

CERTIFICATE OF WATER RIGHT

R3-19267J

THIS IS TO CERTIFY:

That in proceedings instituted under the provisions of Chapter 117, Laws of the State of Washington for the year 1917, and statutes supplemental thereto and amendatory thereof, to determine the relative rights of all claimants in and to the waters of Crab Creek and Moses Lake, a tributary of the Columbia River, a decree was made and entered on the 5th day of May, 1924, in the Superior Court of the State of Washington in and for Grant County and recorded in Volume 7 of the Superior Court Journal of said County at Page 426, awarding to the GRANT REALTY COMPANY, a corporation, a right to store as a reservoir, jointly with Manhattan Realty Company and Neppel Townsite Company, corporations, the available waters of Moses Lake above the level of 1,038 feet, (above mean sea level), and to apply such waters to from 12,000 to 16,000 acres of land, for the purpose of irrigation during the period from April 1st to September 15th each year, and for stock and domestic purposes continuously on the lands hereinafter described, subject to the following conditions, which are contained in said decree:

1. That said right is inchoate and may be consummated in the manner prescribed by law.

2. That said right is in Class 9 which includes a possible maximum of 10.62 feet of water per second of time, together with the right to store water for the irrigation of from 10,400 to 20,600 acres of land at a duty not to exceed 1 second foot of water per 75 acres of land; that said right is prior to all other classes of water rights provided for in said decree except those in Classes 1 to 8, both inclusive, and shall be subject to riparian rights defined in said decree as Class 1 in and to the waters of Crab Creek above Moses Lake amounting to a possible maximum of 40.53 feet of water per second of time, and subject to prior rights of appropriation from Moses Lake defined in said decree as Classes 2 and 3, amounting to a possible maximum of 6.95 feet of water per second of time; and subject to the prior right of Ham, Yearsley & Ryrrie, a corporation, to stor

all available water in said Moses Lake above the 1038 foot level as defined in Class 4 of said decree, and the prior right of said Ham, Yearsley & Ryrie in Class 8 to appropriate waters from said Moses Lake in an amount not to exceed 1 second foot per 75 acres for the irrigation of lands described in said Class 8, which said right of said Ham, Yearsley & Ryrie is inchoate and may be consummated in the manner prescribed by law. That said right of said GRANT REALTY COMPANY, a corporation, is subject also to prior rights of appropriation from Moses Lake defined in said decree as Classes 5 and 6, amounting to a possible maximum of 12.63 feet of water per second of time, and is subject to a prior riparian right defined in said decree as Class 7, in and to the waters of Crab Creek above Moses Lake, amounting to a possible maximum of 1.87 feet of water per second of time.

3. That the total amount of water to be diverted from Moses Lake, other than water stored in said lake as a reservoir, shall not at any one time, during the irrigation season, exceed the inflow from Upper Crab Creek to said lake, and in the event that the total amount of water sought to be diverted from said lake as aforesaid exceeds the inflow from said Upper Crab Creek, the lands in classes of the later priority shall be cut off from the use of water class by class until the amount of water allotted to the remaining classes diverting water from said lake falls within the amount of said inflow, it being adjudged that all lands in the same class shall share in proportion to the amount of water allotted to each tract of land in said class respectively, subject to use by rotation.

4. That the rights of lands using water from Crab Creek below Moses Lake shall be independent of the rights of lands using water from Crab Creek above Moses Lake and from Moses Lake, without prejudice, however, to the adjudication, in an appropriate proceeding, of the relation between said two main groups of rights should physical conditions materially change in the future.

5. That all of the lands described in said decree shall be entitled to water according to and in the order of the classes in which the same are placed therein according to the priority of each class, and that rights in an earlier class shall be fully satisfied before water is given to those of a later class; and in the event that at any time the amount of water is insufficient to supply all classes, those lands placed in an earlier class shall have priority and shall be entitled to water to the exclusion of lands in a later class, and in case of failure of the supply of water to satisfy completely the total amount awarded to a given class, the amount remaining for said class shall be apportioned to the lands in such class in proportion to the amount of water allotted to each tract of land in said class respectively, subject to use by rotation.

6. That in the event any lands are awarded a right in said decree to the waters of Moses Lake and also a right to the storage waters of said lake, said lands shall not by reason of such double award be entitled to more water than can be beneficially used thereon at the duty of one (1) second foot of water to seventy-five (75) acres of irrigable land.

7. That each of the named defendants in said action is entitled to the continuous use, throughout the year, of so much of the water of Crab Creek and Moses Lake as is reasonably

necessary for domestic and stock use on their respective lands as set forth in the schedules of said decree.

8. That any person taking water from Crab Creek, Moses Lake or their tributaries shall provide and maintain at his own expense, proper diversion works and measuring devices as are required by Section 37, Chapter 117, Laws of 1917 and subsequent amendments thereto.

That the points of diversion of said water rights of said Grant Realty Company, a corporation, are as follows:

At a point in Section 5, Township 18 N., Range 28 E. W. M.
Section 2, Township 19 N., Range 27 E. W. M.
Section 19, Township 19 N., Range 28 E. W. M.
Section 9, Township 20 N., Range 27 E. W. M.
Section 15, Township 20 N., Range 27 E. W. M.
Section 21, Township 20 N., Range 27 E. W. M.
Section 25, Township 20 N., Range 27 E. W. M.
Section 27, Township 20 N., Range 27 E. W. M.
Section 28, Township 20 N., Range 27 E. W. M.
Section 33, Township 20 N., Range 27 E. W. M.
Section 34, Township 20 N., Range 27 E. W. M.
Section 4, Township 18 N., Range 28 E. W. M.
Section 9, Township 18 N., Range 28 E. W. M.
Section 5, Township 19 N., Range 28 E. W. M.
Section 22, Township 19 N., Range 28 E. W. M.
Section 31, Township 19 N., Range 28 E. W. M.
Section 27, Township 19 N., Range 28 E. W. M.
Section 34, Township 19 N., Range 28 E. W. M.
Section 31, Township 20 N., Range 28 E. W. M.
Section 32, Township 20 N., Range 28 E. W. M.
Section 8, Township 18 N., Range 28 E. W. M.
Section 8, Township 19 N., Range 28 E. W. M.

Said water rights of Grant Realty Company, a corporation, shall be used for the irrigation of the following described lands situated in Grant County, Washington, and when consummated shall be appurtenant to the same, to-wit:

All of Sections 1 and 19, Township 18 N., Range 27 E. W. M.

All of Sections 1, 3, 5, 7, 9 and 35, Township 19 N., Range 27 E. W. M.

All of Sections 1, 3, 7, 9, 11, 13, 15, 17, 19, 21, 23 and the $\frac{NE}{4}$; the $\frac{NE}{4}$ of the $\frac{SW}{4}$; the $\frac{NE}{4}$ of the $\frac{SE}{4}$; the $\frac{SE}{4}$ of the $\frac{SE}{4}$ of Section 25, Township 20 N., Range 27 E. W. M.

Lots 1, 2, 3 and the $\frac{E}{2}$; the $\frac{NE}{4}$; $\frac{NW}{4}$; $\frac{SE}{4}$ of $\frac{NW}{4}$; $\frac{NE}{4}$ of $\frac{SW}{4}$ of Section 27, Township 20 N., Range 27 E. W. M.

Lots 1, 2, 3, 4 & 5, of Section 28, Township 20 N., Range 27 E. W. M.

All of Sections 29 and 31, Township 20 N., Range 27 E. W. M.

Lots 1, 2, 3 and the $\frac{W}{2}$ of the $\frac{NW}{4}$ of the $\frac{SE}{4}$ and the $\frac{S}{4}$ of the $\frac{SE}{4}$ of Section 33, Township 20 N., Range 27 E. W. M.

Lots 1, 2, 3, 4, 5, 6, 7 & 8 of Section 34, Township 20 N., Range 27 E. W. M.

All of Section 3, Township 18 N., Range 28 E. W. M.

Lots 1, 2, 3, 4 & 5, Section 4, Township 18 N., Range 28 E. W. M.

Lots 1, 2, 3 and the $E\frac{1}{2}$; the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$; the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 9, Township 18 N., Range 28 E. W. M.

All of Sections 21, 23, 27 and 35, Township 18 N., Range 28 E. W. M.

Lots 1, 2, 3, 4 and the $S\frac{1}{2}$ of $N\frac{1}{2}$; the $SW\frac{1}{4}$; the $N\frac{1}{2}$ of the $SE\frac{1}{4}$; the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 1, Township 19 N., Range 28 E. W. M.

All of Section 3, Township 19 N., Range 28 E. W. M.

Lots 1 and 2 and the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$; the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 5, Township 19 N., Range 28 E. W. M.

Lots 1, 2, 3, 4 and 8, Section 7, Township 19 N., Range 28 E. W. M.

The $N\frac{1}{2}$ of the $N\frac{1}{2}$; the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ and the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 11, Township 19 N., Range 28 E. W. M.

All of Section 13, Township 19 N., Range 28 E. W. M.

The $E\frac{1}{2}$ of the $SW\frac{1}{4}$; the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 27, Township 19 N., Range 28 E. W. M.

All of Section 31, Township 19 N., Range 28 E. W. M.

Lots 1, 2, 3 & 4 of Section 34, Township 19 N., Range 28 E. W. M.

All of Section 35, Township 19 N., Range 28 E. W. M.

All of Sections 13, 25, 27 and 29, Township 20 N., Range 28 E. W. M.

Lots 1, 2, 3 and 4 of Section 31, Township 20 N., Range 28 E. W. M.

Lots 1, 2 and 3 of Section 32, Township 20 N., Range 28 E. W. M.

All of Sections 33 and 35, Township 20 N., Range 28 E. W. M.

Lots 1, 2 and 3 of Section 8, Township 18 N., Range 28 E. W. M.

All of Section 11, Township 18 N., Range 28 E. W. M.

The $E\frac{1}{2}$; the $N\frac{1}{2}$ of the $NW\frac{1}{4}$; the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ and the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 9, Township 19 N., Range 28 E. W. M.

The $SE\frac{1}{4}$ of the $NE\frac{1}{4}$; the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 11,

Township 19 N., Range 28 E. W. M.

This instrument is recorded in the office of the
State Supervisor of Hydraulics at Olympia, Washington in Volume
II of Water Right Certificetes, at Page 267.

WITNESS the seal and signature of the Supervisor of
Hydraulics affixed this _____ day of January, 1927.

Supervisor of Hydraulics of the
State of Washington.