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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SHASTA

10 In the Matter of the Determination )  
11 of the Rights of the Various )  
12 Claimants to the Waters of ) NO. 87524  
13 WILLOW CREEK STREAM SYSTEM, ) DECREE  
14 Shasta County, California. )

15 The above-entitled cause having come on regularly for  
16 hearing, trial and determination on June 9, 1986, before this court  
17 sitting without a jury; all parties in interest in said proceeding  
18 having been duly and regularly notified of said hearing; the State  
19 Water Resources Control Board (hereinafter referred to as the  
20 "Board") having filed with the clerk of this court a certified copy  
21 of the Order of Determination together with the original evidence  
22 filed with or taken before the Board and certified by it; no  
23 written exceptions to the Order of Determination having been filed;  
24 attorney Daniel N. Frink, appearing on behalf of the Board, having  
25 moved for entry of a decree affirming the Order of Determination  
26 pursuant to Water Code Section 2762; no one appearing in opposition  
27 to the Board's motion; the Court having granted the motion for  
28 entry of a decree as requested by the Board; the Court now affirms

1 said Order of Determination, except to the extent that it is  
2 modified herein for correction of clerical errors and changes of  
3 property ownership, and the Court renders this Decree determining  
4 the rights of all parties to this proceeding as follows:

5 IT IS ORDERED, ADJUDGED AND DECREED that the several  
6 rights of all existing claimants in and to the use of water of the  
7 Willow Creek Stream System in Shasta County, California are  
8 determined and established to be as hereinafter set forth:

9 Definitions

10 1. "Water Code" means the State of California Water Code.

11 2. "Stream System" means the Willow Creek Stream System.

12 It includes Willow, Minnow, and Dunn Creeks and other tributaries  
13 from their headwaters to the outflow into Montgomery Creek in  
14 Shasta County, California. It also includes water in subterranean  
15 streams which flow in known and definite channels and which  
16 contribute to the Willow Creek Stream System.

17 3. "Claimant" means a party who has filed a proof of  
18 claim of water right in and to the use of water of Willow Creek  
19 Stream System, or who, having failed or refused to file such a  
20 proof of claim properly, has had his right determined pursuant to  
21 provisions of Water Code Section 2577.

22 4. "Directly apply to beneficial use" means the direct  
23 conveyance and application of water diverted to beneficial use  
24 without intermediate storage, except for reasonable regulatory  
25 storage used to create a convenient head for irrigation or other  
26 beneficial use as allowed herein.

27 5. "Seasonal storage" is defined as the collection of  
28 natural flow in a reservoir during a time of high stream flow, such

1 as the winter and spring months, where such water is held and used  
2 during a time of deficient stream flow, such as the summer and fall  
3 months.

4           6. "Regulatory storage" is defined as the collection of a  
5 direct diversion of water to a reservoir in which water is held for  
6 less than 30 days before being withdrawn for the purpose of  
7 creating a convenient head for irrigation or other beneficial use  
8 allowed herein.

9           7. "Natural flow" means such flow as will occur at the  
10 point in a stream from the runoff of the watershed which it drains,  
11 from springs and seepage which naturally contribute to the stream,  
12 and from waste and return flow from dams, conduits, and irrigated  
13 land. Natural flow is distinguished from water released directly  
14 from storage for rediversion and use, or water imported from  
15 another watershed which is released directly to the natural channel  
16 for conveyance to the place of beneficial use.

17           8. "Watershed" means the drainage area or region which  
18 contributes to the water supply of a stream or lake. The watershed  
19 boundary of this adjudication is delineated on the State Water  
20 Resources Control Board map described below.

21           9. "Return flow" is that portion of applied irrigation  
22 water that finds its way after use back into a ditch, drain, or  
23 natural watercourse and becomes available for reuse by persons  
24 other than the original diverter.

25 State Water Resources Control Board Map

26           10. The State Water Resources Control Board map,  
27 hereinafter referred to as SWRCB map, was prepared by the Board  
28 from materials and information gathered in 1978, 1979, and at the

1 hearing in 1983. It is entitled "Willow Creek Stream System,  
2 Showing Diversion and Irrigated Lands, Shasta County, California,  
3 Dated 1985". The SWRCB map comprises one sheet which is  
4 incorporated herein and attached hereto as a part of this decree.

5 General Entitlement

6 11. The claimants found in this proceeding to possess  
7 water rights are entitled to the use of water of the Willow Creek  
8 Stream System on the places of use described under their respective  
9 names in Schedule 1, and shown on the SWRCB map, from points of  
10 diversion described in Schedule 2. They are entitled to use water  
11 during the periods of time specified in paragraph 14 entitled  
12 "Season of Use" and in the amounts allotted from the various  
13 sources under the priorities and for the uses set forth after their  
14 respective names in Schedule 3, 4, and 5. The amount of water  
15 allotted shall be measured at the point of diversion from the  
16 stream system unless otherwise specified. Nothing contained herein  
17 shall be construed to allocate to any claimant a right to divert at  
18 any time from the Willow Creek Stream System more water than  
19 reasonably necessary for his beneficial use, nor to permit him a  
20 right to unreasonably impair the quality of natural flow.

21 Entitlement to Abandoned Water Originating in Another Watershed

22 12. The rights and entitlements of rightful users of  
23 imported water are not subject to this adjudication until: (1) the  
24 water has entered the channels of Willow Creek, its tributaries or  
25 subterranean streams flowing in known and definite channels and  
26 (2) the water is beyond the control of the original and rightful  
27 user. This adjudication does not in any way direct the amounts,  
28 sources, locations, or rates wherein return flow from such imported

1 water shall augment the Willow Creek Stream System. When the  
2 return flow reaches the Willow Creek Stream System and flows beyond  
3 the control of the original and rightful users, it becomes subject  
4 to diversion and use by parties holding allotments of water as  
5 specified in this decree.

6 Priority Classes

7           13. The term "priority class" when used herein means a  
8 class of rights each one of which is equal in priority and  
9 correlative in right with all other rights of the same class  
10 appearing within the schedule. When available water is sufficient  
11 to supply only part of the entitlement of any specific priority  
12 class, said available supply shall be prorated in accordance with  
13 allotments in that priority class. Except as provided in  
14 Paragraphs 15 and 25, no priority class is entitled to use any  
15 water until all higher priority rights have been fully satisfied.  
16 Thus, within the same schedule, all rights of the Second Priority  
17 Class are inferior in priority and subordinate to all rights of the  
18 First Priority Class.

19 Season of Use

20           14. Allotments for irrigation shall be for continuous use  
21 from April 1 to November 1 of each year except as otherwise  
22 provided in Schedule 5. Allotments for domestic and stockwatering  
23 purposes shall be for continuous use throughout the year.

24 Domestic Use

25           15. Domestic use is limited to water applied exclusively  
26 for household purposes, watering of domestic animals and irrigation  
27 of up to one-half acre of yard, garden and family orchard. In  
28 accordance with Water Code Section 106, all parties named in

1 Schedule 3 and 4 are allotted 500 gallons per day, at their place  
2 of use, on a year round basis for residential domestic use with  
3 priority over all other uses set forth in said schedules.

4 Stockwatering Use

5 16. Stockwatering use is limited to water required by  
6 commercial livestock.

7 Irrigation Use

8 17. Irrigation use is limited to the application of water  
9 for the purpose of meeting moisture requirements of growing crops.

10 Combined Uses

11 18. Claimants diverting water under allotments for  
12 irrigation use are entitled to use water for incidental domestic  
13 and stockwatering purposes incidental to the aforesaid major uses.

14 Domestic and Stockwatering Uses During the Nonirrigation Season

15 19. To provide water at the various places of use for  
16 domestic and stockwatering purposes during the nonirrigation season  
17 from November 1 to about April 1, all claimants in Schedules 3 and  
18 4 are entitled to divert a sufficient amount of water in their  
19 priority class to offset reasonable conveyance losses and to  
20 deliver 0.01 cubic feet per second (cfs) at the place of use.

21 Equivalent Flow to Provide Adequate Head

22 20. All quantities of water allotted to the several  
23 claimants for direct application to beneficial use in Schedules 3,  
24 4 and 5 are expressed in terms of continuous flow. However, such  
25 claimants may rotate the use of water with other related rights in  
26 the same stream group or for the specified purpose of use and thus  
27 apply water to the place of use at a greater rate than indicated by  
28 the quantity of continuous flow so allotted. The several claimants

1 may divert, for limited periods of time, convenient "heads" to  
2 achieve the same purpose. Such practice of rotation or use of a  
3 convenient "head" shall not result in the use by any such claimant  
4 of a total quantity of water during any thirty-day period in excess  
5 of the equivalent of claimant's continuous allowance. It is  
6 further provided that such practice of rotation or use of  
7 convenient "heads" shall not cause an unreasonable interference in  
8 the regime and quantity of available natural flow to which others  
9 are entitled or which would adversely impact on the existing  
10 fisheries.

11 Instream Use in Willow Creek

12 21. Future activation of unexercised riparian rights and  
13 rights of future appropriators are subject to the maintenance of a  
14 minimum flow of 0.5 cfs in Willow Creek at the Fenders Ferry Bridge  
15 upstream of the confluence of Willow Creek with Montgomery Creek to  
16 provide protection of fish life.

17 Pre-1914 Appropriations

18 22. Phillip W. and Sharon A. Stanbro, Louis E. and Wilma  
19 C. Colbert, and Julius Gabriele are successors to pre-1914  
20 appropriations as well as being owners of riparian land contiguous  
21 to Willow Creek. Since riparian water rights are accorded priority  
22 over the appropriative rights in this adjudication, and since all  
23 irrigated lands shown in Schedules 3 and 4 are riparian, no  
24 separate allotment is shown for the pre-1914 appropriative rights.

25 Riparian Rights

26 23. Riparian rights for irrigation are placed in the  
27 second priority classification in Schedules 3 and 4.

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1 Post-1914 Appropriations

2           24. The relative order of individual priority of  
3 appropriative rights initiated after December 19, 1914, is  
4 established by the date of filing of the application to appropriate  
5 water. Jurisdiction over post-1914 appropriations remains with the  
6 State Water Resources Control Board. When a license is issued to  
7 verify completion of an appropriative right in accordance with the  
8 terms and conditions of permits issued by the State Water Resources  
9 Control Board or its predecessor agencies, the licensee or the  
10 Board may petition the court for a supplemental decree confirming  
11 the right in accordance with the license. Post-1914 appropriations  
12 and a single stockpond certificate are summarized in Schedule 5.  
13 Diversion of water under these rights shall be in strict  
14 conformance with the permit and license terms specified by the  
15 Board. The riparian rights specified in Schedules 3 and 4 have  
16 priority over the post-1914 appropriative rights listed in  
17 Schedule 5. No diversion of water is permitted under the rights  
18 listed in Schedule 5 at any time it will interfere with diversion  
19 of water under the rights specified in Schedules 3 and 4.

20 Future Domestic Use by Present Claimants of Unexercised Riparian  
21 Rights

22           25. In addition to all rights described elsewhere in this  
23 document, the following parcels or property as designated on the  
24 SWRCB Map are riparian to Willow Creek or to a tributary of the  
25 Willow Creek Stream System: Puhlman parcel; H. Nancel parcel;  
26 Russell Wagner parcel; C. Harber parcel; Hallman parcel; Rodriguez  
27 parcel; Lincoln parcel; Durst parcel; Cal-Vest Properties, Inc.  
28 Parcels I, J, K, L, M, N, O, P, and Q; and Parcel R (now owned by  
29 J. C. and H. G. Truman). In accordance with Water Code Section



1 owners of such parcels are allotted at their point of diversion on  
2 the stream to which they are riparian an amount not greater than  
3 500 gallons per day throughout the year for residential domestic  
4 use with a priority equal to the rights described in paragraph 15  
5 herein. All other unexercised riparian rights within the Willow  
6 Creek Stream System shall be defined and exercised in accordance  
7 with paragraph 26 below.

8 Unexercised Riparian Rights

9           26. All claimants and other persons not named in this  
10 decree owning land riparian to streams in the Willow Creek Stream  
11 System have unexercised riparian rights to the use of water;  
12 however, any right that is not defined in this decree shall be  
13 defined and exercised only in accordance with the provisions of  
14 this decree. Any person who holds unexercised riparian rights may  
15 apply to the court under paragraph 27 or to the Board under  
16 paragraph 28 for definition of a riparian right which is not  
17 defined in this decree at the time of such application. If the  
18 court finds that such person proposes diligently, reasonably and  
19 beneficially to exercise such right, the court shall define the  
20 right in terms consistent with such proposed reasonable beneficial  
21 use. Any riparian right defined pursuant to this paragraph shall  
22 be the subject of a supplemental decree and shall possess a  
23 priority as of the date of application to the court or to the  
24 Board, as the case may be. Riparian rights defined pursuant to  
25 this paragraph shall be subject (1) to all rights which are defined  
26 in this decree, including any supplemental decrees, as said decree  
27 exists on the date of application to the court or to the Board by a  
28 riparian claimant, and (2) to any appropriative right initiated by

1 application, in accordance with Part 2 (commencing with Section  
2 1200) of Division 2 of the Water Code, prior to the date of  
3 application to the court or to the Board by a riparian claimant.

4 Reserved Jurisdiction

5 27. The court reserves continuing jurisdiction, upon  
6 application of any party hereto, or successor in interest thereto,  
7 or upon its own motion or the motion of the State Water Resources  
8 Control Board, to review the decree and to change or modify the  
9 same as the interests of justice may require.

10 Changes in the Exercise of Rights

11 28. Any party who wishes to change or modify the exercise  
12 of his rights set forth in the decree may request the Board to  
13 investigate said change or modification. The Board shall notify  
14 all affected parties of its investigation and give them an  
15 opportunity to object to the proposed change. If an application to  
16 activate riparian rights is filed with the Board, notice shall be  
17 given in accordance with the notice provisions for appropriative  
18 applications as set forth in Water Code Section 1300 et seq. If  
19 any affected party objects to the proposed change or modification,  
20 the Board shall hold a hearing or other proceeding in lieu of  
21 hearing. Following its investigation the Board shall file its  
22 report which determines whether the proposed change or modification  
23 is in accordance with applicable law and which makes a  
24 recommendation regarding changes or modifications of the decree.  
25 Any changes or modifications of the decree recommended by the Board  
26 shall be entered, subject to court review and approval, as a  
27 supplemental decree. The Board shall be entitled to receive  
28 reimbursement for its expenses of such investigation. Proceedings

1 on the apportionment of the expense shall be as nearly as may be in  
2 accordance with the provisions of Article 13, Chapter 3, Part 3,  
3 Division 2 of the Water Code, commencing with Section 2850.

4 Nothing in this paragraph shall restrict any right which any person  
5 may have under any statute or common law to change or modify the  
6 exercise of his rights set forth in the decree.

7 Appointment of Watermaster

8           29. This court retains continuing jurisdiction to approve  
9 any watermaster proposed by the parties under this provision, or to  
10 appoint a replacement watermaster if the parties do not do so after  
11 an appointed watermaster ceases to perform duties under this  
12 decree. Any party to the adjudication or the State Water Resources  
13 Control Board may petition the court to approve or appoint a  
14 watermaster under this provision, or the court may take steps to do  
15 so on its own motion.

16 Water Right Disputes in Watermaster Service Area

17           30. If a watermaster service area is created in  
18 accordance with applicable law, the watermaster shall distribute  
19 the water in accordance with the decree. If a water rights dispute  
20 arises between users, the watermaster shall regulate those  
21 diversions as set forth in the decree and as necessary to settle  
22 the dispute. Any party who alleges that the watermaster is not  
23 regulating his water right in accordance with this decree may apply  
24 to the Board to investigate said allegations. The Board shall  
25 notify all affected parties of its investigation and give them an  
26 opportunity to respond to the allegations. If any affected party  
27 requests a hearing or other proceedings in lieu of hearing, the  
28 Board shall duly notice and schedule a hearing or other proceedings

1 in lieu of hearing. Following its investigation the Board shall  
2 file its report which determines whether the watermaster has  
3 regulated the water right in accordance with the decree and which  
4 makes its recommendation to the Court for any change, modification,  
5 or clarification of the decree. Any change, modification, or  
6 clarification of the decree recommended by the Board shall be  
7 entered, subject to Court review and approval, as a supplemental  
8 decree. The Board shall be entitled to receive reimbursement for  
9 its expense of such investigation. Proceedings on the  
10 apportionment of expenses shall be as nearly as may be in  
11 accordance with the provisions of Article 13, Chapter 3, Part 3,  
12 Division 2 of the Water Code, commencing with Section 2850. Nothing  
13 in this paragraph shall restrict any right which any person may  
14 have under any statute or common law to seek enforcement of this  
15 decree or to seek any other relief.

16 Effects of the Decree

17           31. Each and every claimant, his or her agents,  
18 successors, grantees and assigns, shall be and hereby are  
19 perpetually enjoined and restrained from doing anything in  
20 violation of the terms or provisions of the judgment and decree,  
21 and from diverting any water from said Willow Creek Stream System  
22 as defined herein at any time in excess of a quantity reasonably  
23 necessary for, and actually applied to, reasonable beneficial use,  
24 under and by reasonable methods of diversion and use, and from  
25 doing anything, directly or indirectly, that will obstruct or  
26 interfere with any right of another adjudged and decreed in this  
27 action.

28           32. This decree is conclusive as to the rights of all

1 existing claimants in the Willow Creek Stream System as defined  
2 herein.

3 33. This decree supersedes and modifies all inconsistent  
4 former judgments and decrees as to the rights to the flow of the  
5 Willow Creek Stream System. However, the judgment does not  
6 supersede rotation or ditch agreements consistent herewith.

7 34. Permits and licenses initiated by application under  
8 provisions of the Water Commission Act or the Water Code shall  
9 continue to be administered by the State Water Resources Control  
10 Board as in other cases. Upon issuance, revocation or authorized  
11 change in any permit or license in accordance with the California  
12 Water Code, and upon motion of the permittee, licensee or the Board,  
13 the Court shall enter a supplemental decree confirming the Board's  
14 action.

15 35. Except as provided by Paragraph 26, any claimant who  
16 has failed to appear and submit proof of his claim as provided in  
17 Chapter 3, Part 3 of Division 2 of the Water Code, shall be barred  
18 and estopped from subsequently asserting any rights heretofore  
19 acquired upon the Willow Creek Stream System as defined herein.  
20 Such claimants forfeit all rights to water therefore claimed on  
21 said stream system, other than as provided in this decree, unless  
22 entitled to relief under the laws of this state.

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1 Statements of Diversion and Use

2           36. All persons diverting water under water rights other  
3 than appropriative water rights initiated after December 19, 1914,  
4 are required to file Statements of Diversion and Use in accordance  
5 with Part 5.1 of Diversion 2 of the Water Code commencing with  
6 Section 5100.

7 Dated: JUL 1 1986

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**J.H. REDMON**

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Judge of the Superior Court

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SCHEDULE 1  
Description of Places of Use  
of Water From Willow Creek Stream System\*

Owner	Acres	Subdivision	Section	Township: Range MDB&M
Bertagna, Joseph and Marian L.	10	N1/2 of SE1/4	11	34N 1W
Bertagna, Paul J. and Mary E.	4	NE1/4 of SE1/4	11	34N 1W
Buffington, John L. Jr.	8	N1/2 of NW1/4	17	34N 1E
Bull, Charles E.	10	S1/2 of NE1/4	18	34N 1E
Colbert, Louis E. and Wilma C.	15	S1/2	18	34N 1E
Gabrielle, Julius and Linda	5	SE1/4 of SE1/4	11	34N 1W
	7	SW1/4 of SW1/4	12	34N 1W
	12	NW1/4 of NW1/4	13	34N 1W
	6	NE1/4 of NE1/4	14	34N 1W
Total	30			
Gates, Robert L. and Marjorie S.	8	N1/2 of SW1/4	18	34N 1E
Harber, Virgil and Pauline	1	NW1/4 of SE1/4	11	34N 1W
Pacific Gas and Electric Co.	Stk.	S1/2 of SE1/4	11	34N 1W
Puhlman, Albert E. and Carol J.	Dom. & Stk.	NW1/4 of SW1/4	17	34N 1E
Stanbro, Phillip W. and Sharon A.	8	SE1/4 of SE1/4	18	34N 1E
Webb, Joyce J.	2	SW1/4 of SW1/4	1	34N 1W

\*Also see Schedule 5

SCHEDULE 2  
Location of Points of Diversion

Name of Diversion System	Number of Diversion on SWRCB Map	Legal Sub-Division in Which Diversion Occurs MDB&M	Location of Point of Diversion			
			Reference Corner	Coordinate Distances from Reference Corner (in feet)	Township: Range	MDB&M
Buffington	1	NE1/4 of NW1/4 Sec. 17	NW Sec. 17	S900 E2,600	34N 1E	
Buffington	2	NE1/4 of NW1/4 Sec. 17	NW Sec. 17	S900 E1,900	34N 1E	
Buffington	3	NE1/4 of NW1/4 Sec. 17	NW Sec. 17	S900 E1,400	34N 1E	
Puhlman	4	NW1/4 of SW1/4 Sec. 17	SW Sec. 17	N2,200E1,200	34N 1E	
Stanbro	5	SE1/4 of SE1/4 Sec. 18	SE Sec. 18	N1,100 0	34N 1E	
Colbert	6	NW1/4 of SE1/4 Sec. 18	SE Sec. 18	N1,900 W1,500	34N 1E	
Gates	7	NE1/4 of SW1/4 Sec. 18	SW Sec. 18	N1,800 E2,200	34N 1E	
Gates	8	NE1/4 of SW1/4 Sec. 18	SW Sec. 18	N2,300 E2,300	34N 1E	
Gates	9	NE1/4 of SW1/4 Sec. 18	SW Sec. 18	N2,600 E1,600	34N 1E	
Gates	9a	NW1/4 of SW1/4 Sec. 18	SW Sec. 18	N2,600 E1,000	34N 1E	
Gates	9b	NW1/4 of SW1/4 Sec. 18	SW Sec. 18	N1,500 E 600	34N 1E	
Lincoln	10	SE1/4 of SE1/4 Sec. 13	SE Sec. 13	N1,300 W 700	34N 1W	
Gabriele	11	NW1/4 of NW1/4 Sec. 13	NW Sec. 13	S1,300 E 900	34N 1W	
Gabriele	11a	NE1/4 of NE1/4 Sec. 14	NE Sec. 14	S 700 W 200	34N 1W	



SCHEDULE 2  
Location of Points of Diversion  
(continued)

Name of Diversion System	Number of Diversion on SWRCB Map	Location of Point of Diversion			
		Legal Sub-Division in Which Diversion Occurs MDB&M	Reference Corner	Coordinate Distances from Reference Corner (in feet)	Township: Range MDB&M
J. Bertanga	12	NW1/4 of SE1/4 Sec. 11	SE Sec. 11	N1,800 W1,500	34N 1W
P.&J.Bertanga	13	NW1/4 of SW1/4 Sec. 12	SW Sec. 12	N2,000 E 800	34N 1W
J. Bertanga	14	NE1/2 of SE1/4 Sec. 11	SE Sec. 11	N1,700 W 200	34N 1W
Harber, V. & P.	15	NW1/4 of SE1/4 Sec. 11	SE Sec. 11	N2,300 W1,400	34N 1W
Webb	16	SW1/4 of SW1/4 Sec. 1	SW Sec. 1	N 400 E1,100	34N 1W
Wheeler	17	SE1/4 of SW1/4 Sec. 11	SW Sec. 11	N 900 E1,800	34N 1W
Shaw	18	NW1/4 of NE1/4 Sec. 18	NE Sec. 18	S 800 W1,500	34N 1E
Klein	19	NW1/4 of NE1/4 Sec. 18	NE Sec. 18	S 200 W2,200	34N 1E
Truman	20	NW1/4 of NE1/4 Sec. 7	NE Sec. 7	S1,700 W 500	34N 1E
Bull	21	NW1/4 of NE1/4 Sec. 18	NE Sec. 18	S1,400 W1,700	34N 1E
Pacific Gas and Electric Co.	22	S1/2 of SE1/4 Sec. 11	--	--	34N 1W

SCHEDULE 3  
Allotments to Various Claimants  
From Willow Creek

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served In Acres	Allotments in Cubic Feet Per Second	
				First Priority	Second Priority
Buffington, John L. Jr.	1	Domestic		Entire Flow of Spring	
	2	Domestic Irrigation	8	Entire Flow of Spring	
	3	Domestic		Entire Flow of Spring	
Bull, Charles E.	21	Domestic Irrigation Fire	10	Entire Flow of Spring	
Stanbro, Phillip W. and Sharon A.	5	Domestic & Stockwatering Irrigation	8	0.01	
					0.13
Colbert, Louis E. and Wilma C.	6	Irrigation	15		0.15
Gates, Robert L. and Marjorie S.	7,8	Domestic Irrigation & Rec.	6	0.01	
	9				0.06
Gabriele, Julius and Linda	11	Domestic Irrigation	30	0.01	0.30
Pacific Gas & Electric II Co.	22	Stockwatering		350 gal/day	
Bertagna, Joseph and Marian L.	12*	Domestic Irrigation & Stockwatering	10	0.01	
					0.10
Harber, Virgil and Pauline	15	Domestic Irrigation	1	0.01	0.01

\*The same place of use is served from Diversion 14 on Minnow Creek.  
Total diversion from both points shall not exceed 0.01 under first priority  
and 0.10 under second priority.

SCHEDULE 4  
 Allotments to Various Claimants  
 From Minnow and Dunn Creeks

Name of Claimant	Diver- sion No. on SWRCB Map	Use	Area Served In Acres	Allotments in Cubic Feet Per Second	
				First Priority	Second Priority
Bertagna, Joseph and Marian L.	13*	Irrigation	10		0.10
	14*	Domestic Irrigation	10	0.01	0.10
Bertagna, Paul J. and Mary E.	13	Irrigation	4		0.04
Webb, Joyce J.	16	Domestic Irrigation	2	0.01	0.02

\*The same place of use is served from Diversion 12 on Willow Creek. Total quantity diverted from Diversions 12, 13 and 14 shall not exceed 0.01 under first priority and 0.10 under second priority.

SCHEDULE 5  
Post-1914 Appropriative Water Rights

Name	Diversion No.	Appli- cation No.	Permit No.	Source	Use	Acres	Subdivision Section Township Range MDB&M	Allotment (afa)	Season of Use
Puhlman, Albert E. and Carol J.	4	SP 3242		Unnamed Stream	Stk		NW $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec 17 34N, 1E	2.3	
Gates, Robert L. & Marjorie S.	9a, 9b,	25806	18103	Willow Creek & Two Unnamed Streams	Irr, Dom, Stk, Rec, Fire	2	N $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec 18, 34N, 1E	10	1/1-4/1
Lincoln, Richard G. & Michele L.	10	25805	18069	Unnamed Stream	Irr, Dom, Stk, Rec, Fire	10	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec 13 34N, 1W	20	11/1-4/1
Gabriele, Julius & Linda	11, 11a	25856 <sup>2/</sup>		Willow Creek & Unnamed Stream	Irr, Dom, Stk	30	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec 11; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec 12; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ , Sec 13; NE $\frac{1}{4}$ of NE $\frac{1}{4}$ , Sec 14; 34N, 1W	14.4	11/1-4/1
Wheeler, Ernest L.	17	25879	18394	Unnamed Stream	Stk		SE $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec 11, 34N, 1W	10	1/1-3/1
Shaw, Veldon et al.,	18	26243	18595	Unnamed Stream	Stk, Rec, Wildlife		NW $\frac{1}{4}$ of NE $\frac{1}{4}$ , Sec 18 34N, 1E	10 <sup>3/</sup>	1/1-3/1

SCHEDULE 5 (con't)  
Post-1914 Appropriative Water Rights

Name	Diversion No.	Appli- cation No.	Permit No.	Source	Use <sup>1/</sup>	Acres	Subdivision Section Township Range MDB&M	Allotment (afa)	Season of Use
Klein, Frederick & Phyllis	19	26244	18418	Unnamed Stream	Irr, Dom, Rec, Fire Wildlife	3	NW¼ of NE¼ Sec 18 34N, 1E	3.0	1/1-3/1
Truman, John C. and Helen G.	20	26819		Dunn Creek	Rec, Fire		SE¼ of NE¼ Sec 7 34N, 1E	0.5	1/1-3/31

<sup>1/</sup> Stk = Stockwater, Irr = Irrigation, Rec = Recreational, Dom = Domestic, Fire = Fire Protection, Wildlife = Wildlife Enhancement

<sup>2/</sup> Application 25856 of Julius and Linda Gabriele also requests 4,000 gallons per day year round for domestic use, 375 gallons per day for stockwater use and 0.334 cubic feet per second from April 1 to October 15 for irrigation. The Gabrieleles' direct diversion of water is also covered under riparian rights. The right to divert water to storage under Application 25856 is contingent upon issuance of a permit by the State Water Resources Control Board. The maximum amount to be diverted is not to exceed 137.4 acre-feet per annum.

<sup>3/</sup> The pond is also primarily replenished by water from Childs-Bowley-Calkin Ditch.

