

THE STONY CREEK WATER WARS  
Glenn County - Tehama County - Colusa County , California.  
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CASES IN THE EROSION OF WATER RIGHTS IN THE STONY CREEK  
WATERSHED

(RELATED CASES)

Case number - Case Name

????? - Stony Creek Irrigation Co. v. [Hall? Searce?] , condemnation action, Tehama County Superior Court? 1904 [not yet found]

????? - USA v. ???; condemnation actions, East Park, South & North Diversion Dams, Canal rights of way, U.S. District Court, Northern District, California, Northern Division, 1906 [not yet found, Docket books MISSING]

????? - USA v. ???; condemnation actions, Rainbow Diversion Dam & Diversion Canal, U.S. District Court, Northern District, California, Northern Division, 1913 [not yet found, Docket books MISSING]

Equity 30 - USA v. H.C. Angle, et al., Decree 01/13/1930, U.S. District Court, Northern District, California, Northern Division, May 28 1918, later #80-583; Eastern District; 40,000 pages; Fraud on the Court produced Decree that took riparian rights without compensation [MISSING Equity Order Book, Equity Journal, Minute Book, Angle Bank Account after 07/29/1942, Docket Book for EQ-30 after 1062, 70 other pieces]

- 020384 - erosion of change in place of diversion & use rights, set up by Somach filings for USA, 80-583 Doc #38, thereafter court permission seemed to be needed for such changes

- 011086 - erosion of underflow rights, SWRCB actions & Colusa County Stip, Doc #94

- 011086 - erosion of diversion & use rights, SWRCB actions & Colusa County Stip, Doc #94

- 072591, 072691, & 082191 - erosion of Hall & Searce stipulated rights; Doc. #208 & 211

- 041495 - erosion of Hall & Searce stipulated rights; Doc. #245

- 021109 - expansion of Orland Project 7 miles beyond its footprint, endorsement of Reclamation selling Project water to non-project buyers, Doc. #295

Ap 2212 Division of Water Rights, Department of Public Works [Predecessor to SWRCB] Stony Gorge water right petition, 1921, D 83 11/17/1925;

- half of it rendered "excess diversion" by 01/13/1930 Angle Decree

????? - USA v. ???; condemnation actions, Stony Gorge, 1926, U.S. District Court, Northern District, California, Northern Division, 1926 [not yet found, Docket books MISSING]

#8065, 8178, 8220, 8339, 8464, 8638 - USA v. [various numbers of acres], condemnation actions, Black Butte, 1958-62, U.S. District, Court Eastern District, California, Northern Division, 1926 [files MISSING?]

Ap 18115 - SWRCB Black Butte water Right Petition, D 1100, later Tehama-Colusa Canal Constant Head Orifice Right on Stony Creek, 1960 & ----, 6,000 pages

#6290 #6291 #6293 #8429 #8430 & others - CVP Power Grid condemnation suits, U.S. District, Court Eastern District, California, Northern Division [MISSING]

#9062, many others - Tehama Colusa Canal condemnation suits, U.S. District, Court Eastern District, California, Northern Division [MISSING]

Ap 24758 - SWRCB mistaken erosion of Decree storage rights, D 1558, WR 80-13, 80-18, 82-10

???? - USA v. [SWRCB?]; [Andreotti], eroding non-USA storage, Colusa County Superior Court, to direct SWRCB to amend D 1558 11/14/1980 [see WR 82-10]

80-900 - USA v. SWRCB (Andreotti), eroding non-USA storage, U.S. District, Court Eastern District, California, Northern Division, 11/14/1980 [see WR 82-10]

14932 Colusa County v. Westcamp, Colusa County Superior Court, Condemnation, 04/21/1978, SWRCB called in to report on possible underflow

14974 Stonycreek Water District et al., v. Colusa County, for Injunctions against Unlawful Diversion of Water, Colusa County, Superior Court; diverting from underflow in violation [NO!] of Angle Decree 06/26/1978

Ap 27382 - 2,000 pages, WR 79-6, WR 80-11 - SWRCB mistakes:

- erosion of Decree underflow rights,
- erosion of Decree place of diversion & use rights,
- erosion of Decree right not to be claimed against by other parties
- grant to Reclamation of new right to sell water outside of Project

WR 89-25. 91-07, 98-08 - SWRCB mistaken "Fully Appropriated" for all except USA, D 1100 Ap 18115, D 1042 Ap 19355 ?

91-16515 - United States Court of Appeals (Angle), 9th Circuit, an erroneous decision restoring rights signed away in [coerced?] stipulations, USCA ignored weasel words in Morton's stip with Scarce, 1,500 pages?

91-1074 - USA v. GCID, Salmon takes, 4,000 pages, filed 08/09/1991, Order 03/10/1992, U.S. v. Glenn-Colusa Irr. Dist, 788 F.Supp. 1126 E.D.Cal. 1992, later modified, led to

91-1128 - GCID v. USA, Judge Levi, E.D.Cal. 3,500 pages, many errors

- rendered useless GCID Stony Creek rights,
- impaired Decree storage rights,

96-00942, 01-01816 - GCID, et al. v. USA, E.D.Cal. Sacramento River Settlement suits, as with 91-1128 & Angle, USA keeps breaking promises to GCID

05-01207 06-00245 - E.D.Cal. more Reclamation River settlement suits?

????? - multiplicity of (more than 150?) SWRCB awards to USA in violation of the Decree, table at XXX, many Federal filings not found [MISSING?], indexing problems, severe copying restrictions

Other Sources:

- Federal Archives [indexing problems]
- Water Master Records:
  - Before 1980, lost [MISSING] except for what's in the Court's Archives
  - After 1980, in possession of Water Master George Wilson at OUWUA offices
- Newspapers:
  - Orland Unit - State Library, Sacramento
  - Orland Register - Chico State Library?
  - Orland Press [?]
  - Willows Daily Journal - State Library, Sacramento
  - Colusa ----
  - Sacramento Bee
  - Sacramento Union
- Internet
- Freedom of Information Act Requests (many outstanding, few answered)

Total well over 100,000 pages?

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Return to Stony Creek Water Wars.

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List of Stony Creek watershed diversions in e-WRIMS, search first by stream, second by tributary, third by county, fourth by Mendocino National Forest, then by Decisions & Rulings - Count 314 including 4 Decisions & 8 Water Rights Opinions

[By NAMED STREAM:]

| Appl ID  | Permit ID | License ID | Water Right              | Type         | Status  | Holder Name | Date                | Face Amt | County               | Source                | Permit/ |  |
|--|-----------|------------|--------------------------|--------------|---|-------------|---------------------|----------|----------------------|-----------------------|---------|--|
| License  | Map It    | Export to  |                          |              |   |             |                     |          |                      |                       |         |  |
| Excel  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A000334  | 000157    | 000153     | Appropriative            | Licensed     | JOSHUA L SOSKE JR                                   | 05/11/1916  | 24.6 acre-ft/yr     | Glenn    | Sor                  |                       |         |  |
| A002212  | 002339    | 002652     | Appropriative            | Licensed     | U S BUREAU OF RECLAMATION                           | 02/17/1921  | 50200 acre-ft/yr    | Glenn    | Sor                  |                       |         |  |
| A018115  | 013776    |            | Appropriative            | Permitted    | U S BUREAU OF RECLAMATION                           | 04/30/1956  | 160000 acre-ft/yr   | Contra   |                      |                       |         |  |
| A020104  | 013490    | 008028     | Appropriative            | Licensed     | THE REVOCABLE TRUST OF ROBERT F RETZLOFF            | 04/27/1961  | 271.7               |          |                      |                       |         |  |
| A022230  |           |            | Appropriative            | State Filing | STATE WATER RESOURCES CONTROL BOARD                 | 07/20/1965  | 0 acre-ft/yr        | Glenn    |                      |                       |         |  |
| A022231  |           |            | Appropriative            | State Filing | STATE WATER RESOURCES CONTROL BOARD                 | 07/20/1965  | 0 acre-ft/yr        | Glenn    |                      |                       |         |  |
| A025261  | 017823    |            | Appropriative            | Permitted    | STONY CREEK WATER DISTRICT                          | 02/14/1977  | 3000 acre-ft/yr     | Colusa   |                      |                       |         |  |
| A025513  |           |            | Appropriative            | State Filing | STATE WATER RESOURCES CONTROL BOARD                 | 09/30/1977  | 9117000 acre-ft/yr  |          |                      |                       |         |  |
| A025514  |           |            | Appropriative            | State Filing | STATE WATER RESOURCES CONTROL BOARD                 | 09/30/1977  | 0 acre-ft/yr        | Glenn    |                      |                       |         |  |
| A026378  | 019273    | 013212     | Appropriative            | Licensed     | CITY OF SANTA CLARA                                 | 05/22/1980  | 477825.2 acre-ft/yr | Glenn    |                      |                       |         |  |
| A026379  | 019274    |            | Appropriative            | Permitted    | CITY OF SANTA CLARA                                 | 05/22/1980  | 1158364 acre-ft/yr  | Tehama   | STC                  |                       |         |  |
| A027382  | 020308    |            | Appropriative            | Permitted    | COUNTY OF COLUSA                                    | 07/08/1982  | 10 acre-ft/yr       | Colusa   | STONY CREEK          |                       |         |  |
| WR79-6 THE COLUSA COUNTY/STONYFORD WATER SUPPLY CASE,  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| WR80-11 THE COLUSA COUNTY/STONYFORD WATER SUPPLY CASE, |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A027750  | 019086    |            | Appropriative            | Permitted    | CITY OF SANTA CLARA                                 | 05/09/1983  | 106117.3 acre-ft/yr | Tehama   | ST                   |                       |         |  |
| S000063  |           |            | Statement of Div and Use | Inactive     | J M BUCKLEY   | 07/30/2008  | 0 acre-ft/yr        | Colusa   | BIG STONY CREEK      |                       |         |  |
| S006353  |           |            | Statement of Div and Use | Claimed      | U S BUREAU OF RECLAMATION                           | 01/01/1972  | 0 acre-ft/yr        | Colusa   | S                    |                       |         |  |
| S006354  |           |            | Statement of Div and Use | Claimed      | U S BUREAU OF RECLAMATION                           | 01/01/1972  | 0 acre-ft/yr        | Colusa   | I                    |                       |         |  |
| S009665  |           |            | Statement of Div and Use | Claimed      | JOSHUA L SOSKE JR                                   | 11/15/1978  | 0 acre-ft/yr        | Glenn    | NORTH FORK           |                       |         |  |
| S009676  |           |            | Statement of Div and Use | Claimed      | MASTERSON PROPERTIES                                | 12/07/1978  | 0 acre-ft/yr        | Tehama   | NORTH                |                       |         |  |
| S009960  |           |            | Statement of Div and Use | Claimed      | FRANK BAKER   | 08/30/1979  | 0 acre-ft/yr        | Colusa   | STONY CREEK N/       |                       |         |  |
| T031762  |           |            | Temporary Permit         | Cancelled    | U S BUREAU OF RECLAMATION                           | 06/01/2009  | 38294 acre-ft/yr    | Glenn    | Stor                 |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A011314  | 007972    | 004226     | Appropriative            | Licensed     | ZUMWALT MUTUAL WATER COMPANY                        | 03/12/1946  | 4595 acre-ft/yr     |          |                      |                       |         |  |
| A014201  | 014294    | 010111     | Appropriative            | Licensed     | STONYFORD RANCH LLC                                 | 03/22/1963  | 10 acre-ft/yr       | Glenn    | SAI                  |                       |         |  |
| A030010  | 020617    |            | Appropriative            | Permitted    | CALIF DEPT OF FORESTRY & FIRE PROTECTION            | 09/27/1991  | 22.4 acre-ft/yr     |          |                      |                       |         |  |
| C003862  | 003862    |            | Stockpond                | Certified    | U S MENDOCINO NATL FOREST                           | 10/26/1992  | 0 acre-ft/yr        | Glenn    | SALT CREEK           |                       |         |  |
| S003606  |           |            | Statement of Div and Use | Inactive     | U S MENDOCINO NATL FOREST                           | 08/18/1998  | 0 acre-ft/yr        | Glenn    | S                    |                       |         |  |
| T030017  | 020565    |            | Temporary Permit         | Revoked      |   | 04/17/1992  | 7.5 acre-ft/yr      | Tehama   | SALT CREEK           | View Permit M         |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A024136  | 016666    | 011506     | Appropriative            | Licensed     | ALFRED EAMES 2000 TRUST                             | 08/08/1972  | 6.8 acre-ft/yr      | Glenn    |                      |                       |         |  |
| C004559  | 004559    |            | Stockpond                | Certified    | LELAND RUIZ   | 11/17/1998  | 5.3 acre-ft/yr      | Colusa   | NORTH FORK ELK CREEK |                       |         |  |
| S004504  |           |            | Statement of Div and Use | Claimed      | U S MENDOCINO NATL FOREST                           | 01/01/1967  | 0 acre-ft/yr        | Glenn    | SC                   |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| S004508  |           |            | Statement of Div and Use | Claimed      | U S MENDOCINO NATL FOREST                           | 01/01/1967  | 0 acre-ft/yr        | Glenn    | CI                   |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A029335  | 020712    |            | Appropriative            | Permitted    | COLUSA-SOLANO JPA                                   | 09/13/1988  | 3.2 acre-ft/yr      | Colusa   | TROUT CREEK          |                       |         |  |
| A031155  | 021117    |            | Appropriative            | Permitted    | COLUSA-SOLANO JPA                                   | 03/02/2001  | 4.2 acre-ft/yr      | Colusa   | TROUT CREEK          |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A017872  | 011428    | 007706     | Appropriative            | Licensed     | U S MENDOCINO NATL FOREST                           | 11/05/1957  | 458.4 acre-ft/yr    |          |                      |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A023095  | 015787    | 010385     | Appropriative            | Licensed     | JAMES W SALVESON                                    | 07/23/1968  | 0.7 acre-ft/yr      | Colusa   | INDIAN LAKE          |                       |         |  |
| A024758  | 018724    |            | Appropriative            | Revoked      | INDIAN LAKE INVESTMENT, A CALIF GENERAL PARTNERSHIP | 06/23/2009  | 32                  |          |                      | the wall in Ap 24758, |         |  |
| D1558 - Andreotti                                      |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| WR80-13 - Andreotti                                    |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| WR80-18 - Andreotti                                    |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| WR82-10 - Andreotti                                    |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| S009091  |           |            | Statement of Div and Use | Claimed      | RUSSELL W KING                                      | 01/10/1977  | 0 acre-ft/yr        | Colusa   | INDIAN CREEK         |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A026926  | 018682    | 012306     | Appropriative            | Licensed     | LLOYD WELLS   | 07/21/1981  | 1.1 acre-ft/yr      | Colusa   | SQUAW CREEK          |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A020537  | 013595    | 007907     | Appropriative            | Licensed     | ELAINE G KERNS                                      | 12/26/1961  | 5.3 acre-ft/yr      | Glenn    | WATER CREEK          |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A018896  | 012934    | 010972     | Appropriative            | Licensed     | ROBERT J NIELSEN                                    | 08/04/1959  | 134 acre-ft/yr      | Tehama   | KENT CREEK           |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| S001310  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 06/23/1967  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| S001342  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 06/23/1967  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| S012403  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 02/14/1986  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| S012404  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 02/14/1986  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| S012405  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 02/14/1986  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| S012406  |           |            | Statement of Div and Use | Claimed      | SIERRA PACIFIC INDUSTRIES                           | 02/14/1986  | 0 acre-ft/yr        | Tehama   | F                    |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| F0045155   |           |            | Federal Filings          | Claimed      | U S MENDOCINO NATL FOREST                           | 07/01/1984  | 0 acre-ft/yr        | Glenn    | BOARD TREE           |                       |         |  |
| -----  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| [GLENN County:]  |           |            |                          |              |   |             |                     |          |                      |                       |         |  |
| A013459  | 007960    | 003847     | Appropriative            | Licensed     | WHITNEY CONSTRUCTION                                | 11/14/1959  | 30 acre-ft/yr       | Glenn    | UNCR                 |                       |         |  |
| A014115  | 008532    | 007202     | Appropriative            | Licensed     | FRITZ MAST  | 12/29/1950  | 200 acre-ft/yr      | Glenn    | UNCR                 | View                  |         |  |

## [tributary to Stony Creek Section 9 T20N R6W

|                         |         |         |               |          |  |            |                 |                  |         |
|-------------------------|---------|---------|---------------|----------|--|------------|-----------------|------------------|---------|
| A018468                 | 011976  | 009635  | Appropriative | Licensed | LAUREN B SCOTT TRUST                       | 01/12/1959 | 50 acre-ft/yr   | Glenn UN         | View    |
| A018523A                | 012370  | 011064  | Appropriative | Licensed | JIM FREITAS                                | 10/09/1980 | 9.6 acre-ft/yr  | Glenn UNST       | View    |
| A018523B                | 012370  | 011065  | Appropriative | Licensed | BRUCE W JONES                              | 10/09/1980 | 3 acre-ft/yr    | Glenn UNST       | View    |
| A018523C                | 012370  | 011066  | Appropriative | Licensed | Walter Steuben                             | 10/09/1980 | 57.8 acre-ft/yr | Glenn UNST       | View    |
| A018908                 | 012331  | 007417  | Appropriative | Licensed | DAVID H WOOD FAMILY TRUST                  | 08/10/1959 | 6 acre-ft/yr    | Glenn UNST       | View    |
| A018965                 | 012374  | 008688  | Appropriative | Licensed | FRITZ MAST                                 | 09/03/1959 | 200 acre-ft/yr  | Glenn UNST       | View    |
| A019297                 | 012830  | 007579  | Appropriative | Licensed | LEON WHITNEY                               | 03/09/1960 | 11 acre-ft/yr   | Glenn UNST       | View    |
| A019298                 | 012831  | 007580  | Appropriative | Licensed | LEON WHITNEY                               | 03/09/1960 | 9.3 acre-ft/yr  | Glenn UNST       | View    |
| A019437                 | 012973  | 007871  | Appropriative | Licensed | JERRY D SPURLOCK                           | 05/12/1960 | 7.2 acre-ft/yr  | Glenn UNST       | View    |
| A019492                 | 012712  | 007648  | Appropriative | Licensed | DLC TRUST                                  | 06/20/1960 | 5.2 acre-ft/yr  | Glenn UNST       | View I  |
| A019493                 | 012713  | 007649  | Appropriative | Licensed | DLC TRUST                                  | 06/20/1960 | 11.2 acre-ft/yr | Glenn UNST       | View    |
| A019494                 | 012714  | 007650  | Appropriative | Licensed | DLC TRUST                                  | 06/20/1960 | 2.5 acre-ft/yr  | Glenn UNST       | View I  |
| A019534                 | 012937  | 007665  | Appropriative | Licensed | DAVID H WOOD FAMILY TRUST                  | 07/11/1960 | 7 acre-ft/yr    | Glenn UNST       | View    |
| A019555                 | 012932  | 007640  | Appropriative | Licensed | Walter Steuben                             | 07/18/1960 | 11.8 acre-ft/yr | Glenn UNST       | View    |
| A019733                 | 012993  | 007958  | Appropriative | Licensed | ANTHONY G PIERCE                           | 09/08/1960 | 89.7 acre-ft/yr | Glenn UNST       | View    |
| A019899                 | 013472  | 007886  | Appropriative | Licensed | BEN SALE                                   | 12/29/1960 | 21.9 acre-ft/yr | Glenn UNST       | View I  |
| A019901                 | 013063  | 007876  | Appropriative | Licensed | JOSHUA L SOSKE JR                          | 01/03/1961 | 8.8 acre-ft/yr  | Glenn UNST       | View    |
| A019902                 | 013064  | 007877  | Appropriative | Licensed | JOSHUA L SOSKE JR                          | 01/03/1961 | 7.7 acre-ft/yr  | Glenn UNST       | View    |
| A019910                 | 013077  | 007872  | Appropriative | Licensed | JERRY D SPURLOCK                           | 01/09/1961 | 3 acre-ft/yr    | Glenn UNST       | View    |
| A019911                 | 013079  | 007873  | Appropriative | Licensed | MICHAEL HESTER                             | 12/24/1992 | 64 acre-ft/yr   | Glenn UNST       | View    |
| A019912                 | 013080  | 007874  | Appropriative | Licensed | JERRY SPURLOCK                             | 01/09/1961 | 2 acre-ft/yr    | Glenn UNST       | View    |
| A019913                 | 013081  | 007875  | Appropriative | Licensed | MIKE LANDINI                               | 01/09/1961 | 3.5 acre-ft/yr  | Glenn UNST       | View    |
| A019916                 | 013113  | 007900  | Appropriative | Licensed | Judith Black-Barath                        | 01/11/1961 | 13 acre-ft/yr   | Glenn UNST       | View    |
| A019940                 | 013473  | 007887  | Appropriative | Licensed | BEN SALE                                   | 01/30/1961 | 4.4 acre-ft/yr  | Glenn UNST       | View Li |
| A019941                 | 013474  | 007888  | Appropriative | Licensed | BEN SALE                                   | 01/30/1961 | 13.1 acre-ft/yr | Glenn UNST       | View I  |
| A019942                 | 013475  | 007889  | Appropriative | Licensed | BEN SALE                                   | 01/30/1961 | 11 acre-ft/yr   | Glenn UNST       | View Li |
| A020052                 | 013505  | 007989  | Appropriative | Licensed | STEVEN J DANTZER                           | 03/27/1961 | 15 acre-ft/yr   | Glenn UNST       | View    |
| A020139                 | 013642  | 008839  | Appropriative | Licensed | ZON K CHU                                  | 05/22/1961 | 8 acre-ft/yr    | Glenn UNST       | View Li |
| A020149                 | 013480  | 007890  | Appropriative | Licensed | BEN SALE                                   | 05/25/1961 | 3 acre-ft/yr    | Glenn UNST       | View Li |
| A020150                 | 013481  | 007891  | Appropriative | Licensed | BEN SALE                                   | 05/25/1961 | 1.1 acre-ft/yr  | Glenn UNST       | View Li |
| A020285                 | 013178  | 007959  | Appropriative | Licensed | ANTHONY G PIERCE                           | 07/03/1961 | 6.7 acre-ft/yr  | Glenn UNST       | View    |
| A020290                 | 013385  | 008070  | Appropriative | Licensed | ROBERT A BURROWS                           | 07/05/1961 | 2.7 acre-ft/yr  | Glenn UNST       | View    |
| A020292                 | 013607  | 007990  | Appropriative | Revoked  | MARJORIE MURPHY                            | 03/27/1998 | 0 acre-ft/yr    | Glenn UNST       | View    |
| A020292A                | 007990A | 007990A | Appropriative | Licensed | MARJORIE MURPHY                            | 03/27/1998 | 53.1 acre-ft/yr | Glenn, Sonoma UN | View    |
| A020292B                | 007990B | 007990B | Appropriative | Licensed | NITA W CONNELLY                            | 03/27/1998 | 14.1 acre-ft/yr | Glenn, Sonoma UN | View    |
| A020295                 | 013477  | 007892  | Appropriative | Licensed | BEN SALE                                   | 07/10/1961 | 12 acre-ft/yr   | Glenn UNST       | View Li |
| A020296                 | 013478  | 007893  | Appropriative | Licensed | BEN SALE                                   | 07/10/1961 | 8.5 acre-ft/yr  | Glenn UNST       | View Li |
| A020298                 | 013487  | 007906  | Appropriative | Licensed | ELAINE G KERNS                             | 07/12/1961 | 9.3 acre-ft/yr  | Glenn UNST       | View    |
| AC20304                 | 013391  | 008186  | Appropriative | Licensed | GUIDO PINCOLINI FAMILY LIMITED PARTNERSHIP | 07/17/1961 | 37.0 acre-ft/yr | Glenn UNST       | View    |
| A020329                 | 013396  | 007919  | Appropriative | Licensed | RAYMOND LACROIX                            | 07/26/1961 | 1.2 acre-ft/yr  | Glenn UNST       | View    |
| A020337                 | 013501  | 007913  | Appropriative | Licensed | FRITZ MAST                                 | 07/31/1961 | 2.4 acre-ft/yr  | Glenn UNST       | View    |
| A020494                 | 013610  | 007866  | Appropriative | Licensed | VELMA M GILLASPY                           | 11/15/1961 | 3 acre-ft/yr    | Glenn UNST       | View    |
| A020495                 | 013611  | 007867  | Appropriative | Licensed | CLAUDE D GILLASPY TRUST                    | 11/15/1961 | 13 acre-ft/yr   | Glenn UNST       | View    |
| A020500                 | 013566  | 007894  | Appropriative | Licensed | BEN SALE                                   | 11/17/1961 | 22.3 acre-ft/yr | Glenn UNST       | View I  |
| A020503                 | 013570  | 007986  | Appropriative | Licensed | ANTHONY G PIERCE                           | 11/21/1961 | 7.6 acre-ft/yr  | Glenn UNST       | View    |
| A020504                 | 013571  | 007987  | Appropriative | Licensed | ANTHONY G PIERCE                           | 11/21/1961 | 29 acre-ft/yr   | Glenn UNST       | View    |
| A020506                 | 013572  | 007966  | Appropriative | Licensed | LAWRENCE B GROTEGUTH                       | 11/22/1961 | 6.1 acre-ft/yr  | Glenn UNST       | View    |
| AC20512                 | 013573  | 007967  | Appropriative | Licensed | LAWRENCE B GROTEGUTH                       | 11/29/1961 | 10.3 acre-ft/yr | Glenn UNST       | View    |
| A020513                 | 013548  | 009868  | Appropriative | Licensed | LEON WHITNEY                               | 12/01/1961 | 107 acre-ft/yr  | Glenn UNST       | View    |
| A020576                 | 013555  | 008007  | Appropriative | Licensed | U S MENDOCINO NATL FOREST                  | 01/29/1962 | 0.2 acre-ft/yr  | Glenn UNST       | View    |
| A020577                 | 013556  | 008008  | Appropriative | Licensed | U S MENDOCINO NATL FOREST                  | 01/29/1962 | 0.2 acre-ft/yr  | Glenn UNST       | View    |
| A020578                 | 013557  | 008009  | Appropriative | Licensed | U S MENDOCINO NATL FOREST                  | 01/29/1962 | 0.2 acre-ft/yr  | Glenn UNST       | View    |
| A020579                 | 013619  | 008010  | Appropriative | Licensed | U S MENDOCINO NATL FOREST                  | 01/29/1962 | 0.4 acre-ft/yr  | Glenn UNST       | View    |
| A020603                 | 013829  | 008534  | Appropriative | Licensed | HOLLIS E REIMERS                           | 02/13/1962 | 59.7 acre-ft/yr | Glenn UNST       | View    |
| A020614                 | 013736  | 008550  | Appropriative | Licensed | FRITZ MAST                                 | 02/15/1962 | 34 acre-ft/yr   | Glenn UNST       | View I  |
| A020615                 | 013737  | 008551  | Appropriative | Licensed | FRITZ MAST                                 | 02/15/1962 | 64 acre-ft/yr   | Glenn UNST       | View I  |
| A020646                 | 013674  | 008366  | Appropriative | Licensed | LOUANN MILLSAPS                            | 03/07/1962 | 13.4 acre-ft/yr | Glenn UNCR       | View    |
| A020647                 | 013675  | 008308  | Appropriative | Licensed | LOUANN MILLSAPS                            | 03/07/1962 | 6.3 acre-ft/yr  | Glenn UNCR       | View    |
| A020724                 | 013823  | 008602  | Appropriative | Licensed | LOUANN MILLSAPS                            | 04/17/1962 | 16 acre-ft/yr   | Glenn UNCR       | View    |
| A020803                 | 013850  | 008564  | Appropriative | Licensed | JACK A CUSHMAN                             | 06/04/1962 | 10.6 acre-ft/yr | Glenn UNCR       | View    |
| A020849                 | 014027  | 008567  | Appropriative | Licensed | MASTERTON PROPERTIES                       | 07/11/1962 | 5.4 acre-ft/yr  | Glenn UNST       | View    |
| A021007                 | 014071  | 008586  | Appropriative | Licensed | ELAINE G KERNS                             | 11/07/1962 | 0.7 acre-ft/yr  | Glenn UNST       | View    |
| A021057                 | 014036  | 008327  | Appropriative | Licensed | ANTHONY G PIERCE                           | 11/30/1962 | 12 acre-ft/yr   | Glenn UNST       | View    |
| A021200                 | 014293  | 008778  | Appropriative | Licensed | STONYFORD RANCH LLC                        | 03/22/1963 | 18 acre-ft/yr   | Glenn UNST       | View    |
| A021285                 | 014641  | 009208  | Appropriative | Licensed | GRINDSTONE LAND & CATTLE COMPANY           | 05/17/1963 | 43 acre-ft/yr   | Glenn UNST       | View    |
| A021720                 | 014542  | 009237  | Appropriative | Licensed | DAVID H WOOD FAMILY TRUST                  | 03/30/1964 | 5.5 acre-ft/yr  | Glenn UNST       | View    |
| A021840                 | 014772  | 009415  | Appropriative | Licensed | WILLIS K BAKER II                          | 07/09/1964 | 47 acre-ft/yr   | Glenn UNST       | View    |
| A022047                 | 014937  | 008927  | Appropriative | Licensed | RICHARD KNIGHT                             | 02/19/1965 | 15 acre-ft/yr   | Glenn UNST       | View    |
| [Stony Gorge South end] |         |         |               |          |  |            |                 |                  |         |
| A022169                 | 014933  | 009349  | Appropriative | Licensed | TOWER INVESTMENTS LLC                      | 05/21/1965 | 13 acre-ft/yr   | Glenn UNST       | View    |
| A022170                 | 014934  | 009319  | Appropriative | Licensed | TOWER INVESTMENTS LLC                      | 05/21/1965 | 48 acre-ft/yr   | Glenn UNST       | View    |
| A022171                 | 014935  | 009280  | Appropriative | Licensed | TOWER INVESTMENTS LLC                      | 05/21/1965 | 36 acre-ft/yr   | Glenn UNST       | View    |
| AG22253                 | 015002  | 008779  | Appropriative | Licensed | STONYFORD RANCH LLC                        | 08/05/1965 | 17 acre-ft/yr   | Glenn UNST       | View    |
| A022320                 | 015287  | 010266  | Appropriative | Licensed | George N Kokkinakis                        | 10/22/1965 | 72 acre-ft/yr   | Glenn UNST       | View    |
| AG22338                 | 015118  | 009036  | Appropriative | Licensed | ACADEMY OIL & GAS INC                      | 11/17/1965 | 5 acre-ft/yr    | Glenn UNST       | View    |
| A022443                 | 015301  | 009768  | Appropriative | Licensed | THE HUMAN FARMING ASSOCIATION              | 04/05/1966 | 10 acre-ft/yr   | Glenn UNST       | View    |
| A022467                 | 015324  | 008931  | Appropriative | Licensed | ANTHONY G PIERCE                           | 05/16/1966 | 14.5 acre-ft/yr | Glenn UNST       | View    |
| A022481                 | 015273  | 009706  | Appropriative | Licensed | CHESTER M VOGT JR                          | 06/01/1966 | 13.6 acre-ft/yr | Glenn UNST       | View    |
| A022776                 | 015552  | 009644  | Appropriative | Licensed | HOLLIS E REIMERS                           | 04/26/1967 | 4.5 acre-ft/yr  | Glenn UNST       | View    |
| A022819                 | 015558  | 010020  | Appropriative | Licensed | DAVID H WOOD FAMILY TRUST                  | 06/14/1967 | 15 acre-ft/yr   | Glenn UNST       | View    |
| A022872                 | 015588  | 010006  | Appropriative | Licensed | ELAINE G KERNS                             | 08/03/1967 | 7 acre-ft/yr    | Glenn UNST       | View    |

|         |        |        |               |           |  |            |                 |            |           |
|---------|--------|--------|---------------|-----------|--|------------|-----------------|------------|-----------|
| A022994 | 015685 | 010397 | Appropriative | Licensed  | ANTHONY G PIERCE                         | 02/27/1968 | 20 acre-ft/yr   | Glenn UNST |           |
| A022995 | 015686 | 010264 | Appropriative | Licensed  | ANTHONY G PIERCE                         | 02/27/1968 | 9 acre-ft/yr    | Glenn UNST | V         |
| A023188 | 015922 | 010605 | Appropriative | Licensed  | U S MENDOCINO NATL FOREST                | 12/13/1968 | 1.7 acre-ft/yr  | Glenn UNST | Gl        |
| A023191 | 015923 | 010560 | Appropriative | Licensed  | U S MENDOCINO NATL FOREST                | 12/13/1968 | 0.4 acre-ft/yr  | Glenn UNST | Gl        |
| A023192 | 015924 | 010559 | Appropriative | Licensed  | U S MENDOCINO NATL FOREST                | 12/13/1968 | 0.3 acre-ft/yr  | Glenn UNST | Gl        |
| A023274 | 015890 | 010204 | Appropriative | Licensed  | Walter Steuben                           | 05/12/1969 | 0.2 acre-ft/yr  | Glenn UNST | V         |
| A023299 | 015969 | 010265 | Appropriative | Licensed  | George N Kokkinakis                      | 06/20/1969 | 48 acre-ft/yr   | Glenn UNST | UNS       |
| A023533 | 016089 | 010997 | Appropriative | Licensed  | Walter Steuben                           | 06/16/1970 | 1.6 acre-ft/yr  | Glenn UNST | SE        |
| A023594 | 016135 | 010268 | Appropriative | Licensed  | STONYFORD RANCH LLC                      | 08/26/1970 | 18 acre-ft/yr   | Glenn UNST | UNS       |
| A023740 | 016257 | 010693 | Appropriative | Licensed  | HOLLIS E REIMERS                         | 03/30/1971 | 5.6 acre-ft/yr  | Glenn UNST |           |
| A023977 | 016501 | 010678 | Appropriative | Licensed  | TED E ARNOLD                             | 02/01/1972 | 34.5 acre-ft/yr | Glenn UNST | Vi        |
| A023995 | 016527 | 010981 | Appropriative | Licensed  | JESSIE G WESTCAMP REVOCABLE LIVING TRUST | 3/19/02    | 03/09/1972      |            |           |
| A024089 | 016664 | 010983 | Appropriative | Licensed  | ALFRED EAMES 2000 TRUST                  | 06/15/1972 | 22 acre-ft/yr   | Glenn UNST |           |
| A024090 | 016665 | 010984 | Appropriative | Licensed  | ALFRED EAMES 2000 TRUST                  | 06/15/1972 | 5.3 acre-ft/yr  | Glenn UNST |           |
| A024702 | 017353 | 011274 | Appropriative | Licensed  | WALTON TRUST                             | 10/31/1974 | 23.4 acre-ft/yr | Glenn UNST | Vi        |
| A024810 | 016837 | 011176 | Appropriative | Licensed  | MIKE LANDINI                             | 05/13/1975 | 0.3 acre-ft/yr  | Glenn UNST | View      |
| A024811 | 016838 | 011177 | Appropriative | Licensed  | MIKE LANDINI                             | 05/13/1975 | 1.5 acre-ft/yr  | Glenn UNST | View      |
| A025669 | 017872 | 011805 | Appropriative | Licensed  | LAWRENCE B GROTEGUTH                     | 02/08/1978 | 3.4 acre-ft/yr  | Glenn UNST | Vi        |
| A025670 | 017873 | 011806 | Appropriative | Licensed  | LAWRENCE B GROTEGUTH                     | 02/08/1978 | 2 acre-ft/yr    | Glenn UNST | UNS       |
| A025928 | 017871 | 011931 | Appropriative | Licensed  | MASTERSON WEST                           | 02/26/1979 | 2.8 acre-ft/yr  | Glenn UNST | V         |
| A026102 | 018049 | 011854 | Appropriative | Licensed  | RALPHS RANCHES INC                       | 09/28/1979 | 23 acre-ft/yr   | Glenn UNST | UNS       |
| A026206 | 018072 | 011860 | Appropriative | Licensed  | MASTERSON PROPERTIES                     | 02/15/1980 | 2.5 acre-ft/yr  | Glenn UNST |           |
| A026247 | 018113 | 011810 | Appropriative | Licensed  | VAUGHN PERKINS                           | 03/06/1980 | 10 acre-ft/yr   | Glenn UNST | Vi        |
| A026776 | 018407 | 012321 | Appropriative | Licensed  | WENDELL GREEN                            | 04/02/1981 | 5.5 acre-ft/yr  | Glenn UNST | Vi        |
| A028162 | 019450 | 012880 | Appropriative | Licensed  | JACK A CUSHMAN                           | 06/21/1984 | 20 acre-ft/yr   | Glenn UNST | Vi        |
| A028511 | 019899 | 012881 | Appropriative | Licensed  | LAWRENCE B GROTEGUTH                     | 07/10/1985 | 43 acre-ft/yr   | Glenn UNST | UN        |
| A028994 | 020655 |        | Appropriative | Permitted | LEON WHITNEY                             | 03/25/1987 | 370 acre-ft/yr  | Glenn UNST | View Perm |
| A029018 | 020593 |        | Appropriative | Permitted | Judith Black-Barath                      | 04/30/1987 | 9 acre-ft/yr    | Glenn UNST | View      |
| A029019 | 020594 |        | Appropriative | Permitted | Judith Black-Barath                      | 04/30/1987 | 8 acre-ft/yr    | Glenn UNST | View      |
| A029036 | 020644 |        | Appropriative | Permitted | WENDELL GREEN                            | 05/28/1987 | 15 acre-ft/yr   | Glenn UNST | View Perm |
| A029670 | 020848 |        | Appropriative | Permitted | LOUANN MILLSAPS                          | 03/02/1990 | 22 acre-ft/yr   | Glenn UNST | View Perm |
| A029726 | 020601 |        | Appropriative | Permitted | MAUDRIE M SMITH                          | 04/23/1990 | 5 acre-ft/yr    | Glenn UNST | View Perm |
| A030585 | 020994 |        | Appropriative | Permitted | ROBERT A BURROWS                         | 10/16/1996 | 12 acre-ft/yr   | Glenn UNST | View Perm |
| A031025 | 021115 |        | Appropriative | Permitted | ANTHONY G PIERCE                         | 02/29/2000 | 15 acre-ft/yr   | Glenn UNST | View Perm |

below the confluence of Big & Little;

{GUESSES:}

|         |        |           |           |                      |            |                |            |                  |
|---------|--------|-----------|-----------|----------------------|------------|----------------|------------|------------------|
| C000106 | 000106 | Stockpond | Certified | ANTOINETTE I EAMES   | 12/05/1975 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C000389 | 000389 | Stockpond | Certified | MIKE LANDINI         | 07/27/1976 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C000390 | 000390 | Stockpond | Certified | MIKE LANDINI         | 07/27/1976 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C000391 | 000391 | Stockpond | Certified | MIKE LANDINI         | 07/27/1976 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C000392 | 000392 | Stockpond | Certified | MIKE LANDINI         | 07/27/1976 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C000393 | 000393 | Stockpond | Certified | MIKE LANDINI         | 07/27/1976 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002312 | 002312 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002313 | 002313 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002314 | 002314 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002315 | 002315 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002316 | 002316 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002317 | 002317 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002318 | 002318 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002319 | 002319 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002320 | 002320 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002321 | 002321 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002322 | 002322 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002323 | 002323 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002324 | 002324 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002325 | 002325 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002326 | 002326 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002327 | 002327 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002328 | 002328 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002329 | 002329 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002330 | 002330 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002331 | 002331 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002332 | 002332 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002333 | 002333 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002334 | 002334 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002335 | 002335 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002336 | 002336 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002337 | 002337 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002338 | 002338 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002339 | 002339 | Stockpond | Certified | BRUCE W JONES        | 12/19/1977 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C002735 | 002735 | Stockpond | Certified | HANDLERY HOTELS, INC | 01/11/1978 | 0 acre-ft/yr   | Glenn UNST | View License     |
| C004516 | 004516 | Stockpond | Certified | MARC MAST            | 11/06/1998 | 3.5 acre-ft/yr | Glenn UNST | View License Map |
| C004587 | 004587 | Stockpond | Certified | CHET VOGT            | 11/19/1998 | 6 acre-ft/yr   | Glenn UNST | View License Map |
| C004662 | 004662 | Stockpond | Certified | Walter Steuben       | 04/02/1999 | 6.3 acre-ft/yr | Glenn UNST | View License     |
| C005507 | 005507 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005508 | 005508 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005509 | 005509 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1998 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005510 | 005510 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005511 | 005511 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005512 | 005512 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |
| C005513 | 005513 | Stockpond | Certified | GEORGE N KOKKINAKIS  | 12/30/1997 | 3.5 acre-ft/yr | Glenn UNST | View I           |

Exhibit A-1 p. 3

|                              |                          |                    |                           |                      |                                   |                |                  |                      |
|------------------------------|--------------------------|--------------------|---------------------------|----------------------|-----------------------------------|----------------|------------------|----------------------|
| 0031526R                     | 000654R                  | Small Domestic Reg | Registered                | GRCD CROPP           | 09/16/2004                        | 5.3 acre-ft/yr | Glenn            | Unnamed S            |
| F004492S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | UNST             | N/A                  |
| F004493S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | UNST             | N/A                  |
| F004511S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | N/A            | Map It           | Dc                   |
| F004514S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | UNSP             | N/A                  |
| F004516S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | UNSP             | N/A                  |
| F011016S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | UNSP             | N/A                  |
| F011019S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | CEDAR RIDC       |                      |
| F011140S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | TWIN SPRIN       |                      |
| F011141S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Glenn          | MEYERS CAE       |                      |
| S001190                      | Statement of Div and Use | Claimed            | BLACK BUTTE RANCH         | 01/01/1975           | 0 acre-ft/yr                      | Glenn          | BUREAU OF        |                      |
| S001520                      | Statement of Div and Use | Claimed            | ROBERT A BURROWS          | 01/01/1980           | 0 acre-ft/yr                      | Glenn          | UNST             | N/A                  |
| S003583                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Glenn          | UN               |                      |
| S003585                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Glenn          | HE               |                      |
| S003586                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Glenn          | JU               |                      |
| S003600                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Glenn          | YF               |                      |
| S004469                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | UN               |                      |
| S004474                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | UN               |                      |
| S004475                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | UN               |                      |
| S004477                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | MI               |                      |
| S004478                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | KJ               |                      |
| S004488                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | SE               |                      |
| S004490                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | SE               |                      |
| S004491                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | SE               |                      |
| S004510                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | JN               |                      |
| S004512                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1967           | 0 acre-ft/yr                      | Glenn          | UN               |                      |
| S004861                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1968           | 0 acre-ft/yr                      | Glenn          | SE               |                      |
| S004862                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1968           | 0 acre-ft/yr                      | Glenn          | BI               |                      |
| S004872                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1968           | 0 acre-ft/yr                      | Glenn          | BU               |                      |
| S004874                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1968           | 0 acre-ft/yr                      | Glenn          | SE               |                      |
| =====                        |                          |                    |                           |                      |                                   |                |                  |                      |
| [TEHAMA COUNTY:]             |                          |                    |                           |                      |                                   |                |                  |                      |
| A010401                      | 006068                   | 002971             | Appropriative             | Licensed             | U S MENDOCINO NATL FOREST         | 03/12/1942     | 0.1 acre-ft/yr   | Teh                  |
| A017169                      | 010890                   | 006957             | Appropriative             | Licensed             | LOUIS H NIEHUES                   | 07/09/1956     | 204.4 acre-ft/yr | Tehama UNS           |
| : Lower Stony :              |                          |                    |                           |                      |                                   |                |                  |                      |
| AC18822                      | 012162                   | 007527             | Appropriative             | Licensed             | QUIET HILLS RANCH COMPANY         | 06/23/1959     | 26.5 acre-ft/yr  | Te                   |
| AC18823                      | 012163                   | 007528             | Appropriative             | Licensed             | QUIET HILLS RANCH COMPANY         | 06/23/1959     | 161.4 acre-ft/yr | T                    |
| A019903                      | 013065                   | 007878             | Appropriative             | Licensed             | MASTERSON PROPERTIES              | 01/03/1961     | 8 acre-ft/yr     | Tehama UN            |
| A019904                      | 013066                   | 007879             | Appropriative             | Licensed             | MASTERSON PROPERTIES              | 01/03/1961     | 8 acre-ft/yr     | Tehama UN            |
| A019905                      | 013067                   | 007880             | Appropriative             | Licensed             | MASTERSON WEST                    | 01/03/1961     | 16.5 acre-ft/yr  | Tehama UNST          |
| [North Fork]                 |                          |                    |                           |                      |                                   |                |                  |                      |
| A019926                      | 013090                   | 007916             | Appropriative             | Licensed             | JOSHUA L SOSKE JR                 | 01/20/1961     | 8.1 acre-ft/yr   | Tehama UNS           |
| A020727                      | 013734                   | 008302             | Appropriative             | Licensed             | MASTERSON PROPERTIES              | 04/19/1962     | 9.4 acre-ft/yr   | Tehama               |
| A023289                      | 015976                   | 010293             | Appropriative             | Licensed             | U S MENDOCINO NATL FOREST         | 06/09/1969     | 0.6 acre-ft/yr   | Teh                  |
| A023713                      | 016345                   | 010958             | Appropriative             | Licensed             | U S MENDOCINO NATL FOREST         | 03/05/1971     | 0.7 acre-ft/yr   | Teh                  |
| A026130                      | 018298                   | 011732             | Appropriative             | Licensed             | BLACK BUTTE LAND & CATTLE COMPANY | 11/14/1979     | 48 acre-ft/yr    |                      |
| =====                        |                          |                    |                           |                      |                                   |                |                  |                      |
| C002736                      | 002736                   | Stockpond          | Certified                 | HANDLERY HOTELS, INC | 01/11/1978                        | 0 acre-ft/yr   | Tehama           | UNST View I          |
| C002737                      | 002737                   | Stockpond          | Certified                 | HANDLERY HOTELS, INC | 01/11/1978                        | 0 acre-ft/yr   | Tehama           | UNST View I          |
| C002738                      | 002738                   | Stockpond          | Certified                 | HANDLERY HOTELS, INC | 01/11/1978                        | 0 acre-ft/yr   | Tehama           | UNST View I          |
| C002739                      | 002739                   | Stockpond          | Certified                 | HANDLERY HOTELS, INC | 01/11/1978                        | 0 acre-ft/yr   | Tehama           | UNST View I          |
| =====                        |                          |                    |                           |                      |                                   |                |                  |                      |
| [COLUSA County:]             |                          |                    |                           |                      |                                   |                |                  |                      |
| A028897                      | 020267                   | 013159             | Appropriative             | Licensed             | MNC & K FARMING LTD A PARTNERSHIP | 09/16/1986     | 5.8 acre-ft/yr   |                      |
| D030263R                     | 000196R                  | Small Domestic Reg | Revoked                   |                      | 10/15/2003                        | 0.8 acre-ft/yr | Colusa           | UNST View License Ma |
| =====                        |                          |                    |                           |                      |                                   |                |                  |                      |
| [MENDOCINO NATIONAL FOREST:] |                          |                    |                           |                      |                                   |                |                  |                      |
| F011138S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Colusa         | UNSP             | N/P                  |
| F011139S                     | Federal Filings          | Claimed            | U S MENDOCINO NATL FOREST | 07/01/1984           | 0 acre-ft/yr                      | Colusa         | UNSP             | N/P                  |
| S003661                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | F                |                      |
| S003666                      | Statement of Div and Use | Inactive           | U S MENDOCINO NATL FOREST | 08/18/1998           | 0 acre-ft/yr                      | Tehama         |                  |                      |
| S003667                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | F                |                      |
| S003678                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003683                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | F                |                      |
| S003684                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003688                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003689                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | F                |                      |
| S003692                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | F                |                      |
| S003693                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | H                |                      |
| S003695                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003696                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003702                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |
| S003703                      | Statement of Div and Use | Claimed            | U S MENDOCINO NATL FOREST | 01/01/1966           | 0 acre-ft/yr                      | Tehama         | C                |                      |

|         |                          |          |                           |            |              |        |   |
|---------|--------------------------|----------|---------------------------|------------|--------------|--------|---|
| S003704 | Statement of Div and Use | Inactive | U S MENDOCINO NATL FOREST | 08/18/1998 | 0 acre-ft/yr | Tehama |   |
| S003705 | Statement of Div and Use | Claimed  | U S MENDOCINO NATL FOREST | 01/01/1966 | 0 acre-ft/yr | Tehama | S |
| S003706 | Statement of Div and Use | Claimed  | U S MENDOCINO NATL FOREST | 01/01/1966 | 0 acre-ft/yr | Tehama | S |
| S003708 | Statement of Div and Use | Claimed  | U S MENDOCINO NATL FOREST | 01/01/1966 | 0 acre-ft/yr | Tehama | S |
| S003709 | Statement of Div and Use | Inactive | U S MENDOCINO NATL FOREST | 08/18/1998 | 0 acre-ft/yr | Tehama | S |
| S003710 | Statement of Div and Use | Claimed  | U S MENDOCINO NATL FOREST | 01/01/1966 | 0 acre-ft/yr | Tehama | L |

|         |                          |         |                           |            |              |        |   |
|---------|--------------------------|---------|---------------------------|------------|--------------|--------|---|
| S011491 | Statement of Div and Use | Claimed | U S MENDOCINO NATL FOREST | 02/04/1985 | 0 acre-ft/yr | Colusa | L |
| S011494 | Statement of Div and Use | Claimed | U S MENDOCINO NATL FOREST | 12/26/1984 | 0 acre-ft/yr | Tehama | L |

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[SWRCB List by email]

|         |        |           |           |                           |            |              |        |      |    |
|---------|--------|-----------|-----------|---------------------------|------------|--------------|--------|------|----|
| C003835 | 003835 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Colusa | UNST | V  |
| C003838 | 003838 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003840 | 003840 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003841 | 003841 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003842 | 003842 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003843 | 003843 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003844 | 003844 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003845 | 003845 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003846 | 003846 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003848 | 003848 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003849 | 003849 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003850 | 003850 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003851 | 003851 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003852 | 003852 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003853 | 003853 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003854 | 003854 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003855 | 003855 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003856 | 003856 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003857 | 003857 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003858 | 003858 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003859 | 003859 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003860 | 003860 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |
| C003863 | 003863 | Stockpond | Certified | U S MENDOCINO NATL FOREST | 10/26/1992 | 0 acre-ft/yr | Glenn  | UNST | Vi |

D83 In the matter of Application 2212 by the USBR to appropriate water from Stoney Creek in Glenn, Colusa and Tehama  
D1042 In the matter of Application 19355 of Paul Cesari to appropriate water from Little Stony Creek in Colusa County  
D1100 In the matter of Application s 18115 and 19451 of USBR to appropriate water from Stony Creek in Tehama County.

WR91-07 In the Matter of Declaration of Fully Appropriated Stream Systems in California: Various Stream Systems, Stat  
WR98-08 In the Matter of the Declaration of Fully Appropriated Stream Systems in California: Various Stream Systems,  
WR89-25 In the Matter of Declaration of Fully Appropriated Stream Systems in California: Various Stream Systems, Sta



unique forest/mendocino/blm in Glenn/Tehama/Colusa , x = verified, n = excluded  
Count = 155 - 2 = 153

A008469  
A010401 x  
A017872 x  
A019380  
A019849  
A020576 x  
A020577 x  
A020578 x  
A020579 x  
A022668  
A022826  
A022827  
A022828  
A022830  
A023188 x  
A023189  
A023190  
A023191 x  
A023192 x  
A023193  
A023289 x  
A023484  
A023684  
A023685  
A023712  
A023713 x  
A023714  
A023715  
A023718  
A023736  
A027829  
A027830  
A027874  
A027875  
A030010 x  
C003835  
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C003859  
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C003862 x  
C003863  
C004387

C004388  
C004390  
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C004397  
C004398  
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C004530  
F003626S  
F003648S  
F003690S  
F003691S  
F003700S  
F003707S  
F004492S  
F004493S  
F004511S  
F004514S  
F004515S  
F004516S  
F004734S  
F011015S  
F011016S n  
F011019S n  
F011138S x  
F011139S x  
F011140S x  
F011141S x  
S003583  
S003585  
S003586  
S003600  
S003606 x  
S003661  
S003666  
S003667  
S003678  
S003683  
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S003688  
S003689  
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S004474  
S004475  
S004477  
S004478  
S004488  
S004490  
S004491  
S004504 x  
S004508 x  
S004510  
S004512  
S004861  
S004862  
S004872  
S004874  
S006354  
S008300  
S008302  
S008305  
S011491  
S011494  
S011545  
S011547  
S011550  
S012478  
S012534  
S012539

Michael J. Barkley, SBN #122433  
161 N. Sheridan Ave. #1  
Manteca, CA 95336  
209/823-4817 [mjbarkl@inreach.com](mailto:mjbarkl@inreach.com)  
September 1, 2009

Mr. Tom Tidwell, Chief  
US Forest Service  
1400 Independence Ave., SW  
Washington, D.C. 20250-0003

Dear Mr. Tidwell:

This concerns the Stony Creek Watershed within the Mendocino National Forest.

I am one of the defendants in the Angle Case - on 01/13/1930 when the Decree was adopted by the U.S. District Court, Northern District of California, it was case # Equity 30, now Eastern District of California Case #80-583. You were the plaintiff. You may be unaware you were the plaintiff, but the Decree was written by Oliver Perry Morton, special Assistant to the Attorney General, with the assistance of Richard J. Coffey, District Counsel for the U.S. Bureau of Reclamation, and the Decree was written in such a way that it binds the entire United States of America, not just Reclamation. Since "you" wrote it, it is interpreted most strictly against you. It appears that Mr. Morton was an unsupervised or poorly supervised independent contractor of some sort. He took some shortcuts and he and Mr. Coffey deceived the court. The Decree as they (you) wrote it wiped out all riparian rights in the watershed except those specifically listed, in violation of California law which at the time required compensation if the government was going to take those rights, California law binding on the USA through Section 8 of the Reclamation Act of 1902. He suckered Judge Kerrigan into adopting the Decree. The sequence of the fraud is on my web page at <http://www.mjbarkl.com/wars.htm> under the section "Fraud on the Court."

In the process, Mr. Morton inadvertently destroyed whatever reserved or riparian rights the Forest Service might have had in the Stony Creek watershed other than what was specifically listed in the Decree. That includes any riparian or reserved rights you might have had since the Decree is binding on you and forbids you from taking one drop more of water from the watershed than the Decree specifically allows, see Section XVII of the 04/14/1930 corrected Decree, transcribed at <http://www.mjbarkl.com/decree.htm> or, if you prefer, the uncorrected copy, presumably from 01/13/1930 as filed 09/05/2008 by DOJ in .pdf format, reproduced unaltered at <http://www.mjbarkl.com/278-cd1.pdf> (including a State Water Resources Control Board listing DOJ appended thereto which was not part of the Decree). Reserved right arguments such as those in *Hallett Creek*, 44 Cal.3d 448 are irrelevant since you (USA) wrote the Decree and you didn't reserve anything except what was specifically listed. You mention this Decree in your Fouts Springs EA (United States Department of Agriculture Forest Service, "Fouts Springs Youth Facility Environmental Assessment", March 2000, viewed in 2001 at <http://www.r5.fs.fed.us/mendocino/fouts.pdf>, since disappeared, so see web archive at <http://web.archive.org/web/20000830083155/http://www.r5.fs.fed.us/mendocino/fouts.pdf> :

Mr. Tom Tidwell, Chief  
p. 2

September 1, 2009

"[because of the Angle Decree] Opportunities to acquire water for domestic purposes are very limited in the entire Stony Creek watershed. This has contributed to the slow development and low population densities in the watershed", p. 3-38, or pdf p. 81 in the web archive page)).

You (Forest Service) have been taking water in violation of the Decree:

- 1) An examination of the indexes with the California State Water Resources Control Board produces a list (so far) of at least 69 different applications for diversions by you (Forest Service) within the Stony Creek Watershed, list attached (Exhibit 1). The SWRCB indexes are inconsistent, so there probably are more. The largest diversion seems to be for Letts Lake (Ap A17872), some 456 acre-feet - that's a beautiful facility but it violates the Decree.
- 2) A declaration by the Angle Decree Watermaster, 80-583 Doc. #75 pp. 7-9 (Exhibit 2) shows you claiming rights to water at Fouts Springs. Reports of the previous long-term Watermaster for 1933 shows those rights conveyed via Stonyford Properties, Inc. to Matlick & Wells, Kesselring Ditch successors downstream. 1936 stops showing Fouts Springs separately. I suspect you do not have those Fouts Springs rights you claim and that the Youth Facility is operating on water to which it is not entitled (as is the CDF/Corrections Facility at Salt Creek Saddle on Forest Road M4 South-West of Paskenta, Ap A30010).
- 3) A draft accounting of the Decree limits is at <http://www.mjbarkl.com/limits2.htm> . It shows Reclamation continuously taking more than allowed by the Decree, and since 1963, multiples more except in one drought year. As to whether or not you and/or Reclamation can move water around to cover your takings, with Reclamation already taking multiples of its allowance, even rights you may have purchased (Brittan, etc.) would be insufficient to cover such rediversions.

I need your help.

If I can get your help it should lead to the violations being irrelevant and opening up the watershed's resources for you, for Reclamation, and for the rest of us.

On 05/05/2009 (Doc. 302, <http://www.mjbarkl.com/302.pdf> p. 3) Judge Karlton opined that I am guilty of laches in raising the Fraud on the Court issues, regardless of many reasons to the contrary and ignoring such sources as Moore's Federal Practice Section 60.21[4][g] that clearly state otherwise. Being unready for a timely appeal, I am working on a writ for the Court of Appeals since they have independent jurisdiction over this Fraud on the Court from having heard aspects of the Angle case earlier, but in the meantime there is another opportunity to satisfy Judge Karlton's requirement: in the past Judge Karlton has stated "Generally, laches appear not to apply to the government, *United States v. Ruby Co.*, 588 F.2d 697,705 n.10 (9th Cir.), cert. denied, 442 U.S. 917 (1979),...." p. 29 *Madera Irrigation District, Chowchilla Water District v. Lawrence Hancock, etc., et al, NRDC, intervenors* 91-242-LKK (*Madera I* ?), Order filed 06/17/1991; this is supported by comment at Section 3652 of Wright-Miller-Cooper,

September 1, 2009

Federal Practice and Procedure. As "plaintiff" USA you may challenge this Decree for that Fraud on the Court while my remedies are more limited in Judge Karlton's courtroom.

The Angle record consistently shows Mr. Morton suckered Judge Kerrigan. In no place in the record does it contradict that. It would be very helpful if you would insist that Reclamation and DOJ open their legal files to you and you cause to be made a thorough examination of their relationship with Mr. Morton and his presentations to the Court, and unless you find something that contradicts the showing of Fraud on the Court in the record, present to the court a motion to set aside and dismiss the Decree. I would be happy to redraft an appropriate Declaration should you wish it but all of the sources on my web page are clearly cited so that you may examine them independently.

Reclamation would find two impairments from the Decree being dismissed:

- 1) They would lose their Federal forum. That would not necessarily preclude bringing a stream adjudication in state court if needed, but state eminent domain would still be available to them to protect their Orland Project & Central Valley Project interests.
- 2) The series of actions that diminished the watershed rights of Glenn-Colusa Irrigation District to near zero would be unwound (especially the Opinion of Judge Levi in 91-1128, see <http://www.mjbarkl.com/levi.htm> ) restoring to them their rights at 09/24/1907 which may make them the largest right-holders in the watershed, except that Reclamation limits GCID rights under its Sacramento River Settlement Contract 14-06-200-855A until the contract expires if the provisions of that contract are still in force.

Please do not delay in responding to this request. I have unspecific deadlines approaching, so that if I do not hear from you shortly I will proceed with motions for orders to show cause or sanctions or whatever else it will take to halt excess diversions by the USA, including the Forest Service and all other U.S. agencies. Such a result will be less satisfying to you than setting aside and dismissing the Angle case. In the motions I will also ask that Reclamation (the USA) be ordered to restore the magnificent salmon run on Stony Creek which it dammed to extinction, see section of <http://www.mjbarkl.com/wars.htm> "Where have all the fish gone?" - to restore it will probably require cessation of your OHV and logging activity in the watershed because of erosion into streams clogging spawning gravels. You should be halting that anyway, but it might be easier for you if it's not by court order.

This year USA representation in this case has been:

"LAWRENCE G. BROWN, Acting United States Attorney, Eastern District of California  
DAVID T. SHELEDY, Assistant U.S. Attorney, Eastern District of California  
JOHN C. CRUDEN, Acting Assistant Attorney General, Environment and Natural Resources  
Division

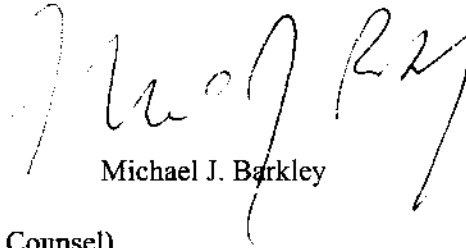
Mr. Tom Tidwell, Chief  
p. 4

September 1, 2009

CHARLES R. SHOCKEY, Attorney (D.C. Bar # 914879), United States Department of Justice, Environment and Natural Resources Division, Natural Resources Section 501 "I" Street, Suite 9-700, Sacramento, CA 95814-2322, Telephone: (916) 930-2203, Facsimile: (916) 930-2210, Email: charles.shockey@usdoj.gov

You (Forestry) have appeared in this case before, 80-583 Doc. 37 et seq. (for an index of filings, etc. see <http://www.mjbarkl.com/Aindex.htm> ), through a lawyer who has been on 4 different sides in this case and now apparently represents both GCID and the Orland Project, which are on opposite sides of some of the issues outlined here.

Thank you in advance,



Michael J. Barkley

cc: Mr. Hitchings & Mr. Somach (GCID/OUWUA Counsel)

Exhibit B. p. 4

THE STONY CREEK WATER WARS  
 Glenn County - Tehama County - Colusa County , California.  
 (c) 2009, Mike Barkley

DIVERSION LIMITS IN THE DECREE and EXCESS DIVERSIONS BY PLAINTIFF UNITED STATES OF AMERICA  
 (and Glenn-Colusa Irrigation District)

[Compiled from the sources indicated.

Important because shows the extent to which the Court (and its Water Master) favors the plaintiff in its supervision of the Decree.]

I. DIVERSION LIMITS IN THE DECREE

The Decree limits all parties (including plaintiff) to "the rights specified, determined and allowed by this decree," etc., at pp. 177-178, in the first sentence of Paragraph XVII. The United States of America is the plaintiff, not Reclamation, and United States of America is the party bound by the Decree, not just Reclamation. That would seem to be USA, Reclamation, Army Corps of Engineers, Central Valley Project, Tehama-Colusa Canal Authority, Fish and Wildlife, the United States Courts, Congress, the Water Master, everyone and every entity in the United States government.

Diversions allowed by the Decree, amount slots with a "?" are open amounts to be furnished by proof, negotiation, or Court Declaration:

|                |   |
|----------------|---|
| A.             | 85,050 acre-feet, United States of America (including Reclamation),<br>Decree p. 137 Para. VIII(1) and p. 141 explaining<br>(1) (3) (5) (6) and (7) [21000 * 4.05 = 85,050]   |
| Up to 51,000   | " - storage, p. 137, Para VIII(2) and p. 142 para. (b)  |
| Up to 133,650  | " - diversion, p. 138, Para VIII(4) and p. 142 para. (b) -<br>250 cfs * 1.98 * 270 days maximum [rainfall] season<br>(10/15 - 7/15)   |
| Less (184,650) | in excess of 4.05 per acre for 21,000 acres (p. 137),<br>although more may be allowed under the 2 Loopholes at<br>p. 142 para. (b) if beneficial use during initial<br>reclamation, or for one of the 4 use categories if<br>from storage (p. 142), etc. (p. 141, not cumulative,<br>or rather "do not accumulate")   |
| -----          |   |
| 85,050         | acre-feet Project maximum   |
| ( 7,185.02)    | Less to get down to acreage for which<br>subscriptions were actually sold per USA filing<br>of 09/05/2008 Doc. #277-2 p. 13, 20,859 acres,<br>( <a href="http://www.mjbarkl.com/277-1.pdf">http://www.mjbarkl.com/277-1.pdf</a> ) less non-project<br>per plaintiff's Doc. #278 Exhibit 10<br>( <a href="http://www.mjbarkl.com/278-9.pdf">http://www.mjbarkl.com/278-9.pdf</a> ) 1,633.08 acres,<br>net of 19,225.92 acres, times 4.05 a-f per acre yields<br>their current authorized allocation. |
| ( ? )          | Less reduction for urbanization and severance from<br>Project delivery system (see Yahoo complaint for instance,<br><a href="http://local.yahoo.com/info-21806926-orland-unit-water-users-association-orland">http://local.yahoo.com/info-21806926-orland-unit-water-users-association-orland</a> )   |
| ?              | Add back 1,633.08 acres outside of project allowed in by<br>Judge Karlton 02/11/2009, Doc #295 including 105.5 acres<br>in Sections 27, 28 and 33 T22N R5W many miles outside the<br>Project footprint (6,613.97 a-f ?).  |
| -----          |   |
| 77,864.98      | a-f Current Project allocation (including<br>conveyance, waste, & spillage)   |
| 1,099          | Hall maximum (or 1,198 a-f; 2396 a-f / 2, per sheet 5,<br>10/13/1925 Findings, not 1099)  |
| * ( 734.5 )    | Less reduction by settlement, Doc #211 attachment,<br>limited to 4.05 acre-feet for 90 acres, 364.5 a-f;<br>balance of land to be taken into Project  |
| * ( ? )        | Hall stock watering per 10/29/1924 stipulation,<br>Angle Archives box #6 Large Brown Envelope #2  |
| 24             | Stock watering by settlement, Doc #211 attachment,<br>24 or 48 (Wackerman)  |
| 1,099          | Scearce maximum (or 1,198 a-f; 2396 a-f / 2, per sheet 5,<br>10/13/1925 Findings, not 1099)   |
| * ( .08)       | Less reduction by settlement, Doc #245 p. 4 (adding<br>machine tape)  |



- 0- Transfer Water and Excess Water, Doc #245, pp. 6-7, are not authorized by the Decree
- \* ( ? ) Sceaunce stock watering per 04/02/1926 stipulation, Angle Archives box #6 Large Brown Envelope #3
- 24 Stock watering by settlement, Doc #211 attachment, 24 or 48 (Reimers)
- ( ? ) Less relevant portions of lands taken, if any, in Docket #6290, USDC Northern District of California, for Shasta Tracy Transmission Line, USA v. Reimers, et al. (USA v. 199.4 Acres of Land in Glenn County), #6291 (v. 487.3 Acres...Tehama), #6293 (v. 336.93 Acres...Tehama); #8428 97.2 acres Tehama & Colusa; #8429 167.61 acres Tehama; USA v. Reimers, et al. (USA v. 115.85 Acres of Land in Glenn County), #8430 : 7.40 Acres of Land in Colusa & Tehama Counties, # ----; #8732 330.82 Acres in Tehama County, Vestal et al.; #8780 277.0 Acres Glenn County, Morrissey, et al.; etc.
- ( ? ) Less duplicate portions in Wackerman & Reimers settlements that are also in 1,633.08 acres outside of project allowed in by Judge Karlton 02/11/2009, Doc #295
- 52.5 Grindstone Indian Reservation
- 18.75 U.S. Forest Service right 07/21/1870, via Kesselring Ditch purchased from Matlicks 12/26/1933 & 09/12/1936, part of Stonyford Properties right via Kesselrings & Pearson[?] Doc. #58, Murray Declaration & Kienlen Declaration ; 1937 water master report first shows 19 a-f for Mendocino National Forest
- 37.13 Forest Service from Schaefer & Shimmel 04/15/1890, assigned to Colusa County, Doc. #58, Kienlen Declaration, SWRCB Ap. #27382 on assignment for 40 a-f? [amount depends on 1) error in decree, both riparian & appropriative show same location? 2) which appropriation was abandoned, 3) whether or not an appropriation can be abandoned since it is decreed, etc.]
- ? Other U.S. Forest Service right purchases at Stonyford & Fouts Springs; 1932 water master report shows total Fouts 583.1, 1933 shows 583.1 total assigned to Matlick & Wells? 1936 report stops showing Fouts separately, and shows a drop of 435.1 a-f between Matlick & Wells; It is difficult to reconcile the various water master reports among themselves and with the historic Fouts right - is the Forest Service using water at Fouts that went from Stonyford Properties, Inc. to Kesselring to Matlick & Wells?; water master declaration attached to Doc #75
- 138 also mentions Forest Service right for 138 a-f from J.O. Brittan [St. John's Outing Club, Brittan Ditch, from Virginia Creek, enters Middle Fork opposite Paradise Creek?] in addition to 583 a-f for Fouts Springs; Need to trace metes & bounds for Fouts & Kesselring? Reclamation & Forest Service letters attached to Doc #75 discuss SWRCB Aps 23498,23499,23500,23501 all filed 05/05/1970 & Letts Lake; the Reclamation letter mentions the 583.1 Fouts right
- 
- 79,622.78 a-f, sub-total authorized Government allocation 05/29/2009 [but Project limited to actual acres irrigated x 4.05 ; For instance, per Reclamation 1989 report, 16457 acres \* 4.05 totalling 66,650.85 a-f, for a year they reported to SWRCB project use of 95,826 a-f ]
- + ? Loophole #1, Excess required during initial reclamation, p. 142
- + ? LOOPHOLE #2, p. 143 (favoring the Project, of course) which MAY increase Project allowances for beneficial uses FROM STORAGE ONLY, for "the aforesaid beneficial uses in excess of such basic requirements (p. 143)" - "necessary and beneficial uses of amounts of water in excess of such basic requirements, as demanded by

(p. 142)":

- 1) changing crop conditions, such as more extensive cultivation of forage crops
  - 2) heavier applications in times of drought or severe drying winds,
  - 3) occasional maturing of additional cuttings of forage,
  - 4) and the like ( meaning? ),
- limited to the lesser of 51,000 a-f MAXIMUM STORAGE or flow available for storage (and that's at the point of release, not diversion, so less transpiration & evaporation and less conveyance losses to point of diversion); Loophole #2 is in tricky language, but at the very least probably does not allow the massive waste spillage the project shows in Garland reports -- contrast this Loophole with the rigid standards applied against defendants. To monitor this excess would require monitoring usage for each of those 4 categories; the words "limited, as against the parties defendant herein" may be a deception, since the two "Loopholes" would seem to make the limitation somewhat open-ended. In no way does this increase USA allocation to cover Stony Gorge or Black Butte

NOTE also that during loophole #1, "reclamation", diversions from natural flow may be as much as 85050+28350=113400 a-f, which may suggest a Loophole #2 limit of 5.4 a-f [113,400 / 21000 = 5.4] for the whole project, but still, 2 or 3 of the 4 categories are parcel-specific; as an absolute outside limit, maybe the maximum upstream allocation of 6.7 a-f for Abe Triplett, based on very specific conditions, or 6 to 7 a-f for GCID rice lands tx p. 2790 would apply; there are smaller numbers in the California Codes; these numbers greatly exceed numbers published by Reclamation such as their 05/1988 Map of the Orland Project with narrative on the back including "Water requirements for general irrigated agriculture in the project area is approximately 3.8 ft/acre...each year." (copy on file, second document from the front, vol. 6, SWRCB Ap 18115 file for Black Butte)

Existing acreage at 4.05 a-f must be subtracted from both types of excesses to leave the balance chargeable against storage only, and the remainder must not be unreasonable - for Loophole #1, initial reclamation and for Loophole #2 the "use categories" 1, 3, & 4 listed above tallies of acreage and usage would need to be kept to monitor compliance, (for use #2 for wind, a log of days of that wind and wind velocity should be kept) and for those categories the standards used in the transcripts to arrive at the 4.05 a-f number would control, crop by crop, soil by soil, parcel by parcel, see for instance Angle Tx pp. 3107-3129, 3169, 3212, 3236, 3452,....

Presumably any annual tallies under this Loophole #2 would be offset by reductions down to the actual acreage irrigated in any specific year (acreage not irrigated \* 4.05 a-f = reduction), producing a wash

-----  
 79,622.78 a-f, Total authorized Government allocation  
 -----

3. 13,208 Adding machine tape of Appropriation Schedule, Decree, pp. 121-134, excluding GCID, Scarce, Hall, & USA  
 Less rights taken by USA for Stony Gorge, for which assessments were never paid although those lands are apparently still being irrigated since they are inundated (Report of Water Master for 1931, Archive box 6 large Brown Envelope #2):
- ( 143) Bayley, Decree p. 127
  - ( 205) Gatliff, Decree p. 126
  - ( 99) Gollnick, Decree p. 127
  - ( 313) Johansen, all or part of 313, less 27 a-f per, Decree p. 124
  - 27 Johansen part not under Stony Gorge, per 1944 Water Master report, Archive box 6, Large Brown Envelope #2 - [should be 24, not 27?] Decree p. 125

- ( 434) True, Decree p. 124
- \* ( 165) Less 30 acres of Kesselring 61.4 acres Salt Creek entitlement given up on 01/14/1933 Archive box 5 file 23 of 39 , Decree p. 131 [compare appropriated vs. riparian? both are 30 acres in SE NE Section 32, of which at least 20 acres are duplicated but more likely all - gave up assessed appropriated part as redundant, since riparian lands were not assessed water master fees? so actually this should be less 165 a-f as redundant with riparian schedule]
- \* ( 75) Less 15 acres of Retzloff given up on 03/09/1932, Decree p. 134  
Less acquisitions by U.S. Forest Service (moved to government right, above):
- ( ? ) Fouts Springs [ is this in two places? both Fouts & Wells & Matlick? ]
- ( 138) J.O. Brittan per water master declaration Doc #75 Forest Service right for 138 a-f [St. John's Outing Club, Brittan Ditch, from Virginia Creek, enters Middle Fork opposite Paradise Creek? Eriksen called it North Fork at Tx p. 4276-8]
- \* ( ?) Less reduction in Colusa & Forestry right in settlement, Doc. #94, net of Kesselring surrender portion which is open to question since they surrendered the appropriation, not the riparian duplicate right, although the riparian right may have been severed by subdivision & sale  
Less taken by U.S. Army Corps of Engineers for Black Butte Dam & Reservoir (US v. 3,595.98 Acres of Land...in Tehama & Glenn Counties, U.S.D.C. Northern District California #8065, 8178, 8220, 8339, X, X )
- ( 20) Mallon & Blevins, Decree p. 125
- ( 25) G.W. Markham, Decree p. 132

-----  
11,618 Net remaining appropriation schedule  
-----

- C. 14,514.57 Tape of Riparian Schedule, Decree pp. 161-165, decreasing over time per pp. 166 - 168 ((acres irrigated + acres not irrigated) \* per acre, extended, totalled) (Kesselring entry is ambiguous, and this total could be off a bit)  
Less taken by U.S. Army Corps of Engineers for Black Butte Dam & Reservoir:
- ( 4,700) Brownell, 1,000 acres or less of their 1,535 riparian acres, Decree p. 161-162 [get USACE Black Butte acquisition map showing sections & CHECK]
- ( 310) Flanagan, at least 62 acres and maybe all 122 acres, Decree p. 162 [CHECK]
- ( 750) G.W. Markham, Decree p. 164
- ( 2,025) C.L. Simpson, p. 164  
Less duplicate portions of 105.5 acres allowed into the Project by Judge Karlton 02/11/2009, Doc #295 in Sections 27, 28 and 33 T22N R5W outside of the Project boundaries:
- ( 10) Clemens - portion of Brownell 40 NWSW 27 T22N R5W
- ( 11.5) Siam - portion of Brownell 40 NWSE 28 T22N R5W
- ( 7.5) Siam - portion of Brownell 40 SWSE 28 T22N R5W
- ( 1.4) Siam - portion of Brownell 40 SESE 28 T22N R5W
- ? Less other riparian lands severed from stream by subdivision & sale

-----  
6,699.57 Net remaining riparian schedule  
-----

- D.  
Up to 20,315 Glenn-Colusa Irrigation District (GCID), p. 170, "so much thereof as may be available"; traded to Reclamation under Contract 14-06-200-855A in violation of Decree? \*  
[GCID often claims right to excess diversions, as in paragraphs 2.2 & 2.13 of doc 59 in 91-1128, but such right does not seem to be in the Decree? p. 170 language re 20,315: "that said right, however, is subsequent in point of time as to its call upon the waters of the

stream", meaning? what call?

1907 CCIC/Reclamation stip provided that all water in excess of 265 cfs & stored in East park for the entire Stony system belonged to CCIC, but p. 170 of Decree recognized that as only between GCID & Reclamation and limited all GCID to 20,315 & 500 cfs]

(20,315 ) This right was effectively stripped from GCID under Judge Levi's 10/08/1992 Order in USDC-ED CA 91-1128 in 1995, so it may be correct to simply delete this 20,315 a-f as an Angle allocation, doc 250 in Angle Record on GCID siphon not an abandonment of right notwithstanding.

-----  
 -0- Net remaining GCID right  
 -----  
 97,940.35 Total current authorized allocations in acre-feet under  
 ===== the Decree, all parties

Reduce for tributaries that are dry later in season to get actual annual limit; Reduce for upstream allocations not actually used-- fallowed land, "farmer fatigue", change in land use, right-holder declining in health or dying, etc.; no, these flows do not increase water available for USA.

\* Reductions to defendant allocations, flagged "\*\*", are not permitted by the Decree, and represent the blatant history of the Court ignoring increased takings by USA while imposing decreases on defendants

2. ACTUAL DIVERSIONS OF STONY CREEK WATERS BY THE UNITED STATES OF AMERICA

A. Compare limits above with Reclamation Storage permits, plaintiff Doc #277-2, pp. 4-5 (<http://www.mjbarki.com/277-1.pdf>, page numbers are document number, not pdf numbers):

|            |      |   |
|------------|------|---|
| 50,900     | a-f  | East Park Reservoir   |
| 50,200     |      | Stony Gorge   |
| 160,000    |      | Black Butte   |
| -----      |      |   |
| 261,100    |      | Sub-total storage   |
| ?          |      | Capacity behind the 3 diversion dams [these amounts are part of the conveyance in the 4.05 a-f per acre initially shown under part 1. above]  |
| ?          |      | Capacity behind the TCC CHO dam   |
| 456        |      | Letts Lake on Letts Creek to South Fork Big Stony   |
| -----      |      |   |
| 261,556    |      | Total storage   |
|            |      |   |
| 79,428.90  | a-f, | Total AUTHORIZED Government allocation 05/30/2009 (above), annual allowable   |
| -----      |      |   |
| 182,127.10 |      | amount which must be released (plus amounts equal to that used from natural flow) each year reservoirs are full, without any United States of America use whatsoever, not Project, not CVP, not Cal-Fed, not sale, not gift, not transfer, not carryover, not recreation, not flood control, not anything |
| =====      |      |   |

B. Contrast the following diversions with the 79,428.90 acre-feet annually allowed USA under the Decree (yes, it is appropriate to adjust for the reductions above in the years they occurred, but still, there are excess diversions in most years, often massive excess diversions). Since all these numbers are from reports by the USA, they might properly be regarded as underreported, especially 1984-1990:

Per Reports of the Water Master (including Hall & Scarce, Indian rights, and waste & spillage that were included in the decreed rights); numbers were furnished to the Water Master by the Project and then included in his reports:

In Angle Archives, box #6, large brown envelope #2, "Report of Water Master, Season of" (total of both Canals, Hall & Scarce, Indian Rights, Waste & Spillage):

| Total USA<br>Diversion | Report<br>Date | Season<br>of | Water Master   | In Total USA<br>Diversion: |
|------------------------|----------------|--------------|----------------|----------------------------|
| -----                  | -----          | -----        | -----          | -----                      |
| 79,891.6               | a-f 12/29/1930 | 1930         | (E.T. Eriksen) | "Spilled from              |
| 65,152                 | a-f 12/01/1931 | 1931         |                |                            |

|            |     | (E.A. Garland)  | North &<br>South Canals" |
|------------|-----|-----------------|--------------------------|
| 81,204.2   | a-f | 12/21/1932 1932 |                          |
| 86,378.2   | a-f | 01/20/1934 1933 |                          |
| 89,896.48  | a-f | 01/22/1935 1934 |                          |
| 80,375.1   | a-f | 01/29/1936 1935 | 3,760                    |
| 107,384.2  | a-f | 03/23/1937 1936 | 10,291                   |
| 89,071.21  | a-f | 02/23/1938 1937 | 6,982                    |
| 98,030.59  | a-f | 04/04/1939 1938 | 12,954                   |
| 96,046.26  | a-f | 12/06/1939 1939 | 4,055                    |
| 100,799.5  | a-f | 02/07/1941 1940 | 10,271 "or wasted"       |
| 97,423     | a-f | 01/28/1942 1941 | 9,672 "or wasted"        |
| 94,795     | a-f | 01/07/1943 1942 | 10,430 "or wasted"       |
| 107,263    | a-f | 02/09/1944 1943 | 7,305 "or wasted"        |
| 108,619    | a-f | 02/06/1945 1944 | 5,556 "or wasted"        |
| 113,620.68 | a-f | 03/05/1946 1945 | 6,403 "or wasted"        |
| 124,094    | a-f | 03/13/1947 1946 | 7,635 "or wasted"        |

1946 was the last year the Water Master reported Diversion figures to the Court. Many years the "Spilled or Wasted" amounts exceeded the entirety of actual upstream diversions; those "waste" amounts should be part of the 4.05 a-f per acre since the 4.05 included conveyance losses.

C. In State Water Resources Control Board Application File #2212, Report of Licensee for Years [Reports every 3 years], "Licensee" being Reclamation:

74,270 a-f year 1947  
 96,942 a-f year 1948  
 115,385 a-f year 1949 /s/ R.W. Hollis for Reclamation

117,381 a-f year 1950  
 114,454 a-f year 1951  
 125,276 a-f year 1952 /s/ R.W. Hollis, Reclamation

128,236 a-f year 1953 [LARGEST DIVERSION]  
 115,631 a-f year 1954  
 91,907 a-f year 1955 /s/ R.W. Hollis, Orland Unit Water Users Association

123,477 a-f year 1956  
 108,641 a-f year 1957  
 101,477 a-f year 1958

112,856 a-f year 1959  
 116,438 a-f year 1960  
 113,541 a-f year 1961

113,053 a-f year 1962  
 100,346 a-f year 1963  
 75,703 a-f year 1964 /s/ R.W. Hollis, Orland Unit Water Users Association

115,261 a-f year 1965  
 126,221 a-f year 1966  
 110,034 a-f year 1967

114,278 a-f year 1968  
 115,841 a-f year 1969  
 120,624 a-f year 1970 /s/ H.E. Horton, Reclamation

D. In SWRCB Ap 18115 file, annual Progress Report by Permittee for [year shown]

1971 Project lumped in with total, ap. 18115 file  
 1972  
 1973  
 1974  
 1975  
 1976  
 1977  
 1978  
 1979  
 1980

E. FOIA Request to Reclamation, response dated 07/14/2009:

1970 120,594 Table 24B [close to SWRCB Ap. 2212 File amount above]

|      |         |   |
|------|---------|---|
| 1971 | 125,519 | Table 24B   |
| 1972 | 98,516  | Table 24B   |
| 1973 | 122,185 | Table 23B   |
| 1974 | 126,488 | Table 23B   |
| 1975 | 120,816 | Table 23B   |
| 1976 | 79,295  | Table 23B   |
| 1977 | 26,299  | Table 23B [serious drought]                             |
| 1978 | 96,741  | Table 23B   |
| 1979 | 94,545  | Table 24B   |
| 1980 | 117,432 | Table 24B   |
| 1981 | 89,516  | Table 23B [contrast with Project Acres Supplied, below] |
| 1982 | 96,301  | Table 23B [contrast with Project Acres Supplied, below] |
| 1983 | 78,494  | Table 23B [contrast with Project Acres Supplied, below] |

F. In SWRCB Ap 18115 file, annual Progress Report by Permittee for [year shown]:

|      | Project<br>Acres<br>Supplied        | x 4.05 a-f =<br>Angle Limit |                       |
|------|-------------------------------------|-----------------------------|-----------------------|
|      | -----                               | -----                       |                       |
| 1981 | 18,093                              | 73,276.65                   | a-f                   |
| 1982 | 17,673                              | 71,575.65                   |                       |
| 1983 |                                     | 17,909                      | 72,531.45             |
| 1984 | Project 66,689                      | 15,481                      | 62,698.05             |
| 1985 | Project 71,193 [see below]          | 16,939                      | 68,602.95             |
| 1986 | Project 64,143, Amended? 87,789 [?] | 16,855                      | 68,262.75 [see below] |
| 1987 | Project 71,825, Amended? 95,698     | 16,751                      | 67,841.55 [see below] |
| 1988 | Project 63,115, Amended? 85,854     | 16,721                      | 67,720.05 [see below] |
| 1989 | Project 79,611 [see below]          | 16,397                      | 66,407.85             |
| 1990 | Project 95,826 [see below]          | 16,457                      | 66,650.85             |

Thereafter, lumped in with other Application uses in SWRCB reports.

G. On the Reclamation web site, <http://www.usbr.gov/mp/cvo/deliv.html> under each prior year, under "Central Valley Project Diversions (Table 30 to 1997, Table 21 thereafter), <http://www.usbr.gov/mp/cvo/vungvari/>, the ORLAND PROJECT numbers show (source, OUWUA):

| Web page     |      |                                   |
|--------------|------|-----------------------------------|
| -----        |      |                                   |
| /85.pdf      | 1985 | 102140 [higher than SWRCB report] |
| /86.pdf      | 1986 | 97789 [higher than SWRCB report]  |
| /87.pdf      | 1987 | 95698 [same as SWRCB report]      |
| /88.pdf      | 1988 | 85854 [same as SWRCB report]      |
| /89.pdf      | 1989 | 79611 [same as SWRCB report]      |
| /90.pdf      | 1990 | 95826 [same as SWRCB report]      |
| /91.pdf      | 1991 | 88876                             |
| /92.pdf      | 1992 | 84754                             |
| /tab3093.TXT | 1993 | 82595                             |
| /tab3094.TXT | 1994 | 104774                            |
| /tab3095.TXT | 1995 | 87386                             |
| /tab3096.TXT | 1996 | 95440                             |
| /tab3097.TXT | 1997 | 102284                            |
| /tab2198.txt | 1998 | 62953                             |
| /tab2199.txt | 1999 | 104160                            |
| /tab2100.txt | 2000 | 101321                            |
| /tab2101.pm  | 2001 | 111208                            |
| /tab2102.pm  | 2002 | 114253                            |
| /tab2103.pm  | 2003 | 89240                             |
| /tab2105.pm  | 2005 | 86550                             |
| /tab2106.pm  | 2006 | 91793                             |
| /tab2107.pm  | 2007 | 103376                            |
| /tab2108.pm  | 2008 | 108733                            |

Presumably the United States of America would be allowed to carry over water from one year to the next, but since nearly every year above exceeds the total government allocation allowable that doesn't "compute" as an excuse.

Further, contrast the numbers above with the numbers of annual flow of Stony Creek, Exhibit A-1 attached to Doc. 301, which is from the Army Corps of Engineers' Black Butte Project Hydrology Manual, May, 1957, Chart 11, Part #4 below. I have re-sorted

those numbers and left a break in the sort that equals the total authorized diversion basin-wide of 97,940.35 acre-feet tallied in Part #1 above. Note that in only 5 of the 52 years on that tally, the total upstream watershed runoff fell short. Certainly those years would be years for which it would be prudent for the USA to maintain substantial carry-over in storage, but the Decree does not allow that. The Water Master has allowed it, the Court has allowed it, but the Decree does not allow it, and remember, the Decree was written by the United States of America (paragraphs 6 & 9 of their 1928 BRIEF; findings, decree) so construction of the Decree wording is most strictly applied against them. Selective enforcement is obvious (Opinion, Doc 295, p. 12), Reclamation gets as much water as it wishes, all others upstream are held to limits, usually strict limits, and even suffered unpermitted reductions of their allocations in at least 7 instances.

Peak year in that schedule was 1940-41 - I believe but do not know for certain that the flows in 1955-56 (the year of the Yuba City Flood) and 1964-65 were much higher. I will try and locate those later flow numbers, but the listing below makes the argument: As the Angle Decree is written, NO PARTY TO THE SUIT may use the excess that occurs in 47 of every 52 years.

The Decree itself is waste (remember that USA wrote it), inherent waste, and anyone stating that the stream is fully allocated is mistaken or deceiving.

Then there is:

H. DIVERSIONS TO USA's TEHAMA-COLUSA CANAL:

Expando file, Glenn-Colusa Irrigation District v. U.S.A. et al., CVS-91-1128-LKK-GGH 07/02/1992 Doc. 66 F Deposition of George G. Wilson [Angle Decree Water Master] 05/18/1992, 85 pp.,:

pp. 70-71

"A...running some of it down the Orland project canals into Tehama-Colusa canal.

Q. That's been done recently; has it not?

A. Yes, within the last few years."

Where are the diversion points? What canals, what laterals, what locations, what volumes?

Is this it? Entries on the "Black Butte Daily Computations" sheets received via FOIA (below) show entries for "T.C.C.A" Intertie, following is totalled 10/01-09/30 annual season:

```

a-f
1991-1992 [incomplete FOIA response]
1992-1993 [incomplete FOIA response]
1993-1994 [incomplete FOIA response]
1994-1995 [incomplete FOIA response]
1995-1996 [incomplete FOIA response]
1996-1997 [incomplete FOIA response]
1997-1998 [incomplete FOIA response]
1998-1999 2,559 [most months blank]
1999-2000 1,015 [most months blank]

2000-2001 [incomplete FOIA response]
2001-2002 1,380 [most months blank]
2002-2003 4,493
2003-2004 4,066
2004-2005 [incomplete FOIA response]
2006-2007 4,899
2007-2008 4,530
    
```

In Ap. 18115 file 9 of 12, just after 07/08/1996 Baiocchi memo is an undated TCCA memo that mentions on p. 13 a reference to the Lower Stony Creek Management Plan p. 3-7, "Lateral 40 Intertie". That Intertie is also mentioned in the 05/20/1988 "Cooperative Agreement Among California Department of Fish and Game, National Marine Fisheries Service, United States Bureau of Reclamation and United States Fish and Wildlife Service to Implement Actions to Benefit Winter-run Chinook Salmon in the Sacramento River Basin", p.4, "an intertie between the Orland Water Users Association Lateral 40 overpass and the TCC", copy filed as Exhibit 7 in USDC ED California 91-1074 Doc #10.

Where was that INTERTIE approved? Didn't SWRCB deny the linkup in D 1100?

I. DIVERSIONS BY U.S. FOREST SERVICE TO LETTS LAKE:

456 a-f to fill? SWRCB ap 17872/lic 7706, 319 a-f plus 0.33 cfs (137 a-f) 04/01 - 10/30 for a total of 456 a-f; priority 02/17/1921? 01/07/1985 Doc 75 Declaration of Water Master re Water Rights and Associated Problems within Stony Creek Watershed

[CHECK]

**J. OTHER DIVERSIONS BY U.S. FOREST SERVICE & BUREAU OF LAND MANAGEMENT IN THE STONY CREEK WATERSHED**

Per SWRCB records, 156 of them?

**K. DIVERSIONS TO OTHERS BY USA:**

In SWRCB Application File Volume #7 for Ap. 18115, Black Butte Storage & Diversion, 07/05/1995 letter Matt Brown/USFWS to Stony Creek Technical Team, re Stony Creek Hydrology; lists 3914 a-f [annually] downstream of Black Butte for bureau contracts ; What are these contracts?

**3. ACTUAL DIVERSIONS OF STONY CREEK WATERS BY GLENN-COLUSA IRRIGATION DISTRICT**

The Decree limits Glenn-Colusa Irrigation District to 20,315 a-f and a maximum of 500 cfs. The following diversions are per Doc. #59 (twice) in USDC ED Case #91-1128, "7-223 (3-37) Bureau of Reclamation" "Source: Reports of Sacramento-San Joaquin Water Supervison":

|      | Total<br>Mar thru Nov | or per Water<br>Master Report     |
|------|-----------------------|-----------------------------------|
| 1930 | 2,225 a-f             | 4,450                             |
| 1931 | 420                   | 396                               |
| 1932 | 2,180                 | 2,161                             |
| 1933 | 640                   | 1,263.7                           |
| 1934 | 2,911                 | 2,199.13                          |
| 1935 | 7,905                 | 10,652.4                          |
| 1936 | 8,573                 | 8,829.6                           |
| 1937 | 4,900                 | 4,861                             |
| 1938 | 32,897                | 34,343                            |
| 1939 | [blank]               | -0-                               |
| 1940 | 8,707                 | 8,710                             |
| 1941 | 37,131                | 37,130.5 [only year equal]        |
| 1942 | 30,510                | 30,514                            |
| 1943 | 13,560                | 13,582                            |
| 1944 | 4,959                 | 4,950                             |
| 1945 | 4,978                 | 4,969.8 last year of Water Master |
| 1946 | 22,295                | Diversion Report to the Court     |
| 1947 | 2,083                 |                                   |
| 1948 | 11,920                |                                   |
| 1949 | 31,749                |                                   |
| 1950 | 9,501                 |                                   |
| 1951 | 5,236                 |                                   |
| 1952 | 71,397                |                                   |
| 1953 | 65,075                |                                   |
| 1954 | 32,056                |                                   |
| 1955 | 5,142                 |                                   |
| 1956 | 64,726                |                                   |
| 1957 | 29,010                |                                   |
| 1958 | 53,336                |                                   |
| 1959 | 10,381                |                                   |
| 1960 | 18,997                |                                   |

**4. LIMITS & USAGE CONTRASTED WITH TOTAL ANNUAL STREAM FLOWS**

A. Army Corps of Engineers' Black Butte Project Hydrology Manual, May, 1957, Chart 11 (attached as Exhibit A-1 to Doc. 301), covering 1903-04 - 1954-55 [annual season totals in the Chart are 10/02-09/30], re-sorted leaving a break in the sorting that equals the total current authorized diversion basin-wide of 97,940.35 acre-feet; in thousand acre-feet:

|         |       |  |
|---------|-------|--|
| 1923-24 | 37.6  |  |
| 1919-20 | 77.3  |  |
| 1938-39 | 77.4  |  |
| 1930-31 | 78.8  |  |
| 1928-29 | 97.1  |  |
|         |       | - Total allowed by Angle for entire watershed, 97,940.35 a-f |
| 1932-33 | 121.8 |  |
| 1946-47 | 124.2 |  |
| 1947-48 | 125.6 |  |
| 1911-12 | 130.9 |  |
| 1954-55 | 147.0 |  |



1943-44 148.2  
 1917-18 156.2  
 1933-34 161.9  
 1949-50 196.1  
 1944-45 198.2  
 1922-23 206.3  
 1936-37 214.0  
 1931-32 220.0  
 1916-17 221.1  
 1929-30 231.6  
 1921-22 250.1  
 1948-49 275.1  
 1925-26 291.6  
 1918-19 305.0  
 1934-35 321.2  
 1912-13 326.7  
 1935-36 337.9  
 1945-46 360.4  
 1927-28 362.2  
 1953-54 368.4  
 1907-08 389.5  
 1942-43 391.8  
 1909-10 403.6  
 1950-51 406.6  
 1939-40 427.1  
 1924-25 489.2  
 1904-05 534.1  
 1952-53 542.3  
 1905-06 606.7  
 1920-21 619.6

Doc #301, Exhibit A-2, p. 1

1926-27 622.3  
 1910-11 630.0  
 1951-52 679.4  
 1941-42 765.6  
 1937-38 791.0  
 1915-16 834.6  
 1903-04 846.1  
 1906-07 863.1  
 1908-09 1001.9  
 1913-14 1014.1  
 1914-15 1321.1  
 1940-41 1424.7

Doc #301, Exhibit A-2, p. 2

B. [ For flow totals after 1954-55 , Freedom of Information Act Request to USACE not yet complied with ]

Left-hand column: FOIA Request to Reclamation, response dated 07/14/2009, per "Black Butte Daily Computations" sheets, "B.B.L. Mean Inflow" which, of course, includes storage releases from upstream or excludes flow retained in storage upstream tending to smooth out the seasons and nudge storage from one season into the "flow record" of the next; season tallied for 10/01 - 09/30 to match USACE Chart 11 above (FOIA response incomplete); Right hand column, tally of numbers on DWR website for Black Butte, <http://leva.water.ca.gov/cgi-progs/queryDaily?BLB&d=29-Oct-2008+22:38&span=30days> :

| Season    | Reclamation                                     | DWR       |
|-----------|---|-----------|
| 1991-1992 | 217,314 [ total cfs * 1.98347 ]                 |           |
| 1992-1993 | [incomplete FOIA response]                      |           |
| 1993-1994 | [incomplete FOIA response]                      |           |
| 1994-1995 | [incomplete FOIA response]                      | 1,108,987 |
| 1995-1996 | [incomplete FOIA response]                      | 554,216   |
| 1996-1997 | [incomplete FOIA response]                      | 609,224   |
| 1997-1998 | [incomplete FOIA response]                      | 1,253,571 |
| 1998-1999 | 415,236   | 356,592   |
| 1999-2000 | 345,215   | 339,220   |
| 2000-2001 | [incomplete FOIA response]                      | 178,265   |
| 2001-2002 | 391,224 [09/2001 negative inflow 387 a-f?]      | 340,349   |
| 2002-2003 | 486,666 [a-f totals on sheets starting 10/2002] | 461,520   |
| 2003-2004 | 544,184   | 522,956   |
| 2004-2005 | [incomplete FOIA response]                      | 616,595   |
| 2005-2006 | 915,962   | 915,638   |
| 2006-2007 | 166,331   | 163,002   |

2007-2008 316,570

316,052

Both agencies apparently back into the inflow numbers: thus many days show negative inflow cfs numbers which casts doubt on the validity of the entire Black Butte reporting process - water did not start flowing back up the stream from Black Butte. On the state site, some blocks are just blank even with reservoir level changes so tallies may be less accurate than the Reclamation numbers; one date, 11/14/2001 shows 2.6 billion cubic feet per second, which would scour everything to the Golden Gate Bridge.

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[Return to Stony Creek Water Wars.](#)

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Forest  Service

United States Department of Agriculture

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# Fouts Springs Youth Facility Environmental Assessment

Prepared for:

United States Forest Service  
Mendocino National Forest

*March 2000*



Exhibit D p. 1 of 6

207 p.p., <http://www.r5.fs.fed.us/mendocino/fouts.pdf>

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- Appendix A Proposed Offsite Uses – Fouts Springs Youth Facility
- Appendix B Plant Species Observed at the Fouts Springs Youth Facility
- Appendix C California Natural Diversity Database Query
- Appendix D Biological Assessment

**Table 3-9**  
**Average and Drought Condition Stream Flows**  
**Before and After Water Extraction to Service the Existing Facility**

| Dry Season Conditions | Flow Before Water Extraction (cfs) |             | Flow After Water Extraction (cfs) |             |
|-----------------------|------------------------------------|-------------|-----------------------------------|-------------|
|                       | SF Stony Creek <sup>a</sup>        | Trout Creek | SF Stony Creek <sup>a</sup>       | Trout Creek |
| Average               | 5.85                               | 0.67        | 5.78                              | 0.60        |
| Drought               | 2.93                               | 0.34        | 2.86                              | 0.27        |

Notes:

<sup>a</sup> Downstream of the confluence of South Fork Stony Creek and Trout Creek.

Diversion of water from the South Fork of Stony Creek began in 1873 with the original homestead. Diversion of water from Trout Creek may have begun during the New Missions Tribes era. However, the current location for diversion on Trout Creek came into use in 1964 with the construction of an access road, an in-stream diversion, a pump, and the existing redwood tank.

The permit to construct and maintain the diversion “confer[ed] no water right” to the counties; it was issued “subject to any and all water rights owned by the United States.” In 1988, the facility applied to the State of California Water Resources Control Board for an appropriated water right from Trout Creek, and in 1994, the facility was granted a right to 3.2 acre-feet of water to be diverted between December 1 and March 31 each year. Generally, the facility is permitted to divert 8,800 gallons per day.

The Forest Service water rights in the area of the facility were acquired with the property in 1944 and are limited to those established by the U.S. District Court in the H. C. Angle decree (1930). This right is limited to an annual period from April 15 through September 15, and the purpose of use is limited to irrigation or agricultural purposes. The Angle decree also proscribed the point of diversion, which is just upstream of Red Eye Springs on South Fork Stony Creek. The amount of the Forest Service right under the decree, and connected to the Fouts Springs area, is approximately 592 acre-feet per year.

Opportunities to acquire water for domestic purposes are very limited in the entire Stony Creek watershed. This has contributed to the slow development and low population densities in the watershed. The following describes alternative strategies for acquiring adequate domestic and agricultural water that could be implemented singly or in combination:

- Domestic and agricultural water could be acquired through a contract with the Stony Creek Water District to purchase a portion of the District’s stored water allotment.
- Domestic and agricultural water could be purchased directly from the U.S. Bureau of Reclamation; however, there is currently a moratorium prohibiting the Bureau

from selling additional water within the watershed because the water is currently over-allocated. It is unknown how long the moratorium will last.

- Solano County could apply to the State Water Resources Control Board for additional water rights for the period from December through March

### **Fire Suppression**

The Fouts Springs Youth Facility water distribution system also provides fire suppression capability. Fire suppression capability is dependent upon available water in storage. The facility currently has a 44,000-gallon treated water storage tank; a 22,000-gallon (raw water) redwood storage tank and a swimming pool with 25,000-gallon capacity. None of these facilities is dedicated to fire suppression storage. The Fire Chief of the Bear Valley-Indian Valley Fire Department (BVIVFD) recommends a fire capability of 310 gallons per minute for a period of 2 hours, which would require a stored volume of about 37,200 gallons. In addition, BVIVFD recommends that the facility provide dedicated fire suppression storage in the amount of 25,000 gallons (BVIVFD 1999).

### **Wastewater**

Wastewater generated by the facility is disposed of through a system of septic tanks and leach fields. There are nine existing septic systems, two vault latrines and one outhouse at the site. The outhouse is no longer used. Septic tank and leach field systems operate by dispersing wastewater into a soil matrix that is populated with microbes and bacteria. The wastewater provides nutrients which the microbes and bacteria consume. Leach fields are an effective means of treating wastewater if they are properly designed and maintained. Design considerations include the rate of wastewater generation, sizing and siting of the septic tank and leach field, soil classification, depth to groundwater, proximity of drainage ditches and streams, slope of the land and other parameters and requirements detailed in the Uniform Plumbing Code; as well as the Solano County and Regional Water Quality Control Board requirements. Table 3-10 presents known information concerning the various wastewater systems in use at the facility.