

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

GOODWIN J. KNIGHT, Governor
FRANK B. DURKEE, Director of Public Works
HARVEY O. BANKS, State Engineer

FRENCH CREEK REFERENCE

SUPPLEMENTAL REPORT ON

WATER SUPPLY AND USE OF WATER

ON

FRENCH CREEK STREAM SYSTEM

SISKIYOU COUNTY, CALIFORNIA

FEBRUARY, 1956

Siskiyou Resource Conservation District
P.O. Box 641
Fort Jones, CA 96032



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SUBMISSION TO, AND ADOPTION BY
DEPARTMENT OF PUBLIC WORKS

I, J. M. Page, Senior Hydraulic Engineer, Division of Water Resources, Department of Public Works of the State of California, hereby submit the within contained report entitled "Supplemental Report on Water Supply and Use of Water on French Creek Stream System, Siskiyou County, California, 1954 and 1955 Seasons".

/s/ J. M. Page

Senior Hydraulic Engineer

I, W. R. Gianelli, Supervising Hydraulic Engineer, Division of Water Resources, Department of Public Works of the State of California, hereby approve the within contained report entitled "Supplemental Report on Water Supply and Use of Water on French Creek Stream System, Siskiyou County, California, 1954 and 1955 Seasons".

/s/ W. R. Gianelli

Supervising Hydraulic Engineer

I, L. C. Jopson, Assistant State Engineer, Department of Public Works of the State of California, hereby approve and adopt the within contained report entitled "Supplemental Report on Water Supply and Use of Water on French Creek Stream System, Siskiyou County, California, 1954 and 1955 Seasons".

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 29th day of February, 1956.

DEPARTMENT OF PUBLIC WORKS

SEAL

/s/ L. C. Jopson

L. C. Jopson
Assistant State Engineer

ORGANIZATION

STATE DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Frank B. Durkee Director of Public Works
A. D. Edmonston*. State Engineer
Harvey O. Banks State Engineer
L. C. Jopson Assistant State Engineer

The activity covered by this report is under the
direction of

W. R. Gianelli
Supervising Hydraulic Engineer

Assisted by

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* Retired November 1, 1955

SUPPLEMENTAL REPORT ON
WATER SUPPLY AND USE OF WATER
ON FRENCH CREEK STREAM SYSTEM

INTRODUCTION

This report is prepared in connection with order of reference to the Department of Public Works as referee in the case of John Mason et al. vs Harry M. Bemrod et al., No. 14478, Superior Court, Siskiyou County to determine all the physical facts necessary to define the rights of various parties to the use of water from French Creek Stream System. The report covers the period from May 1, 1954 to September 30, 1955. It is supplemental to Report on Water Supply and Use of Water on French Creek Stream System, Siskiyou County, California, March 1954.

Authorization

The Department of Public Works acting through the State Engineer was appointed by the Court as referee, in the above-named action by "Order of Reference to the Department of Public Works, State of California, as Referee" dated March 19, 1953, pursuant to Sections 2000 and 2001 of the Water Code. By order of December 17, 1953, the Court amended the Order of Reference specifying that the Department should act only under Section 2001 of the Water Code whereby it would investigate any and all physical facts involved in the action and seasonably report to the Court thereon in accordance with provisions of Sections 2010 to 2019, inclusive, of the Water Code.

Legal Proceedings

Subsequent to the "Report on Water Supply and Use of Water on French Creek Stream System" dated March 1954, the referee on February 1, 1955 made a "Preliminary Report by Referee on Diverters of Water from

French Creek and its Tributaries" recommending to the Court that other parties who are diverters or potential diverters from French Creek or its tributaries be brought into the action. By minute order dated February 14, 1955 the Court ordered inclusion of the additional parties named in the preliminary report.

Copies of the preliminary report and of Notice of Ruling on Motion to bring in additional parties are presented in Appendix A to this report.

Scope of Investigation and Report

In accordance with the order of reference an investigation of the stream system was made during the summer of 1953, the results of which are presented in "Report on Water Supply and Use of Water on French Creek Stream System", Siskiyou County, California, March 1954. This report is a supplement to the aforementioned report, hence repetition of data herein is minimized to that required for clarity and continuity. This supplemental report and the "Report on Water Supply and Use of Water on French Creek Stream System" dated March 1954, contain all pertinent data obtained during the investigation by the Referee.

Subsequent to service on the parties of the report of March 1954, a conference was held in Etna on May 4, 1954 to discuss the status of the action and a proposed agreement for trial distribution during the 1954 season. A plan for such trial distribution, based upon results of the investigation made in 1953 and incorporated in an agreement entitled "Agreement for Trial Distribution During 1954 Season" is submitted as Appendix C of this report. Water users owning about 30 per cent of the land irrigated from French Creek signed the proposed agreement. The number of signatures received was considered insufficient to warrant proceeding under the agreement and consequently distribution

of water was not attempted in 1954. As a result, scope of the investigation during the 1954 season was limited to measurements of available water supply, amounts of water diverted, areas irrigated and confirmation of water requirements.

From discussions with individual water users in the spring of 1955, it was determined that trial distribution was not desired by the water users during the 1955 season, as a result the scope of the investigation during the 1955 season was limited to recording the flow of French Creek below Payne Lake Creek during the period of low flow and intermittent observations of diversions. Also assistance was given in resolving problems among the users whenever requested and historical data pertaining to use of water was obtained from long time residents of the area.

Included in the report are descriptions of lands and water use by parties ordered brought into the action which were not included in the original report. Reference is also made to use by a party not included in the order and similar data pertaining to this use is also presented.

Related Investigations

The Division of Water Resources conducted during the period from July 1, 1953 to July 1, 1955 an investigation of the Klamath River Basin for the State Water Resources Board. Field work for that investigation was conducted during the 1953 and 1954 seasons. Data concerning water requirements in Scott Valley, which are available from that investigation, are utilized in this report.

Organization of Report

This report is presented under four headings: Introduction; Water Supply and Use of Water; Duty of Water; and Changes in Ownership of Lands. Four appendixes follow the text and include (A) Proceedings, (B) Records of Water Supply and Use of Water, (C) Agreement for Trial Distribution of Water of French Creek Stream System During the 1954 Season, and (D) Description of Places of Use and Points of Diversion From French Creek Stream System. Three plates follow the appendixes and present (1) a map of "French Creek Stream System, Showing Diversions and Irrigated Lands, 1953, revised 1955" to show changes of ownership and additional diversions, (2) hydrograph of French Creek below Payne Lake Creek, and (3) hydrograph of French Creek below Swamp Ditch.

WATER SUPPLY AND USE OF WATER

Water Supply

The water supply of French Creek available for irrigation consists largely of runoff from snow deposited at high elevations during the winter months. Normally most of the seasonal precipitation occurs from October to March, inclusive. Precipitation occurring during the summer months is insufficient to meet irrigation requirements although occasionally summer rains influence the demand for irrigation water. Such a condition existed in 1954 when 1.66 inches of rain fell in August materially reducing the amount of water needed for irrigation use. At the same time stream flows were substantially increased due to the effects of rain and reduced diversion.

Records of runoff during the period of low flow on French Creek are available for three years. Longer records are available for Shackleford Creek and Scott River which indicate that runoff was above normal during the 1954 season and below normal during the 1955 season.

Precipitation. Since 1938 the United States Weather Bureau has collected precipitation and temperature data at Fort Jones, which is located within Scott Valley about ten miles north of French Creek. Monthly precipitation for all years of record was included in the 1954 report on water supply and use of water.

A comparison of monthly rainfall at Fort Jones for the 1952-53, 1953-54 and 1954-55 seasons with the mean monthly rainfall at that station is presented in Table 1. Total seasonal precipitation for the 1953-54 year was 131 per cent of the mean and for the 1954-55 year was 36 per cent of the mean.

TABLE 1

MONTHLY AND MEAN PRECIPITATION AT FORT JONES

In Inches

Month	Mean precipitation	Precipitation 1952-53	Precipitation 1953-54	Precipitation 1954-55
October	1.78	0.33	1.47	0.39
November	2.88	1.79	3.82	1.08
December	3.66	8.49	1.75	2.49
January	3.09	6.67	11.01	1.78
February	2.83	1.21	2.60	0.57
March	2.41	2.43	2.03	0.54
April	1.12	0.78	1.39	0.46
May	1.24	3.40	T	0.02
June	0.74	0.72	1.04	0.00
July	0.39	0.00	0.00	0.00
August	0.29	0.22	1.66	0.20
September	0.43	0.02	0.64	0.09
TOTALS	20.86	26.06	27.41	7.62
Per cent of mean		124.9	131.3	36.5

T - indicates trace of rainfall too small to measure.

It was noted that during the month of August, 1954, when demand for water is normally high, precipitation was considerably above normal. As stated previously this above-normal rainfall increased the flow of French Creek and at the same time reduced the demand for irrigation water.

Runoff. Two stream flow measuring stations were established on French Creek during the 1953 season. Continuous records were maintained at these stations during the 1954 season and at the upper station during the 1955 season. The upper station is located on French Creek below Payne Lake Creek. During the period of low flow in August and September the flow at this station is the water supply available for those ditches diverting from French Creek between Payne Lake Creek and Miners Creek.

The lower station is located on French Creek below Swamp Ditch. Flow at this station is the water supply available for ditches, excepting Swamp Ditch, diverting from French Creek downstream from Miners Creek. Daily mean discharge of French Creek below Payne Lake Creek during the 1954 and 1955 seasons, and French Creek below Swamp Ditch during the 1954 season, are presented in Tables 1, 2, and 3 respectively of Appendix B. Hydrographs of the discharge of French Creek below Payne Lake Creek for 1953, 1954 and 1955 seasons and French Creek below Swamp Ditch for 1953 and 1954 seasons are included as Plates 2 and 3, respectively.

The record of runoff of French Creek is too short to give an indication of average conditions on the stream. However, there is available an eight year record of runoff on Shackleford Creek, tributary to Scott River, a few miles north of French Creek in Scott Valley, which may be used to compare the approximate relationship of 1954 and 1955 runoff on

French Creek to the average. It is assumed that since Shackelford Creek has much the same watershed exposure, the runoff characteristics of the two streams are similar. A comparison of the 1954 and 1955 seasonal runoff on Shackelford Creek with the average over the period of record indicates that the 1954 seasonal runoff was above the eight year average and 1955 seasonal runoff was below the eight year average. Precipitation records at Fort Jones, presented in Table 1, indicate the same condition prevailed throughout the area. Monthly runoff on Shackelford Creek in 1953, 1954 and 1955 is compared with the average over the period of record in Table 2.

TABLE 2
AVERAGE AND MONTHLY
RUNOFF OF SHACKLEFORD CREEK

In Acre-Feet

Month	Runoff*				Average 1947-1955
	1953	1954	1955		
July	7,135	1,952	1,070		1,590
August	1,715	850	586		720
September	730	448	410		455
TOTALS	9,580	3,250	2,066		2,765

* Not corrected for releases from Cliff and Campbell Lakes.

Losses and Accretions

It is desirable to define certain terms used in connection with discussion of losses and accretions from channels and ditches.

Channel loss - This refers to losses of water from stream channels due to evaporation from the water surface, transpiration by vegetation, or percolation from the stream to underground water.

Channel accretions - This refers to surface or ground waters which flow into the stream. Such water may be seepage and/or waste water from irrigated lands or may be water from natural springs.

Conveyance losses - This refers to losses of water from ditches caused by evaporation from the water surface, transpiration by vegetation, and/or percolation of water from the ditch to ground water.

Drainage flow - This refers to flow of natural springs or seepage and waste water from irrigated lands which is intercepted by ditches.

Channel Accretions. Accretion to the flow of French Creek occurred generally along the entire stream channel in 1954. In the upper tributary area this accretion was probably caused by seepage and return flow from irrigation water applied on the sloping lands adjoining the relatively deep creek channel. In the valley along lower French Creek a high ground water table exists with the water table apparently higher than the moderately deep stream bed.

Where possible, measurements were made and data collected to indicate the extent of the accretions or losses in the various sections of channel. Accretions and losses computed from the measurements have been summarized in Table 3.

TABLE 3

ACCRETIONS TO FLOW

In Cubic Feet per Second

Section of stream	:	Accretions to flow
-------------------	---	-----------------------

French Creek above Miners Creek

	September 2	September 9
Between Tripp French Creek Ditch and Horse Range Creek	1.2	0.9
Inflow of Horse Range Creek	0.5	0.8
Between Horse Range and Payne Lake Creek	0.6	0.9
Inflow of Payne Lake Creek	1.9	2.0
Between Payne Lake Creek and North Fork French Creek	1.0	1.1
Inflow of North Fork French Creek	0.4	0.7
Between North Fork French Creek and Miners Creek	0.4	0.3
Inflow of Miners Creek	1.9	1.8

French Creek below Miners Creek

	September 10
Between Miners Creek and Richman Ditch	1.6
Between Richman Ditch and Berthelsen-Ball Ditch	0.2
Between Berthelsen-Ball Ditch and Browne-Ball Ditch	0.1

TABLE 3

ACCRETIONS TO FLOW
(continued)

In Cubic Feet per Second

Section of stream	:	Accretions to
	:	flow
<u>Miners Creek</u>		
		September 3 September 10
Between Robert E. Lewis Ranch and Tripp Miners Creek Ditch		0.0 0.0
Between Tripp Miners Creek Ditch and confluence with French Creek		1.6 1.4

Conveyance Losses. Additional measurements of conveyance losses in ditches were made during the 1954 season during periods of low flow when the losses were most apparent. Measurements made are indicative of losses to be expected on conduits which were not measured. The results obtained indicated losses were less than those measured during the previous season. Results of measurements made are presented in Table 4.

TABLE 4
CONVEYANCE LOSSES

Diversion number	Name of ditch	Distance between points of measurements, in miles	Date of measurement	Discharge		Loss per mile
				Upper station	Lower station	
				In cubic feet per second		
3	Tripp French Creek Ditch	1.6	8-5-54	1.23	0.63	0.37
			9-10-54	0.86	0.45	0.26
17	North Fork Ditch	3.8	9-2-54	1.44	0.86	0.15
20	Company Ditch	1.7	9-2-54	1.30	1.22	0.05
11	Bemrod Ditch	2.0	7-14-54	2.03	1.02	0.50
			8-5-54	1.23	0.58	0.33

Channel losses and drainage flow were only of limited occurrence and appeared to have little effect on the overall water supply.

Use of Water

As stated previously, records of runoff of Shackelford Creek indicate the water supply of French Creek was slightly above normal during the 1954 season. Water was available to satisfy all irrigation demands on Miners Creek throughout that season, on North Fork French Creek until June 15 and on French Creek until June 20.

Description of places of use and points of diversion from French Creek Stream System have been revised to show changes and additions as of October 1, 1955 and are presented in Appendix D, Tables D-1 and D-2 respectively.

Water stage recorders were maintained on French Creek below Payne Lake Creek during 1954 and 1955 seasons and on French Creek below Swamp Ditch during the 1954 season. Daily mean discharge records for these points are presented in Appendix B, Tables B-1 through B-3.

During the 1955 season no water was available from Miners Creek for use on the Fuglistaler Ranch. However, the Duck Lake Creek diversion was used. The Bemrod Ditch (Diversion 11) and Company Ditch (Diversion 20) diverted water throughout the entire season. During the latter part of the season Swamp Ditch (Diversion 39) and Milkhouse Ditch (Diversion 23) were not used and the supply available to the Green Ditch (Diversion 44) and Richman Ditch (Diversion 43) provided stock-water only. The Browne-Ball Ditch was not used during the 1955 season.

A discussion of the use of water from the various streams during the 1954 season follows:

Miners Creek. Water in excess of irrigation demands was available throughout the 1954 season. This was due largely to the fact that Diversion 33 (Cail Ranch) and Diversions 25 and 26 (Lewis Ranch) were not used during the 1954 season. Water was diverted from Miners Creek

throughout the season for use on the Fuglistaler Ranch, and was available in sufficient quantity to preclude the necessity of diverting water from Duck Lake Creek for use on this ranch. Intermittent measurements of discharge of Fuglistaler Miners Creek Ditch at the Fuglistaler Ranch are presented in Appendix B, page B-12. The dam at the head of the Cory Ditch (Diversion 36) was rebuilt and water diverted for use on the Cory Ranch throughout the year.

North Fork French Creek. Water supply in this Creek normally fails early in the irrigation season. During the 1954 irrigation season water was available for use through Caloia Upper North Fork Ditch (Diversion 18) until about July 25. Water was diverted continuously throughout the season through the North Fork Ditch (Diversion 17), although water supply available was insufficient to satisfy the full allotment after June 15. Thereafter the supply diminished rapidly from June 15 until about August 20 and remained nearly constant until the end of the season. A record of diversion through the North Fork Ditch at Head during the 1954 season is presented in Appendix B, Table B-7.

French Creek. This portion of the stream system includes Duck Lake Creek, Payne Lake Creek, Horse Range Creek and French Creek. During the period of low flow, water in French Creek consists largely of that contributed by Duck Lake Creek and Payne Lake Creek.

Sufficient water was available throughout the season to satisfy all irrigation demands of those ditches diverting on that portion of French Creek lying above the confluence of Miners Creek and French Creek.

Water supply available for use through the ditches on French Creek below Swamp Ditch was sufficient to supply all requirements until about July 20. Thereafter, water was insufficient to satisfy

requirements although water was diverted by Long Bell Lumber Company, Richman, Green and Berthelsen Ranches throughout the season. Little water was available for diversion through the Browne-Ball Ditch after August 1.

Water stage recorders were maintained on the principal diversions from French Creek during the 1954 season. Daily mean discharge records of diversions from French Creek are presented in Appendix B, Tables B-4, B-5, B-6, B-8, B-9, B-10 and B-11.

DUTY OF WATER

Use of water from French Creek and tributaries is confined almost entirely to use for domestic, stockwatering, industrial, and irrigation purposes.

In connection with this discussion, the following terms are used as defined.

Consumptive Use - This term refers to water consumed by vegetative growth in transpiration and building of plant tissue, and to water evaporated from adjacent soil, from water surfaces, and from foliage.

Duty of Water - This term refers to the number of acres of land that one cubic foot per second flowing continuously will irrigate. When a larger number of acres of land are irrigated by one cubic foot per second of water flowing continuously, it is referred to as a high duty. Conversely there is a low duty of water when a small number of acres are irrigated by one cubic foot per second of water flowing continuously.

Irrigation Efficiency - This term refers to the ratio of consumptive use of applied water to the total amount of applied water, and is commonly expressed as a percentage.

During the 1954 season measurements of diversions were made to ascertain sufficiency of the proposed allotments which were based on duties of water computed from 1953 use. Although precipitation and runoff during the 1954 season were above normal, water supply was considerably less than during the 1953 season. Therefore, use of water under 1954 conditions of supply is considered more typical of the average for the area than use of water during the 1953 season.

Requirements for water under irrigation practices used on French Creek stream system may generally be differentiated on the basis of land slope. Areas irrigated in the upper tributary region lie on extremely steep slopes, areas irrigated immediately above the confluence of Miners Creek and French Creek have moderate slopes, whereas below the confluence of these two creeks areas irrigated are relatively flat bottom lands.

During July 1954, sufficient water was diverted to satisfy water requirements on Fuglistaler (Diversion 29) Ranch in the upper tributary region, Tripp and Bemrod (Diversions 3 and 11 respectively) Ranches in the middle region and portions of the Cory, Mason and Green (Diversion 20) Ranches in the lower region of the French Creek Stream System. Thereafter observations made on the areas irrigated on these ranches indicate a deficiency in supply. Records of mean monthly diversions to various ditches, during July 1954 when an optimum water supply was available, together with allotments for these ditches as set forth in the proposed agreement for trial distribution are presented for comparison in the following tabulation:

Name of ditch	:Diversion: : number : as per : Plate 1 :	Allotment set forth in trial distribution agreement, in :cubic feet per sec.*:	: Net Water	
			: Acres : irrigated	: in cubic feet : per second
			July 1954	July 1954
Fuglistaler Miners Creek	29	1.06	53	1.1
Tripp French Creek	3	2.53	61	1.0
Company	20	2.48	115	1.7

* Based on use of water during 1953 season.

Reference to the table indicates that allotments of water during 1953 on which the agreement was based were, on the average, greater than actual requirements in 1954.

From these observations it is concluded that irrigated areas lying on extremely steep slopes in the upper reaches of French Creek and its tributaries require water at the rate of one cubic foot per second continuous flow to adequately irrigate 50 acres. This requirement decreases with the slope of the land until in the lowermost portions of the irrigated area a continuous flow of one cubic foot per second will adequately irrigate 70 acres. The above amounts are net duties and transportation losses would have to be added if water was measured at the diversion.

Consumptive use requirements were ascertained by the Division of Water Resources in connection with an investigation to determine the water requirements and water supply in the Klamath River Basin. Studies were made on plots of land located approximately two miles south of the mouth of French Creek with soil types the same as the lowermost lands irrigated from French Creek. Soils of the test plots have medium to deep effective root zones and are permeable throughout. The average maximum consumptive use of water for these plots occurred during the month of July when 6.4 inches were used. Consumptive use by alfalfa and improved pasture obtained during the Klamath River Basin Investigation is presented in the following tabulation:

CONSUMPTIVE USE OF WATER
ON LANDS IN UPPER SCOTT VALLEY

Year	Plot number	Consumptive use during July, in inches
1953	6	7.0
1953	7	7.6
1954	6	5.6
1954	7	5.7
AVERAGE		6.4

In comparison, during July 1954, an average of 11.7 inches was applied to the irrigated acreage under Fuglistaler Miners Creek Ditch (Diversion 29), Tripp French Creek Ditch (Diversion 3) and Company Ditch (Diversion 20) as shown in the tabulation on page 16. This would result in an irrigation efficiency of 55 per cent which is believed reasonable under existing conditions of land slope, soils and irrigation practice.

CHANGES IN OWNERSHIP OF LANDS

Changes in ownership of lands which have occurred subsequent to "Report on Water Supply and Use of Water on French Creek Stream System", March, 1954, are presented in the following tabulation:

Name of owner appearing in "Report"	:	New owner as of September 30, 1955
George A. Cail and Verna Mae Cail	:	Robert Lewis and Louise Lewis
Melvin Caloia	:	Oscar A. Lolax and Edlean R. Lolax
Evelyn Wolford	:	R. E. Richman, Vera M. Richman, Calvin A. Ball, Velda C. Ball, John T. Timmons and Marion F. Timmons
Walter Tripp	:	H. J. Danielson and Elinore Danielson

ADDITIONAL WATER USERS

Subsequent to filing the "Preliminary Report of Referee", it has come to the attention of the Referee that Charles F. Thompson has been using water for domestic purposes on land, with points of diversion as described in Appendix D, Table D-1 and delineated on Plate 1.

APPENDIX A

PROCEEDINGS

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

---oOo---

JOHN MASON, ELEANOR MASON,
HARVEY A. GREEN and CHARLES
E. GREEN,

Plaintiffs

vs.

HARRY M. BEMROD, MARTHA BEMROD,
FIRST DOE, SECOND DOE, THIRD DOE,
and FOURTH DOE,

Defendants

No. 14478

) PRELIMINARY REPORT BY
) REFEREE ON DIVERTERS
) OF WATER FROM FRENCH
) CREEK AND ITS TRIBU-
) TARIES

HARRY M. BEMROD and MARTHA BEMROD,

Cross-complainants

vs.

WALTER TRIPP, RUSSELL DRAPER,
ROBERT LEWIS, B. C. TUCKER, J. D.
PROCTOR, HENRY AKER, EVELYN WOLFORD,
CARL TUTTLE, WARREN HALLIDAY, V.
BERTHELSEN, MELVIN CALOIA, MCKINLEY
CORY and MADELYN BROWNE, as Adminis-
tratrix of the Estate of Fred P. Browne,
deceased.

Cross-defendants

The referee herein, the Department of Public Works acting through the State Engineer, has investigated the physical facts involved in this action as directed by the court. As part of the investigation, the names

were ascertained of all diverters, and of all potential diverters by reason of ownership of irrigable riparian land, from French Creek and its tributaries. It has been found that the diverters and potential diverters include the following who are not presently named as parties to the action:

<u>Diverters</u>	<u>Acres Irrigated (approx.)</u>
Calvin A. Ball and Velda C. Ball, his wife	179.9
R. E. Richman and Vera M. Richman, his wife	415.7
Long-Bell Lumber Company	21.6 and industrial
John M. Griffin and Estate of Jennie Griffin	13.2
Southern Pacific Land Company	8.2
Alfonso J. Fuglistaler	53.0
Louise Lewis, wife of Robert Lewis	144.0
Ruth A. Proctor, wife of J. D. Proctor	62.9
May Aker, wife of Henry Aker	6.8
Eslie E. Cory	45.6
Katie C. Berthelsen, wife of V. Berthelsen	55.2
John T. Timmons, Jr., and Marion T. Timmons, his wife	48.2
Carl F. Tuttle, Jr., and Robert V. Tuttle	545.8
Negra Halliday, wife of Warren Halliday	24.1
Madelyn Browne	53.2
Oscar A. Lolax and Edlean R. Lolax, his wife	37.0
<u>Potential Diverters</u>	<u>Acres</u>
William H. Munson	1.0
Violet H. Faustina	3.6
Vernon M. Reichert	Domestic

In order to completely determine the rights of parties to the action to water from French Creek and its tributaries, it would be necessary to determine the rights of all diverters from that source. Also, the most practical and economical method of supervising the distribution of water in accordance with the rights as determined in the judgment to be entered herein, will be to create a watermaster service area pursuant to the provisions of Division 2, Part 4 (Section 4000 et seq.) of the Water Code, and control over all diversions from the source is essential to effective operation of a watermaster service area.

Therefore the referee recommends that the diverters and potential diverters named above be made parties to the action.

Dated February 1, 1955

Respectfully submitted,

DEPARTMENT OF PUBLIC WORKS
A. D. EDMONSTON, STATE ENGINEER
REFEREE

By /s/ Leslie C. Jopson
Leslie C. Jopson
Principal Hydraulic Engineer

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

John Mason, et als,
Plaintiff

vs.

Harry M. Bemrod, et als.
Defendants

No. 14478

NOTICE OF RULING ON MOTION

NOTICE IS HEREBY GIVEN that in the above entitled matter the following
proceeding has been had:

Hearing of motion to bring in other parties. Motion is made by
Mark. C. Nosler of the Department of Water Resources in accordance with the
notice of motion on file herein and he presents his points in support thereof.
Mark M. Brawman and J. P. Correia are present in Court and present no
objection to the motion. The motion is granted by the Court and the parties
are to be brought in and they are to be served with the order requiring
them to plead.

WALDO J. SMITH, Clerk

By Annetta McKenzie
Deputy Clerk

Dated February 14, 1955

and copies hereof mailed to:

Mr. Mark C. Nosler, 401 Public Works Bldg., P. O. Box 1079,
Sacramento, California.

APPENDIX B

RECORDS OF WATER SUPPLY AND
USE OF WATER

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TABLE B-1

DAILY MEAN DISCHARGE OF FRENCH CREEK BELOW PAYNE LAKE CREEK

May 27 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		51	35	6.1	5.1
2		51	33	6.0	5.0
3		53	30	6.0	5.1
4		57	28	6.4	5.1
5	N O	60	27	7.1	5.1
6		62	25	6.2	5.0
7	R E C O R D	62	22	6.0	5.0
8		63	22	6.0	4.5
9		61	21	5.9	4.5
10		63	19.5	5.7	5.3
11		66	19.0	5.7	6.2
12		65	18.0	5.3	5.1
13		63	17.0	5.5	5.1
14		57	16.0	5.5	6.0
15		100	15.0	5.4	6.3
16		82	14.0	5.2	5.5
17		62	13.0	5.1	6.1
18		53	12.0	5.0	6.0
19		51	11.5	4.9	5.7
20		53	11.0	5.0	5.5
21		56	10.0	5.1	5.5
22		58	8.5	5.1	5.5
23		57	8.1	5.0	5.5
24		57	7.5	4.7	5.5
25		52	7.4	5.1	5.4
26		50	7.3	5.3	5.4
27	62	47	6.4	5.3	5.4
28	62	40	6.4	6.6	
29	60	35	6.3	6.0	
30	53	36	6.2	5.5	NO RECORD
31	53		6.1	5.3	
Mean	58.0	57.4	15.8	5.6	5.4
Runoff, in acre-feet	575	3,417	970	343	288

Total for period - 5,593 acre-feet.

TABLE B-2

DAILY DISCHARGE OF FRENCH CREEK BELOW PAYNE LAKE CREEK

July 9 to September 19, 1955

In Cubic Feet Per Second

Day	July	August	September
1	N	3.2	2.7
2	O	3.4	2.7
3		3.3	2.6
4	R	3.3	2.6
5	E	3.2	2.6
	C		
6	O	3.1	2.6
7	R	3.1	2.6
8	D	3.0	2.5
9	6.9	3.0	2.5
10	6.9	3.0	2.5
11	6.0	3.0	2.4
12	6.0	3.0	2.4
13	5.1	2.8	2.9
14	5.0	2.8	3.6
15	4.7	2.8	3.1
16	4.7	2.8	3.4
17	4.4	2.8	3.4
18	4.3	2.8	3.1
19	4.2	2.8	3.1
20	3.9	2.8	
21	3.7	2.8	N
22	3.6	2.8	O
23	3.5	2.8	
24	3.5	2.8	R
25	3.4	2.8	E
			C
26	3.4	2.8	O
27	3.7	2.8	R
28	3.6	2.8	D
29	3.5	2.8	
30	3.3	2.8	
31	3.2	2.8	
Mean	4.4	2.9	2.8
Runoff, in acre-feet	200	178	106

Total for period - 484 acre-feet.

TABLE B-3

DAILY MEAN DISCHARGE OF FRENCH CREEK BELOW SWAMP DITCH

April 1 to September 30, 1954

In Cubic Feet per Second

Day	April	May	June	July	August	September
1	58	92	66	36	2.8	2.8
2	59	92	63	34	2.8	2.5
3	66	99	64	32	2.8	2.5
4	101	113	63	31	3.4	2.5
5	104	122	59	30	4.6	2.5
6	87	129	53	27	4.4	2.4
7	79	143	49	24	4.2	2.4
8	80	153	58	24	4.0	2.4
9	75	138	64	23	4.2	2.4
10	72	123	58	22	4.0	2.5
11	70	131	53	19	4.0	3.8
12	72	120	68	18	3.8	2.8
13	95	118	60	18	4.0	2.5
14	99	127	61	17	5.4	2.8
15	95	145	126	15	5.1	5.7
16	109	156	95	15	4.9	5.1
17	131	168	74	14	4.9	5.4
18	141	179	62	13	4.6	5.4
19	140	177	60	10	4.9	5.4
20	132	151	62	8.8	4.4	5.1
21	132	123	61	7.6	3.6	4.6
22	136	106	61	7.2	3.6	4.6
23	141	101	60	7.2	3.4	5.4
24	143	98	54	7.2	3.1	5.9
25	132	89	53	6.7	3.1	5.9
26	127	83	51	6.2	3.4	5.7
27	131	78	46	5.7	3.1	5.9
28	123	72	44	4.4	4.9	6.5
29	113	71	41	3.6	4.4	6.5
30	101	66	40	3.4	3.6	6.5
31		68		3.1	3.4	
Mean	105	117	61	15.9	3.9	4.2
Runoff, in acre-feet	6,236	7,202	3,626	978	244	251

Total for period - 18,537 acre-feet.

TABLE B-4

DAILY MEAN DISCHARGE OF TRIPP FRENCH CREEK DITCH AT HEAD

May 27 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		2.8	2.3	1.2	0.9
2		2.8	2.1	1.2	0.9
3	N	2.9	2.1	1.2	0.9
4	O	2.9	2.0	1.3	0.9
5		2.8	1.9	1.3	0.9
6	R				
7	E	2.5	1.8	1.2	0.9
8	C	2.4	1.6	1.1	0.9
9	O	2.7	1.5	1.0	0.8
10	R	3.0	1.6	1.0	0.8
	D	2.7	1.5	0.9	1.1
11		2.7	1.4	0.9	1.2
12		2.7	1.4	0.9	0.9
13		2.8	1.4	1.1	1.0
14		2.9	1.3	1.1	1.2
15		3.5	1.2	1.0	1.2
16		3.4	1.1	0.9	1.1
17		3.2	1.0	0.8	1.1
18		3.1	0.9	0.8	1.0
19		2.9	0.8	0.8	1.0
20		3.0	1.1	0.9	0.9
21		3.0	2.1	0.9	0.9
22		3.0	1.9	0.8	0.9
23		3.1	1.8	0.8	0.9
24		3.0	1.8	0.7	0.9
25		2.9	1.6	0.8	0.9
26		2.8	1.6	0.9	0.9
27	1.6	2.7	1.5	0.9	0.9
28		2.5	1.4	1.5	
29	NO	2.3	1.4	1.1	NO
30	RECORD	2.3	1.3	0.9	RECORD
31			1.3	0.9	
Mean		2.8	1.5	1.0	1.0
Discharge, in acre-feet		169	95	61	51

Total for period - 376 acre-feet.

TABLE B-5

DAILY MEAN DISCHARGE OF PROCTOR PAYNE LAKE CREEK DITCH AT HEAD

May 27 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		1.1	1.0	1.4	1.4
2		1.2	1.0	1.4	1.4
3	N	1.2	0.9	1.4	1.5
4	O	1.1	1.0	1.5	1.5
5		1.2	1.4	1.5	1.5
6	R	1.2	1.4	1.4	1.5
7	E	1.2	1.4	1.4	1.5
8	C	1.2	1.4	1.3	1.5
9	O	1.2	1.3	1.3	1.4
10	R	1.2	1.3	1.2	1.8
11		1.2	1.3	1.2	1.9
12		1.2	1.3	1.1	1.8
13		1.2	1.2	1.1	1.7
14		1.2	1.2	1.2	1.9
15		1.1	1.2	1.2	2.0
16		1.2	1.3	1.2	1.9
17		1.1	1.3	1.2	1.8
18		1.1	1.3	1.2	1.6
19		1.1	1.2	1.4	1.8
20		1.1	1.2	1.4	1.0
21		1.1	1.2	1.2	0.4
22		1.1	1.2	0.8	0.4
23		1.1	1.2	1.1	0.4
24		1.1	1.1	1.4	1.2
25		1.1	1.1	1.5	1.2
26		1.1	1.1	1.5	1.2
27	1.2	1.1	1.3	1.3	1.2
28	1.2	1.1	1.3	1.3	
29	1.2	1.0	1.3	1.3	
30	1.2	1.0	1.3	1.1	NO
31	1.2		1.3	1.2	RECORD
Mean	1.2	1.1	1.2	1.3	1.4
Discharge, in acre-feet	12	68	75	78	76

Total for period - 309 acre-feet.

TABLE B-6

DAILY MEAN DISCHARGE OF BEMROD DITCH AT BEMROD RANCH

May 25 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		2.1	0	0.6	0.3
2		2.1	0	0.6	0.3
3		2.0	0	0.6	0.3
4		2.0	0	0.6	0.3
5		2.0	0	0.6	0.3
6		1.8	0.4	0.6	0.3
7		1.8	1.8	0.8	0.3
8	N	1.8	1.5	0.2	0.3
9	O	1.7	1.3	0.2	0.2
10		1.6	1.1	0.2	0.2
11	R	1.4	0.9	0.2	0.2
12	E	1.2	0.8	0.2	0.2
13	C	1.0	0.6	0.2	0.2
14	O	1.0	1.0	0.1	0.2
15	R	0.9	1.0	0.1	0.2
16	D				
16		0.7	0.7	0.1	0.2
17		0.7	0.6	0.1	0.2
18		0.7	0.6	0.1	0.1
19		0.7	0.6	0.1	0.1
20		0.8	0.5	0.1	0.1
21		0.9	0.5	0.1	0.1
22		1.9	1.0	0.1	0.1
23		2.2	0.7	0.2	0.1
24		1.9	0.7	0.4	0.1
25	2.3	1.4	0.6	0.4	0.1
26	2.4	1.2	0.5	0.6	0.1
27	2.4	1.0	0.4	0.6	0.1
28	2.5	0.8	0.3	0.4	
29	2.4	0.8	0.3	0.3	NO
30	2.2	0.4	0.3	0.3	RECORD
31	2.1		0.5	0.2	
Mean	2.3	1.4	0.6	0.3	0.2
Discharge, in acre-feet	32	80	38	20	10

Total for period - 180 acre-feet.

TABLE B-7

DAILY MEAN DISCHARGE OF NORTH FORK DITCH AT HEAD

May 27 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		5.5	3.1	2.3	1.6
2		5.6	2.6	2.3	1.6
3	N	5.6	2.4	2.2	1.5
4	O	5.6	2.3	2.4	1.4
5		5.6	4.0	2.5	1.4
6	R				
7	E	5.6	4.9	2.2	1.4
8	C	5.6	4.9	2.1	1.4
9	O	5.6	4.9	2.1	1.4
10	R	5.6	4.7	2.0	1.4
	D	5.6	4.6	2.0	1.8
11		5.6	4.3	2.0	2.5
12		5.6	4.0	1.9	2.0
13		5.6	3.8	2.0	1.9
14		5.6	4.0	2.0	2.1
15		8.8	4.7	2.0	2.3
16		6.5	4.6	2.0	2.0
17		5.6	4.4	2.0	2.2
18		5.3	4.3	1.9	2.1
19		4.9	4.0	1.9	2.0
20		4.9	3.9	1.9	1.9
21		4.6	3.8	1.9	1.9
22		5.0	3.5	1.7	1.8
23		5.3	3.3	1.7	1.8
24		5.5	3.1	1.7	1.6
25		5.2	2.9	1.7	1.5
26		4.6	2.7	1.7	1.4
27	6.3	4.4	2.5	1.7	1.3
28	6.0	3.8	2.5	2.3	NO
29	6.0	3.4	2.4	2.0	RECORD
30	5.8	3.3	2.4	1.9	
31	5.8		2.4	1.7	
Mean	6.0	5.3	3.6	2.0	1.7
Discharge, in acre-feet	59	316	222	122	94

Total for period - 813 acre-feet.

TABLE B-8

DAILY MEAN DISCHARGE OF COMPANY DITCH AT HEAD

May 25 to September 27, 1954

In Cubic Feet per Second

Day	May	June	July	August	September
1		0.6	2.2	1.4	1.4
2		0.9	1.8	1.4	1.3
3	N	0.9	1.5	1.4	1.2
4	O	0.9	1.4	1.4	1.2
5		0.9	1.3	1.4	1.2
6	R				
7	E	0.9	1.2	1.4	1.0
8	C	1.0	1.1	1.3	1.0
9	O	1.0	1.1	1.3	1.0
10	R	0.8	1.0	1.2	1.0
	D	0.8	1.0	1.2	1.1
11		0.8	0.9	1.2	1.8
12		2.0	2.0	1.2	1.2
13		3.5	2.4	0.9	1.0
14		4.5	2.4	1.0	1.0
15		4.5	2.4	0.9	0.6
16		3.8	2.3	0.9	0.2
17		3.3	2.2	0.8	0.2
18		3.1	2.2	0.8	0.2
19		3.0	2.1	0.8	0.2
20		3.0	2.2	0.9	0.2
21		3.0	2.1	0.8	0.2
22		2.7	2.0	0.8	0.2
23		2.6	1.9	0.7	0.2
24		2.7	1.8	0.6	0.2
25	1.2	2.7	1.7	0.8	0.2
26	1.0	2.7	1.5	1.0	0.2
27	0.8	2.5	1.5	0.9	0.2
28	1.0	2.2	1.5	1.7	
29	0.8	2.3	1.5	2.0	NO
30	0.7	2.4	1.4	1.6	RECORD
31	0.6		1.7	1.3	
Mean	0.8	2.2	1.7	1.1	0.7
Discharge, in acre-feet	12	131	106	69	38

Total for period - 356 acre-feet.

TABLE B-9

DAILY MEAN DISCHARGE OF MILK HOUSE DITCH AT MINERS CREEK

June 14 to September 27, 1954

In Cubic Feet per Second

Day	June	July	August	September
1		1.0	1.6	1.4
2	N	1.0	1.6	1.4
3	O	0.8	1.5	1.2
4		0.7	1.5	1.3
5	R	0.6	1.5	1.4
	E			
6	C	0.5	1.7	1.4
7	O	0.3	1.5	1.4
8	R	0.2	1.4	1.4
9	D	0.2	1.2	1.4
10		0.2	1.1	1.4
11		1.6	0.9	1.8
12		1.5	0.9	1.7
13		1.5	0.9	1.4
14	2.7	1.5	0.6	1.6
15	4.1	1.2	0.3	1.4
16	4.1	1.2	0.2	1.0
17	3.1	1.2	0	1.1
18	2.7	1.1	0	1.0
19	2.7	1.0	0	0.7
20	2.8	1.0	0.2	0.7
21	2.9	0.8	1.2	0.7
22	2.5	0.3	1.3	0.7
23	2.6	0.3	1.2	0.7
24	2.6	0.2	1.1	0.7
25	2.4	0.2	1.1	0.7
26	2.5	0.2	1.1	0.7
27	2.5	0.2	1.1	0.7
28	2.5	0.7	1.6	
29	2.4	1.8	1.6	NO
30	1.7	1.7	1.4	RECORD
31		1.6	1.4	
Mean	2.7	0.8	1.1	1.1
Discharge, in acre-feet	92	52	65	61

Total for period - 270 acre-feet.

TABLE B-10

DAILY MEAN DISCHARGE OF SWAMP DITCH AT HEAD

June 14 to September 27, 1954

In Cubic Feet per Second

Day	June	July	August	September
1		0.8	1.7	1.2
2		1.3	1.6	1.2
3		1.2	1.7	1.2
4	N	1.2	1.6	1.2
5	O	1.1	1.6	1.1
6	R	1.0	1.5	1.1
7	E	1.0	1.5	1.1
8	C	1.0	1.5	1.0
9	O	0.9	1.3	1.0
10	R D	0.8	1.4	1.0
11		0.7	1.4	1.4
12		0.7	1.4	1.2
13		0.6	1.5	2.3
14	1.8	0.6	1.7	2.3
15	2.6	0.3	1.8	2.0
16	1.9	0.3	1.7	1.9
17	1.3	0.3	1.8	1.9
18	1.1	0.3	1.9	1.8
19	0.9	0.6	1.8	1.8
20	0.9	1.7	1.7	1.7
21	0.9	1.7	1.3	1.7
22	1.0	1.7	1.2	1.7
23	1.0	1.7	1.2	1.5
24	0.9	1.7	1.2	1.5
25	0.8	1.7	1.2	1.5
26	0.8	1.5	1.2	1.5
27	0.6	1.5	1.3	1.5
28	0.6	1.5	2.0	
29	0.5	1.8	1.4	
30	0.4	1.8	1.3	NO RECORD
31		1.8	1.2	
Mean	0.6	1.1	1.4	1.5
Discharge, in acre-feet	36	69	92	80

Total for period - 277 acre-feet.

TABLE B-11

DAILY MEAN DISCHARGE OF GREEN DITCH AT HEAD

June 14 to September 27, 1954

In Cubic Feet per Second

Day	June	July	August	September
1		1.9	0.9	1.2
2	N	1.2	1.2	1.2
3	O	1.0	1.3	1.2
4		1.0	1.4	1.4
5	R	1.2	1.2	1.4
	E			
6	C	2.9	1.2	1.2
7	O	7.6	0.4	1.2
8	R	7.5	0.3	1.1
9	D	7.3	0.3	1.1
10		7.1	0.5	1.1
11		6.7	0.3	1.9
12		6.2	0.9	1.9
13		4.9	0.6	1.6
14	5.3	5.3	0.8	1.5
15	6.3	4.0	0.3	1.5
16	4.5	2.8	0.6	1.0
17	5.0	2.5	0.6	0.7
18	3.2	2.5	0.6	0.5
19	2.8	2.0	0.4	0.5
20	3.2	2.0	0.3	0.5
21	3.4	2.1	0.1	0.5
22	3.2	1.5	0.1	0.5
23	3.1	1.4	0.1	0.4
24	3.1	1.0	0.2	0.4
25	3.1	0.9	0.6	0.4
26	3.2	0.9	0.6	0.4
27	3.2	0.6	0.9	0.4
28	2.5	0.6	1.3	
29	2.0	0.9	1.5	NO
30	2.2	0.9	1.2	RECORD
31		0.9	1.0	
Mean	3.5	2.9	0.7	1.0
Discharge, in acre-feet	177	117	43	53

Total for period - 390 acre-feet.

TABLE B-12

INTERMITTENT MEASUREMENTS OF DISCHARGE OF
FUGLISTALER MINERS CREEK DITCH AT FUGLISTALER RANCH

June 15 to September 30, 1954

In Cubic Feet per Second

Day	June	July	August	September
1		1.38		0
2				
3	N			
4	O		0.33	
5				
6	R			
7	E			
8	C			N
9	O			O
10	R		0.27	F
	D			L
11				O
12				W
13				
14		1.16		
15	2.93			
16			0.25	
17				
18				
19				
20				0
21				
22	0.95	0.83		
23				
24				
25				
26				
27		0		
28				
29				
30				
31				
Mean	1.9	1.1	0.3	0
Discharge, in acre-feet	58	68	19	0

Computed total for period - 145 acre-feet.

APPENDIX C

AGREEMENT FOR TRIAL DISTRIBUTION
OF WATER OF FRENCH CREEK STREAM SYSTEM
DURING THE 1954 SEASON

AGREEMENT
for
TRIAL DISTRIBUTION OF WATER OF FRENCH CREEK STREAM SYSTEM
DURING THE 1954 SEASON

WHEREAS, there is pending in the Superior Court, Siskiyou County, California, an action entitled John H. Mason and Eleanor A. Mason, et al., Plaintiffs, vs. Harry M. Bemrod and Martha Bemrod, et al., Defendants, No. 14478, in which the rights in and to the use of the water of French Creek stream system in Siskiyou County, are involved; and

WHEREAS, the Department of Public Works of the State of California, acting by and through the State Engineer, as referee pursuant to order of said Court, has made an investigation of the stream system, conduits diverting therefrom, lands irrigated or irrigable therefrom, and other matters as provided in said order of reference, and has reduced its observations, data, information, and measurements to writing, and has prepared maps from its surveys and observations, all in accordance with the provisions of the Water Code; and

WHEREAS, it appears from the data collected by said department that it may be possible to work out an allocation of the water of said stream system among the parties hereto that will be acceptable to all of said parties and afford a basis for settlement of the water rights involved in said proceeding; and

WHEREAS, the parties hereto desire diversions from said stream system be administered by the said department during the 1954 season as a demonstration of what may be accomplished in adjustment of the rights involved, and in order to afford said department an opportunity to attempt to develop by trial distribution a just and equitable allocation of the water of said stream system among the parties hereto acceptable to said parties as a basis for settlement of the water rights involved in said cause;

NOW THEREFORE IT IS HEREBY AGREED by and between each and every party hereunto subscribed and among all of said parties, that said department may distribute the water of said French Creek stream system among the various parties hereunto subscribed as hereinafter set forth, it being understood and agreed that the following plan of distribution and apportionment of water shall be for the period extending from the date hereof to October 1, 1954, only, and subject to such provisions as are hereinafter contained, to wit:

1. Evelyn Wolford, John T. Timmons, and LaVerne Dillman; Carl F. Tuttle, Sr., Carl F. Tuttle, Jr., and Robert V. Tuttle; Warren J. Halliday and Negra Halliday, shall be entitled to divert 80 acre-feet per annum from Smith Lake through the Smith Lake Syphon (designated on Division of Water Resources Map as Diversion 15), said water to be released into North Fork French Creek for rediversion therefrom through the North Fork Ditch (designated on Division of Water Resources Map as Diversion 17) and applied to beneficial use for stock water and domestic purposes.

2. Subject to the foregoing right, the rights in and to the water, and in and to the use thereof, from the French Creek stream system are set forth in three groups, namely, North Fork French Creek as set forth in Schedule 1, Miners Creek as set forth in Schedule 2, and French Creek, Payne Lake Creek, Horse Range Creek, and Duck Lake Creek as set forth in Schedule 3; all rights in the two first named groups, as set forth in Schedules 1 and 2, are superior to all rights in the third group as set forth in Schedule 3.

3. Subject to the foregoing rights and provisions, the parties enumerated in Schedule 1, 2, and 3, hereunto annexed and made a part hereof, shall be entitled to rights in and to the use of the natural flows of North Fork French Creek, Miners Creek, Payne Lake Creek, Horse Range Creek, Duck Lake Creek, and French Creek, during the period from the date hereof to

October 1, both dates inclusive, in 1954, for domestic, stockwatering, industrial, and irrigation purposes upon their respective lands involved in said proceeding as shown on the Division of Water Resources Map, in accordance with the acreages to be supplied priorities and quantities of water allotted, and through the diversions from the sources named as set forth in said Schedules 1, 2, and 3.

4. All allotments set forth in said Schedules 1, 2, and 3 which are within the same priority class and within the same group are equal in priority and correlative in right and at all times when the water supply available for rights within a priority class is inadequate to supply all rights and allotments within said class, then during the continuance of such shortage, the owners of such allotments shall prorate the available water supply, if any, in excess of the quantity required for prior rights, or rotate in the use thereof, in accordance with their respective allotments in that class.

5. The points of measurement of all allotments of water hereinbefore provided shall be at or near the respective points of diversion from French Creek and its tributaries.

6. Said department shall have the power and authority to deviate from the plan of distribution set forth herein if in its opinion any changes are necessary or convenient in order to expedite accomplishment of the purposes of this agreement.

7. Nothing herein contained shall be, or shall be construed as, an admission by any party that his legal rights or the legal rights of any other party are as herein provided; and the distribution of water in accordance with this agreement shall not in any way prejudice the rights which are now claimed or may hereafter be asserted by any of the parties hereto.

8. Said department may appoint a watermaster to distribute the

water of French Creek stream system as herein provided for, during the period from the date hereof to October 1, 1954, and said watermaster shall have power and authority to inspect and regulate the diversions of all the parties hereto in accordance with this agreement, and in the exercise of such authority may enter upon the lands of said parties for the purpose of such inspection and regulation, and may establish and maintain such gaging stations and measuring devices in said stream system and diversion conduits as may be necessary or convenient.

9. It is further agreed that in order to meet the costs of such distribution by the watermaster during the 1954 season, the parties hereto will pay to the Division of Water Resources on or before June 15, 1954, the amount of \$425.00, which amount shall be apportioned among the various parties hereto in accordance with the assessments set forth in Schedule 4 hereunto annexed and made a part hereof.

In WITNESS WHEREOF, the parties hereto have affixed their hands this 4th day of May, 1954.

<u>Name</u>	<u>Address</u>
/s/ John H. and Eleanor A. Mason	Etna, California
/s/ Harry M. and Martha B. Bemrod	Etna, California
/s/ Tebbe and Correia for John H. and Eleanor Mason and Harvey A. Green	
/s/ Mark M. Brawman, Attorney, for Henry M. and Martha B. Bemrod	
/s/ Harvey A. Green	
/s/ Mr. and Mrs. Henry Aker	Etna, California
/s/ Alphonso J. Fuglistaler	Box 60, Etna, California

<u>Name</u>	<u>Address</u>
/s/ Eslie E. Cory	Etna, California
/s/ Calvin A. Ball	
/s/ Valdemar J. Berthelsen	Etna, California

APPENDIX D

DESCRIPTION OF PLACES OF USE AND POINTS
DIVERSION FROM FRENCH CREEK STREAM SYSTEM

Table No.

D-1 Description of Places of Use D-1
D-2 Points of Diversion From French
Creek Stream System D-7

TABLE D-1

DESCRIPTION OF PLACES OF USE

Henry Aker and May Aker

2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
4.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
 6.8 acres - Total

Calvin A. Ball and Velda C. Ball

36.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 6.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 18.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 3.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 27.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 19.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 16.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 27.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
31.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 187.6 acres - Total

Harry M. Bemrod and Martha B. Bemrod

14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 28.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 5.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 26.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
 76.2

Valdmar J. Berthelsen and Katie C. Berthelsen

22.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 16.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
17.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 55.2 acres - Total

Madelyn Browne

0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 17.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 10.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 12.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 53.2 acres - Total

TABLE D-1

DESCRIPTION OF PLACES OF USE
(continued)

Walter L. Byers and Barbara J. Byers

13.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.

William M. Cory and Esly E. Cory

2.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
16.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
26.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
45.6 acres - Total

H. J. Danielson and Elinore E. Danielson

32.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
21.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
12.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
14.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T41N, R9W, MDB&M.
96.9 acres - Total

Violet H. Faustina

3.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

Alphonso J. Fuglistaler

*0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
*1.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
*0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
10.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
10.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
18.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T41N, R9W, MDB&M.
53.0 acres - Total

Harvey A. Green

40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
32.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
16.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
36.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T41N, R9W, MDB&M.
28.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
16.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
212.0 acres - Total

* Denotes land irrigated outside of property line.

TABLE D-1

DESCRIPTION OF PLACES OF USE
(continued)Warren J. Halliday and Negra Halliday

1.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
 22.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
 1.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
 24.1 acres - Total

Robert E. Lewis and Louise Lewis

24.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 12.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 17.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 27.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T41N, R9W, MDB&M.
 1.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.
 91.2 acres - Total

Robert E. Lewis and Louise Lewis

8.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
 30.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
 4.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T40N, R9W, MDB&M.
 8.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T40N, R9W, MDB&M.
 52.8 acres - Total

Oscar A. Lolax and Edlean R. Lolax

20.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 8.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 37.0 acres - Total

Long-Bell Lumber Company

13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
 5.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
 1.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T40N, R9W, MDB&M.
 20.8 acres - Total

John H. Mason and Eleanor A. Mason

2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 18.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 26.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 12.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 25.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.

TABLE D-1

DESCRIPTION OF PLACES OF USE
(continued)John H. Mason and Eleanor A. Mason (continued)

1.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T41N, R9W, MDB&M.
 15.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
32.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T41N, R9W, MDB&M.
 134.3 acres - Total

W. H. Munson

0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T41N, R9W, MDB&M.
 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T41N, R9W, MDB&M.
 1.0 acre - Total

J. D. Proctor and Ruth A. Proctor

6.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
 11.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T41N, R9W, MDB&M.
 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 0.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 16.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 5.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 *4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T41N, R9W, MDB&M.
 61.3 acres - Total

Vernon M. Reichert

Domestic SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

R. E. Richman and Vera M. Richman

12.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 22.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 25.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 14.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 16.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 17.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 42.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.

* Denotes land irrigated outside of property line.

TABLE D-1

DESCRIPTION OF PLACES OF USE
(continued)R. E. Richman and Vera M. Richman (continued)

10.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 38.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 4.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 11.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 29.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 42.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 20.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T41N, R9W, MDB&M.
 409.2 acres - Total

John T. Timmons and LaVerne Dillman

10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 18.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 21.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T41N, R9W, MDB&M.
 1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 3.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 22.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 78.8 acres - Total

Charles F. Thompson

Domestic SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T41N, R9W, MDB&M.

Carl F. Tuttle Sr., and Robert V. Tuttle

0.7 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 26.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 26.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 11.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 35.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T41N, R9W, MDB&M.
 42.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 43.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 42.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 36.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 24.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 16.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 1.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 34.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.

TABLE D-1

DESCRIPTION OF PLACES OF USE
(continued)

Carl F. Tuttle, Sr. and Robert V. Tuttle (continued)

40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 11.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
 8.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T42N, R9W, MDB&M.
4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T42N, R9W, MDB&M.
 519.0 acres - Total

Southern Pacific Land Company

6.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T41N, R9W, MDB&M.
1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T41N, R9W, MDB&M.
 8.2 acres - Total

TABLE D-2

POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM

Name of diversion system	: Number : of : diversion : on Divi- : sion of : Water : Resources : Map	: Approximate location of point of diversion				: Distance : from : reference : corner : corner : in feet
		: Legal subdivi- : sion in which : diversion : occurs : MDB&M.	: Reference : corner for : distance and : bearing : MDB&M.	: Bearing : from : reference : corner : corner	: Distance : from : reference : corner : corner	
Fuglistaler French Creek Ditch	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T4ON, R9W	N $\frac{1}{4}$ Cor. Sec. 8, T4ON, R9W	S 22° W	2050	
Fuglistaler Duck Lake Creek Ditch	2	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T4ON, R9W	NE Cor. Sec. 7, T4ON, R9W	S 56° W	1650	
Tripp French Creek Ditch	3	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W	S 87° W	1200	
Cail French Creek Ditch	4	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W	N 52° W	1200	
Proctor French Creek Ditch	5	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W	N 38° W	1250	
Proctor Meadow Ditch	6	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.32, T41N, R9W	SE Cor. Sec.32, T41N, R9W	N 48° W	1300	
Proctor South Horse Range Creek Ditch	7	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T4ON, R9W	N $\frac{1}{4}$ Cor. Sec. 5, T4ON, R9W	S 66° W	600	
Proctor North Horse Range Creek Ditch	8	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.32, T41N, R9W	N 16° W	1500	
Proctor Domestic Horse Range Creek Ditch	8A	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.32, T41N, R9W	N 10° E	1900	
Proctor Domestic Spring	9	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T41N, R9W	NE Cor. Sec.32, T41N, R9W	S 42° W	1900	
Proctor Payne Lake Creek Ditch	10	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.32, T41N, R9W	N 86° E	2700	
Proctor Domestic Payne Lake Creek Ditch	10A	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.32, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.32, T41N, R9W	N 30° W	1900	
Bemrod Ditch	11	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T41N, R9W	NE Cor. Sec.32, T41N, R9W	S 60° W	1450	
Proctor Spring	12	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.29, T41N, R9W	S 23° W	1000	

TABLE D-2

POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

Name of diversion system	Number of diversion	Approximate location of point of diversion		
		Legal subdivision in which diversion occurs	Reference corner for distance and bearing	Bearing from reference corner
	Map	MDB&M.	MDB&M.	
				Distance from reference corner in feet
Faustina Pump Proposed	12A	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.20, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, T41N, R9W	S 37° W 980
Reichert Pump Proposed	12B	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, T41N, R9W	N 10° E 500
Thompson Pump Proposed	12C	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, T41N, R9W	N 20° E 600
Aker South Ditch	13	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.28, T41N, R9W	S 40° W 1700
Aker North Ditch	14	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.28, T41N, R9W	S 39° W 1200
Smith Lake Siphon	15	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T41N, R10W	S $\frac{1}{4}$ Cor. Sec.26, T41N, R10W	N 39° E 1650
Long-Bell Ditch	16	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.29, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.29, T41N, R9W	N 82° E 1300
North Fork Ditch	17	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	SW Cor. Sec.21, T41N, R9W	N 1° E 1000
Caloia Upper North Fork Ditch	18	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	SW Cor. Sec.21, T41N, R9W	N 52° E 1100
Caloia Lower North Fork Ditch	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.21, T41N, R9W	N 52° W 600
Company Ditch	20	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.28, T41N, R9W	NE Cor. Sec.28, T41N, R9W	S 87° W 1350
Caloia Upper Ditch	21	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.21, T41N, R9W	SE Cor. Sec.21, T41N, R9W	N 37° W 800
Caloia Middle Ditch	22	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	SW Cor. Sec.22, T41N, R9W	N 11° E 1250
Milk House Ditch	23	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.22, T41N, R9W	S 12° E 1250

TABLE D-2

POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

Name of diversion system	Number	Approximate location of point of diversion			
		Legal subdivision in which diversion occurs	Reference corner for distance and bearing	Bearing from reference corner	Distance from reference corner in feet
Caloia Lower Ditch	24	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec. 22, T41N, R9W	S 77° E	900
Lewis Lower South Ditch	25	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W	SE Cor. Sec. 8, T40N, R9W	N 12° W	1050
Lewis Upper South Ditch	26	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W	E $\frac{1}{4}$ Cor. Sec. 8, T40N, R9W	S 10° W	1200
Lewis Lower West Ditch	27	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W	SE Cor. Sec. 8, T40N, R9W	N 50° W	2300
Lewis Upper West Ditch	28	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T40N, R9W	E $\frac{1}{4}$ Cor. Sec. 8, T40N, R9W	S 68° W	1900
Fuglistaler Miners Creek Ditch	29	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T40N, R9W	S $\frac{1}{4}$ Cor. Sec. 4, T40N, R9W	N 45° E	100
Tripp Miners Creek Ditch	30	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, T41N, R9W	SE Cor. Sec. 33, T41N, R9W	N 75° W	1200
Tripp House Spring	31	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T41N, R9W	N $\frac{1}{4}$ Cor. Sec. 33, T41N, R9W	S 58° E	1000
Tripp Stock Spring	32	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T41N, R9W	NE Cor. Sec. 33, T41N, R9W	S 76° W	700
Cail South Ditch	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W	NW Cor. Sec. 34, T41N, R9W	S 28° E	1300
Fuglistaler House Spring	34	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W	N $\frac{1}{4}$ Cor. Sec. 34, T41N, R9W	S 22° W	1900
Cail North Ditch	35	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T41N, R9W	NW Cor. Sec. 34, T41N, R9W	S 15° E	1500
Cory Ditch	36	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec. 22, T41N, R9W	N 45° W	1000
Bemrod Pump Proposed	37	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec. 22, T41N, R9W	N 53° W	1600

TABLE D-2

POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

Name of diversion system	Number of	Approximate location of point of diversion			
		Legal subdivision in which diversion occurs	Reference corner for distance and bearing	Bearing from reference corner	Distance from reference corner in feet
Cory Spring	38	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.22, T41N, R9W	N 2° E	2300
Swamp Ditch	39	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.22, T41N, R9W	N 59° E	1950
Mason Ditch	40	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41 N, R9W	NW Cor. Sec.22, T41N, R9W	S 63° E	1600
Mason House Spring	41	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.22, T41N, R9W	S 34° E	1300
Mason Stock Spring	42	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.22, T41N, R9W	S 46° E	1500
Richman Ditch	43	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.15, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.15, T41N, R9W	N 13° W	1800
Green Ditch	44	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W	S 4° E	2250
Long-Bell Pump	45	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W	S 10° E	1600
Berthelsen Spring	46	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, T41N, R9W	S 48° W	550
Berthelsen-Ball Ditch	47	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W	NE Cor. Sec.15, T41N, R9W	S 70° W	1600
Ball Ditch	47A	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W	NE Cor. Sec.15, T41N, R9W	N 20° W	700
Browne Ditch	48	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W	SE Cor. Sec.10, T41N, R9W	N 10° W	700

TABLE D-2

POINTS OF DIVERSION FROM FRENCH CREEK
STREAM SYSTEM
(continued)

	: Number :	: of : Approximate location of point of diversion		
	: diversion:	Legal subdivi-	: Reference	: Bearing : Distance
	: on Divi-	sion in which	: corner for	: from : from
	: sion of :	diversion	: distance and	: reference: reference
	: Water :	occurs	: bearing	: corner : corner
	: Resources:		:	: in feet
	: Map :	MDB&M.	: MDB&M.	:
Timmons Upper Ditch	49	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 88° W T41N, R9W	2450
Timmons Middle Ditch	50	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 89° W T41N, R9W	1100
Timmons Lower Ditch	51	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 4° E T41N, R9W	700
Richman Clarks Creek Ditch	52	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.11, S 21° W T41N, R9W	1500



