, defendants and cross-complainants Royal E. Ramsey, Grace L. Willsap, Amelia Ramsey, Frankie Ramsey, Bessie Ramsey, DeForest Ramsey, Lassen Lumber & Box Company, County of Lassen, a body politic, United States of America, William Pearson, Joe Garboni, W. G. Culbreth, J. E. Collier, Jessie H. Collier, Frank Varando, J. H. Staup, Nellie Staup, T. A. Farris and A. Farris are adjudged to be entitled to and are permitted to divert and take through said ditch ninety-two and one-half inches or 2-3/10 second feet of the water so flowing in said Susan River at the head of said ditch for the irrigation of their lands, and for the other uses hereinafter stated; and when the said natural flow of said River at the head of said ditch shall be in excess of fifteen

second feet, but less than forty-five second feet, the said defendants, cross-complainants and cross-defendants in this paragraph named, shall be entitled to divert and take through said Myers or Ramsey Ditch, for the uses and purposes aforesaid, one hundred and fifty-two and one-half inches, or 2 8/10 second feet of said water; and when the said natural flow of said river at the head of said ditch shall be in excess of forty-five second feet, the said defendants, cross-complainants, and cross-defendants may so divert and take through said Myers or Ramsey Ditch, for the uses and purposes aforesaid, the full capacity of said ditch, which is hereby fixed at two hundred and fifty inches, measured under a six inch pressure, or sixty-two and five-tenths second feet. That of the waters so diverted through the said Myers or Ramsey ditch by the defendants, cross-defendants, and cross-complainants as in this paragraph provided, defendant and cross-defendant, Frank Marando, is entitled to have and receive, between the 15th day of March and the 15th day of October in each year, six inches of water measured under a six inch pressure for the irrigation of the land described as Lot 5, in Block 1 of the Winchester Addition to the City of Susanville, and the area immediately West of said Lot Five and bounded on the South by the Myers or Ramsey Ditch, containing in all about eight acres, through one tap or opening in said ditch; and the said Frank Marando is ordered and directed, within thirty days from the date hereof, to install a gate and measuring box in the said ditch adequate to carry the said six inches of water and no more from the said ditch and capable of being closed and locked; and the said defendants, cross-defendants and cross-complainants in this paragraph named are ordered and directed to turn out of said ditch through the said tap or gate, when so installed by the said Frank Marando, the said six inches of water measured under a six inch pressure whenever water is running in said ditch between the 15th day of March and the 15th day of October in each year; and IT IS FURTHER ORDERED AND DIRECTED that the said Frank Marando

shall use the said water delivered to him from the said Myers or Ramsey Ditch solely in the irrigation of the lands in this paragraph described and shall return all of the said waters so received and not used in the irrigation of said lands, together with all waste water upon said lands to the channel of Susan River through the existing drain or ditch leading from his lands to the said River, and the said Frank Marando, his agents, servants and employees, and all persons hereafter claiming from or under him are hereby enjoined and restrained from diverting any other waters whatsoever from the Susan River as the same in their natural channel flow by his said lands and from taking and diverting any other waters whatsoever from the said Myers or Ramsey ditch and from in any manner asserting or claiming any right, title or interest in and to the said waters of Susan River as they flow past his lands or in and to the said waters flowing in the said Myers or Ramsey ditch and in and to the said ditch except as in this Decree provided.

That of the water so diverted through said Myers or Ramsey ditch, the cross-defendants, J. H. Staup and Nellie Staup, are entitled to receive through the tap or pipe in the bank of said Myers or Ramsey ditch, as said pipe now exists, three gallons of water per minute over a period not exceeding eight hours per day during the irrigation season commencing on March 15th and ending October 15th in each year and the defendants and cross-defendants and cross-complainants, Royal R. Ramsey, Grace L. Millsap, Amelia Ramsey, Frankie Ramsey, Bessie Ramsey, DeForest Ramsey, Lassen Lumber & Box Company County of Lassen, a body politic, United States of America, William Pearson, Joe Carboni, W. O. Culbreth, J. R. Collier, Jessie H. Collier, Frank Marando, T. A. Farris and A. Farris, are ordered and directed to permit the said J. H. Staup and Nellie Staup to have and receive the said water as in this paragraph

provided without let or hindrance, and the said J. H. Staup and Nellie Staup, their agents, servants and employees and all persons claiming under or through them are enjoined and restrained from taking any other water from said ditch or from Susan River and from asserting any right or interest in said ditch, except as hereinbefore allotted.

That cross-defendants T. A. Farris and A. Farris are entitled to have and take from the waters in said Myers or Ramsey ditch through their existing tap in the bank of said ditch and during the irrigation season of each year, two-tenths of one miners inch of water measured under a six inch pressure; and to use the said water in the irrigation of Lot F in Block L-11 in Lassen Townsite; and the defendants, cross-defendants and cross-complainants are enjoined and restrained from in any manner interfering with the enjoyment by said T. A. Farris and A. Farris, or their successors in interest, of the said water so allotted to them, and the said T. A. Farris and A. Farris, are enjoined from taking any other water from said Myers or Ramsey Ditch and from interfering in any other manner with the flow of water in said ditch and from claiming any other rights therein or in the waters thereof or of Susan River.

AND IT IS ORDERED AND DECREED that the LASSEN LUMBER & BOX COMPANY shall be permitted to take for the irrigation of the lands particularly referred to and described in paragraph 14 of this decree, and for its uses and purposes in the operation of its mill pond and plant and domestic uses one-eighth part of said remainder of the waters diverted from Susan River and taken through the said Myers or Ramsey ditch, after the defendant and cross-defendants Frank Marando, J. H. Staup and Nellie Staup, and T. A. Farris and A. Farris shall have received the waters to which they are respectively entitled as hereinbefore decreed:

AND IT IS ORDERED AND DECREED that defendants and cross-complainants Grace L. Millsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey and DeForest Ramsey shall be permitted to take and receive from the said Myers or Ramsey ditch two-eighths of the said remainder of the water carried through said ditch after the said defendants and cross-complainants Frank Marando, J. M. Staup and Nellie Staup, T. A. Farris and A. Farris shall have received the waters to which they are entitled as hereinbefore provided; the said waters shall be used by the said Grace L. Millsap, Amelia Ramsey, Bessie Ramsey, Frankie Ramsey and DeForest Ramsey in the irrigation of the following described lands, and for domestic purposes thereon, to-wit:

> The southeast one-quarter of the southeast one-quarter of Section 5, and the fractional north one-half of the northeast one-quarter of Section 8, in Township 21 North, Range 12 East, containing 120 acres and being the lands heretofore irrigated with said waters by the said defendants and cross-complainants.

AND IT IS FURTHER ORDERED AND DECREED that the defendant Royal R. Ramsey shall be permitted to take five-eighths of the waters flowing in the said Myers or Ramsey ditch after the said defendant and cross-defendants Frank Marando, J. M. Staup and Nellie Staup, T. A. Farris and A. Farris shall have received the waters to which they are respectively entitled as hereinbefore provided; and the said Royal R. Ramsey is HEREBY ORDERED AND DIRECTED to apportion the said water and to turn the same out as follows: To cross-defendants Joe Garboni and William Tearson for the irrigation of the lands described in paragraph 17 of this Decree 22/705ths of said water; to cross-defendant W. G. Culbreth for the irrigation of the lands described in paragraph 18 of this decree 6/705ths; to cross-defendants J. R. Collier and Jessie M. Collier, as joint tenants, for the irrigation of their lands described in paragraph 19 of this decree 1/705th of said water; to the County of Lassen for the irrigation of its lands described in paragraph 20 of this decree 7/705ths of said water; and to the United States

of America for the irrigation of its lands described in paragraph 21 of this Decree 7/300ths of said water. The said Joe Carboni, William Pearson, W. G. Culbreth, J. R. Collier and Jessie H. Collier, County of Lassen, and the United States of America are directed to install within thirty days from the date hereof suitable and sufficient taps or measuring boxes through which the said water may be diverted from the said ditch for the irrigation of said lands respectively, and to maintain the said boxes or taps in good order, and the said Royal R. Ramsey, his agents, servants and employees are ordered and directed to turn out of the said ditch at the said boxes, when so installed, the said waters to which it is determined in this decree that the said defendants Joe Carboni, William Pearson, W. G. Culbreth, J. R. Collier and Jessie H. Collier, County of Lassen and the United States of America are respectively entitled; and the said defendants Joe Carboni, William Pearson, W. G. Culbreth, J. R. Collier and Jessie H. Collier, County of Lassen, and the United States of America are ordered and directed to not interfere with the said Myers or Ramsey ditch, or the waters flowing therein, or to have and receive any water from said ditch, except as hereinbefore in this paragraph provided and directed.

The cross-defendants named in the several cross-complaints on file herein, Louis Ammoraiti, G. M. Ramsey, John P. Pasicki, James B. Duke, J. R. Glasser, F. L. Glasser, Joseph Houghton, Gussie Houghton, Marie Hoffman, Ellena Lederico, J. E. Misner, Arthur A. McCrary, Rachel A. McCrary, J. R. Stewart, Arthur F. Stauffer, Maggie M. Stauffer, F. L. Tracey, Susan T. Vernon, Ralph Vernon, Sam Sacco, Joe Sacco, Rogue Talleria, Herman Gilliland, Tomie Warden, J. E. White, Annie M. White, Frank Gehrig, Joe Gehrig, Thomas McGee, Mary McGee, Joe Manguso, Isaac Knoch, R. W. McClain, L. Ellena G. C. Mansfield, James Riley, Mary Carti, Atha Carman, Rhoda Carman, George A. Carman, W. F. Dwyer, Jerry Ryan, Caroline Ryan, W. A. Ross, H. E. Ross, Pearl Ross, James McGee, Mrs. L. L. Duke, Tern

Kozicki, Minnie Ramsey, James Ainscough, Sarah A. Winchester, J. H. Rooney, Mabel Rooney, Rose B. Bartson, Caterina Amoroiti, Gladys Stewart, Caterina Bacon, Alicia Warden, Charles Brann, Jose Salazar, Bertha Hanford, Mrs. Afton White and Nellie Vernon, their agents, servants and employees and all persons acting by, through, or under them or their successor or successors, or either of them, are hereby enjoined and perpetually restrained from taking or attempting to take any waters whatsoever from Susan River at any point above the head of the ditch of plaintiffs, known as "Batchelder and Adams Ditch", or "Buggytown Ditch", or any waters whatsoever from or through the Myers or Ramsey Ditch, as the said ditches are hereinbefore referred to and described, and from asserting any right, title or interest in or to said ditches or either thereof, or the waters flowing therein, or in and to the waters flowing in Susan River above the head of the said Batchelder and Adams Ditch, and the said cross-defendants are also enjoined from in any manner interfering with the natural flow of the waters of said River to the head of said Batchelder and Adams Ditch.

All of the defendants, cross-complainants and cross-defendants named in this action, except the defendant T. W. Long, are hereby perpetually enjoined and restrained from asserting or claiming any rights or interests in the waters of Susan River above the head of the said Batchelder and Adams, or Buggytown, Ditch, as the same is hereinabove described except as in this Decree defined and specifically adjudicated to them respectively, and except as to the said waters so adjudicated and allotted to them respectively, the said defendants, cross-defendants and cross-complainants are perpetually enjoined and restrained from in any manner interfering with the natural flow of the waters of Susan River to the dam and head of the said Batchelder and Adams Ditch, as the same is hereinabove referred to and described.

Permission is reserved to each of the parties to this action, whose interests are adjudicated by this Decree, to apply to this Court from time to time for such other and further orders and decrees as may be necessary to enforce compliance with the injunctions herein set forth and for the protection and enforcement of the rights or interests of either, or any, of the parties as the same are hereinbefore defined.

Done in Open Court this 10th day of June, 1931.

Office of County Clerk,
of the County of Lassen } ss.

I, Maud E. Tombs County Clerk of the County of Lassen, in the State of California, and ex-officio Clerk of the Superior Court thereof, do hereby certify that I have compared the foregoing copy with the original

Decree and Judgment Adjudicating Water Rights

in the within entitled action, filed in my office on the 22nd day of June, 1931, and now on file therein, and that the same is a full, true, and correct copy of such original, and of the whole thereof.

WITNESS my hand and the seal of said Court this 17th day of August, 1933

Maud E. Tombs Clerk

By _____ Deputy Clerk