

1 District Court, 7th Judicial District, State of Nevada, in and
2 for Washoe County.

3
4 J. H. Smith and
5 Jnã. M. Ward

6 Plaintiffs

7 v.

8 A. R. Jones and
9 J. D. Jones

10 Defendants

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13 Judgment and Decree,

14 Upon and pursuant to the stipulation of the parties hereto,
15 this Day made and entered herein, It is hereby considered, ad-
16 judged and decreed:

17 1st The action is hereby dismissed as to Defendant A. R. Jones.

18 2 At commencement of this action plaintiffs were and now
19 are the owners in fee simple absolute of those certain pieces
20 of land in Washoe County, State of Nevada, called and known as
21 and being The North half of the North West quarter and South
22 East quarter of the North West quarter and South West quarter
23 of the North East quarter, of Section fifteen (15) of Township
24 Twenty three (23) North of Range Nineteen (19) East Mount Diabie
25 Base and Meridian. Buffalo Creekg in its natural bed and ch-
26 annel flows over and across said lands. Elaintiffs have here-
27 tofore lawfully appropriated and aãe now the owners of and
28 lawfully entitled to take and Divert from said Creek and the
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1 channel and waters thereof, one hundred inches of water, and
2 use and exhaust the same upon their said lands for stock and
3 domestic purposes and for the irrigation of crops of grain,
4 grass, vegetables grown upon their said lands, and for the cul-
5 tivation of trees and shrubery thereon. Twenty inches of water,
6 of said one hundred inches aforesaid, is afforded and
7 supplied by that certain branch and affluent of said Buffalo
8 that naturally flows over and across those certain pieces of
9 land hereinafter mentioned in the possession and control of
10 said Defendant J. D. Jones. Subject at all times to the two
11 inches of water hereinafter adjudged to J. D. Jones, when the
12 branch or affluent do not carry more than twenty inches of water.

13 Defendant J. D. Jones, at the time of the commencement
14 of this action, was and now is, in the actual and peaceable
15 and exclusive possession, control and enjoyment of those certain
16 pieces of land in Washoe County, State of Nevada, called and
17 known as; South East quarter of South West quarter of Section
18 Twelve (12) East half of North West quarter, East half of
19 South West quarter and North West quarter of South East quarter
20 of Section thirteen (13) and East half of North West quarter of
21 Section Twenty Four (24) of Town ship Thirty Four (34) North,
22 Range Eighteen (18) East Monte Diablo Base and Meridian and
23 cultivating and growing crops of grain, grass, vegetables and
24 fruits thereon, and using water from said branch or affluent
25 to water and irrigate the same. Said Defendant J. D. Jones
26 his successors and assigns are at all times, whenever and
27 so long as vegetable and fruits are being grown upon the
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1 lands last aforesaid at the point where the vegetable garden is
2 now situate; entitled to take and Divert and use from the
3 natural bed and channel of said branch and affluent two inches
4 of any waters naturally flowing therein, and use and exhaust
5 the same upon said lands for stock and domestic purposes and
6 for irrigation- Provided, that the waste water arising from
7 said irrigation shall be allowed to flow back into the natural
8 channel of said branch or affluent and to flow Down therein.

9 It is considered, adjudged and Decreed that said De-
10 fendant J. D. Jones Successors and Assigns shall be entitled
11 to take and Divert from said branch and affluent at any and all
12 times that more than twenty inches of water, as it naturally
13 flows; is running and flowing from said branch and affluent
14 into the main channel or stream of said Buffalo Creek, all
15 waters in excess of such twenty inches thereof, and to use
16 and exhaust the same upon the lands last aforesaid, for stock
17 and Domestic purposes and for irrigation thereon. . It is
18 further considered, adjudged and Decreed that said Defendant
19 J. D. Jones, successors and assigns, at any and all times
20 when the atage and amount of water in said branch or affluent
21 naturally belonging thereto, will not reach or flow to the
22 main channel of said Buffalo Creek, but would sink and Dis-
23 appear in the earth or sands before reaching said main channel
24 if allowed to continue in said branch may and shall be enti-
25 tled to take and Divert from said branch or affluent, and the
26 bed and natural channel thereof, all the water then and at such
27 times flowing therein, and to use and exhaust the same upon the
28 lands last aforesaid for stock and Domestic purposes and for
29 irrigation.
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1 It is further considered, adjudged and Decreed that said
2 Plaintiffs, their successors and assigns, shall be allowed
3 and permitted at all reasonable and proper times, and whenever
4 necessary, to take and remove from the natural bed and channel
5 of both said Buffalo Creek and of said branch or affluent
6 thereof, any and all artificial obstructions to the flow of the
7 water, except such as are reasonably necessary to enable the
8 Defendant J. D. Jones, his successors and assigns, to Divert
9 and use said two inches or water and other water to which he
10 or they are entitled hereunder; and all rubbish and Debris
11 that shall or may accumulate therein, provided, that said natural
12 channels shall in no way be Deepened or Widened thereby or
13 otherwise affected than cleaned and cleared of foreign
14 matter.

15 It is further considered, adjudged and Decreed that the
16 plaintiffs pay one half of all lawful costs and Disbursements
17 herein incurred, and that Defendant J. D. Jones, pay one half
18 of all lawful costs and Disbursements herein incurred.

19 It is further considered, adjudged and Decreed J. H.
20 Smith and John M. Ward, the plaintiffs herein, and each of
21 them, their servants, agents, attorneys and employes, succ-
22 essors and assigns, and each of them, and all persons acting
23 in aid or assistance of them, or either of them, be and they
24 are hereby forever enjoined and restrained, During all such time
25 hereafter that a vegetable garden shall be maintained
26 by Defendant J. D. Jones, his successors or assigns, at the
27 point where one is now maintained on the lands next herein-
28 after described as being held in possession by said J. D. Jones,
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1 to wit: those pieces of land in Washoe County, State of Nev-
2 ada, called and Known as and being; South East quarter of South
3 West quarter of Section Twelve (12), East half of North West
4 Quarter, East half of South West Quarter and North West Quarter
5 of South East quarter, of Section Thirteen (13) and East half
6 of North West quarter of Section Twenty Four (24) of Township
7 thirty four (34) North of Range Eighteen (18) East, Monte Diablo
8 Base and Meridian from taking or Diverting from that certain
9 branch or affluent of Buffalo Creek, in Washoe County, State of
10 Nevada, that flows naturally over and across the lands last
11 aforesaid any quantity or amount of said water that will pre-
12 vent or interfere with said Defendant J. D. Jones, his suc-
13 cessors and assigns, from taking and Diverting from said branch
14 and affluent two (2) inches of water as it flows therein, for
15 the irrigation of a vegetable garden upon the lands last afore-
16 said at the point thereon where such garden is now being cul-
17 tivated and for trees and shrubbery upon said lands and for
18 stock and Domestic purposes therein, provided, that the waste
19 water arising from irrigation with said two inches of water
20 shall be allowed to return to the natural channel and to flow
21 on Down therein.

22 J. D. Jones, Defendant aforesaid, his agent, attorneys,
23 servants, employes, successors, and assigns, and each of them,
24 and all persons acting under, or in aid or assistance of them
25 or either of them, are hereby forever restrained and enjoined
26 from taking or Diverting from Buffalo Creek, Washoe County,
27 Nevada, or from that branch or affluent thereof which has its
28 bed or natural channel across the lands last hereinbefore
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1 Described: save and except two (20) inches of said waters as
2 they naturally flow in said branch and affluent across the lands
3 last aforesaid, or use more of said waters than said two
4 inches thereof for the irrigation upon said lands. Said two
5 inches of water to be used only for stock and Domestic purposes
6 and for the irrigation of a vegetable garden upon the lands
7 last aforesaid at a point thereon where such garden is now
8 grown and cultivated and for the irrigation of trees and shrub-
9 bery thereon, saving and excepting from the force and effect
10 of this Injunction and restraint any and all of the waters of
11 said branch and affluent as shall or may at any time be in
12 excess of the quantity and amount of twenty (20) inches of
13 water, as it runs, passing from said Branch or affluent into
14 the main channel of said Buffalo Creek; and further saving
15 and excepting from the force and effect of this Injunction and
16 restraint, all of the waters of said Branch and affluent of said
17 Buffalo Creek, whenever the body and quantity thereof, natur-
18 ally flowing in said Branch, is so Diminished and reduced
19 from natural causes, that if all, after taking out said two
20 inches aforesaid; was allowed to remain in and naturally flow
21 Down said Branch or affluent, none of it would reach, as a
22 surface stream, the main channel or Buffalo Creek, but would sink
23 or disappear in the earth or sands before reaching that point.
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25 Done in open Court this 20th Day of October, 1886.

26 W. M. Boardman

27 Dist. Judge.
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1 In the Dist. Court 7th Dist. Nev. County of Washoe

2
3 J. H. Smith and

4 J. M. Ward

5 Plff

6 v.

7 A. R. Jones and

8 J. D. Jones

9 Deft.

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11 It is hereby stipulated and agreed that the findings of
12 fact this day filed herein may be filed as the findings of
13 the Court in said action and that thereon the foregoing decree
14 and judgment may be entered as the decree and judgment of the
15 Court in said action.

16 Reno, Nev. Sept. 13th 1886.

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18 R. H. Lindsay

19 Atty. for Plffs.

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22 Attys. for Defts.