

C O P Y

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND  
FOR THE COUNTY OF WHITE PINE

LEO. C. WINDER, CHARLES  
SMITH, and THE MURRAY  
SHEEP COMPANY, a corpora-  
tion,

PLAINTIFFS,

VS.

DECREE

THE BIG SPRINGS IRRIGATION  
COMPANY, a corporation,

DEFENDANT.

The above entitled cause having been submitted to the Court for decision on the pleadings heretofore filed herein, consisting of plaintiffs' complaint, defendant's answer, and plaintiffs' reply; and it having been stipulated and agreed by and between said parties that the decree of this Court may be entered in said action as hereinafter set forth; and the Court having considered said pleadings and the said stipulation, and having determined that a decree in the form embodied in said stipulation is just and equitable as between said parties, it is--

NOW, HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

I.

That the plaintiffs are the owners of the right to the continuous use for domestic purposes, for watering live stock and for irrigation of the lands hereinafter described, of three and one-half cubic feet per second of the waters of Lake Creek and Big Springs, which is the source of said creek, which quantity of water shall be diverted by them, at the point about forty feet below said spring, at which a portion of the waters of said creek and springs are now diverted into what is known as the "South Ditch" on the land of plaintiff, Leo. C. Winder, and shall be measured over a standard Cippolletti concrete wier, at a convenient and proper point in said ditch, from which the water shall not be backed up into said spring, the installation and maintenance of which wier shall be at the expense of plaintiffs.

II.

That plaintiffs are the owners of the right to the continuous use, for the purposes above mentioned, of the waters of certain springs situate a short distance southerly from said Big Springs, and developed by plaintiffs and their predecessors in interest, by tunnelling and other excavation, the quantity of which waters is approximately one-half of cubic feet per second.

III.

That plaintiffs are the owners of the right to continuously use for domestic purposes for watering live stock, and for the irrigation of the lands of plaintiff, Charles Smith, as hereinafter described, the waters of those certain natural springs situate on or immediately adjacent to the said lands of plaintiff Smith, and commonly known as Cobb Springs and Little Springs.

IV.

That the lands on which plaintiffs have used and have the right to use the said waters for irrigation are described as follows, to-wit:

The Northwest Quarter of the Northeast Quarter, and South Half of Northeast Quarter of Section Thirty-three; the Southwest Quarter of the Northwest Quarter of Section Thirty-four; the South-west Quarter of the Southwest Quarter of Section Twenty-seven; the Southeast Quarter of the Southeast Quarter of Section Twenty-eight; the Northeast Quarter of the Northeast Quarter of Section Thirty-three; and the Northwest Quarter of the Northwest Quarter of Section Thirty-four, all in Township Ten North, of Range Seventy East, Mount Diabie Base and Meridian, White Pine County, Nevada, and now owned by and in possession of plaintiff, Leo. C. Winder; also the South Half of the Southwest Quarter; the West Half of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter; the East Half of the Northwest Quarter; the Southwest Quarter of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter; the Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, of Section Twenty-two, all in said Township and range, and in said county and state, and all now in the possession of and owned by plaintiff Charles Smith.

V.

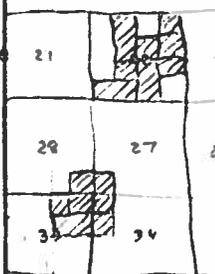
That in addition to the right to water live stock on the lands above described, the plaintiffs are the owners of the rights to divert through the Main Ditch extending through the westerly portion of said lands of plaintiff, Smith, sometimes known as the "Sheep Ditch" and sometimes known as the "Ketchum Ditch", and to use at points at considerable distances below and northerly from said lands of plaintiff Smith, all the water, the right to the use of which is so owned by plaintiffs, for the watering of live stock during the months of January, February, March, April, October, November and December, and also from May 1st to and including May 15th of each year.

VI.

That, except as hereinabove stated, plaintiffs are not entitled to, and shall not, interfere with, cut off or diminish the sources of water supply to Lake Creek by tunnelling, trenching or diverting any of the sources therefrom.

VII.

That said defendant has no estate or interest in or the right to use any of the waters herein above adjudged to be owned by the plaintiffs, or any of them; and that said defendant be and it is hereby forever debarred and enjoined from asserting any claim whatever in or to the same adverse to plaintiffs, or to any of them.



VIII.

That defendant is the owner of the right to use for the irrigation of the lands mentioned in its answer herein and for domestic purposes, all of the waters of said Lake Creek except those portions thereof hereinabove adjudged and decreed to belong to plaintiffs, or any of them; and that except as hereinabove set forth plaintiffs have no estate or interest in the said waters of said Lake Creek or in the right to use the same; and that said plaintiffs and each of them are hereby forever debarred and enjoined from asserting any claim whatever adverse to defendant except as hereinabove set forth, in or to the waters of Lake Creek.

IX.

That no costs be awarded to either party herein.

C. J. McFADDEN

JUDGE OF SAID COURT.

Dated: Dec. 6th, 1922.

Endorsed:- No. 1645. Filed Dec. 6, 1922. F. D. Oldfield, Clerk.

STATE OF NEVADA }  
COUNTY OF WHITE PINE } SS.

I, F. D. Oldfield County Clerk and ex-officio Clerk of the Ninth Judicial District Court of the State of Nevada, County of White Pine, do hereby certify that the above and foregoing is a full, correct and true copy of the original "DECREE" LEO C. WINDER, CHARLES SMITH and THE MURRAY SHEEP CO. a corporation PLAINTIFFS. VS. THE BIG SPRINGS IRRIGATION COMPANY, a corporation, DEFENDANT which now remains of record in my office at Ely, County and State aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the town of Ely this 10th. day of January A. D. 1925.

(Court Seal)

F. D. Oldfield County Clerk,  
And ex-officio Clerk of said  
Court.

By ----- Deputy-Clerk.

NO. 42173-COPY OF DECREE:- Filed for record at request of Chandler & Quayle, Jan. 12, 1925,  
at 50 min. past 10 o'clock A. M. and recorded in Book 97 Pages  
114-116, Miscellaneous Record of White Pine Co., Nev.

*Joseph M. Starnan*  
Recorder.

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