

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF LANDER

In the Matter of the Determination of
the Relative Rights in and to the Waters
of Crum and Wilson Creeks and their Tri-
butaries in Lander County, State of
Nevada.

No. 2445
Filed this 26th. day
of May, 1928.
Lena E. Streshley
Clerk.

FINDINGS AND DECREE

Pursuant to the Water Code of Nevada contained in Chapter
140 of the Session laws of the State of Nevada of the year 1913 and
acts amendatory and supplemental thereto the State Engineer of the
State of Nevada heretofore selected Crum and Wilson Creeks and their
tributaries for determination of the relative rights of the various
claimants of the waters thereof, received and filed in his office
proofs, maps and statements of claims to said waters, and made an
abstract of said proofs, and made and filed in his office and caused
to be there entered of record an Order of Determination defining
the several rights of the appropriators and claimants to said waters,
and filed his said Order in this Court.

Martin Filippini and Ed Filippini, by their attorney H. U.
Castle, filed a petition to intervene in these proceedings in accor-
dance with the provisions of Section 26, Chapter 140, Statutes of
1913, and by virtue of said petition were thereafter accorded all
rights vouchsafed claimants, who had been duly served. A stipula-
tion in writing, executed in behalf of said interveners by their at-
torney H. U. Castle and in behalf of Ethel Paris Adams by her at-
torney Samuel C. Wiel, was duly filed herein. No other interveners,
objectors or appearance were made by any person.

Thereafter the hearing of this proceeding came on regularly
in open court the 26 day of May, 1928. The
State Engineer was represented at the hearing by Howard E. Browne,
District Attorney in and for Lander County, State of Nevada, no other

Total acres in stream system Adams 90.79
Fillippini's 523.70
614.69

1 parties being present in person or by counsel; and all things requi-
 2 red by law precedent to a decree having been duly performed, and the
 3 court being fully advised by the files and evidence produced at said
 4 hearing and the said stipulation of the parties, now therefore the
 5 court finds that the extent and relative rights of parties in and
 6 to the waters of Crum and Wilson Creeks and their tributaries in
 7 Lander County, State of Nevada, are as follows:

8 (a) Ethel Paris Adams has a first and prior right for the ir-
 9 rigation of the following described lands of the classification, duty
 10 of water and length of irrigation season herewith specified, to wit:

11
 12 A

13 In Township 27 North, Range 45 E. M.D.B. & M.

Section:	Sub-division:	Land Classification:	Area (Acres):	Length of Irrigation season:	Duty of Water		
					Cubic feet per Second:	Acre Feet per Season:	
22)*	:NW 1/4	NE 1/4	: Class I	: 1.13	: Mar. 1 to	: 0.007	: 3.39
22)*	:NE 1/4	NE 1/4	: do	: 11.70	: Oct. 26	: 0.074	: 35.10
23	:NW 1/4	NW 1/4	: do	: 2.60	:	: 0.016	: 7.80
23	:SW 1/4	NW 1/4	: do	: 3.98	: 240	: 0.025	: 11.94
23	:SW 1/4	SE 1/4	: do	: 1.14	: days	: 0.007	: 3.42
23	:SE 1/4	SW 1/4	: do	: 0.56	:	: 0.003	: 1.68
26	:NW 1/4	NE 1/4	: do	: 4.51	:	: 0.028	: 13.53
26	:NE 1/4	NW 1/4	: do	: 7.50	:	: 0.047	: 22.50
			: 33.12	:	:	:	: 99.36

24 * Lands watered from Wilson Creek only.

25 Note:- Class I denotes lands upon which harvest crops are produced
 26 and which are allowed 3 acre feet per acre per season of
 27 240 days.

28 (b) Martin Filippini and Ed Filippini have a first and prior
 29 right (subject only to the prior rights of Ethel Paris Adams herein-
 30 above set forth) for the irrigation of the following described lands
 31 of the classification, duty of water and length of irrigation sea-
 son herewith specified, to-wit:

B

In Township 27 North, Range 46 East, Mount Diablo

Base & Meridian

Sec.	Sub-division	Land Classification	Area (Acres)	Length of Irrigation Season	Duty of Water	
					Cubic feet per Second	Acre feet per Season
20	:SW $\frac{1}{4}$ SE $\frac{1}{4}$:Class I	1.10	:Mar.1-Oct.26	0.007	3.30
20	:do	:Class III	0.80	:Mar.1-May 29	0.007	1.20
20	:SE $\frac{1}{4}$ SW $\frac{1}{4}$:Class I	5.80	:Mar.1-Oct.26	0.036	17.40
20	:do	:Class III	20.00	:Mar.1-May 29	0.167	30.00
20	:SW $\frac{1}{4}$ SW $\frac{1}{4}$:Class III	3.00	:do	0.025	4.50
21	:SW $\frac{1}{4}$ SE $\frac{1}{4}$:Class I	0.70	:Mar.1-Oct.26	0.004	2.10
27	:NW $\frac{1}{4}$ NW $\frac{1}{4}$:do	1.90	:do	0.012	5.70
27	:do	:Class III	9.20	:Mar.1-May 29	0.077	13.80
28	:SW $\frac{1}{4}$ NW $\frac{1}{4}$:Class I	0.70	:Mar.1-Oct.26	0.004	2.10
28	:NW $\frac{1}{4}$ NW $\frac{1}{4}$:do	8.90	:do	0.056	26.70
28	:NE $\frac{1}{4}$ NW $\frac{1}{4}$:do	3.50	:do	0.022	10.50
28	:NW $\frac{1}{4}$ NE $\frac{1}{4}$:do	8.00	:do	0.050	24.00
28	:NE $\frac{1}{4}$ NE $\frac{1}{4}$:do	4.70	:do	0.029	14.10
28	:do	:Class III	5.00	:Mar.1-May 29	0.042	7.50
29	:NE $\frac{1}{4}$ NW $\frac{1}{4}$:Class I	1.00	:Mar.1-Oct.26	0.006	3.00
29	:do	:Class III	39.00	:Mar.1-May 29	0.325	58.50
29	:NW $\frac{1}{4}$ NE $\frac{1}{4}$:Class I	26.00	:Mar.1-Oct.26	0.163	78.00
29	:do	:Class III	8.00	:Mar.1-May 29	0.067	12.00
29	:NE $\frac{1}{4}$ NE $\frac{1}{4}$:Class I	24.40	:Mar.1-Oct.26	0.153	73.20
29	:SW $\frac{1}{4}$ NE $\frac{1}{4}$:do	31.40	:do	0.196	94.20
29	:do	:Class III	6.50	:Mar.1-May 29	0.054	9.75
29	:SE $\frac{1}{4}$ NE $\frac{1}{4}$:Class I	17.50	:Mar.1-Oct.26	0.110	52.50
29	:NW $\frac{1}{4}$ NW $\frac{1}{4}$:Class III	28.80	:Mar.1-May 29	0.240	43.20
29	:SE $\frac{1}{4}$ NW $\frac{1}{4}$:Class I	16.30	:Mar.1-Oct.26	0.102	48.90
29	:do	:Class III	23.70	:Mar.1-May 29	0.198	35.55
29	:SW $\frac{1}{4}$ NW $\frac{1}{4}$:Class I	0.40	:Mar.1-Oct.26	0.002	1.20
29	:do	:Class III	39.60	:Mar.1-May 29	0.330	59.40
29	:NE $\frac{1}{4}$ SW $\frac{1}{4}$:Class I	6.00	:Mar.1-Oct.26	0.037	18.00
29	:do	:Class III	26.90	:Mar.1-May 29	0.224	40.35
29	:NW $\frac{1}{4}$ SW $\frac{1}{4}$:Class I	2.30	:Mar.1-Oct.26	0.014	6.90
29	:do	:Class III	35.80	:Mar.1-May 29	0.298	53.70
29	:SW $\frac{1}{4}$ SW $\frac{1}{4}$:do	21.60	:do	0.180	32.40
30	:SE $\frac{1}{4}$ SE $\frac{1}{4}$:do	25.60	:do	0.213	38.40
30	:NE $\frac{1}{4}$ SE $\frac{1}{4}$:do	39.90	:do	0.332	59.85
30	:NW $\frac{1}{4}$ SW $\frac{1}{4}$:do	6.70	:do	0.056	10.05
30	:SE $\frac{1}{4}$ NE $\frac{1}{4}$:do	23.00	:do	0.192	34.50
						1026.45

Note:- Class I denotes lands upon which harvest crops are produced and which are allowed 3 acre feet per acre per season of 240 days.

Class III denotes diversified pasture lands, which are allowed 1.5 acre feet per acre per season of 90 days.

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1 (c) Subject only to the prior rights of said Martin Filippini
 2 and Ed Filippini hereinabove set forth, said Ethel Paris Adams, has
 3 a first and prior right for the irrigation of the following describ-
 4 ed lands, of the classification, duty of water and length of irri-
 5 gation season herewith specified, to wit:

6
 7 C

8 In Township 27 North, Range 45 East, Mount Diablo
 9 Base & Meridian

Section:	Sub-division:	Land Classification:	Area (Acres):	Length of Irrigation Season:	Duty of Water	
					Cubic feet per Second	Acres per Season
23	:NW $\frac{1}{4}$ NW $\frac{1}{4}$:Class III:	0.92	:Mar. 1 to	: 0.008	:: 1.380
23	:SW $\frac{1}{4}$ NW $\frac{1}{4}$: do	7.41	: May 29	: 0.062	:: 11.115
23	:SE $\frac{1}{4}$ NW $\frac{1}{4}$: do	0.57	: do	: 0.005	:: 0.855
23	:NW $\frac{1}{4}$ SW $\frac{1}{4}$: do	2.90	: do	: 0.024	:: 4.350
23	:NE $\frac{1}{4}$ SW $\frac{1}{4}$: do	14.50	: do	: 0.121	:: 21.750
23	:SE $\frac{1}{4}$ SW $\frac{1}{4}$: do	21.78	: do	: 0.183	:: 32.670
23	:SW $\frac{1}{4}$ SE $\frac{1}{4}$: do	2.17	: do	: 0.018	:: 3.255
26	:NW $\frac{1}{4}$ NE $\frac{1}{4}$: do	0.35	: do	: 0.003	:: 0.525
26	:NE $\frac{1}{4}$ NW $\frac{1}{4}$: do	3.42	: do	: 0.029	:: 5.130
22)*	:NE $\frac{1}{4}$ NE $\frac{1}{4}$: do	3.75	: do	: 0.031	:: 5.625
22)	:SE $\frac{1}{4}$ NE $\frac{1}{4}$: do	0.10	: do	: 0.001	:: 0.150
			57.87			86.805

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 19 *These lands irrigated with Wilson Creek water only.

20 Note:- Class III denotes diversified pasture lands, which are
 21 allowed 1.5 acre feet per acre per season of 90 days.

22
 23 WHEREFORE THE COURT HEREBY ORDERS, ADJUDGES AND DECREES AS
 24 FOLLOWS:

25 1. The relative priority or rank of the said several rights
 26 to the waters of Crum and Wilson Creeks and their tributaries as
 27 listed in the foregoing tabulation, shall be recognized at all times
 28 hereafter.

29 2. No one holding an appropriation not hereinabove listed
 30 shall be entitled to receive any water until all appropriations here-
 31 inabove listed have been fully satisfied.

1 3. Each of the parties hereto, together with his or her
2 agents, servants, and employees, and those claiming by or through or
3 under it, is perpetually enjoined from using any of the waters of
4 said stream-system in excess of his or her several rights as the
5 same are herein defined and from using any water at such times, or
6 in such manner, or in such amount as will infringe upon any rights
7 as herein defined.

8 4. All waters diverted from said Crum and Wilson Creeks
9 and their tributaries shall be measured at a point where the main
10 ditch enters or becomes adjacent to the land to be irrigated, or as
11 near thereto as practicable, the location of the point of measurement
12 to be selected, or, if not selected, to be approved by the State
13 Engineer.

14 5. Each water user shall install and maintain substantial
15 headgates, control works and weirs in his ditch or ditches of such
16 construction as will be approved by the State Engineer, and shall
17 keep his ditch or ditches reasonably clean of weeds, vegetation and
18 deposits of silt and in all other respects maintain said ditches in
19 a manner conducive to a minimum loss of conveyed water by seepage
20 and evaporation. Ethel Faris Adams is not, however, required to
21 make concrete ditches or adopt other means to prevent seepage and
22 sub-irrigation.

23 6. In addition to water used during the irrigating season
24 each user shall be entitled to divert sufficient water for stock
25 and domestic purposes, the amount diverted not to exceed a flow of
26 0.025 of a cubic foot per second at each point of use, such diver-
27 sion to be made during the non-irrigating season, subject to the
28 provisions of paragraph 3. The point of measurement of stock water
29 shall be at the same point as selected and approved by the State
30 Engineer for the measurement of irrigation water.

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1 7. The parties hereto, or their successors in interest,
2 shall not be required to take or use the amount of water allotted to
3 them in a continuous flow but may accumulate same, or any part
4 thereof, in rotation or periodic turn within the reasonable limits,
5 with the approval of the water commissioner subject to the control
6 and direction of the State Engineer.

7 8. Subject to section 36-A of the Water Code of Nevada as
8 amended by Chapter 106 of the 1921 Session laws of the State of
9 Nevada, the beginning and end of the irrigation season shall be as
10 defined in this order except when climatic conditions are such that
11 irrigation is not in accordance with good husbandry and actual bene-
12 ficial use of water; the State Engineer shall then determine by ex-
13 amination the beginning of the irrigation season and shall set the
14 date, giving notice to all parties concerned. The setting of this
15 date shall be for the sole purpose of administration and the dis-
16 tribution of water of Crum and Wilson Creeks and their tributaries
17 in accordance with this order.

Done in open court at Austin, Lander County, Nevada, this

Clerk's Office of the Third Judicial District Court

Of the State of Nevada, in and for the County of Lander.

I, THE UNDERSIGNED, CLERK OF SAID COURT, DO HEREBY CERTIFY THE

FOREGOING TO BE A FULL, TRUE AND CORRECT COPY OF FINDINGS AND DECREE
as the same appears on file and of record in my office, In the Matter
of the Relative Rights in and to the Waters of Crum and Wilson Creeks
and their Tributaries in Lander County, State of Nevada.

Attest my hand and seal of said court, this 28th

day of May A. D. 1928.

Rena E. Stuebelly Clerk.

Deputy Clerk.