

Pine Co.  
Surprise V.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF MODOC

Even R. Gaustad and  
Della M. Gaustad,  
Plaintiffs,

vs.

R. E. McCulley, George M. Pierney,  
Frank Dowers, J. E. Cloud, W. E. Hill,  
Everett F. Hill, Ray Hill, Harry E.  
Hill, Chas. W. Royce, John Doe, Richard  
Roe, Harry Roe, and Jack Roe,  
Defendants

No. 3391  
Judgment and Decree

- 000 -

The above entitled cause having been referred to the Division of Water Resources of the Department of Public Works of the State of California, as referee, by an order of this Court, entered on May 24, 1932, 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, and said referee having made its investigation, the parties hereto having thereafter entered into a written stipulation providing that said referee might report to the above entitled Court a decree in accordance with the provisions of said stipulation and that said Court might enter a decree in accordance with the provisions of said stipulation, said parties having further stipulated that findings of fact and conclusions of law be waived, and said referee thereafter having announced its report in the form of a draft; notice of said draft and a copy thereof having been mailed by said referee to the parties or their attorneys; the time for filing objections to said draft of report having thereafter expired and no objections having been filed thereto; said referee having filed its report herein with the Clerk of the Court and said referee having given notice by mail of the filing of its report to the parties or their attorneys; the time for filing exceptions to said report of referee having expired, and no exceptions having been filed thereto; all

1 proceedings having been taken and all matters having been performed as pro-  
2 vided by law and as more particularly set forth in Section 24 of said Water  
3 Commission Act, the court having approved and adopted said report of referee,  
4 and its appearing as follows:

5 (a) Vesta McCulley, wife of defendant R. E. McCulley, Jennie  
6 D. Hill, wife of defendant W. E. Hill, Alice M. Hill, wife of defendant  
7 Harry L. Hill, Hallie K. Tierney, wife of defendant George M. Tierney,  
8 Ernestine Bowers, wife of defendant Frank Bowers, and Stella Hill, wife  
9 of defendant Ray Hill have been properly made parties to the action.

10 (b) Defendants W. E. Hill and Jennie D. Hill have succeeded to  
11 the interests of defendant Everett F. Hill.

12 (c) John Freeborn has succeeded to the interests of defendant  
13 Fanny Buchanan.

14 (d) The true name of defendant sued herein as Harry E. Hill is  
15 Harry L. Hill.

16 (e) Ray Hill and Raymond Hill are one and the same person.

17 (f) R. E. McCulley and Robert E. McCulley are one and the same  
18 person.

19 (g) The Federal Land Bank of Berkeley has succeeded to the  
20 interests of defendant J. B. Cloud.

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

23 (1st) There is in said Modoc County a natural stream of water  
24 known as and called "Pine Creek", which said stream arises on the eastern  
25 slope of the Warner Range of mountains in the central portion of said  
26 Modoc County, State of California, and flows thence in a general easterly  
27 direction to Middle Alkali Lake in Surprise Valley, to which it is tributary,  
28 between well defined banks in a well defined channel to, upon, and across  
29 certain of the lands of certain of the parties to this action, which lands  
30 are hereinafter described.

31

1 (2nd) The parties plaintiff and parties defendant in the above  
2 entitled action are the owners of the lands described in their respective  
3 pleadings; the allotments of water from said Pine Creek as hereinafter set  
4 forth are for use upon the acreages hereinafter described; the respective  
5 parties are the owners of the acreages hereinafter set forth under their  
6 respective names; and said lands are depicted on the map herein referred to  
7 as the "Division of Water Resources Map", which map was prepared by the Divi-  
8 sion of Water Resources of the Department of Public Works of the State of  
9 California from its surveys made in 1932, and is entitled, "Pine Creek Showing  
10 Diversion Systems and Irrigated Lands," and is dated 1932, which map has been  
11 filed in the above entitled cause, and by this reference thereto, is made  
12 part and parcel of this judgment and decree with like effect as if incorporated  
13 herein.

14 (3rd) The parties plaintiff and the parties defendant are the  
15 owners of, or interested in, the ditches, conduits and other means of diver-  
16 sion described in their respective pleadings, and as depicted on said Divi-  
17 sion of Water Resources Map and are entitled to divert water, as hereinafter  
18 set forth, through said means of diversion at the points of diversion  
19 depicted on said map, and as hereinafter described.

20 (4th) Charles W. Royce is at all times entitled to divert from  
21 the natural flow of Pine Creek through the Royce Ditch as described in  
22 Schedule 2 hereunto annexed and made a part hereof 0.08 cubic foot per second  
23 for domestic purposes and for the irrigation of 1.1 acres of garden situated  
24 on his land as described under his name in Schedule 1 hereunto annexed and  
25 made a part hereof; provided, however, that the water to supply said allotment  
26 shall first be taken from the flow of a spring located near the head of said  
27 Royce Ditch, and any deficiency, in the flow of said spring below said allot-  
28 ment, may then be made up by diversion from Pine Creek.

29 (5th) Commencing at 8:00 o'clock A.M. on the twentieth day of  
30 March of each and every year, the use of the total flow of Pine Creek, except  
31 the water required under the right hereinbefore set forth in paragraph (4th)

1 shall be rotated among R. E. McCulley and Vesta McCulley, Evan R. Gaustad  
 2 and Della M. Gaustad, Raymond Hill and Stella Hill, Harry L. Hill and Alice  
 3 M. Hill, and W. E. Hill and Jennie D. Hill for domestic, stock watering and  
 4 irrigation purposes upon their respective lands described under their respect-  
 5 ive names in Schedule 1 hereof, said water to be diverted by said parties by  
 6 means of the ditches described under their respective names in Schedule 2  
 7 hereof, the use of said water to be rotated among said parties in the order  
 8 of their names hereinafter set forth in this paragraph, and under such rota-  
 9 tion said parties are entitled to divert during one complete rotation  
 10 cycle the amounts of water set after their respective names as follows:

11	<u>Name</u>	<u>Allotment Acre Feet</u>
12	Evan R. Gaustad and Della M. Gaustad	62.5
13	R. E. McCulley and Vesta McCulley	62.5
14	Raymond Hill and Stella Hill	15.0
15	Harry L. Hill and Alice M. Hill	45.0
16	W. E. Hill and Jennie D. Hill	97.5

17 said parties shall be entitled to the entire flow of said Pine Creek, except  
 18 the water required under the right hereinbefore set forth in paragraph (4th)  
 19 until the aggregate of the amounts of water diverted by them under the rights  
 20 hereinabove set forth in this paragraph is equal to 282.5 acre feet; under said  
 21 use by rotation set forth in this paragraph, the number of diversions operating  
 22 at the same time shall be dependent upon the number of irrigating heads that  
 23 the available water supply will furnish; and when said parties have received  
 24 the amounts of water hereinabove set after their respective names in this  
 25 paragraph, they shall not receive any further water except as hereinafter  
 26 provided.

27 (6th) When the parties hereinbefore named in paragraph (5th)  
 28 have diverted, under their rights set forth in said paragraph (5th), the  
 29 equivalent of one rotation cycle of 282.5 acre feet from said Pine Creek or its  
 30 branch channels, the use of the total flow of said Pine Creek, except the water  
 31 required under the right hereinbefore set forth in paragraph (4th), shall be

1 rotated among R. E. McCulley and Vesta McCulley, Even R. Gaustad and Della M.  
 2 Gaustad, Raymond Hill and Stella Hill, Frank Bowers and Ernestine Bowers,  
 3 The Federal Land Bank of Berkeley, Harry L. Hill and Alice M. Hill, W. E.  
 4 Hill and Jennie D. Hill, George M. Tierney and Hallie M. Tierney, and John  
 5 Freeborn for domestic, stock watering and irrigation purposes upon their  
 6 respective lands described under their respective names in Schedule 1 hereof,  
 7 said water to be diverted by means of the ditches described under their  
 8 respective names in Schedule 2 hereof, the use of said water to be rotated  
 9 among said parties in the order of their names hereinafter set forth in  
 10 this paragraph and under such rotation said parties are entitled to divert  
 11 during each rotation cycle thereafter the amount of water set after their  
 12 respective names as follows:

13	<u>Name</u>	<u>Allotment Acre Feet</u>
14	Frank Bowers and Ernestine Bowers	30.0
	George M. Tierney and Hallie M. Tierney	62.5
15	Even R. Gaustad and Della M. Gaustad	62.5
	R. E. McCulley and Vesta McCulley	62.5
16	Raymond Hill and Stella Hill	15.0
	The Federal Land Bank of Berkeley	2.5
17	Harry L. Hill and Alice M. Hill	45.0
	W. E. Hill and Jennie D. Hill	97.5
18	Raymond Hill and Stella Hill	50.0
	John Freeborn	3.0
19		

20 the cycle of rotation or alternate use of the total flow of said Pine Creek  
 21 hereinabove provided in this paragraph, except the water required under the  
 22 right hereinbefore set forth in paragraph (4th) and hereinafter set forth in  
 23 paragraphs (5th) and (9th), shall be carried on throughout the remainder of  
 24 the irrigation season of each and every year until such time as the flow of  
 25 Pine Creek measured at the division point between the North and South Branches  
 26 thereof has receded to four cubic feet per second as hereinafter provided in  
 27 paragraph (7th); and under said use by rotation, the number of diversions oper-  
 28 ating at the same time shall be dependent upon the number of irrigating heads  
 29 that the available water supply of said Pine Creek will furnish.

30 (7th) After the period of melting of the snows on the Warner Range  
 31 of mountains, near the close of the irrigation season, when the total flow of

1 Pine Creek measured at the division point between the North and South Branches  
2 thereof has receded to 4 cubic feet per second, then the total flow of said  
3 Creek shall be turned into the North Branch thereof for the use of R. E.  
4 McCulley and Vesta McCulley, and Even R. Gaustad and Della M. Gaustad upon their  
5 lands described under their respective names in Schedule 1 hereof and the  
6 entire flow shall be kept in said North Branch until such time as said flow  
7 measured at said division point recedes to 1.60 cubic feet per second, and  
8 then all of said flow except the water required under the right hereinbefore  
9 provided in paragraph (4th), shall be turned into the Cressler Ditch until  
10 the commencement of the irrigation season on March 20th of the succeeding year  
11 for the use of W. E. Hill and Jennie D. Hill upon their lands described under  
12 their names in Schedule 1 hereof; provided however, that if said flow available  
13 for said Cressler Ditch should exceed 1.60 cubic feet per second at any time  
14 during said period, said ditch shall be closed and said flow shall at such  
15 times be turned down the North Branch of said creek for the use of R. E.  
16 McCulley and Vesta McCulley, and Even R. Gaustad and Della M. Gaustad; and  
17 provided further, that at all times when said flow available for said Cressler  
18 Ditch is equal to or is less than 0.30 cubic foot per second, John Freeborn  
19 shall be entitled to all of said flow.

20 (8th) After the commencement of the cycle of rotation hereinbefore  
21 set forth in paragraph (6th), at such times when the total flow of Pine  
22 Creek, measured at the division point between the North and South Branches  
23 thereof, is in excess of 17.50 cubic feet per second, then said excess flow  
24 to the extent of 1.65 cubic feet per second shall be turned into said North  
25 Branch for the use of R. E. McCulley and Vesta McCulley upon their lands  
26 described under their names in Schedule 1 hereof.

27 (9th) Any flow in Pine Creek, over and above that necessary to  
28 supply all allotments hereinbefore made, shall be divided equally between  
29 the North and South Branches of said Pine Creek for the use of The Federal  
30 Land Bank of Berkeley, and Raymond Hill and Stella Hill, upon their lands  
31

1 described under their respective names in Schedule 1 hereof.

2 (10th) All of the allotments of water hereinbefore provided shall  
3 be diverted from Pine Creek or its branches at the present points of diversion  
4 of the respective ditches, as said points of diversion are hereinafter de-  
5 scribed in Schedule 2; and the points of measurement of all allotments of  
6 water hereinafter provided shall be at or near the respective points of diver-  
7 sion from said Pine Creek or its branch channels.

8 (11th) Nothing herein contained shall, or shall be construed to,  
9 limit or restrict the right of any two or more parties hereto from entering  
10 into an agreement or agreements, whereby said parties may pool their respect-  
11 ive interests and thereby apply water to their respective lands at a greater  
12 rate than herein provided, provided that the total use of any such parties on  
13 their lands during any 30-day period shall not exceed the allotments herein  
14 provided, and provided further that such use shall not impair or infringe  
15 the right of any other party.

16 (12th) The term "natural flow" as herein used, shall be construed  
17 to designate such flow as will naturally occur at any given point in a stream  
18 from the run-off of the watershed which it drains, from springs which naturally  
19 contribute to the stream, from seepage, and from waste and return flow from  
20 dams, conduits, and irrigated lands; as distinguished from released stored  
21 water and from "foreign water" directly conveyed to a stream from another  
22 watershed.

23 (13th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Divi-  
24 sion of Water Resources of the Department of Public Works of the State of Cali-  
25 fornia, as now or hereafter constituted, or its successor in the administration  
26 of the Water Commission Act, shall supervise diversions from Pine Creek and  
27 its branches, through the agency of a water master, whenever necessity for such  
28 water master service is found to exist by said Division, and that the costs and  
29 expenses of such water master service shall be borne by the parties hereto,  
30 said costs and expenses to be apportioned among said parties in accordance  
31 with the method of apportioning the costs of water distribution by water

1 master provided in Section 371 of the Water Commission Act of the State of  
2 California.

3 (14th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
4 owners of each ditch through which water is diverted from the Pine Creek and its  
5 branches as herein provided shall install, under the supervision of an  
6 engineer appointed by the Division of Water Resources, such permanent diver-  
7 sion works, headgates and measuring devices in their respective ditches as  
8 shall be reasonably required and approved by said Division; such installations  
9 to be made prior to July 1, 1937, or such later date as may be ordered by the  
10 above entitled court. The several ditch owners shall furnish all necessary  
11 labor and materials for the construction and installation of said diversion  
12 works, headgates and measuring devices in their respective ditches, and the  
13 cost of supervision herein provided shall be borne by the parties hereto, in  
14 the ratio that their respective maximum continuous flow equivalents, as  
15 provided in Schedule 3 hereof, bear to the total of such maximum continuous  
16 flow equivalents provided in said Schedule 3.

17 (15th) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that nothing  
18 herein contained shall be construed to entitle any party to divert, at any  
19 time, a quantity of water in excess of that necessary and being put to bene-  
20 ficial use.

21 (16th) IT IS FURTHER, ADJUDGED AND DECREED that each and  
22 every party to this action, his or her agents, successors, grantees and assigns,  
23 be and they are hereby perpetually enjoined and restrained from doing anything  
24 in violation of the terms or provisions of this decree, or diverting any water  
25 from said Pine Creek or its branch channels at any time in violation of the  
26 terms hereof, or from doing anything that will obstruct or interfere with any  
27 other right in this decree adjudged and decreed.

28 (17th) FINALLY IT IS ORDERED, ADJUDGED AND DECREED that each  
29 party hereto shall pay his own costs and that the amount due from the parties  
30 hereto to said Division of Water Resources for expenses incurred as referee,  
31 as set forth in the report of referee on file in this action shall be borne



1 by the following parties in the following proportions:

2	<u>Party</u>	<u>Portion of Expense</u>
3	Frank Bowers and Ernesting Bowers	\$29.94
4	The Federal Land Bank of Berkeley	5.60
5	John Freesborn	2.99
6	Even E. Gaustad and Della M. Gaustad	62.37
7	Harry L. Hill and Alice M. Hill	44.91
8	Raymond Hill and Stella Hill	44.91
9	W. E. Hill and Jennie E. Hill	117.43
10	Robert E. McCulley and Vesta McCulley	105.16
11	Chas. W. Rogee	4.88
12	Geo. K. Tierney and Hallie M. Tierney	62.37

13 and said parties shall pay said assessments set forth in this paragraph forth-  
14 with to said Division of Water Resources, P. O. Box 1079, Sacramento, California.

15 (18th) The Court preserves continuing jurisdiction of the  
16 parties and subject matter of this action to change or modify its orders and  
17 decrees as occasion may require and for the purpose of enforcing its judgment,  
18 orders and decrees.

19 Done in open court this 7th day of December, 1936.

20  
21 F. M.  
22 F. M. JAMISON  
23 Judge of said Superior Court  
24  
25  
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27  
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SCHEDULE 1

DESCRIPTION OF LANDS IRRIGATED FROM PINE CREEK

FRANK BOWERS AND ERNESTING BOWERS

12.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
38.8 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
24.4 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
74.9 acres - Total.

THE FEDERAL LAND BANK OF DENVER

12.3 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
34.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
47.5 acres - Total.

JOHN FREEMAN

4.3 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
2.8 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
7.1 acres - Total.

EVAN R. SANSTAL AND DELLA L. SANSTAL

32.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
30.1 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
37.8 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
38.9 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 22, T 43 N, R 16 E, M.D.B. & M.  
16.3 acres in the lot 3, Sec. 22, T 43 N, R 16 E, M.D.B. & M.  
169.1 acres - Total.

HARRY L. HILL AND ALICE M. HILL

46.4 acres in Lot 3, Sec. 27, T 43 N, R 16 E, M.D.B. & M.  
55.8 acres in Lot 4, Sec. 27, T 43 N, R 16 E, M.D.B. & M.  
17.0 acres in Lot 1, Sec. 24, T 43 N, R 16 E, M.D.B. & M.  
119.2 acres - Total.

RAYMOND HILL AND STELLA HILL

38.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
1.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 29, T 43 N, R 16 E, M.D.B. & M.  
22.8 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 29, T 43 N, R 16 E, M.D.B. & M.  
32.2 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 29, T 43 N, R 16 E, M.D.B. & M.  
35.6 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
33.3 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
16.9 acres in Lot 1, Sec. 27, T 43 N, R 16 E, M.D.B. & M.  
22.4 acres in Lot 4, Sec. 27, T 43 N, R 16 E, M.D.B. & M.  
217.7 acres - Total.

W. E. HILL AND JENNIE W. HILL

37.4 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
38.7 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
39.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
39.6 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 30, T 43 N, R 16 E, M.D.B. & M.  
37.4 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 32, T 43 N, R 16 E, M.D.B. & M.  
33.8 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
27.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
40.2 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
299.3 acres - Total.

SCHEDULE 1 (Continued)

DESCRIPTION OF LANDS IRRIGATED FROM FINE CREEK

R. E. McCULLEY AND VESTA McCULLEY

23.5 acres in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
35.6 acres in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
39.4 acres in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
39.5 acres in the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 28, T 43 N, R 16 E, M.D.B. & M.  
36.0 acres in the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
39.8 acres in the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 22, T 43 N, R 16 E, M.D.B. & M.  
40.0 acres in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 27, T 43 N, R 16 E, M.D.B. & M.  
6.3 acres in the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
262.1 acres - Total.

CHAS. W. ROYCE

1.1 acres in the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 30, T 43 N, R 16 E, M.D.B. & M.  
1.1 acres - Total

GEORGE M. TIERNEY AND HALLIE M. TIERNEY

3.5 acres in the NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
1.6 acres in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
19.6 acres in the SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
38.4 acres in the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 20, T 43 N, R 16 E, M.D.B. & M.  
27.9 acres in the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
21.5 acres in the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
39.8 acres in the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
37.0 acres in the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 21, T 43 N, R 16 E, M.D.B. & M.  
188.2 acres - Total.

SCHEDULE 2

DESCRIPTION OF POINTS OF DIVERSION OF DITCHES

DIVERGING FROM PINE CREEK

BOWERS MAIN DITCH - FRANK BOWERS AND ERNESTINE BOWERS

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately S. 59°30'W, approximately 2040 feet distant from the northeast corner of Section 29, T 43 N, R 16 E, M.D.B. & M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 29.

BOWERS SOUTH DITCH - FRANK BOWERS AND ERNESTINE BOWERS

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately N. 25°0'E, approximately 780 feet distant from the southwest corner of Section 21, T 43 N, R 16 E, M.D.B. & M., being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 21,

BOWERS NORTH DITCH - FRANK BOWERS AND ERNESTINE BOWERS

At a point (designated on Division of Water Resources Map as Diversion 16) which bears approximately N 80°30' E, approximately 1320 feet distant from the southwest corner of Section 21, T 43 N, R 16 E, M.D.B. & M., being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 21.

CLOUD DITCH - THE FEDERAL LAND BANK OF DENVER

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately S 57°0'W, approximately 3080 feet distant from the northeast corner of Section 29, T 43 N, R 16 E, M.D.B. & M., being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 29.

GRESSLER DITCH - W. E. HILL AND JESSIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 2) which bears approximately S 14°0'W, approximately 3310 feet distant from the northeast corner of Section 30, T 43 N, R 16 E, M.D.B. & M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 30.

SCHEDULE 2(Continued)

GAUSTAD NORTH DITCH - EVEN R. GAUSTAD AND DELLA M. GAUSTAD

At a point (designated on Division of Water Resources Map as Diversion 17), which bears approximately N. 69° E, approximately 2820 feet distant from the southwest corner of Section 21, T. 43 N., R. 16 E., M.D.B. & M., being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 21.

GAUSTAD SOUTH DITCH - EVEN R. GAUSTAD AND DELLA M. GAUSTAD

At a point (designated on Division of Water Resources Map as Diversion 18), which bears approximately N. 69° 0' E, approximately 2840 feet distant from the southwest corner of Section 21, T. 43 N., R. 16 E., M.D.R. & M., being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21.

GAUSTAD CORRAL DITCH - EVEN R. GAUSTAD AND DELLA M. GAUSTAD

At a point (designated on Division of Water Resources Map as Diversion 19), which bears approximately N. 52° 0' W, approximately 2220 feet distant from the southeast corner of Section 21, T. 43 N., R. 16 E., M.D.B. & M., being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21.

GAUSTAD UPPER MEADOW DITCH - EVEN R. GAUSTAD AND DELLA M. GAUSTAD

At a point (designated on Division of Water Resources Map as Diversion 20), which bears approximately N. 28° 0' W, approximately 1490 feet distant from the southeast corner of Section 21, T. 43 N., R. 16 E., M.D.R. & M., being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21.

GAUSTAD LOWER MEADOW DITCH - EVEN R. GAUSTAD AND DELLA M. GAUSTAD

At a point (designated on Division of Water Resources Map as Diversion 21), which bears approximately No. 20°30' E, approximately 1430 feet distant from the southwest corner of Section 22, T. 43 N., R. 16 E., M.D.B. & M., being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 22.

SCHEDULE 2 (Continued)

E. F. HILL LOWER DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 5), which bears approximately N.  $74^{\circ}30'$  E, approximately 1710 feet distant from the southwest corner of Section 28, T. 43 N., R. 16 E., M.D.B. & M., being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 28.

W. E. HILL NORTH DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 6), which bears approximately N.  $86^{\circ}30'$  E, approximately 2590 feet distant from the southwest corner of Section 28, T. 43 N., R. 16 E., M.D.B. & M., being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 28.

W. E. HILL SOUTH DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 7), which bears approximately N.  $86^{\circ}30'$  E, approximately 2590 feet distant from the southwest corner of Section 28, T. 43 N., R. 16 E., M.D.B. & M., being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 28.

W. E. HILL MIDDLE DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 8), which bears approximately S.  $89^{\circ}0'$  W, approximately 2250 feet distant from the northeast corner of Section 33, T. 43 N., R. 16 E., M.D.B. & M., being within the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 33.

W. E. HILL LOWER DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 9), which bears approximately S.  $80^{\circ}30'$  W, approximately 1490 feet distant from the northeast corner of Section 33, T. 43 N., R. 16 E., M.D.B. & M., being within the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 33.

SCHEDULE 2 (Continued)

HILL DITCH - RAYMOND HILL AND STELLA HILL

At a point (designated on Division of Water Resources Map as Diversion 3), which bears approximately N. 37°0'W, approximately 3080 feet distant from the southeast corner of Section 29, T. 43 N., R. 16 E., M.D.B. & M., being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 29.

LOWER SOUTH CHANNEL - HARRY E. HILL AND ALICE M. HILL

At a point (designated on Division of Water Resources Map as Diversion 10), which bears approximately S. 2°0'E, approximately 190 feet distant from the northwest corner of Section 34, T. 43N., R. 16 E., M.D.B. & M., being within Lot 1 of said Section 34.

McCULLEY DITCH - R. E. McCULLEY AND VESTA McCULLEY

At a point (designated on Division of Water Resources Map as Diversion 14), which bears approximately S. 28°0'E, approximately 700 feet distant from the northwest corner of Section 28, T. 43 N., R. 16 E., M.D.B. & M., being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 28.

McCULLEY UPPER DITCH - R. E. McCULLEY AND VESTA McCULLEY

At a point (designated on Division of Water Resources Map as Diversion 13A), which bears approximately S. 3°0'W, approximately 460 feet distant from the northeast corner of Section 29, T. 43 N., R. 16 E., M.D.B. & M., being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 29.

ROYCE DITCH - C. W. ROYCE

At a point (designated on Division of Water Resources Map as Diversion 1), which bears approximately S. 21°30'W, approximately 3500 feet distant from the northeast corner of Section 30, T. 43 N., R. 16 E., M.D.B. & M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 30.

SCHEDULE 2 (Continued)

SCHOOL HOUSE DITCH - W. E. HILL AND JENNIE D. HILL

At a point (designated on Division of Water Resources Map as Diversion 4), which bears approximately N 9<sup>00</sup>'E, approximately 1390 feet distant from the southwest corner of Section 28, T. 43 N., R. 16 E., M.D.P. & E., being within the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of said Section 28.

TIERNEY DITCH - GEORGE M. TIERNY AND HALLIE M. TIERNY

At a point (designated on Division of Water Resources Map as Diversion 11), which bears approximately S. 45<sup>00</sup>'E, approximately 2650 feet distant from the northwest corner of Section 29, T. 43 N., R. 16 E., M.D.P. & M., being within the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of said Section 29.



SCHEDULE 3  
 CONTINUOUS FLOW EQUIVALENT OF ALLOTMENTS  
 TO BE USED AS A BASIS OF APPORTIONMENT  
 OF EXPENSES OF REFEREE

<u>Name of Owner</u>	<u>Continuous Flow Equivalent Cubic Feet per Second</u>
Frank Bowers and Ernestine Bowers	1.20
The Federal Land Bank of Berkeley	0.10
John Freeborn	0.12
Even R. Gaustad and Della M. Gaustad	2.50
Harry L. Hill and Alice M. Hill	1.80
Raymond Hill and Stella Hill	1.80
W. E. Hill and Jennie D. Hill	3.90
Robert E. McCulley and Vesta McCulley	2.50
Chas W. Royce	0.08
Geo. M. Tierney and Hallie M. Tierney	<u>2.50</u>
Total	16.50