

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MODOC

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Lake Shore Cattle Company
a corporation,
R. J. Graham, R. J. Graham, Jr.,
and Frank McArthur,

Plaintiffs,

vs.

J. D. Mulkey, W. R. Hereford,
and Ida Hereford, his wife,
John Doe McFarland and
Jane Doe McFarland, his wife,
Frederick Stanley Ramer,
C. T. Watkins and Minnie Watkins,
his wife, Albert Mulkey and
Laura G. Mulkey, his wife,
A. H. Leonard and Lizzie Leonard,
his wife, L. C. Hartlerode and
Laura Hartlerode, his wife,
Harry Barker and Jane Doe Barker,
his wife, Kenneth S. Sherlock and
Jane Doe Sherlock, his wife,
Harry Bailey and May Bailey,
his wife, Oliver D. Briles and
Bessie Briles, his wife,
C. A. Brown and Jane Doe Brown,
his wife,
C. E. Crowder and Mary Crowder,
his wife, Louisa Shedd,
John Briles and Jane Doe Briles,
his wife, Tom Karos, R. T. Renner
and Ida Renner, his wife,
Thomas Briles and Rose Briles,
his wife,
J. B. Webb and Laura Webb, his wife,
Thomas Sherlock and Jane Roe
Sherlock, Benjamin Chapin,
R. E. Henderson and Nellie Henderson,
his wife, Louis M. Henderson and
Minnie Henderson, his wife,
Sylvia S. Ramer, D. M. Miller and
Hazel Miller, his wife,
First National Bank, a corporation,
Emma Seaver, as Administratrix of the
Estate of Frank Fisher, deceased,
Sadie Keaton, Modie Conderi,
Roy W. Fisher, Violet Parr,
Mrs. S. J. Roberts, John Doe,
Henry Doe, Richard Roe, Emma Doe,
May Doc, and Ruth Roe,

Defendants.

NO. 2782

DECREE

The above entitled cause came on regularly for trial before the above entitled court, Honorable F. M. Jamison, Judge of said court presiding, plaintiffs appearing by and through their attorneys, Messrs. A. K. Wylie and Oscar Gibbons, the defendants Harry Bailey and May Bailey appearing by and through their attorneys Messrs. Arthur D. Hay and C. S. Baldwin, the defendants A. H. Leonard, Lizzie Leonard, Frederick Stanley Ramer, D. M. Miller and Hazel Miller appearing by and through their attorney Grover C. Julian, Esq., the defendants Mary A. Crowder, Louisa Shedd, Sylvia A. Ramer, R. T. Renner, and Ida Renner appearing in propria persona, and all of the remaining defendants appearing by and through their attorneys Messrs. Daly B. Robnett and J. S. Henderson, and evidence both oral and documentary have been adduced and presented on behalf of all the parties to said action and the same having been submitted to the court for its consideration and decision, and said cause having been referred to the Division of Water Rights (now Division of Water Resources) of the Department of Public Works of the State of California, as referee, by an order of the court, dated March 16, 1928, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes 1913, Chapter 586, as amended, said referee having made its investigation, and thereafter all the parties hereto, except Harry Bailey and May Bailey, John Briles and Irene Briles, and C. A. Brown, having entered into a written stipulation and agreement, said stipulation being comprised of two identical documents each of said documents being signed by different parties, said referee having submitted its report to the court, the court having fixed February 2, 1931, as the time for filing exceptions to said report of referee, defendants Harry Bailey and May Bailey, and John Briles and Irene Briles having filed exceptions to said report of referee, the court having fixed March 9, 1931, as the time for hearing exceptions to said report of referee, and said defendant exceptors Harry Bailey and May Bailey and plaintiffs in said action having entered into an oral stipulation at said hearing settling their respective issues, the court having fixed June 20, 1932, as the time for further hearing of exceptions of John Briles and Irene Briles to said report of referee, said oral stipulation and said written stipulation and agreement hereinbefore mentioned providing that said Court might enter a decree in accordance with the provisions thereof, all of said parties to the above entitled action except John Briles

and Irene Briles having further stipulated that findings of fact and conclusions of law be waived and said cause being finally submitted to the Court for its consideration, determination and decision and the court having made, signed and filed its findings of fact and conclusions of law relative to the rights involved in the exceptions of John Briles and Irene Briles to the report of referee, and it appearing that said parties who have entered into said oral and written stipulation are the owners of the rights as agreed upon and set forth therein, and it further appearing as follows:

(1) The true name of Mrs. Brown, the wife of C. A. Brown has not been ascertained; Mrs. C. A. Brown is jointly interested in the property of C. A. Brown involved in this action; and the interests of C. A. Brown and Mrs. C. A. Brown have been fully included in the rights hereinafter adjudged and decreed to said C. A. Brown.

(2) Laura G. Mulkey was named as defendant in said action jointly with Albert T. Mulkey as his wife; she has no interest in any water right from Davis Crook and its tributaries and has no interest in any of the lands of said Albert T. Mulkey involved in said action; and said Albert T. Mulkey is the sole owner of said interests.

(3) The heirs of the Estate of Frank Fisher, deceased, are Sadie Keaton, Violet E. Parr and Ray Wall Fisher; defendant Emma Seaver, administratrix of the estate of Frank Fisher, deceased, has since the commencement of this action administered said estate to said heirs; and said heirs are the joint owners of the interests of said administratrix in said estate.

(4) D. M. Miller and Hazel Miller, his wife, have sold, transferred and disposed of their interest in the property involved in said action to William Mulkey and said William Mulkey is now the real party in interest in lieu of said Millers.

(5) The true name of defendant herein sued as Louis M. Henderson is Lewis M. Henderson and he has appeared in said action under his true name.

(6) Benjamin Chapin has sold, transferred and disposed of his interest involved in said action to Lewis M. Henderson and Minnie Henderson, his wife, and said Hendersons are now the real parties in interest in lieu of said Chapin.

(7) The true names of defendants herein sued as W. R. Horeford and Ida Horeford are W. R. Heryford and Ida Heryford and they have appeared in said action under their true names.

(8) The true names of defendants herein sued as John Doe McFarland and Jane Doe McFarland are A. H. McFarland and Ada McFarland and they have appeared in said action under their true names.

(9) That the true name of defendant herein sued as Jane Doe Barker is Lula Barker and she has appeared in said action under her true name.

(10) The true name of defendant herein sued as Jane Doe Briles is Irene Briles and she has appeared in said action under her true name.

(11) The true name of defendant herein sued as Tom Karos is Tom Karas and he has appeared in said action under his true name.

(12) The true name of defendant herein sued as Sylvia A. Ramer is Sylva A. Ramer and she has appeared in said action under her true name.

(13) The true names of defendants herein sued as Roy W. Fisher and Violet Parr are Roy Wall Fisher and Violet E. Parr and they have appeared in said action under their true names.

(14) Defendants Kenneth S. Sherlock and Jane Doe Sherlock, his wife, Oliver D. Briles and Bessie Briles, his wife, C. E. Crowder, Thomas Sherlock and Jane Roe Sherlock, First National Bank, a corporation, Modie Condori, Mrs. S. J. Roberts, and Laura G. Mulkey have no interest in any water right from Davis Creek and its tributaries and have no interest in any of the lands involved in said action.

(15) R. M. Taylor was not served with summons and complaint and did not originally make an appearance in said action, but now appears by stipulation as a defendant in said action.

(16) Chester A. Graham is jointly interested with plaintiffs R. J. Graham and R. J. Graham, Jr., in the property described in plaintiffs' complaint and the interests of said Chester A. Graham are included in the allotments hereinafter made to said plaintiffs.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

(1st) There is in said Modoc County a natural stream of water known as and called "Davis Creek," which said creek arises on the western slope of the

Warner Range of Mountains in said Modoc County, State of California, and flows thence in a general westerly direction between well defined banks in a well defined channel to, upon, and across some of the lands of some of the parties to this action which lands are hereinafter described, and has so flowed since the memory of man.

(2nd) In accordance with the stipulations hereinabove referred to and made a part hereof, by reference, the various parties to same and to whom rights are, by this decree, adjudged, have diverted and used water and are entitled to divert and use water in accordance with the terms and provisions contained in said stipulations and in this decree set forth, through various and sundry ditches, which said ditches are referred to by name, and the points of diversion of each are hereby adjudged and decreed to be as follows, to-wit:

MULKEY - HERYFORD DITCH ON NORTH FORK DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 1) which bears approximately S 73° 00' W., approximately 2200 feet distant from the Northeast corner of Section 14, T 45 N, R 14 E, M.D.B. and M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 14.

BRILES COLLECTING CANAL ON NORTH FORK MEADOW CREEK

At a point (designated on Division of Water Rights Map as Diversion 2) which bears approximately N 25° 00' W., approximately 2560 feet distant from the Southeast corner of Section 10, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10.

ROBERTS DITCH ON SOUTH FORK DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 3) which bears approximately N 54° 00' E, approximately 2650 feet distant from the Southwest corner of Section 26, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26.

GRAVEYARD DITCH ON DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 4) which bears approximately N 23° 30' W, approximately 2300 feet distant from the Southeast corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

SHERLOCK DITCH ON DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 5) which bears approximately N 23° 30' W, approximately 2310 feet distant from the Southeast corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

MULKEY-LEONARD DITCH ON DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 6) which bears approximately N 24° 00' W, approximately 2310 feet distant from the Southeast corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

WATKINS DITCH ON OFFSET CHANNEL OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 7) which bears approximately N 81° 00' E, approximately 2520 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

RAMER DITCH ON OFFSET CHANNEL OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 8) which bears approximately N 78° 30' E, approximately 2410 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

MILL DITCH ON MAIN CHANNEL OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 9) which bears approximately N 75° 45' E, approximately 2130 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

OFFSET DITCH ON OFFSET CHANNEL OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 10) which bears approximately N 78° 30' E, approximately 2070 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

LEONARD MAIN DITCH ON DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 11) which bears approximately N 76° 00' E, approximately 1960 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

BAILEY EAST AND BAILEY ORCHARD DITCHES ON NORTH BRANCH OF DAVIS CREEK

At two points (designated on Division of Water Rights Map as Diversions 12 and 13) which, respectively, bear approximately N 34° 00' E, and N 18° 00' E, approximately 1030 feet and 1090 feet, respectively, distant from the Southwest corner of Section 16, T 45 N, R 14 E, M.D.B. and M., and both being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

BAILEY-WEBB DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 14) which bears approximately N 29° 00' W, approximately 2280 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M.D.B. and M., and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

BRILES UPPER DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 15) which bears approximately S 34° 00' W, approximately 2390 feet distant from the Northeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.

BLURTON DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 16) which bears approximately S 36° 30' W, approximately 2300 feet distant from the Northeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.

BRILES WEST DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 17) which bears approximately S 44° 30' W, approximately 1910 feet distant from the Northeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.

BRILES MIDDLE EAST DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 18) which bears approximately S 65° 00' W, approximately 1560 feet distant from the Northeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.

BRILES-HARTLERODE DITCH ON NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 19) which bears approximately S 71° 00' W, approximately 1430 feet distant from the Northeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.

HARTLERODE NORTH DITCH ON NORTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 20) which bears approximately N 78° 30' W, approximately 2060 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

MCCULLEY DITCH ON NORTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 21) which bears approximately N 61° 30' W, approximately 2880 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

CHANNEL OF NORTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 22) which bears approximately N 61° 30' W, approximately 2880 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

HARTLERODE WEST DITCH ON SOUTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 23) which bears approximately N 89° 00' W, approximately 1920 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

BROWN-RENNER DITCH ON SOUTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 24) which bears approximately N 78° 00' W, approximately 3490 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

CHANNEL OF SOUTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 25) which bears approximately N 78° 00' W, approximately 3490 feet distant from the Southeast corner of Section 8, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

LEONARD ORCHARD DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 26) which bears approximately N 5° 00' E, approximately 820 feet distant from the Southwest corner of Section 16, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

BAILEY UPPER DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 27) which bears approximately N 34° 30' W, approximately 1180 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

ROSE DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 28) which bears approximately N 38° 30' W, approximately 1410 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

GRAHAM DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 29) which bears approximately N 40° 00' W, approximately 1500 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

BAILEY MIDDLE DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 30) which bears approximately N 45° 30' W, approximately 1920 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

BAILEY SOUTH DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 31 A) which bears approximately N 48° 00' W, approximately 2060 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

BAILEY LOWER DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 31) which bears approximately N 48° 00' W, approximately 2060 feet distant from the Southeast corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

HAYWORTH DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 32) which bears approximately N 50° 30' E, approximately 3390 feet distant from the Southwest corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17.

ROSE WEST DITCH ON SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 33) which bears approximately N 42° 00' E, approximately 2450 feet distant from the Southwest corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17.

CHANNEL OF SOUTH BRANCH OF SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 34) which bears approximately N 19° 00' E, approximately 2630 feet distant from the Southwest corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17.

GROVES DITCH ON NORTH BRANCH OF SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 35) which bears approximately N 1° 00' E, approximately 3240 feet distant from the Southwest corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 17.

CHANNEL OF NORTH BRANCH OF SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 36) which bears approximately N 1° 00' E, approximately 3230 feet distant from the Southwest corner of Section 17, T 45 N, R 14 E, M. D. B. and M., and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 17.

LAKESHORE DITCH ON NORTH BRANCH OF SOUTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 37) which bears approximately S 63° 30' W, approximately 2410 feet distant from the Northeast corner of Section 18, T 45 N, R 14 E, M. D. B. and M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 18.

RENNER DRAIN ON NORTH BRANCH OF NORTH BRANCH OF DAVIS CREEK

At a point (designated on Division of Water Rights Map as Diversion 38) which bears approximately S 55° 30' W, approximately 2030 feet distant from the Northeast corner of Section 6, T 45 N, R 14 E, M. D. B. and M., and being within Lot 2 of said Section 6.

(3rd) At the time of the commencement of this action, Harry Bailey and May Bailey were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, they and their grantors and pred-

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ecessors 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:

Northwest quarter of the Southwest quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and the northerly portion of the Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) containing about twenty (20) acres of Section sixteen (16); northerly and westerly portion of the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) containing about twenty (20) acres, Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) except about six (6) acres in the Northwest quarter ($NW\frac{1}{4}$) thereof, Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$) of Section seventeen (17), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

and during all of said times said Baileys and their grantors have irrigated from the waters of Davis Creek, the following portions of said land, to-wit:

Four tenths (0.4) acre in said Northwest quarter of the Southwest quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and six and four tenths (6.4) acres in said Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of said Section sixteen (16); thirty-six (36.0) acres in said Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), thirty-three and eight tenths (33.8) acres in said Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), twelve (12.0) acres in said Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), and nine and one tenth (9.1) acres in said Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section seventeen (17).

(4th) At the time of commencement of this action, Harry E. Barker and Lula Barker 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 of the following described lands situated in said Modoc County, California, to-wit:

East one-half of the East one-half ($E\frac{1}{2} E\frac{1}{2}$) of Section eight (8) Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Ten and six tenths (10.6) acres in the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), twenty and one tenth (20.1) acres in the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), sixteen and six tenths (16.6) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), and seven and nine tenths (7.9) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section eight (8).

(5) At the time of the commencement of this action, A.H. Leonard and

Lizzie Leonard 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 Somer Beeson is the owner, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and the southerly portion of the Southwest quarter of the Southwest quarter ($SW\frac{1}{2} SW\frac{1}{4}$) containing about twenty (20) acres of Section sixteen (16) southeasterly portion of the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) containing about fifteen (15) acres in Section seventeen (17), all in Township forty-five (45) North, Range fourteen (14), M.D.B. & M.

and during all of said times, said A. H. Leonard and Lizzie Leonard and their grantors had irrigated from the waters of Davis Creek, the following portion of said land, to-wit:

Nineteen and nine tenths (19.9) acres in said Southwest quarter of the Southwest quarter ($SW\frac{1}{2} SW\frac{1}{4}$), and twenty-six and eight tenths (26.8) acres in said Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of said Section sixteen (16); eleven and three tenths (11.3) acres in said Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section seventeen (17).

(6th) At the time of the commencement of this action, John Briles and Irene Briles 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 of the following described lands situated in Modoc County, California, to-wit:

Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), North one-half of the Northeast quarter ($N\frac{1}{2} NE\frac{1}{4}$), and the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$) except about one and two tenths (1.2) acres in the southerly portion thereof; all in Section seventeen (17) Township forty-five (45) North, Range fourteen (14) East, M.D.B. & M.

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

All of said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), thirty-seven and nine tenths (37.9) acres in the Northwest quarter of said Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), fourteen and four tenths (14.4) acres in the Northeast quarter of said Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), and twelve and six tenths (12.6) acres in said Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$) of said Section seventeen (17).

(7th) At the time of the commencement of this action, Thomas Briles and Rose Briles 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 of the following described lands situated in said Modoc County, California, to-wit:

Lot one (1) except about eight (8.0) acres of the northwesterly portion, Lot three (3), Lot four (4), 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 Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$), of Section five (5); Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), South one-half of the North one-half ($S\frac{1}{2} N\frac{1}{2}$), Southwest quarter ($SW\frac{1}{4}$), and Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of Section four (4), all in Township forty-five (45) North, Range fourteen (14) East, M.D.B. & M.

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

Three and two tenths (3.2) acres in said Lot one (1), eleven and nine tenths (11.9) acres in said Lot three (3), thirty-seven and five tenths (37.5) acres in said Lot four (4), and one and five tenths (1.5) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), twelve and seven tenths (12.7) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), twenty and six tenths (20.6) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and six and seven tenths (6.7) acres in the Northeast quarter of said Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of said Section five (5).

(8th) At the time of commencement of this action, C. A. Brown 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 following described lands situated in said Modoc County, California, to-wit:

Northeast quarter ($NE\frac{1}{4}$), and Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), all in Section seven (7), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Thirty-nine and nine tenths (39.9) acres in the Northwest quarter of said Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), all of the Northeast quarter of said Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), all of the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), thirty-eight and eight tenths (38.8) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and thirty-five and nine tenths (35.9) acres in said Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of said Section seven (7).

(9th) At the time of the commencement of this action, Mary A. Crowder and Louisa Shedd 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 of the following described lands situated in said Modoc County, California, to-wit:

Southeast quarter of the Southeast quarter ($SE\frac{1}{2} SE\frac{1}{2}$) of Section seven (7); Southwest quarter of the Southwest quarter ($SW\frac{1}{2} SW\frac{1}{2}$) of Section eight (8); Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of Section seventeen (17); Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section eighteen (18), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Seven tenths (0.7) acre in said Southeast quarter of the Southeast quarter ($SE\frac{1}{2} SE\frac{1}{2}$) of said Section seven (7); thirty-four and four tenths (34.4) acres in said Southwest quarter of the Southwest quarter ($SW\frac{1}{2} SW\frac{1}{2}$) of said Section eight (8); twelve and six tenths (12.6) acres in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section seventeen (17); fourteen and nine tenths (14.9) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of said Section eighteen (18).

(10th) At the time of the commencement of this action, R. J. Graham, R. J. Graham, Jr., and Chester A. Graham 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 of the following described lands situated in said Modoc County, California, to-wit:

South one-half ($S\frac{1}{2}$) of Section eighteen (18), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

All of the North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), seventeen and nine tenths (17.9) acres in Lot four (4), eighteen and one tenth (18.1) acres in the Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), thirty-nine and eight tenths (39.8) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), thirty-seven (37.0) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), thirty-nine and four tenths (39.4) acres in the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and twenty-six

and six tenths (26.6) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section eighteen (18).

(11th) At the time of the commencement of this action, L.C. Hartlerode and Laura Hartlerode 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 of the following described lands situated in said Modoc County, California, to-wit:

North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and West one-half of the Southeast quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section eight (8), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

All of said North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), all of said Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), thirty-six (36.0) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and thirty-seven and one tenth (37.1) acres in the Southwest quarter of said Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section eight (8).

(12th) At the time of the commencement of this action, Benjamin Chapin 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, and that now Lewis M. Henderson and Minnie Henderson are the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

About eight (8) acres within the Northeast quarter of the Northwest quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) of Section twenty-one (21), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

and during all of said times said Chapin and his grantors had irrigated from the waters of Davis Creek, the following portion of said land to-wit:

Five tenths (0.5) acre in said Northeast quarter of the Northwest quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) of said Section twenty-one (21).

(13th) At the time of the commencement of this action, Lewis M. Henderson and Minnie Henderson 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 of the following described land situated in said Modoc County, California, to-wit:

A portion of the North one-half of the Northeast quarter of the Northeast quarter ($N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of Section twenty (20), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M., containing about two and five tenths (2.5) acres.

and during all of said times they and their grantors have irrigated from the waters of Davis Creek the following portion of said land, to-wit:

Two and one tenth (2.1) acres in said North one-half of the Northeast quarter of the Northeast quarter ($N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of said Section twenty (20).

(14th) At the time of the commencement of this action, R.E. Henderson and Nellie Henderson 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 of the following described lands situated in said Modoc County, California, to-wit:

Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$), North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), South one-half of the North one-half ($S\frac{1}{2} N\frac{1}{2}$) except a strip along the west side containing about five (5) acres, Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) except about two (2) acres of the northwesterly portion, Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) except about one (1) acre of the northeasterly portion, and Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) except a strip along the west side containing about five (5) acres and except about eight (8) acres in the Northeast quarter ($NE\frac{1}{4}$) of said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), all in Section twenty-one (21), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Twenty-one and three tenths (21.3) acres in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), twenty-six and two tenths (26.2) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), seventeen and six tenths (17.6) acres in the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), and two and two tenths (2.2) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section twenty-one (21).

(15th) At the time of the commencement of this action, W.R. Heryford and Ida Heryford 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 of the following described lands situated in said Modoc County, California, to-wit:

South one-half of the South one-half ($S\frac{1}{2} S\frac{1}{2}$) of Section thirty-two (32), Township forty-six (46) North, Range fourteen (14) East, M. D. B. & M; Lot two (2) and about eight (8.0) acres in the Northwesterly portion of Lot one (1) of Section five (5), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Seventeen and seven tenths (17.7) acres in Lot four (4), thirty-two and two tenths (32.2) acres in the Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), twenty-four and four tenths (24.4) acres in the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and seventeen and six tenths (17.6) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section thirty-two (32).

(16th) At the time of the commencement of this action, Tom Karas was the owner, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

West one-half of the Southwest quarter ($W\frac{1}{2} SW\frac{1}{4}$), and Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section five (5); Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of Section eight (8), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

All of said West one-half of the Southwest quarter ($W\frac{1}{2} SW\frac{1}{4}$), and thirty-seven and one tenth (37.1) acres in said Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of said Section five (5); thirty-nine and four tenths (39.4) acres in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section eight (8).

(17th) At the time of the commencement of this action, Emma Seaver, administratrix of the estate of Frank Fisher, deceased, was the owner, in the possession, and entitled to the possession as such administratrix, 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, and that now Sadie Keaton, Ray Wall Fisher and Violet E. Parr are the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

The southwesterly portion of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) containing about thirteen (13) acres, the South one-half of the Northeast quarter ($S\frac{1}{2} NE\frac{1}{4}$) except about one acre of the northeasterly portion thereof, East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$), and about five (5.0) acres of the northeasterly portion of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section twenty (20); about three (3.0) acres of the northwesterly portion of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), and about four (4.0) acres of the southwesterly portion of the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section twenty-one (21); Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section twenty-nine (29), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

and during all of said times, said Emma Seaver and her grantors had irrigated from the waters of Davis Creek, the following portion of said land, to-wit:

Eleven and four tenths (11.4) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), twenty-four (24.0) acres in the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), and seventeen and five tenths (17.5) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$) of said Section twenty (20).

(18th) At the time of the commencement of this action, Lake Shore Cattle Company, a corporation, was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, said company and its grantors and predecessors 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:

All of Fractional Sections one, ten, and eleven (1, 10, and 11); all of Section twelve (12) except the South one-half of the Southwest quarter ($S\frac{1}{2} SW\frac{1}{4}$); Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$), East one-half of the West one-half ($E\frac{1}{2} W\frac{1}{2}$), Northeast quarter ($NE\frac{1}{4}$), North one-half of the Southeast quarter ($N\frac{1}{2} SE\frac{1}{4}$), and Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of Section thirteen (13); Fractional North one-half ($N\frac{1}{2}$), and fractional Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section fourteen (14) all in Township forty-five (45) North, Range thirteen (13) East, M. D. B. & M.; Northwest quarter ($NW\frac{1}{4}$), North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), and thirteen and six tenths (13.6) acres of the northerly portion of the Northwest quarter of the Southeast

quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section seven (7); South one-half of the North one-half ($S\frac{1}{2} N\frac{1}{2}$) of Section eighteen (18); South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{4}$), Southwest quarter ($SW\frac{1}{4}$), and Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of Section seventeen (17); Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section twenty (20), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

and during all of said times, said company and its grantors have irrigated from the waters of Davis Creek, the following portions of said land, to-wit:

Two and five tenths (2.5) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), eighteen and two tenths (18.2) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), twenty-nine and three tenths (29.3) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$), thirty-one and six tenths (31.6) acres in the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), twenty-three and three tenths (23.3) acres in the Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and eight and eight tenths (8.8) acres in the Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of said fractional section one (1); eight tenths (0.8) acre in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of said fractional Section ten (10); one and five tenths (1.5) acres in the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), thirty-six (36.0) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), nine and two tenths (9.2) acres in the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), thirty-two and three tenths (32.3) acres in the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), twenty-four and one tenth (24.1) acres in the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), twenty-nine and seven tenths (29.7) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), sixteen and one tenth (16.1) acres in the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), thirty and two tenths (30.2) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), twenty-five and six tenths (25.6) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), twelve and three tenths (12.3) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$), all of the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), all of the East one-half of the Southwest quarter ($E\frac{1}{2} SW\frac{1}{4}$), twenty-nine (29.0) acres in the Southwest quarter of the Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$), and thirty-six and three tenths (36.3) acres in the Northwest quarter of the Southwest quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of said fractional Section eleven (11); thirty-six and seven tenths (36.7) acres in the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), thirty-eight and three tenths (38.3) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-eight and six tenths (38.6) acres in the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), thirty-nine and nine tenths (39.9) acres in the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), thirty-six and two tenths (36.2) acres in the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), all of the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), ten and four tenths (10.4) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), twenty-two and two tenths (22.2) acres in the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), all of the East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$), twenty-five and eight tenths (25.8) acres in the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), fourteen and seven tenths (14.7) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), four (4.0) acres in the Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), and sixteen and eight tenths (16.8) acres in the Northwest quarter of the Southwest

quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of said Section twelve (12); thirty-six and eight tenths (36.8) acres in the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), eleven and four tenths (11.4) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-four and four tenths (34.4) acres in the Northwest quarter of said Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), all of the Northeast quarter of said Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), thirty-four and eight tenths (34.8) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), eighteen and seven tenths (18.7) acres in the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), sixteen (16.0) acres in the Northeast quarter of said Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), seven and nine tenths (7.9) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and two and five tenths (2.5) acres in the Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of said Section thirteen (13); one and two tenths (1.2) acres in the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), twenty-six and eight tenths (26.8) acres in the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), nine tenths (0.9) acre in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-six and two tenths (36.2) acres in the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), eleven and three tenths (11.3) acres in the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), one (1.0) acre in the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and nine and nine tenths (9.9) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$) of said fractional Section fourteen (14), all in said Township forty-five (45) North, Range thirteen (13) East, M.D.B. & M.; thirty-nine and eight tenths (39.8) acres in the Southeast quarter of said Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-five and nine tenths (35.9) acres in the Southwest quarter of said Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), thirty-six and nine tenths (36.9) acres in the Northwest quarter of said Southwest quarter ($NW\frac{1}{4} SW\frac{1}{4}$), thirty-six and seven tenths (36.7) acres in the Northeast quarter of said Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), thirty-one and four tenths (31.4) acres in the Southeast quarter of said Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), thirty eight and eight tenths (38.8) acres in the Southwest quarter of said Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$), and twenty-seven and seven tenths (27.7) acres in said Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section seventeen (17); all of the South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{4}$), thirty-nine and seven tenths (39.7) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), and thirty-three and three tenths (33.3) acres in the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$) of said Section eighteen (18); thirty-five and six tenths (35.6) acres in Lot one (1), thirty-nine and seven tenths (39.7) acres in Lot two (2), thirty-nine and eight tenths (39.8) acres in Lot three (3), thirty-eight and seven tenths (38.7) acres in the Northeast quarter of said Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), all of the Southeast quarter of said Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), forty and one tenth (40.1) acres in the Northeast quarter of said Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), and thirteen and six tenths (13.6) acres in said Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of said Section seven (7), all in said Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

(19th) At the time of the commencement of this action, Frank McArthur 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:

Fractional West one-half ($W\frac{1}{2}$), and a strip about 528 feet wide along the west side of fractional West one-half of the East one-half ($W\frac{1}{2} E\frac{1}{2}$) of Section six (6); South one-half of the Southwest quarter ($S\frac{1}{2} SW\frac{1}{4}$), Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and twenty-six and four tenths (26.4) acres of the southerly portion of the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section seven (7); North one-half of the Northwest quarter ($N\frac{1}{2} NW\frac{1}{4}$), and Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section eighteen (18), all in Township forty-five (45) North, Range fourteen (14) East, M.D.B. & M.

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

Two and two tenths (2.2) acres in Lot three (3), thirty-six and seven tenths (36.7) acres in Lot four (4), twenty-seven and eight tenths (27.8) acres in Lot five (5), twelve and nine tenths (12.9) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), twenty (20.0) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), all of the East one-half of the Southwest quarter ($E\frac{1}{2} SW\frac{1}{4}$), sixteen (16.0) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and sixteen (16.0) acres in the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said fractional Section six (6); thirty-nine and nine tenths (39.9) acres in Lot four (4), eleven and four tenths (11.4) acres in said Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), thirteen (13.0) acres in said Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and thirty-nine and five tenths (39.5) acres in the Southeast quarter of said Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of said Section seven (7); all of said North one-half of the Northwest quarter ($N\frac{1}{2} NW\frac{1}{4}$), and thirty-seven and six tenths (37.6) acres in said Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of said Section eighteen (18).

(20th) At the time of the commencement of this action, A. H. McFarland and Ada McFarland 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 of the following described lands situated in said Modoc County, California, to-wit:

Northwest quarter ($NW\frac{1}{4}$) of Section thirty-four (34); East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$), North one-half of the South one-half ($N\frac{1}{2} S\frac{1}{2}$), and West one-half of the Northwest quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section thirty-three (33); East one-half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$), and Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of Section thirty-two (32), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Four and five tenths (4.5) acres in the Northeast quarter of said Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of said Section thirty-two (32); three and six tenths (3.6) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), twenty-two and seven tenths (22.7) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), all of the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), thirty-one and one tenth (31.1) acres in the Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), seven tenths (0.7) acre in the Southwest quarter of said Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), and thirty four and six tenths (34.6) acres in the Northwest quarter of said Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-three (33).

(21st) At the time of the commencement of this action, Albert T. Mulkey 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 following described lands situated in said Modoc County, California, to-wit:

West one-half of the Southeast quarter ($W\frac{1}{2} SE\frac{1}{4}$), and Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section sixteen (16), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Eight and four tenths (8.4) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and nineteen and four tenths (19.4) acres in the Southwest quarter of said Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section sixteen (16).

(22nd) At the time of the commencement of this action, J. D. Mulkey 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 following described lands situated in said Modoc County, California, to-wit:

Fractional South one-half of the North one-half ($S\frac{1}{2} N\frac{1}{2}$), and fractional North one-half of the South one-half ($N\frac{1}{2} S\frac{1}{2}$) of Section thirty-two (32), Township forty-six (46) North, Range fourteen (14) East, M. D. B. & M.

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

Sixteen and four tenths (16.4) acres in the Southeast quarter

of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), thirty-six and eight tenths (36.8) acres in the Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), thirty-five and one tenth (35.1) acres in the North east quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), thirty-seven and four tenths (37.4) acres in the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), thirty-two and four tenths (32.4) acres in the Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), five tenths (0.5) acre in Lot three (3), and twenty and six tenths (20.6) acres in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-two (32).

(23rd) At the time of the commencement of this action, D. M. Miller and Hazel Miller 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 that now William Mulkey is the owner, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

About eight (8.0) acres of the northeasterly portion of the East one-half of the Northeast quarter of the Northwest quarter ($E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$) of Section twenty (20), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.,

and during all of said times, said Millers and their grantors had irrigated from the waters of Davis Creek, the following portion of said land, to-wit:

Six and two tenths (6.2) acres in said East one-half of the Northeast quarter of the Northwest quarter ($E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$) of said Section twenty (20).

(24th) At the time of the commencement of this action, Sylva A. Ramer and Frederick Stanley Ramer 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 of the following described land situated in said Modoc County, California, to-wit:

About nine (9.0) acres of the Northwesterly portion of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section twenty (20), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

and during all of said times, they and their grantors have irrigated from the waters of Davis Creek, the following portion of said land, to-wit:

Eight and seven tenths (8.7) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{2} NE\frac{1}{2}$) of said Section twenty (20).

(25th) At the time of the commencement of this action, R. T. Renner and Ida Renner 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 of the following described lands situated in said Modoc County, California, to-wit:

Fractional East one-half of the East one-half ($E\frac{1}{2} E\frac{1}{2}$), and a strip about 792 feet wide along the east side of fractional West one-half of the East one-half ($W\frac{1}{2} E\frac{1}{2}$) of Section six (6); South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{2}$), Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of Section five (5); South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{2}$), West one-half of the Northeast quarter ($W\frac{1}{2} NE\frac{1}{2}$), and Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of Section eight (8), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Thirty and eight tenths (30.8) acres in the Southeast quarter of said Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-seven and nine tenths (37.9) acres in the Southwest quarter of said Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), and thirty-nine and eight tenths (39.8) acres in said Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of said Section five (5); all of said fractional East one-half of the East one-half ($E\frac{1}{2} E\frac{1}{2}$) containing one hundred and forty-four and eight tenths (144.8) acres, and all of said strip 792 feet wide along the east side of fractional West one-half of the East one-half ($W\frac{1}{2} E\frac{1}{2}$) containing seventy-six (76.0) acres of said Section six (6); forty and four tenths (40.4) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), all of said South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{2}$), and twenty-eight and nine tenths (28.9) acres in the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$) of said Section eight (8).

(26th) At the time of the commencement of this action, R. M. Taylor was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors 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 Southwest quarter ($S\frac{1}{2} SW\frac{1}{4}$) of Section twelve (12); West one-half of the Northwest quarter ($W\frac{1}{2} NW\frac{1}{4}$), and Northwest quarter of the Southwest quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of Section

thirteen (13); Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of Section fourteen (14), all in Township forty-five (45) North, Range thirteen (13) East, M. D. B. & M.

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

Fourteen (14.0) acres in the Southeast quarter of said Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and twenty-two and seven tenths (22.7) acres in the Southwest quarter of said Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of said Section twelve (12); thirty-nine (39.0) acres in the Northwest quarter of said Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section thirteen (13).

(27th) At the time of the commencement of this action, J. B. Webb and Laura Webb 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 of the following described lands situated in said Modoc County, California, to-wit:

About one and two tenths (1.2) acres of the southerly portion of the Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and about six (6.0) acres of the northwesterly portion of the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of Section seventeen (17); Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section sixteen (16), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

One and two tenths (1.2) acres in said Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and four and four tenths (4.4) acres in said Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of said Section seventeen (17).

(28th) At the time of the commencement of this action C. T. Watkins and Minnie Watkins 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 of the following described lands situated in said Modoc County, California, to-wit:

Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section twenty-nine (29); South one-half of the Northwest quarter ($S\frac{1}{2} NW\frac{1}{4}$), Southwest quarter ($SW\frac{1}{4}$), West one-half of the Southeast quarter ($W\frac{1}{2} SE\frac{1}{4}$), and Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$)

of Section twenty-eight (28); South one-half of the Southwest quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$) of Section twenty-seven (27); Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section thirty-four (34); Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section twenty-one (21); West one-half of the Northeast quarter ($W\frac{1}{2}$ NE $\frac{1}{4}$); and East one-half of the Northwest quarter ($E\frac{1}{2}$ NW $\frac{1}{4}$) of Section thirty-three (33), all in Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M.

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

Eight and three tenths (8.3) acres in the Southwest quarter of said Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section twenty-eight (28); and one and eight tenths (1.8) acres in said Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), four tenths (0.4) acre in the Northeast quarter of said Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), and twenty-five and four tenths (25.4) acres in the Southeast quarter of said Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section twenty-nine (29); thirty-one and four tenths (31.4) acres in the Northwest quarter of said Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), thirty four and five tenths (34.5) acres in the Southwest quarter of said Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and all of said East one-half of the Northwest quarter ($E\frac{1}{2}$ NW $\frac{1}{4}$) of said Section thirty-three (33).

(29th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that as against plaintiffs in this action, Harry Bailey and May Bailey, jointly, are the owners of the first right in and to the waters of said Davis Creek and its branches, and in and to the use thereof, at such times when the total flow of Davis Creek, that is, the combined flows in the Main and Offset Channels, measured immediately above the heads of the Mill and Offset Ditches, hereinabove described in Paragraph (2nd), is equal to or exceeds six cubic feet per second, during the period from April first to June thirtieth, both dates inclusive, of each and every year, in the amounts of water set opposite their names, through the ditches set opposite their names, and from the sources set opposite their names, for use upon their lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Source</u>	<u>Ditch</u>	<u>Cubic Feet per second</u>
Harry Bailey and May Bailey, jointly	Davis Creek, and; North Branch of Davis Creek	(Mill, Bailey (East, Bailey (Orchard, (Bailey-Webb, (and/or Blurton	0.80
Harry Bailey and May Bailey, jointly	South Branch of Davis Creek	(Bailey Upper, (Bailey Middle, (Bailey Lower, (and/or Bailey (South	0.80

and as against plaintiffs in this action, Harry Bailey and May Bailey, jointly, are the owners of the first right in and to the waters of said Davis Creek and its branches, and in and to the use thereof, at such times when the total flow of Davis Creek, that is, the combined flows in the Main and Offset Channels, measured immediately above the heads of the Mill and Offset Ditches, hereinabove described in paragraph (2nd), is less than six cubic feet per second, during the period from April first to June thirtieth, both dates inclusive, of each and every year, in the amounts of water set opposite their names, through the ditches set opposite their names, and from the sources set opposite their names, for use upon their lands so heretofore irrigated and hereinabove described,

to-wit:			
<u>Name</u>	<u>Source</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
Harry Bailey and May Bailey, jointly	Davis Creek, and/or North Branch of Davis Creek	(Mill, Bailey East, Bailey Orchard, Bailey-Webb, and/or Blurton	0.33
Harry Bailey and May Bailey, jointly	South Branch of Davis Creek	(Bailey Upper, Bailey Middle, Bailey Lower, and/or Bailey South	0.46

(30th) As against plaintiffs in this action, Harry Bailey and May Bailey, jointly, are the owners of the first right in and to the waters of said Davis Creek, and in and to the use thereof, during the period commencing on July first of each and every year and terminating on March thirty-first of the succeeding year, both dates inclusive, through the Mill Ditch hereinabove described in paragraph (2nd), in the amount of water set opposite their names, for domestic and stock watering purposes and for garden and orchard irrigation upon their lands hereinbefore described, to-wit:

<u>Name</u>	<u>Cubic Feet per Second</u>
Harry Bailey and May Bailey, jointly	0.10

(31st) As against plaintiffs, Harry Bailey and May Bailey, jointly, shall at all times be entitled to divert from the natural flow of said Davis Creek through the Mill Ditch, 2.50 cubic feet per second, or as much thereof as

they directly apply to beneficial use for power purposes at the Bailey Barley Mill situated within the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section seventeen (17), Township forty-five (45) North, Range fourteen (14) East, M.D.B. & M.; provided, that all water diverted under the right provided in this paragraph, with the exception of that reasonably lost in transportation, shall be discharged at a point immediately below said Barley Mill into the North Branch of Davis Creek.

(32nd) As against plaintiffs in this action, John Briles and Irene Briles, jointly, are the owners of an equal and correlative first right with said plaintiffs in and to the waters of said Davis Creek, and in and to the use thereof, for continuous usage without regard to season, in the amounts of water set opposite their names, through the ditches set opposite their names, for domestic and stock watering purposes, and for garden and orchard irrigation upon their lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
John Briles and Irene Briles, jointly	Mill	0.25
R. J. Graham, R. J. Graham, Jr., and Chester A. Graham, jointly	Graham	0.20
Lake Shore Cattle Company	(Groves, Lakeshore, (and/or, North Branch (of South Branch	0.70
Frank McArthur	(Groves, Lakeshore, (North Branch of (South Branch, and/or (Brown-Renner	0.30

and as against plaintiffs in this action, John Briles and Irene Briles, jointly, are the owners of an equal and correlative second right with said plaintiffs in and to the waters of said Davis Creek, and in and to the use thereof, during the period commencing on April first and terminating on September thirtieth, both dates inclusive, of each and every year, in the amounts of water set opposite their names, through the ditches set opposite their names, for use upon their lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
John Briles and Irene Briles, jointly	(Mill, Briles Upper (East, Briles West, (Briles Middle East, (and/or Briles-Hartlerode	1.25
R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, jointly	Graham	2.05
Lake Shore Cattle Company	(Rose, Rose West, (Hayworth, South Branch of (South Branch, Groves, (Lakeshore and/or North (Branch of South Branch	10.55
Frank McArthur	(Brown-Renner, Groves, (Lakeshore, and/or North (Branch of South Branch	2.05

and said John Briles and Irene Briles are entitled to divert and use all, or any portion, of their allotments of water herein adjudged and decreed through either the Mill Ditch, the Briles Upper East Ditch, the Briles-Hartlerode Ditch, the Briles West Ditch, or the Briles Middle East Ditch hereinbefore described in paragraph (2nd).

(33rd) Nothing in this decree shall be construed as defining the rights of Harry Bailey and May Bailey, John Briles and Irene Briles, and C. A. Brown in and to the use of the waters of said Davis Creek, with respect to the rights of the other defendants in this action, and with respect to each other.

(34th) Subject to the rights hereinbefore adjudged and decreed, except as hereinbefore provided in the preceding paragraph, J. D. Mulkey, W. R. Heryford and Ida Heryford, Harry E. Barker and Lula Barker, L. C. Hartlerode and Laura Hartlerode, Albert T. Mulkey, Sadie Keaton, Violet E. Parr and Ray Wall Fisher, R. E. Henderson and Nellie Henderson, Lewis M. Henderson and Minnie Henderson, Frederick Stanley Ramer and Sylva A. Ramer, William Mulkey, J. B. Webb and Laura Webb, Somer Beeson, Mary A. Crowder and Louisa Shedd, R. T. Renner and Ida Renner, Tom Karas, Thomas Briles and Rose Briles, C. A. Brown, Frank McArthur, R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, R. M. Taylor, and Lake Shore Cattle Company, a corporation, are the owners of the second right in and to the waters of said Davis Creek, and in and to the use thereof, for continuous usage without regard to season, in the amounts of water set opposite their names, through the ditches set

opposite their names, for use upon their lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
J. D. Mulkey	Mulkey-Heryford	0.35
W. R. Heryford and Ida Heryford, jointly	Mulkey-Heryford	0.35
Harry E. Barker and Lula Barker, jointly	Sherlock	0.125
L. C. Hartlerode and Laura Hartlerode jointly	Sherlock	0.125
Albert T. Mulkey	Mulkey-Leonard	0.15
Sadie Keaton, Violet E. Parr, and Ray Wall Fisher, jointly	Watkins	0.10
R. E. Henderson and Nellie Henderson, jointly	Ramer	0.12
Lewis M. Henderson and Minnie Henderson, jointly	Ramer	0.08
Frederick Stanley Ramer and Sylva A. Ramer, jointly	Ramer	0.10
William Mulkey	Ramer	0.10
J. B. Webb and Laura Webb, jointly	Mill	0.10
Somer Beeson	Offset	0.20
May A. Crowder and Louisa Shedd, jointly	Blurton	0.10
R. T. Renner and Ida Renner, jointly	McCulley	0.20
Tom Karas	McCulley	0.15
Thomas Briles and Rose Briles, jointly	McCulley	0.15
C. A. Brown	Brown-Renner	0.10
R. T. Renner and Ida Renner, jointly	Brown-Renner	0.30
Frank McArthur	Brown-Renner	0.10
R. J. Graham, R. J. Graham, Jr., and Chester A. Graham, jointly	Graham	0.20
R. M. Taylor	South Branch of South Branch	0.20
Lake Shore Cattle Company	Groves, and/or Lakeshore	0.35
Frank McArthur	Groves, and/or Lakeshore	0.10
Lake Shore Cattle Company	North Branch of South Branch	0.35
Frank McArthur	North Branch of South Branch	0.10

The foregoing right and allotment of R. M. Taylor of 0.20 cubic foot per second through the South Branch of the South Branch of Davis Creek shall be diverted through the North Branch of the South Branch of Davis Creek, during the period commencing on July first of each and every year and terminating on March thirty-first of the succeeding year, both dates inclusive.

The following named parties to this action shall be entitled to allotments of second priority, in addition to those specified hereinabove in this paragraph, for use upon their respective lands so heretofore irrigated and hereinbefore described, in the respective amounts of water set

opposite their names, and during the seasons set opposite their names, to-wit:

<u>Name</u>	<u>Cubic Feet per Second</u>	<u>Ditch</u>	<u>Season</u>
C. T. Watkins and Minnie Watkins, jointly	0.20	Roberts	June 16th of each and every year to the last day of February of the succeeding year, both dates inclusive.
A. H. McFarland and Ada McFarland, jointly	0.20	Roberts	June 16th of each and every year to the last day of February of the succeeding year, both dates inclusive.
Lake Shore Cattle Company	1.50	North Branch of the South Branch	October 1st of each and every year to March 31st of the succeeding year, both dates inclusive.

Each and all of the foregoing rights and allotments in this paragraph adjudged and decreed are second rights for use for garden irrigation and domestic and stock watering purposes during the seasons defined in this paragraph and are superior to all other rights to the use of water from Davis Creek and its tributaries and branches during said seasons, except as hereinbefore provided in paragraphs (29th) to (33rd) inclusive; and all 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 creek 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 such allotments of second priority shall divide the water 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 the allotments of second priority provided hereinabove in this paragraph that may then be entitled to be diverted.

(35th) Subject to the rights hereinbefore adjudged and decreed, except as hereinbefore provided in paragraph (33rd), J. D. Mulkey, W. R. Heryford and Ida Heryford, Albert T. Mulkey, R. E. Henderson and Nellie Henderson, Somer Beeson, Harry E. Barker and Lulu Barker, L. C. Hartlerode and Laura Hartlerode, Sadie Keaton, Violet E. Parr and Ray Wall Fisher, J. B. Webb and Laura Webb,

Mary A. Crowder and Louisa Shedd, R. T. Renner and Ida Renner, Tom Karas, Thomas Briles and Rose Briles, C. A. Brown, Frank McArthur, Lake Shore Cattle Company, a corporation, R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, and R. M. Taylor are the owners of the third right in and to the waters of said Davis Creek, and in and to the use thereof, during the period commencing on April first and terminating on September thirtieth, both dates inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through the respective ditches set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
J. D. Mulkey	Mulkey-Heryford	0.05
W. R. Heryford and Ida Heryford, jointly	Mulkey-Heryford	0.05
Albert T. Mulkey	(Graveyard, and/or (Mulkey-Leonard	0.25
R. E. Henderson and Nellie Henderson, jointly	Graveyard	0.80
Somer Beeson	(Graveyard, Mulkey-Leonard, (Bamer, Mill, Leonard Main, (and/or Leonard Orchard	0.70
Harry E. Barker and Lula Barker, jointly	Sherlock	0.075
L. C. Hartlerode and Laura Hartlerode, jointly	(Sherlock, Briles-Hartlerode, (Hartlerode North, North (Branch of North Branch, (Hartlerode West, Brown- (Renner, and/or South (Branch of North Branch	2.225
Sadie Keaton, Violet E. Parr and Ray Wall Fisher, jointly	Watkins	0.20
J. B. Webb and Laura Webb, jointly	Bailey-Webb	0.05
Mary A. Crowder and Louisa Shedd, jointly	Blurton	0.30
R. T. Renner and Ida Renner, jointly	(Hartlerode North, McCulley, (North Branch of North Branch, (Brown-Renner, and/or South (Branch of North Branch	5.40
Tom Karas	(McCulley, North Branch of (North Branch, and/or (South Branch of North (Branch	1.80
Thomas Briles and Rose Briles, jointly	McCulley	0.50

C. A. Brown	Brown-Renner	2.30
Frank McArthur	(Brown-Renner, Groves, (Lakeshore, and/or (North Branch of South (Branch	2.05
Lake Shore Cattle Company	(Rose, Rose West, Hay- (worth, South Branch of (South Branch, Groves, (Lakeshore, and/or North (Branch of South Branch	10.55
R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, jointly	Graham	2.05
R. M. Taylor	South Branch of South Branch	0.40

Said rights 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, except as hereinbefore provided in paragraph (33rd), but are superior to all other rights to the use of water from said Davis Creek and its tributaries and branches during said irrigation season; 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 supply of said creek 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 the allotments of third priority provided in this paragraph.

(36th) Subject to the rights hereinbefore adjudged and decreed, except as hereinbefore provided in paragraph (33rd), Somer Beeson, R. E. Henderson and Nellie Henderson, Lewis M. Henderson and Minnie Henderson, Frederick Stanley Ramer and Sylva A. Ramer, William Mulkey, Mary A. Crowder and Louisa Shedd, R. T. Renner and Ida Renner, Frank McArthur, R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, Lake Shore Cattle Company, a corporation, and R. M. Taylor are the owners of the fourth right in and to the waters

of said Davis Creek, and in and to the use thereof, during the period commencing on April first and terminating on September thirtieth, both dates inclusive, of each and every year, in the amounts of water set opposite their names, through the ditches set opposite their names, for use upon their lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
Somer Beeson	Creek Direct	0.05
R. E. Henderson and Nellie Henderson, jointly	Ramer	0.03
Lewis M. Henderson and Minnie Henderson, jointly	Ramer	0.02
Frederick Stanley Ramer and Sylva A. Ramer, jointly	Ramer	0.05
William Mulkey	Ramer	0.05
Mary A. Crowder and Louisa Shedd, jointly	Blurton	0.40
R. T. Renner and Ida Renner, jointly	North Branch of North Branch	0.20
Frank McArthur	(Brown-Renner, and/or North Branch of South Branch)	3.00
R. J. Graham, R. J. Graham, Jr. and Chester A. Graham, jointly	Graham	1.10
Lake Shore Cattle Company	(South Branch of South Branch, North Branch of South Branch, and/or Renner Drain)	10.05
R. M. Taylor	South Branch of South Branch	0.40

Said rights 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, except as hereinbefore provided in paragraph (33rd); 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 creek 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.

(37th) The quantity of water diverted from the Offset Channel of

Davis Creek through the Offset Ditch shall at all times be kept equal to the quantity of water diverted from the Main Channel of said Davis Creek through the Mill Ditch, and any water diverted through said Offset Ditch, over and above 0.20 cubic foot per second with the exception of that reasonably lost in transportation, shall be discharged into the South Branch of Davis Creek at a point immediately below the Davis Creek-Lakeview highway bridge over said South Branch; and the quantity of water flowing into the head of the North Branch of Davis Creek shall at all times be kept equal to the quantity of water flowing into the head of the South Branch of Davis Creek.

(36th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the points of measurement of all allotments in this decree adjudged and decreed shall be at the respective points of diversion from said Davis Creek and its tributaries, except that the allotments to R. E. Henderson and Nellie Henderson, Lewis M. Henderson and Minnie Henderson, Frederick Stanley Ramer and Sylva A. Ramer, and William Mulkey through the Ramer Ditch shall be measured as near as is practicable to the south line of Section sixteen (16), Township forty-five (45) North, Range fourteen (14) East, M. D. B. & M., and the allotments to Mary A. Crowder and Louisa Shedd through the Blurton Ditch shall be measured at a point approximately one thousand (1000) feet below the intake of said Blurton Ditch hereinbefore described in paragraph (2nd).

(39th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party herein adjudged and decreed a right to divert water shall divert from said Davis Creek and its tributaries and branches at any times, a quantity of water in excess of the quantity reasonably necessary for his requirements and being put to beneficial use by said party.

(40th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each and every party to this action, his or her agents, successors, grantees and assigns, be, and they are hereby perpetually enjoined and restrained from doing anything in violation of the terms or provisions of this decree, or diverting any water from said Davis Creek and its tributaries and branches at any time in violation of the terms hereof, or from doing anything that will obstruct or interfere with

any other right in this decree adjudged and decreed.

(41st) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the owners of every ditch through which water is diverted from Davis Creek and its tributaries and branches as herein provided, shall install in or for their respective ditches, prior to July 1, 1933, or such later date as may be ordered by this court, such permanent diversion works, headgates and measuring devices as shall be required and approved by the Division of Water Resources of the Department of Public Works of the State of California, and that said ditch owners shall furnish all materials and labor necessary for such installation in or for their respective ditches, and that all costs and expenses incurred by said Division of Water Resources, in supervising such installations shall be borne by the respective ditch owners in the following porportion, to-wit:

<u>Name of Party</u>	<u>Per cent of Total Cost</u>
Harry Bailey and May Bailey	2.7
Harry E. Barker and Lula Barker	0.4
Somer Beeson	1.8
John Briles and Irene Briles	2.8
Thomas Briles and Rose Briles	1.2
C. A. Brown	4.5
Mary A. Crowder and Louisa Shedd	1.5
R. J. Graham, R. J. Graham, Jr., and Chester A. Graham	6.3
L. C. Hartlerode and Laura Hartlerode	4.5
Lewis M. Henderson and Minnie Henderson	0.2
R. E. Henderson and Nellie Henderson	1.8
W. R. Heryford and Ida Heryford	0.8
Tom Karas	3.7
Sadie Keaton, Ray Wall Fisher and Violet E. Parr	0.6
Lake Shore Cattle Company	40.3
Frank McArthur	10.1
A. H. McFarland and Ada McFarland	0.4
Albert T. Mulkey	0.8
J. D. Mulkey	0.8
William Mulkey	0.3
Frederick Stanley Ramer and Sylva A. Ramer	0.3
R. T. Renner and Ida Renner	11.6
R. M. Taylor	1.9
J. B. Webb and Laura Webb	0.3
C. T. Watkins and Minnie Watkins	0.4

(42nd) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Division of Water Resources of the Department of Public Works of the State of California, as now or hereafter constituted, or its successor in the administration of the Water Commission Act, shall administer the diversions of water from said Davis Creek, through the agency of a water master, whenever such water master service is found necessary by said Division in order to insure

strict adherence to the provisions of this decree, and the costs and expenses of such water master service shall be apportioned among the parties hereto in accordance with the method of apportioning the costs of water distribution by water master provided in Section 37f of said Water Commission Act of the State of California.

(43rd) FINALLY IT IS ORDERED, ADJUDGED AND DECREED that each party hereto shall pay his own costs; the expenses incurred by said Division of Water Resources, as referee, as set forth in the report of referee on file in this action shall be borne by the parties hereto in the following proportion:

<u>Name</u>	<u>Portion of Expense</u>
Harry Bailey and May Bailey	\$ 75.50
Harry E. Barker and Lula Barker	11.19
Somer Beeson	50.33
John Briles and Irene Briles	78.30
Thomas Briles and Rose Briles	33.56
C. A. Brown	125.84
Mary A. Crowder and Louisa Shedd	41.95
R. J. Graham, R. J. Graham, Jr. and Chester A. Graham	176.18
L. C. Hartlerode and Laura Hartlerode	125.84
Lewis M. Henderson and Minnie Henderson	5.59
R. E. Henderson and Nellie Henderson	50.33
W. R. Heryford and Ida Heryford	22.37
Tom Karas	103.47
Sadie Keaton, Ray Wall Fisher and Violet E. Parr	16.79
Lake Shore Cattle Company	1126.97
Frank McArthur	262.44
A. H. McFarland and Ada McFarland	11.19
Albert T. Mulkey	22.37
J. D. Mulkey	22.37
William Mulkey	8.39
Frederick Stanley Ramer and Sylva A. Ramer	8.39
R. T. Renner and Ida Renner	324.39
R. M. Taylor	53.13
J. B. Webb and Laura Webb	8.39
C. T. Watkins and Minnie Watkins	11.19
Total	\$2796.46

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 30th day of June, 1932.

(Signed) F. M. Jamison

 Judge of Said Superior Court