

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SISKIYOU

JUL 15 2014

BY: E. Fisher
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SISKIYOU

DATE: 07/15/2014
REPORTER: NOT REPORTED

HON. DONALD LANGFORD, JUDGE
CLERK: E FISHER

JOHN MASON

Plaintiff/Petitioner

vs.

CASE NO: SC SC CV CV 51 - 0014478

HARRY M BEMROD,

Defendant/Respondent

NATURE OF PROCEEDINGS: MOTION FOR ENTRY OF SUPPLEMENTAL DECREE

APPEARANCES: County Counsel Brian Morris is present on behalf of the watermaster and with Dr. Sari Sommarstrom; Counsel Tom Hicks is present telephonically on behalf of the petitioner. There are no other appearances.

Counsel Morris represents that after extensive review and research it is his opinion that proper and adequate notice has been given.

THE COURT ORDERS:

The Court grants the petition for entry of a supplemental decree and executes the proposed order.

Dated: July 15, 2014

MARY FRANCES McHUGH, CLERK

By E. Fisher
Deputy

Copies to:

Ellison, Schneider & Harris, LLP, 2600 Capitol Ave., Ste 400, Sacramento, CA 95816
County Counsel, PO Box 659, Yreka, CA 96097

Courtesy Copy to:

State of California, Department of Water Resources, Andrew B. Pollak, 1416 9th St., Room 1118,
Sacramento, CA 95814

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BY ENDORSED- E. FISHER
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9 SUPERIOR COURT OF CALIFORNIA
10 SISKIYOU COUNTY

11 JOHN H. MASON, et al.

Plaintiffs

vs.

12
13 HARRY M. BEMROD, et al.

Defendants

) Case No. 14478

) **PROPOSED SUPPLEMENTAL DECREE**
) **CONFIRMING STATE WATER BOARD**
) **ORDER WR2011-001-EXEC AND**
) **UPDATING PLACE OF USE AND**
) **PURPOSE OF USE FOR BROWNE**
) **DITCH DIVERSION #48 PURSUANT TO**
) **FRENCH CREEK DECREE**

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17 **Date: Tuesday, July 8, 2014**

18 **Time: 1:30 p.m.**

19 **Dept.: D**

20 The Court having received from the Petitioner a motion and request for a supplemental
21 decree in the above entitled case to change point of diversion and place of use for purposes of
22 adding preservation and enhancement of fish and wildlife resources to the below-described rights,
23 notice having been given to the Department of Fish and Wildlife (formerly the California
24 Department of Fish and Game) under Water Code section 1703 and California Code of
25 Regulations, title 23, section 795, and the Court having fully considered said filings, and good
26 cause appearing therefor:

27 IT IS HEREBY ORDERED:

28 1. The Judgment of this Court in *Mason v. Bemrod*, Case Number 14478,

1 determining the rights of various parties to the water of French Creek, entered on
2 July 1, 1958, (hereinafter referred to as "Decree") is hereby modified as follows:

- 3 a. Paragraph 22 of the Decree is amended to add preservation and
4 enhancement of fish and wildlife resources to the list of purposes in lines
5 19-20 to read: "... for domestic, stockwatering, industrial, power,
6 *preservation and enhancement of fish and wildlife resources* and irrigation
7 purposes ..." [added language in italics].
- 8 b. Table 4 of the Decree is amended to add a row under Madelyn Browne for
9 *Preservation and Enhancement of Fish and Wildlife Resources, 0.76 cubic*
10 *feet per second, seventh priority. The total usage for Madelyn Browne*
11 *should remain 0.76, with new footnote e added, stating: "The combined*
12 *usage for irrigation and preservation and enhancement of fish and wildlife*
13 *resources shall not exceed this total."*
- 14 c. Table 5 of the Decree, p. 21, Madelyn Browne, is amended to add an
15 additional place of use as: "*current point of diversion to the confluence of*
16 *French Creek with the Scott River. This is the stream reach from North*
17 *2,399,460 feet and East 6,327,200 feet, being within NW1/4 of SW1/4 of*
18 *Section 11 to North 2,400,440 feet and East 6,329,100 feet, being within*
19 *NE1/4 of SE1/4 of Section 11, all within T41N, R9W, MDB&M. All*
20 *coordinates are by California Coordinate System of 1983, Zone 1.*

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22 Date: July 15, 2014.

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24 **DONALD R. LANGFORD**
25 JUDGE OF THE SUPERIOR COURT
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