IN THE MATTER OF THE DETERMINATION OF THE
RIGHTS OF THE VARIOUS CLAIMANTS TO THE
WATERS OF SHACKLEFORD CREEK AND ITS TRIBUTARIES
IN SISKIYOU COUNTY, CALIFORNIA

WHEREAS, the above entitled proceeding is pending before the
Department of Public Works of the State of California, Division of Water
Resources, State Engineer, in which the rights in and to the waters, and
in and to the use thereof, from Shackleford Creek and its tributaries, of
all the claimants hereunto subscribed are involved; and

WHEREAS, said Department has completed the investigation of
said stream system; all proofs of claims of water rights have been filed;
an abstract of said proofs of claims has been prepared and served on all
claimants; contests of a large number of said proofs of claims have been
filed by various claimants in the proceeding; and said contests have been
set for hearing on May 22, 1946, all in accordance with the provisions of
the Water Code, and

WHEREAS, said Department has completed and filed its report on
trial distribution for the 1945 season and has circulated copies of said
report among the various claimants in the proceeding; and

WHEREAS, it appears from the data and information now before
the Department in said proceeding that it may be possible to work out an
allocation of the waters of said stream system among the various claimants
thereof that will afford a basis, acceptable to all of said claimants, for
settlement of all water rights involved in said proceeding, together with
settlement of all contests of claims heretofore filed in said proceeding
without extended hearings on said contests, and

WHEREAS, the claimants herewith subscribed desire that diversions
from said stream system be administered by said Department during the 1946 season in order to afford said Department an opportunity to attempt to develop by trial an allocation of the waters of said stream system among the claimants in the proceeding that may be acceptable to said claimants as a basis for settlement of the water rights involved therein.

NOW THEREFORE IT IS HEREBY AGREED by and between each and every claimant hereunto subscribed and among all of said claimants, that said Department may undertake to distribute the waters of said Shackleford Creek and its tributaries among the various claimants 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, 1946, only, and subject to such provisions as are hereinafter contained, to wit:

1. Estate of Abbie C. Albee shall be entitled to impound the waters of the South Fork of Shackleford Creek in Cliff and Campbell Lakes (designated on Division of Water Resources Map as Divisions 1 and 2, respectively), as follows:

   150 acre-feet per annum in Cliff Lake
   350 acre-feet per annum in Campbell Lake,

or as much thereof as it applies to beneficial use for stock-watering purposes and for the irrigation of 310.4 acres of its lands involved in said proceeding as shown on said map. Said water shall be collected in said lakes during the period from about November 1 of each year to July 1 of the succeeding year and thereafter withdrawn from storage during the period from April 1 to October 30, both dates inclusive, of each year and applied to beneficial use for the aforesaid purposes.

2. Subject to the foregoing rights, the rights in and to the waters, and in and to the use thereof, from each of the following divisions of Shackleford Creek and its tributaries, namely, Upper Shackleford Creek (that portion of Shackleford Creek above the junction of Shackleford Creek and its tributaries, designated on Division of Water Resources Map as Divisions 1 and 2, respectively), as follows:

   150 acre-feet per annum in Cliff Lake
   350 acre-feet per annum in Campbell Lake,

or as much thereof as it applies to beneficial use for stock-watering purposes and for the irrigation of 310.4 acres of its lands involved in said proceeding as shown on said map. Said water shall be collected in said lakes during the period from about November 1 of each year to July 1 of the succeeding year and thereafter withdrawn from storage during the period from April 1 to October 30, both dates inclusive, of each year and applied to beneficial use for the aforesaid purposes.
and Mill Creeks), Lower Shackleford Creek (that portion of Shackleford Creek below the junction of Shackleford and Mill Creeks), Upper Mill Creek (that portion of Mill Creek above the Shackleford Ditch Crossing) and Lower Mill Creek (that portion of Mill Creek between Shackleford Ditch Crossing and the junction of Shackleford and Mill creeks) shall be separate groups. All rights in each of said groups in and to the waters, and in and to the use thereof, shall be independent of the rights in any other of said groups.

3. Subject to the foregoing rights and provisions, the various claimants enumerated in Schedules 1, 2, 3 and 4, hereunto annexed and made a part hereof shall be entitled to rights in and to the use of the natural flows of Shackleford Creek and Mill Creek during the period from the date hereof to September 30, both dates inclusive, in 1946, for domestic, stock-watering 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, 3 and 4.

4. All allotments set forth in said Schedules 1, 2, 3 and 4 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. All rights set forth in Schedules 1, 2, 3 and 4 hereof shall be for continuous usage during the period from the date hereof to September 30, 1946; provided, however, that nothing herein contained shall, or shall
be construed to, prevent any of the claimants hereunto subscribed, who have
a joint diversion, where there is a continuous flow allotment to said
diversion, from employing by agreement of such joint users of said diversion
a system of rotation in use as among themselves, or from preventing any
claimant hereunto subscribed, who has allotments to two or more diversions,
from using all or any portion of his allotments through each or any number
of his diversions on all or any portion of his lands, so long as the
maximum quantity of water diverted shall not exceed the aggregate of all
allotments to all of his diversions.

6. Subject to the foregoing rights and provisions, Jesse Arnold
Cason shall be entitled to divert from Shackleford Creek at a point within
the SE_2 of NE_1 of Section 9, T. 43 N., R. 10 W., M.D.B.&M., as described
in Application 10350 filed December 31, 1941,

1.00 cubic foot per second
or as much thereof as is applied to beneficial use during the period from
March 15 to July 1 of each year for domestic purposes and for the irrigation
of 36.0 acres of land described as follows:

5.0 acres in NW_2 SW_1 of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
12.0 acres in NE_2 SW_1 of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
6.0 acres in SE_2 SW_1 of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
13.0 acres in SW_2 SE_1 of Section 10, T. 43 N., R. 10 W., M.D.B.&M.
36.0 acres - Total

Such diversion and use shall be expressly subject to the terms and conditions
of Permit 6113 issued by the Department on February 25, 1943, in approval of
Application 10350.

7. The points of measurement of all allotments of water herein-
before provided shall be at or near the respective points of diversion from
Shackleford Creek and its tributaries.
8. Said Department shall have the power and authority to deviate from the plan of distribution herein provided, if in its opinion any changes are necessary or convenient in order to expedite accomplishment of the purpose of this agreement.

9. Nothing herein contained shall be, or shall be construed as, an admission by any claimant that his legal rights or the rights of any other claimant are as herein provided; and the distribution of water in accordance with this agreement shall not in any manner prejudice the rights which are now claimed or may hereafter be asserted by any of the claimants hereunto subscribed.

10. Said Department may appoint a watermaster to distribute the waters of Shackleford Creek and its tributaries, as herein provided for, during the 1946 season, and said watermaster shall have power and authority to inspect and regulate the diversions of all the claimants hereunto subscribed in accordance with this agreement, and in the exercise of such authority may enter upon the lands of said claimants 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. The several ditch owners shall furnish the necessary labor and material for the construction and installation of diversion works, headgates and measuring devices for their respective ditches.

11. It is finally agreed that in order to meet the costs of such distribution by the watermaster during the 1946 season, the claimants hereunto subscribed will pay to the Division of Water Resources on or before July 1, 1946, the amount of $270.00, which amount shall be apportioned among the said claimants in accordance with the assessments set forth in Schedule 5 hereunto annexed and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this 22nd day of May, 1946.

- 5 -
## SCHEDULE 1

**PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM**
**UPPER SHACKLEFORD CREEK**

<table>
<thead>
<tr>
<th>Name of Claimant</th>
<th>Acre- sion:</th>
<th>Priority Class and Allotment</th>
<th>in Cubic Feet per Second</th>
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<tr>
<td></td>
<td>No. as:</td>
<td>to be:</td>
<td>D.W.R.:</td>
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<td>John H. and Lorene M. Heide</td>
<td>147.7</td>
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<td>Estate of Abbie C. Albee</td>
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<td>William A. and Ollie P. Hicks</td>
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* Water may be diverted under the rights in 6th and 7th priority classes from Upper Shackleford Creek at three times the average rate herein set forth whenever water is available therefor.
## SCHEDULE 2
### PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM LOWER SHACKLEFORD CREEK

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<th>Name of Claimant</th>
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<th>Priority Class and Allotment</th>
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<td>10</td>
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<td></td>
<td></td>
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<td>Vanarsdell</td>
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<td>F. L. and</td>
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<td>M</td>
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<td>Georgina C.</td>
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<td>C. B. and Jeannie</td>
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### SCHEDULE 3
**PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM UPPER MILL CREEK**

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<th>Name of Claimant</th>
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<th>Priority Classes and Allotments</th>
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<td>Map</td>
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<td>Robert L. Couch</td>
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<td>Robert F. and Margaret W. Davis</td>
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<td>G. Douglas and Elma J. Eastlick</td>
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### SCHEDULE 4
**PRIORITIES AND ALLOTMENTS TO CLAIMANTS FROM LOWER MILL CREEK**

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<th>Name of Claimant</th>
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<td>Name of Claimant</td>
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<td>Equivalent of Portion of Expense</td>
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<td>Albee, Estate of Abbie C.</td>
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<td>Name of Claimant</td>
<td>Continuous Flow</td>
<td>Equivalent</td>
<td>Expense</td>
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