

APPOINTMENT OF WATER RIGHT

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 Mam, Yearsley & Lyrie, a corporation, a right to the available waters of Moses Lake, above the level of 1,023 feet (above mean sea level,) and to apply such waters, at a duty not to exceed 1 second foot of water per 75 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 the only one in its class, to-wit: class eight (8) in said decree, and shall have a priority date of July 6, 1910, and is prior to all other classes of water rights provided for in said decree except those in classes one (1) to seven (7) both inclusive, and shall be subject to riparian rights defined in said decree as class one (1) in and to the waters of Crab Creek above Moses Lake, amounting to a possible maximum of 40.52 feet of water per second of time, and subject to prior rights of appropriation from Moses Lake, defined in said decree as classes two (2) and three (3), amounting to a possible maximum of 5.98 feet of water per second of time, and subject to the prior right of Mam, Yearsley and Lyrie, a corporation to store all available water in said Moses Lake above the 1023 foot level, as defined as class four (4) in said decree, and subject to the prior rights of appropriation from Moses Lake, defined in said decree as classes five (5) and six (6), amounting to a possible maximum of 12.45 feet of water per second of time, and subject to a prior riparian right defined in said decree as class seven (7). In and to the waters of Crab Creek above Moses Lake.

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 said 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 that any lands are awarded a right in said decree to the water of Moses Lake and also a right to the storage water 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 feet of water to seventy-five (75) acres of irrigable land.

7. That each of the above 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 Ham, Yearsley and Ryrie are as follows:

At the points where the notice of appropriation of George S. Ganfield, dated July 6, 1910 was posted, to-wit:

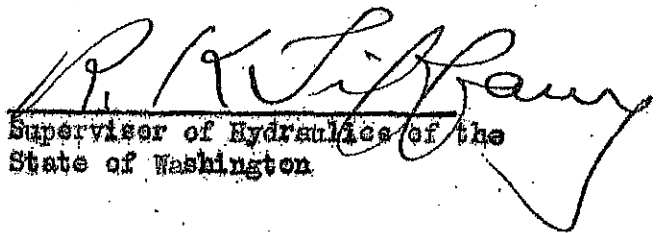
614-31-20-28  
At a point in Section 31, Township Twenty (20) North, Range Twenty-eight (28) E.W.M. about 600 feet south and east of the section corner between Sections 25-26 of Township Twenty (20) North, Range Twenty-seven (27) E.W.M. and Sections 30-31 in Township Twenty (20) North, Range Twenty-eight (28) E.W.M. on the North Shore of said lake.

Said water rights of Ham, Yearsley and Ryrje 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:

The lands in Township Twenty (20) North, Ranges Twenty-seven (27) and Twenty-eight (28) E.W.M. in Township Nineteen (19) North, Ranges Twenty-seven (27) and Twenty-eight (28) E.W.M. in Township Eighteen (18) North, Range Twenty-eight (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 Certificates, Inchoate Rights, at page     40    .

WITNESS the seal and signature of the Supervisor of Hydraulics affixed this 29th day of September, 1925.

  
Supervisor of Hydraulics of the  
State of Washington

Name		Amount	Voucher No	Remarks
1	Grant County Title Abstract Co.	200.00		Title Survey
2	Adams County Abstract Co.	5.00		Title Survey
3	Grant County Publishing Co.	441.00		Publication of Summons
4	Journal Times	446.71		Publication of Summons
5	F. L. Bethards	35.40		Surveys, October, 1921
6	Fred J. Cunningham	31.24		Expenses, April, 1922
7	H. C. Brodie	13.75		Expenses, June, 1922
8	Fred J. Cunningham	22.72		Expenses, June, 1922
9	H. C. Brodie	23.76		Expenses, July, 1922
10	M. Smyth	29.40		Expenses, May, 1923
11	Fred J. Cunningham	12.44		Expenses, May, 1923
12	Fred J. Cunningham	25.65		Expenses, April, 1924
13	Marvin Chase	12.30		Expenses, April, 1924
14	Fred J. Cunningham	250.00		Services
15				
16		Total	1549.37	
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				

Part No.	Name	Description of Lands	Sec-Twp-Rge	Amount	Date Paid	
2-250	William M. Clapp	W $\frac{1}{2}$	16-21-27	9.90		1
251	George Drumheller	M. & B. (See P. 4 of decree)		39.35	5-25-25	2
252	Thomas Drumheller	W $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$	33-21-27			3
		WE W $\frac{1}{2}$	28-21-27			4
		E $\frac{1}{2}$ SE $\frac{1}{4}$	32-21-27	27.10	2-25-28	5
253	Grant Realty Co.	All of	15-20-27	19.75	6-2-26	6
254	J. A. Ogan	W $\frac{1}{2}$ W $\frac{1}{2}$	21-21-27	3.40	5-28-25	7
255	Moses Lake Horticultural Co.	N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$	20-19-28	3.98		8
256	Alexander C. Koch	W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$	14-19-28	3.40	6-9-25	9
257	Martin Penhallick	E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$	14-19-28	5.20	6-2-25	10
258	R. P. Penhallick	NW $\frac{1}{4}$	14-19-28	4.80	4-12-28	11
259	Ham, Yearsley & Rvrie	M. & B. (See P. 5 of decree)		327.00	5-25-25	12
260	J. R. Allen	S 1 $\frac{1}{2}$ A. of NE $\frac{1}{4}$ NE $\frac{1}{4}$	28-19-28	.55	5-25-25	13
261	O'Sullivan Ditch			21.64	7-15-25	14
	George Karstetter	W $\frac{1}{2}$ Lot 2	18-19-28	.70		15
	James T. Lawler, Trustee	Lot 5	18-19-28	1.40	5-20-25	16
	Andy Shields	Lots 6 & 7	18-19-28	3.40	4-10-28	17
	Lou Waller, Trustee	Lots 1 & 4	18-19-28	2.75	12-5-35	18
262	Jacob Secrest	N 2 $\frac{1}{2}$ A. of NE $\frac{1}{4}$ NE $\frac{1}{4}$	28-19-28	.70	5-29-25	19
263	George E. Harman	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22-19-28	1.10	5-20-25	20
264	Estate of Frederick Kriste, Deceased	NE $\frac{1}{4}$	32-21-27	4.65	1-11-35	21
266	J. R. Campbell	Tract 24 Battery Orchards & SE & A. SE of County Road in NW $\frac{1}{4}$ SE $\frac{1}{4}$	28-19-28	.50	6-1-25	23
267	Grant Realty Co.	M. & B. (See P. 7 of decree)		392.45	6-2-26	24
268	George S. Hopkins	Lots 5 to 16 inc., & 18 & 19, Lakeside Project		5.20	6-2-26	25
269	J. I. Johnson	Tracts 52 & 54 & 4 A. in Tract 53, Battery Orchards		.85	5-27-25	26
270	Martin Johnson	Lots 22 & 23 Battery Orchards		.60	5-26-25	27
271	William Killian	Tracts 29 & 30 & E. 15.27 A. Tract 53 Battery Orchards		.80	5-27-25	28
272	Manhattan Realty Co.	M. & B. (See P. 9 of decree)		12.35	6-2-26	29
	Manhattan Realty Co.	M. & B. (See P. 9 of decree)		98.15	6-2-26	30
273	Noppel Townsite Co.	M. & B. (See P. 11 of decree)		13.15	6-2-26	31
274	Marco Poli	Tracts 71, 72, 77 & 107 Battery Orchards	28-19-28	.74	5-27-26	32
275	Walter & Clarence Schneirla	Tracts 78, 79, & 80, SW $\frac{1}{4}$ of 92, 93 to 107 Inc. Battery Orchards	28-19-28	.98	9-16-30	34
276	Jacob Secrest	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21-19-28	.45	5-29-25	35
277	R. M. Talbott	Tracts 31, 32, 33, 34, 35, 50, 51, 52, Battery Orchards	28-19-28	2.40	6-2-26	36
278	Charles Tichacek	Tracts 19 & 20, Battery Orchards	28-19-28	.60	5-22-25	

Cert.		Name		Description of Lands	Sec-Twp-Rge.	Amount	Date Paid
1	2-1279 & 279A	J. C. White	Tracts 13, 14, 15, 16 & 21, Battery Orchards	28-19-28	1.40	6-2-26	
2	280	Lucien F. McConihe, Jr.	NE 1/4	34-20-27	2.40	5-26-25	
3		Arthur L. Pettigrew	4000 A. in T. 18, 19 & 20, R. 27 & 28		130.85		
4		R. F. Pettigrew	W 1/2 W 1/2 Lots 2, 3, 5 & 6, Sec. 21;			37.16 pd 5 3.00 pd 11 Kathleen 1/2	
5			Lots 2 3 & 4 Sec. 20; Lot 2, Sec. 28 & Lot 1, Sec. 29	19-28	16.40	5-25-25	
7	302	Thos. J. Clark	Lot 4, Sec. 6; Lots 3, 5 & SE 1/4 NW 1/4	6-15-28	3.30	1-28-26	
8		282 Columbia Basin Land Co.	All	3-15-27	13.80	12-11-36	
9	283	Dunn Brothers	NE 1/4 SW 1/4 S 1/2 NW 1/4	32-16-23			
10			S 1/2	33-16-24			
11			NE 1/4 SE 1/4 S 1/2 NE 1/4	34-16-24	20.97		
12	284	Allen B. Drumheller	All	29-16-28	20.97	5-25-25	
13	285	George Drumheller	M. & B. (See P. 14 of decree)		161.58	5-25-25	
14	286	Bernard J. Duffy	NE 1/4 NE 1/4 SE 1/4 NE 1/4 NE 1/4 NW 1/4 SE 1/4 SW 1/4	20-16-28			
15			W 1/2	21-16-28			
16			SE 1/4 SW 1/4 NE 1/4 SW 1/4 NE 1/4 SW 1/4	20-16-28	23.60	5-19-25	
17	301	Joe Grant	NE 1/4 SW 1/4 also tract in Adams Co.	6-15-28	3.45	1-28-26	
18	288	Grant-Realty Co.	M. & B. (See P. 15 of decree)		23.58	6-2-26	
19	289	Tim L. Guider	NW 1/4	36-16-26	5.30	6-20-25	
20	290	Hartford Land Co.	SW 1/4 NW 1/4	34-18-28	1.40	5-22-25	
21	291	Joseph E. McManamon	Lots 4 & 5 SE 1/4 NW 1/4 & NE 1/4 SW 1/4	6-16-29	5.30	5-19-25	
22	292	Milwaukee Irrigation & Land Co.	Sec. 1, 2, 4 & 5	1-15-27	39.28	1-7-37	
23	293	J. A. Simmons	All	16-16-28	13.10		
24	294	James William Sinclair	NE 1/4 SE 1/4 E 1/2 SW 1/4	32-16-27	5.30	5-26-25	
25	295	Willis G. Thorp	NE 1/4 SE 1/4 S 1/2 NE 1/4	36-16-26	5.30	1-7-23	
26	296	Mrs. Julia Urquhart & M. S. Urquhart	SE 1/4 NE 1/4 E 1/2 SW 1/4 SW 1/4 SE 1/4	30-16-28	5.30	5-20-25	
27	297	James W. Johnson	NE 1/4 SW 1/4 NE 1/4 SW 1/4 S 1/2 NW 1/4	32-16-25	2.10	6-8-36	
28	299	Oscar Fritiof Danislon	E 1/2 SW 1/4 Lot #	30-16-28	1.10	1-6-28	
29	300	Wm. W. Seymour	SE 1/4 SW 1/4 S 1/2 SE 1/4	26-16-26	2.10	6-13-25	
30	298	Milwaukee Irrigation & Land Co.			32.30	1-7-37	
31				Total	1549.37		
32	291	Ham, Yearsley & Ryrie	M. & B. (See P. 7 of decree)		98.10	10-9-25	
33							
34							
35							
36							

Lab Check / Masses Sta  
Amount

250	-	9.90 ✓
255	-	3.98 ✓
361	-	.70 ✓
280	-	120.69 ✓
283	-	20.97 ✓
293	-	13.10 ✓
<u>6</u>		<u>169.34</u>

0 • T  
 459.75 +I  
 7.00 +II

6.63 +  
 100.38 +  
 12.34 +  
 119.35 S  
 119.35 +  
 459.75 TI

459.75 X  
 25.96 T

3. +  
 7.00 TII

7.00 X  
 42.88 T

7.00 T

0 • T

23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36