

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

No. 322630

Dept. No. 1

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

* * * * *

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO)
THE WATERS OF DAVIS CREEK AND ITS)
TRIBUTARIES IN WASHOE COUNTY,)

FILED
AUG 1 1 22 PM '77
ALEXANDER
R. STRONG

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

This matter came on regularly for hearing on the 18th day of August, 1977 before the Honorable Grant L. Bowen, District Judge presiding. Davis Creek and its tributaries exemplified in these proceedings, being within Washoe County, State of Nevada, and he being the Judge designated by NRS 533.165 to hear and having jurisdiction to hear the above entitled matter of the State Engineer's determination of the relative rights of the claimants to the use of the waters of the stream system of Davis Creek and its tributaries. The Order of Determination and all related documentary evidence had been previously filed with the Clerk of said District Court by the State Engineer. There were no exceptions to the Order of Determination submitted to the Court by the claimants or any other persons at least 5 (five) days prior to the date set for hearing as provided for under NRS 533.170.

Harry W. Swainston, Deputy Attorney General, George Campbell, Deputy Attorney General, James C. Perkins, Surface Water Engineer, and L. Edward Parmenter, Adjudication Engineer, appeared in the hearing and proceedings on behalf of the State

1 of Nevada and the office of the State Engineer. John Jay Casey
2 appeared on behalf of himself as claimant and appropriator.

3 The record disclosed that the claimants had received
4 a certified copy of the Court Order Setting Time For Hearing on
5 the Order of Determination.

6 Harry W. Swainston; thereupon, at the hearing, offered
7 verified affidavits, files and records from the State Engineer's
8 Office, all contained in support of the rights of the claimants
9 in and to the above named stream system.

10 On August 18, 1977, the Court, having considered the
11 entire record and the evidence introduced and received, including
12 the cost bill, directed the State Engineer to prepare the Findings
13 of Fact, Conclusions of Law, and Judgment and Decree affirming
14 the Order of Determination, in accordance with NRS 533.186.

15 FINDINGS OF FACT

16 I.

17 The Court Finds: That on April 21, 1958, Robert L.
18 McDonald submitted a petition on behalf of Edward W. Scripps, II,
19 a water user of Davis Creek, requesting the determination of the
20 relative rights of the petitioner and other claimants to the
21 waters of Davis Creek, Browns Creek, Winters Creek, Ophir Creek
22 and their tributaries, and Fish Hatchery Springs, situate in
23 Washoe County, State of Nevada.

24 That as a result of the State Engineer's investigation
25 report, it was found that the waters of Davis Creek and its
26 tributaries were being placed to beneficial use on lands in
27 Washoe Valley for irrigation, domestic, stock watering, recreation
28 and propagation of fish and wildlife purposes. That evidence
29 contained in the title documents, affidavits, water claims and
30 proofs of appropriation submitted by the claimants, relative to

1 the land, indicates the present claimants and appropriators,
2 County of Washoe, John Jay Casey, State of Nevada, Department
3 of Fish and Game, and State of Nevada, Department of Highways,
4 are the successors in interest to vested water rights initiated
5 and claimed by their predecessors. That the report of the facts
6 and conditions disclosed that a determination of the relative
7 rights was justified, and the State Engineer made and entered an
8 Order Granting Petition on June 12, 1958.

9 That on June 21, 1958, and once each week for four
10 succeeding weeks, the State Engineer did cause to be published a
11 Notice of Order and Proceedings to Determine Water Rights in and
12 to the waters of Davis Creek and its tributaries in Washoe County,
13 State of Nevada, and that notice was duly given to all claimants
14 as required by law. That on July 22, 1958, there was filed in
15 the Office of the State Engineer an affidavit of the principal
16 clerk of the Nevada State Journal, exemplifying the Proof of
17 Publication of Notice of Order and Proceedings.

18 That the State Engineer did cause to be published on
19 November 13, 1971, and once each week for four succeeding weeks,
20 a Notice of Order for Taking Proofs to Determine Water Rights,
21 in and to the waters of Davis Creek in Washoe County, State of
22 Nevada, and that notice was duly given to all claimants as re-
23 quired by law. That on December 15, 1971, there was filed in
24 the Office of the State Engineer an affidavit of the legal clerk
25 of the Nevada State Journal exemplifying the Proof of Publication
26 of the Notice of Order for Taking Proofs to Determine Water
27 Rights.

28 That thereafter, in accordance with NRS 533.125, the
29 State Engineer did file in the records of his office on April
30 10, 1972, April 13, 1972, May 16, 1972 and May 30, 1972, requests

1 to extend the time in which proofs may be filed. That he did
2 grant extensions of time to file proofs and that notices were
3 duly given to all claimants.

4 That the State Engineer, in accordance with NRS 533.140,
5 did file in the records of his office on December 1, 1976 a
6 Preliminary Order of Determination; on December 23, 1976 an
7 Abstract of Claims; and on December 27, 1976 a Notice and Order
8 Fixing and Setting Time and Place of Inspection, stating when
9 and where the evidence taken by or filed with him and the proofs
10 of claims were open to the inspection of all interested persons;
11 and that notice thereof was duly given to all claimants as re-
12 quired by law.

13 That the State Engineer, in accordance with NRS 533.160
14 entered in the records of his office on April 22, 1977, an
15 Order of Determination defining the rights of the claimants and
16 appropriators to the waters of Davis Creek and its tributaries
17 and that notice thereof was duly given to all claimants as re-
18 quired by law.

19 That upon the filing of the certified copy of the
20 Order of Determination and the original evidence with the Clerk
21 of the Court of Washoe County, State of Nevada, the Court, at
22 the request of the State Engineer, made and entered an Order on
23 June 9, 1977, setting a time for hearing of any exceptions to
24 the Order of Determination on Thursday, August 18, 1977, at 1:30
25 o'clock in the afternoon in the court room of the court house in
26 Reno, Washoe County, Nevada; and that the Clerk of said Court
27 did furnish the State Engineer with a certified copy thereof.

28 That the State Engineer, in accordance with NRS 533.165
29 gave notice to the claimants by service of a certified copy of
30 the Court Order Setting Time for Hearing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

That on June 23, 1977, and once each week for four succeeding weeks, the State Engineer did cause to be published the Court Order Setting Time for Hearing, and that thereafter on July 25, 1977, there was filed in the Office of the State Engineer an affidavit of the legal clerk of the Reno Evening Gazette, exemplifying the Proof of Publication of the Court Order Setting Time for Hearing.

That the Court finds that all and singular, the Proceedings, Orders, and Notices required by Chapter 533 of NRS were duly had, made, and given as required by law, and that all and singular, the matters and things contained in the record were done, performed, given and made in strict compliance with the statutes, and that this Court had and has jurisdiction to hear and determine this matter.

II.

The Court Further Finds: That Davis Creek and its tributaries exemplified in these proceedings is situated wholly within Washoe County, State of Nevada.

III.

The Court Further Finds: That the names of the claimants and appropriators of the waters of Davis Creek and its tributaries, the source of the water supply, the manner of use of the water, the period of use, the duty of water, the diversion of water and method of use, measurement of water, stock watering, domestic, recreation and propagation of fish and wildlife uses, change of place of use, and the rights of appropriation of the water, all as set forth in the Order of Determination are true, proper and correct, and all and singular, the same should be approved and confirmed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

I. SOURCE

The headwaters of Davis Creek are situated on the eastern slopes of Slide Mountain at an elevation of approximately 7600 feet. The creek flows easterly for two miles down the slope of the Carson Range. Some of the flow is diverted into Davis Lake at the Davis Park recreational area and the remainder flows down the Davis Creek channel. The water released from Davis Lake and the water not diverted from Davis Creek commingle and are used on lands east of old Highway 395 for irrigation purposes. Davis Creek is fed by springs and melting snow above Davis Lake in the springtime and later recedes to a minimal flow during the summer and often is dry in the fall.

II. PERIOD OF USE

Water for irrigation is allowed to be used at any time during the year provided that the amount applied to the land during any calendar year shall not exceed the quantity in acre feed herein set forth.

III. DUTY OF WATER

The seasonal duty of water on lands irrigated from Davis Creek and its tributaries is herein fixed and shall not exceed:

- Class A. . . Harvest Crop. . . . 4.5 ac.ft./ac./season
- Class B. . . Meadow Pasture. . . 4.0 ac.ft./ac./season
- Class C. . . Diversified Pasture 3.5 ac.ft./ac./season

Vested rights have been granted herein to Washoe County for water from Davis Creek to compensate for evaporation losses of Fish Pond, presently known as Davis Lake. The mean annual evaporation for the area has been determined by the Soil Conservation Service Central Lahontan Basin Report of June 1969, to be 48 inches:

Evaporation loss. . . . 4.0 ac.ft./ac./season

1 IV. DIVERSION OF WATER AND METHOD OF USE

2 The claimants shall have the right to divert 2.5 cubic
3 feet per second of water per 100 acres of land irrigated, but
4 not to exceed the annual duty in acre feed as established herein.

5 The claimants or their successors in interest will not
6 be required to take or use the amount of water allotted to them
7 in a continuous flow, but may cumulate the same or any part
8 thereof in rotation or periodic turn within the seasonal limits,
9 with the approval of the water commissioner and subject to the
10 control and direction of the State Engineer.

11 V. MEASUREMENT OF WATER

12 All measurements of water diverted are to be made at
13 a point where the main ditch enters or becomes adjacent to the
14 land to be irrigated or as near thereto as practicable; the loca-
15 tion if not selected by the State Engineer, to be approved by
16 him. The claimants shall install and maintain at their own
17 expense, substantial and easily operated regulating headgates
18 and measuring devices in the ditch or ditches or channel. Due
19 allowance for losses in ditches will be made by the State Engi-
20 neer in case it becomes necessary.

21 Priorities are fixed by years and where the years are
22 the same, the priorities are equal.

23 VI. STOCK WATERING, DOMESTIC, RECREATION AND

24 PROPAGATION OF FISH AND WILDLIFE.

25 The right to the diversion and use of water for stock
26 watering, domestic, recreation and propagation of fish and wild-
27 life purposes shall be continued by the claimants named herein
28 or their successors in interest at any time during the year and
29 such diversions shall be according to the dates of priorities of
30 such users and limited to the quantity of water reasonably

1 necessary for such use. If a claimant is not in priority for
2 irrigation water then the claimant is not in priority for stock
3 water and domestic water.

4 The amount of water diverted for irrigation purposes
5 shall not be increased by any amount to be used for stock water-
6 ing and domestic purposes, but the quantity allowed and diverted
7 for irrigation during the irrigation season shall include water
8 for these uses.

9 VII. CHANGE OF PLACE OF USE

10 All water allotted in the Decree shall be appurtenant
11 to the place of use designated herein. Any water user desiring
12 to change the point of diversion, manner of use or place of use
13 of the waters allotted herein, must make application to the State
14 Engineer for permission to make the change pursuant to NRS 533.345.

15 VIII. RIGHTS OF APPROPRIATION

16 From the Order of Determination and the documentary
17 evidence presented at the hearing in support thereof, the Court
18 finds that the names of the claimants and appropriators of the
19 waters of Davis Creek and its tributaries, the source of the
20 water supply, the manner of use of the water, the means of
21 diversion, the points of diversion for beneficial use, the period
22 of use, the years of priority, the cultural acreages, the places
23 of use, the legal subdivisions, sections, townships, ranges,
24 and the duty of water are as listed, stated and set forth.

25 CONCLUSIONS OF LAW

26 From the evidence presented and received in this
27 matter, and from the foregoing Findings of Fact, the Court makes
28 the following Conclusions of Law:
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

I.

That the State Engineer had the right authority and jurisdiction pursuant to Chapter 533 of NRS to make the investigation made by him, receive the proofs and maps, enter and file in his office the original Order of Determination and file a certified copy thereof in this Court, and to determine the relative rights of the claimants and appropriators in and to the water of Davis Creek and its tributaries in Washoe County, State of Nevada; that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of NRS. That each and every notice required by law to be given herein to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by statute, and that the notices contained all of the statements required by law, and that the claimants and appropriators of the waters of the above named stream system and its tributaries duly received the information and notices, as required by law.

II.

That the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, had and has jurisdiction to hear and try this matter, and has jurisdiction to find, make and enter the foregoing Findings of Fact and these Conclusions of Law and enter its Decree herein.

III.

That the County of Washoe, John Jay Casey, the State of Nevada, Department of Fish and Game, and the State of Nevada, Department of Highways, are the only claimants of vested rights recognized in this Decree who were appropriators and users of the Waters of Davis Creek and its tributaries on the date the

STATE OF NEVADA
DIVISION OF WATER
RESOURCES
DEPARTMENT OF
CONSERVATION
NATIONAL CENTER
SPRINGFIELD
MICHIGAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Order of Determination was filed with the Clerk of the Court, and on the date of the hearing on this matter.

IV.

That the water for irrigation is allowed to be used at any time during the year provided that the amount applied to the land during any calendar year shall not exceed the quantity in acre feet herein set forth.

V.

That the seasonal duty of water on lands irrigated from Davis Creek and its tributaries is herein fixed and shall not exceed:

- Class A. . .Harvest Crop. . . . 4.5 ac.ft./ac./season
- Class B. . .Meadow Pasture. . . 4.0 ac.ft./ac./season
- Class C. . .Diversified Pasture 3.5 ac.ft./ac./season

Vested rights have been granted herein to Washoe County for water from Davis Creek to compensate for evaporation losses of Fish Pond, presently known as Davis Lake. That the mean annual evaporation for the area has been determined by the Soil Conservation Service Central Lahontan Basin Report of June 1969, to be 48 inches.

Evaporation loss. . . . 4.0 ac.ft./ac./season

VI.

That the claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the annual duty in acre feet as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water allotted to them in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn within the seasonal

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

limits, with the approval of the water commissioner and subject to the control and direction of the State Engineer.

VII.

That all measurements of water diverted are to be made at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location if not selected by the State Engineer, to be approved by him. That the claimants shall install and maintain at their own expense, substantial and easily operated regulating headgates and measuring devices in the ditch or ditches or channel. That due allowance for losses in ditches will be made by the State Engineer in case it becomes necessary.

That priorities are fixed by years and where the years are the same, the priorities are equal.

VIII.

That the right to the diversion and use of water for stock watering, domestic, recreation and propagation of fish and wildlife purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and such diversions shall be according to the dates of priorities of such users and limited to the quantity of water reasonably necessary for such use. That if a claimant is not in priority for irrigation water then the claimant is not in priority for stock water and domestic water.

That the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for these uses.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

IX.

That all water allotted in this Decree shall be appurtenant to the place of use designated herein. Any water user desiring to change the point of diversion, manner of use or place of use of the waters allotted herein, must make application to the State Engineer for permission to make the change pursuant to NRS 533.345.

X.

That from the Order of Determination and the documentary evidence presented at the hearing in support thereof, the Court finds that the names of the claimants and appropriators of the waters of Davis Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are as listed, stated and set forth.

XI.

That the Order of Determination, filed and caused to be entered of record in this matter by the State Engineer, should be affirmed.

JUDGMENT AND DECREE

THEREFORE, BY REASON OF THE FINDINGS OF FACT, AND CONCLUSIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

I.

That the State Engineer made all necessary and proper orders as required by law, and that each and every notice required by law was duly given to the claimants and appropriators; that the claimants and appropriators had full opportunity to appear

1 and be heard in objection to and file exceptions to the Order of
2 Determination; that the County of Washoe, John Jay Casey, State
3 of Nevada, Department of Fish and Game, and the State of Nevada,
4 Department of Highways are the only claimants of vested water
5 rights recognized in this Decree as appropriators of the waters
6 of Davis Creek and its tributaries and that this Decree determines
7 the limit and extent of all vested water rights on the source.

8 That the Court has full and complete jurisdiction to
9 hear, try and determine this matter and to make and enter herein,
10 this Decree.

11 II.

12 That the waters of Davis Creek and its tributaries
13 are being placed to beneficial use by the County of Washoe, John
14 Jay Casey, the State of Nevada, Department of Fish and Game, and
15 the State of Nevada, Department of Highways for irrigation, stock
16 watering, domestic, recreation, and propagation of fish and wild-
17 life.

18 III.

19 That the water for irrigation is allowed to be used
20 at any time during the year provided that the amount applied to
21 the land during any calendar year shall not exceed the quantity
22 in acre feet herein set forth.

23 IV.

24 That the seasonal duty of water on lands irrigated from
25 Davis Creek and its tributaries is herein fixed and shall not
26 exceed:

- 27 Class A. . .Harvest Crop. . . . 4.5 ac.ft./ac./season
- 28 Class B. . .Meadow Pasture. . . 4.0 ac.ft./ac./season
- 29 Class C. . .Diversified Pasture 3.5 ac.ft./ac./season
- 30 That rights have been granted herein to Washoe County

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

for water from Davis Creek to compensate for evaporation losses of Fish Pond, presently known as Davis Lake. That the mean annual evaporation for the area has been determined by the Soil Conservation Service Central Lahontan Basin Report of June 1969, to be 48 inches.

Evaporation loss. . . . 4.0 ac.ft./ac./season

V.

That the claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the annual duty in acre feet as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water allotted to them in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn within the seasonal limits, with the approval of the water commissioner and subject to the control and direction of the State Engineer.

VI.

That all measurements of water diverted are to be made at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location if not selected by the State Engineer, to be approved by him. That the claimants shall install and maintain at their own expense, substantial and easily operated regulating head-gates and measuring devices in the ditch or ditches or channel. That due allowance for losses in ditches will be made by the State Engineer in case it becomes necessary.

That priorities are fixed by years and where the years are the same, the priorities are equal.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

VII.

That the right to the diversion and use of water for stock watering, domestic, recreation and propagation of fish and wildlife purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and such diversions shall be according to the dates of priorities of such users and limited to the quantity of water reasonably necessary for such use. That if a claimant is not in priority for irrigation water then the claimant is not in priority for stock water and domestic water.

That the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for these uses.

VIII.

That all water allotted in this Decree shall be appurtenant to the place of use designated herein. That any water user desiring to change the point of diversion, manner of use or place of use of the waters allotted herein, must make application to the State Engineer for permission to make the change pursuant to NRS 533.345.

IX.

That the names of the claimants and appropriators of the waters of Davis Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are hereby adjudged as follows:

1 PROOF NO.: No Proof was filed by the vestee for rights
2 to the waters of Davis Creek, but a deter-
3 mination has been made by the State Engineer
4 of the vestee's rights in this proceeding.

5 CLAIMANT: County of Washoe

6 SOURCE: Davis Creek and Tributaries

7 USE: Recreation and Propagation of Fish and
8 Wildlife

9 MEANS OF DIVERSION: Dam and Ditches

10 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.17N., R.19E., M.D.B.&
11 M., or at a point from which the SE corner
12 of said Section 27 bears S. 73° 49' E., a
13 distance of 2,009 feet.

14 PLACE OF USE: In Fish Pond, now known as Davis Park Lake,
15 situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, and
16 SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.17N., R.19E., M.D.B. & M.

17 PRIORITY: 1862

18 The water claim (F/280) of Theodore Winters filed in
19 Washoe County records in 1889, has an accompanying sketch indi-
20 cating Fish Pond was in existence at that time. The claim also
21 describes Fish Pond Ditch with a priority date of appropriation
22 of "May 1862."

23 The rate of evaporation for Fish Pond is 48 inches per
24 year as determined from the Soil Conservation Service Central
25 Lahontan Basin Report of June 1969.

26 The surface area of Fish Pond is 3.85 acres. A vested
27 right of 15.40 acre feet per year is hereby determined for Fish
28 Pond, now known as Davis Park Lake.

29 PROOF NO.: Amended 02754

30 CLAIMANT: John Jay Casey

1 SOURCE: Davis Creek and Tributaries
 2 USE: Irrigation, Domestic and Stock Watering
 3 MEANS OF DIVERSION: Dam and Ditches
 4 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.17N., R.19E., M.D.B. &
 5 M., or at a point from which the SE corner
 6 of said Section 27 bears S. 73° 49' E., a
 7 distance of 2,009 feet.

PRIORITY:	CULTURAL ACREAGE		LOCATION				DUTY OF WATER			
	Har-vest	Diversified Pasture	SUBD.:	SEC.:	TWP.:	RGE.:	N.:	E.:	CFS.	AC.FT.
1862	2.9	- -	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34	17	19	0.073	13.05		
1862	10.6	- -	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35	17	19	0.265	47.70		
1862	7.1	- -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35	17	19	0.177	31.95		
1862	15.1	- -	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35	17	19	0.378	67.95		
1862	5.4	- -	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27	17	19	0.135	24.30		
1862	31.9	- -	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.797	143.55		
1862	34.2	1.4	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.890	158.80		
1862	10.0	23.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.840	127.60		
1862	- -	5.4	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.135	18.90		
1862	- -	30.1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.753	105.35		
1862	13.6	26.4	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	1.000	153.60		
1862	38.4	- -	NE $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.960	172.80		
1862	9.9	- -	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.247	44.55		
1862	4.1	- -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	17	19	0.103	18.45		
1862	2.5	6.9	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	17	19	0.235	35.40		
1862	- -	3.5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	17	19	0.087	12.25		
1862	- -	8.3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	17	19	0.208	29.05		
1862	- -	2.1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	17	19	0.052	7.35		
1862	- -	17.1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	17	19	0.428	59.85		
1862	- -	1.8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	17	19	0.045	6.30		
1862	- -	7.6	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25	17	19	0.190	26.60		

1 PROOF NO.: Amended 02754 (Continued)

2	PRIORITY: CULTURAL ACREAGE		LOCATION			DUTY OF WATER	
	Har-	Diversified	TWP.RGE.				
3	vest	Pasture	SUBD.:	SEC.:	N. E.	CFS.	AC.FT.
4	Total	185.7	134.2			7.998*	1305.35

5 *Some of the lands listed above also receive water from
6 sources other than Davis Creek. The total quantity of water
7 placed on these lands from all sources shall not exceed the
8 quantity in acre feet tabulated above for each parcel.

9
10 PROOF NO.: Amended 02768

11 CLAIMANT: State of Nevada, Department of Fish and Game

12 SOURCE: Davis Creek and Tributaries

13 USE: Irrigation

14 MEANS OF DIVERSION: Dam, Ditch with Offstream Pond

15 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.17N., R.19E.,
16 M.D.B.& M., or at a point from which the
17 SE corner of said section 27 bears S.73°
18 49' E., a distance of 2,009 feet.

19	PRIORITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER		
20		Diversified	TWP.RGE.			WATER		
		Pasture	SUBD.:	SEC.:	N.:	E.:	CFS:	AC.FT.

21	1862	7.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35	17	19	0.175	24.50
22	1862	2.1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	17	19	0.053	7.35
23	1862	5.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.125	17.50
24	1862	26.4	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.660	92.40
25	1862	4.6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	17	19	0.115	16.10
26	1862	6.8	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	17	19	0.170	23.80
27	1862	26.4	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	17	19	0.660	92.40
28	1862	8.8	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	17	19	0.220	30.80
29	1862	1.1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	17	19	0.027	3.85
30	1862	8.8	SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	17	19	0.220	30.80

1 PROOF NO.: Amended 02768 (Continued)

2

PRIORITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER			
		SUBD.:	TWP. RGE.		C.F.S.:	AC.FT.		
Diversified Pasture	SEC.:		N.:	E.:				
4	1862	8.6	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	17	19	0.215	30.10
5	1862	13.6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	17	19	0.340	47.60
6	1862	1.1	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25	17	19	0.028	3.85
7	TOTAL	120.3					3.008	*421.05

8 *Some of the lands listed above also receive water from
9 sources other than Davis Creek. The total quantity of water
10 placed on these lands from all sources shall not exceed the
11 quantity in acre feet tabulated above for each parcel.

12

13 PROOF NO.: 02813

14 CLAIMANT: State of Nevada, Department of Highways

15 SOURCE: Davis Creek and Tributaries

16 USE: Irrigation and Stock Watering

17 MEANS OF DIVERSION: Dam and Ditches

18 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.17N., R.19E.,
19 M.D.B. & M., or at a point from which the
20 SE corner of said Section 27 bears S. 73°
21 49' E., a distance of 2,009 feet.

22

PRIORITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER			
		SUBD.:	TWP. RGE.		C.F.S.:	AC.FT.		
MEADOW PASTURE	SEC.:		N.:	E.:				
24	1862	3.34	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35	17	19	0.084	13.36
25	1862	6.35	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.159	25.40
26	1862	1.70	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	17	19	0.042	6.80
27	TOTAL	11.39					0.285	*45.56

28 *Some of the lands listed above also receive water from
29 sources other than Davis Creek. The total quantity of water
30 placed on these lands from all sources shall not exceed the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

PROOF NO.: 02813 (Continued)

quantity in acre feet tabulated above for each parcel.

DONE IN OPEN COURT THIS 15th DAY OF November,
A.D. 1977

Grant L. Bowen
DISTRICT JUDGE