October 16, 1917 - Judgement

Harrison et al v. Kaler et al - No. 3327

EXHIBIT "B"

IN THE SUPERIOR COURT OF THE COUNTY OF TEHAMA

STATE OF CALIFORNIA

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| W. J. HARRISON and ANNA L. DE LA MONTANYA, Plaintiffs, | ) | No. 3327 |
| vs. | ) | **JUDGMENT.** |
| J.V. KALER, R.L.ELLIS, J.T.EDWARDS, I.T. CRENSHAW, NANCY ELLIS, IDA D. CRENSHAW, W.H.MELCH, EDWARD I. ELLIS, MARY S. CROCKER, (wife of Geo. A. Crocker), J. MEYER, and G.H.COATES, Defendants. | ) | |

This cause came on regularly for trial before the court, (a jury having been waived by the respective parties), W.A.Fish, Esq., appearing as attorney for the plaintiffs, and Messrs McCoy & Gans, appearing for the defendants; and the court having heard the proofs of the respective parties and considered the same, and the arguments of the respective attorneys thereto, and the evidence and arguments being closed, the case was submitted to the court for consideration and decision; and after due deliberation the court delivers its findings and decision in writing, which is filed, and orders that Judgment be entered in accordance therewith; wherefore, by reason of the law and findings aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that said plaintiffs are the owners in fee of that certain water ditch known as the "Harrison Ditch" taking water from that certain stream known as "Digger Creek" in the said County of Tehama, on the left bank thereof in the South Half of the Northwest Quarter (S½ of NW¼) of Section Twenty-three (23), in Township Thirty (30) North of Range One (1) East, M.D.M., and near the center of said Section Twenty-three (23) and running thence in a general westerly direction over a port-



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ion of said Section Twenty-three (23) to the lands owned by said Plaintiffs in Section Twenty-two (22) in said Township and Range.

That said plaintiffs are the owners of, as tenants in common, and entitled to divert from said Digger Creek in and through their said Ditch 70 inches of water of said Digger Creek from October first of each year until July first of the next succeeding year, and from July first to October first of each year 40 inches of the waters thereof, measured under a four inch pressure.

That said plaintiffs are entitled to have enough water flow down the main channel of said Digger Creek to the head of plaintiffs ditch to enable Plaintiff's to take and divert from said Digger Creek 70 inches of the waters thereof, from October 1st of each year until July 1st of the next succeeding year, and from July 1st to October 1st of each year 40 inches of the waters of said stream measured under a four inch pressure.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said Defendants have not, nor has any of them, any right, title, interest, or estate in or to the said "Herrison Ditch", or to Seventy (70) inches of the waters of said Digger Creek from October 1st of each year to July 1st of the next succeeding year, or to Forty (40) inches of the waters of said stream from July 1st to October 1st of each year, measured under a four inch pressure; and the said Defendants, and each of them, are hereby forever restained and enjoined from asserting any claim or title to said ditch, or to any part or portion of the waters of said Digger Creek above decreed as belonging to said plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that neither plaintiffs or defendants are entitled to costs.

Dated, October 16th, 1917.

John F. Ellison,
Judge.



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