

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

* * * *

FILED

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO)
THE WATERS OF DEADMAN'S CANYON)
CREEK AND ITS TRIBUTARIES IN)
WASHOE COUNTY, NEVADA.)

JUL 1 2 39 1974

ALEX COON, CLERK
BY R. HASSON
DEPUTY

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

This matter came on regularly for hearing on the 7th day of November, 1974, before the Honorable John E. Gabrielli, District Judge presiding. Deadman's Canyon 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, upon the State Engineer's determination of the relative rights of the claimants to the use of the waters of the stream system of Deadman's Canyon Creek and its tributaries, which Order of Determination and all related documentary evidence had been filed by the State Engineer.

Harry W. Swainston, Deputy Attorney General, Starr Hill, Jr., Surface Water Engineer, and L. Edward Parmenter, Adjudication Engineer, appeared in the hearing and proceedings on behalf of the State of Nevada and the office of the State Engineer.

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

Harry W. Swainston, thereupon, at the hearing, offered

1 verified affidavits, files and records of the State Engineer's
2 Office, all contained in support of the rights of the claimants
3 in and to the above named stream system.

4 On November 7, 1974, the Court, having considered the
5 entire record and the evidence introduced and received, directed
6 the State Engineer to prepare the Findings of Fact, Conclusions of
7 Law, and Judgment and Decree in accordance with the Order of
8 Determination.

9 FINDINGS OF FACT

10 I.

11 The Court Finds: That the State Engineer after due con-
12 sideration and investigation decided that facts and conditions
13 warranted the initiation of proceedings to determine the relative
14 rights of claimants in and to the waters of Deadman's Canyon
15 Creek and its tributaries in Washoe County, State of Nevada. That
16 the investigation disclosed that the waters of Deadman's Canyon
17 Creek and its tributaries were being placed to beneficial use on
18 lands of Mary S.G. Anderson, James S. W. Griel, Wilfred and
19 Leslie Green and Carol Janulis for irrigation, stock watering and
20 domestic purposes.

21 That Mary S. G. Anderson, James S. W. Greil, Wilfred and
22 Leslie Green, and Carol Janulis were first identified and designated
23 as claimants in this matter. That evidence contained in title
24 documents submitted to the Office of the State Engineer indicates
25 that Edward W. Scripps, II and Jean W. Scripps are successors in
26 interest to vested water rights claimed by Wilfred and Leslie
27 Green and Carol Janulis.

28 That on October 22, 1971, the State Engineer entered an
29 Order and made proper arrangements to proceed with the determination
30 of the relative rights of the water users in accordance with NRS
533.090.

1 That on November 25, 1971, and once each week for four
2 succeeding weeks, the State Engineer did cause to be published a
3 Notice of Order and Proceedings to Determine the Water Rights in
4 and to the waters of Deadman's Canyon Creek and its tributaries
5 in Washoe County, State of Nevada, and that notice was duly given
6 to all claimants as required by law. That on January 6, 1972,
7 there was filed in the Office of the State Engineer an affidavit
8 of the record clerk of the Sparks Tribune, exemplifying the Proof
9 of Publication of Notice of Order and Proceedings.

10 That the State Engineer did cause to be published on
11 December 29, 1971, and once each week for four succeeding weeks, a
12 Notice of Order for Taking Proofs to Determine Water Rights, in and
13 to the waters of Deadman's Canyon Creek in Washoe County, State of
14 Nevada, and that notice was duly given to all claimants as required
15 by law. That on January 27, 1972, there was filed in the Office of
16 the State Engineer an affidavit of the legal clerk of the Reno
17 Evening Gazette, exemplifying the Proof of Publication of the
18 Notice of Order for Taking Proofs.

19 That thereafter, in accordance with NRS 533.125,
20 the State Engineer did file in the records of his office on
21 May 1, 1972, a request to extend the time in which proofs may
22 be filed. That he did grant an extension of time to file proofs
23 and that notices thereof were duly given to all claimants.

24 That the State Engineer, in accordance with NRS 533.140,
25 did file in the records of his office on November 28, 1973, an
26 Abstract of Claims, a Preliminary Order of Determination, and a
27 Notice and Order Fixing and Setting Time and Place of Inspection,
28 stating when and where the evidence taken by or filed with him
29 and the proofs of claims were open to the inspection of all
30 interested persons; and that notice thereof was duly given to all

1 claimants as required by law.

2 That on January 31, 1974, and January 29, 1974, Objections
3 to the Preliminary Order of Determination were filed in the State
4 Engineer's Office by Richard L. Scott as Administrator of the
5 Wilfred Green estate and by Edward W. Scripps II and Jean W. Scripps
6 as successors in interest to Carol Janulis and as anticipated
7 successors in interest to Wilfred and Leslie Green.

8 That on May 15, 1974, a Hearing on the Objections to the
9 Preliminary Order of Determination was held before the State
10 Engineer of the State of Nevada pursuant to NRS 533.150.

11 That the State Engineer, in accordance with NRS 533.160
12 entered in the records of his office, on July 3, 1974, an Order
13 of Determination defining the rights of the claimants and
14 appropriators to the waters of Deadman's Canyon Creek and its
15 tributaries and that notice thereof was duly given to all claimants
16 as required by law.

17 That upon the filing of the certified copy of the Order
18 of Determination and the original evidence with the Clerk of the
19 Court of Washoe County, State of Nevada, the Court, at the request
20 of the State Engineer, made and entered an Order on July 8, 1974,
21 setting a time for hearing on the Order of Determination on
22 Friday the 20th day of September, 1974, at 1:30 o'clock in the
23 afternoon in the courtroom of the courthouse in Reno, Washoe
24 County, Nevada; and that the Clerk of said Court did furnish the
25 State Engineer with a certified copy thereof.

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

29 That on July 13, 1974, and once each week for four succeed-
30 ing weeks, the State Engineer did cause to be published the

1 Court Order Setting Time For Hearing, and that thereafter on
2 August 13, 1974, there was filed in the Office of the State
3 Engineer an affidavit of the legal clerk of the Reno Evening
4 Gazette, exemplifying the Proof of Publication of the
5 Court Order Setting Time For Hearing.

6 That on September 5, 1974, the time for hearing on
7 the Order of Determination was reset from September 20, 1974,
8 at 1:30 o'clock in the afternoon to November 7, 1974, at 1:30
9 o'clock in the afternoon.

10 That the State Engineer gave notice to the claimants
11 by service of a certified letter directing attention to the
12 fact that the September 20, 1974 date for the hearing, on the
13 Order of Determination, had been vacated and a new date had
14 been set.

15 That the Court finds that all and singular, the Proceed-
16 ings, Orders, and Notices required by Chapter 533 of NRS were
17 duly had, made, and given as required by law, and that all
18 and singular, the matters and things contained in the record
19 were done, performed, given and made in strict compliance with
20 the statutes, and that this Court had and has jurisdiction
21 to hear and determine this matter.

22 II.

23 The Court Further Finds: That Deadman's Canyon Creek
24 and its tributaries exemplified in these proceedings is situated
25 wholly within Washoe County, State of Nevada.

26 III.

27 The Court Further Finds: That the names of the claimants
28 and appropriators of the waters of Deadman's Canyon Creek and
29 its tributaries, the source of water supply, the period of
30 use, the duty of water, the diversion of water and method of

1 use, measurement of waters, stock watering and domestic use,
2 change of place of use, and the rights of appropriation of
3 the water, all as set forth in the Order of Determination are
4 true, proper and correct, and all and singular, the same should
5 be approved and confirmed.

6 I. SOURCE

7 Deadman's Canyon Creek headwaters originate in the
8 Virginia Range at an elevation of 7000 feet, on the western slopes
9 of McClelland Peak. The creek flows westerly for approximately
10 3-1/2 miles and terminates in a playa adjoining Washoe Lake. It is
11 fed by numerous springs and melting snow, having a relatively high
12 spring runoff which later recedes to an intermittent flow and
13 frequently becomes dry in the late summer months.

14 II. PERIOD OF USE

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

19 III. DUTY OF WATER

20 The seasonal duty of water on lands irrigated from
21 Deadman's Canyon Creek and its tributaries is herein fixed and
22 shall not exceed:

23 Class A --- Harvest crop --- 4.5 ac.ft./ac./season

24 Class B --- Meadow Pasture - 4.0 ac.ft./ac./season

25 IV. DIVERSION OF WATER AND METHOD OF USE

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

29 The claimants or their successors in interest will not be
30 required to take or use the amount of water allotted to them in a

1 continuous flow, but may cumulate the same or any part thereof in
2 rotation or periodic turn within the seasonal limits, with the
3 approval of the water commissioner and subject to the control and
4 direction of the State Engineer.

5 V. MEASUREMENT OF WATER

6 All measurements of water diverted are to be made at a
7 point where the main ditch enters or becomes adjacent to the land
8 to be irrigated or as near thereto as practicable; the location if
9 not selected by the State Engineer is to be approved by him. The
10 claimants shall install and maintain at their own expense, substan-
11 tial and easily operated regulating headgates and measuring
12 devices in their ditch or ditches or channel. Due allowance for
13 losses in ditches will be made by the State Engineer in case it
14 becomes necessary.

15 Priorities are fixed by years and where the years are
16 the same, the priorities are equal.

17 VI. STOCK WATERING AND DOMESTIC

18 The right to the diversion and use of water for stock
19 watering and domestic purposes shall be continued by the claimants
20 named herein or their successors in interest at any time during
21 the year that stock are grazing on the range, and such diversions
22 shall be according to the dates of priorities of such users and
23 limited to the quantity of water reasonably necessary for such
24 use.

25 The amount of water diverted for irrigation purposes
26 shall not be increased by any amount to be used for stock watering
27 and domestic purposes, but the quantity allowed and diverted for
28 irrigation during the irrigation season shall include water for
29 stock watering and domestic purposes.

30 The amount of water diverted and used for stock watering

3 being delivered to the place of use when necessary for this purpose.

4 VII. CHANGE OF PLACE OF USE

5 All water allotted in the decree shall be appurtenant to
6 the place of use designated herein. Any water user desiring to
7 change the point of diversion, manner of use or place of use of
8 the waters allotted herein, must make application to the State
9 Engineer for permission to make the change pursuant to NRS 533.345.

10 VIII. RIGHTS OF APPROPRIATION

11 From the Order of Determination and the documentary
12 evidence presented at the hearing in support thereof, the Court finds
13 that the names of the claimants and appropriators of the waters of
14 Deadman's Canyon Creek and its tributaries, the source of the water
15 supply, the manner of use of water, the means of diversion, the
16 points of diversion for beneficial use, the period of use, the
17 years of priority, the cultural acreages, the places of use, the
18 legal subdivisions, sections, townships, ranges, and the duty of
19 water are as listed, stated and set forth.

20 CONCLUSIONS OF LAW

21 From the evidence presented and received in this matter,
22 and from the foregoing Findings of Fact, the Court makes the
23 following Conclusions of Law:

24 I.

25 That the State Engineer had the right, authority and
26 jurisdiction pursuant to Chapter 533 of NRS to make the investiga-
27 tion made by him, receive the proofs and maps, enter and file in
28 his office the original Order of Determination and file a certified
29 copy thereof in this Court, and to determine the relative rights
30 of claimants and appropriators in and to the waters of Deadman's

1 Canyon Creek and its tributaries in Washoe County, State of
2 Nevada; that the State Engineer duly made all orders necessary
3 and proper in connection therewith and entered the same in his
4 office as required by Chapter 533 of NRS. That each and every
5 notice required by law to be given herein to the claimants and
6 appropriators was duly served by the State Engineer in the manner
7 and within the time required by statute, and that the notices
8 contained all of the statements required by law, and that the
9 claimants and appropriators of the waters of the above named
10 stream system and its tributaries duly received the information
11 and notices, as required by law.

12 II.

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

18 III.

19 That Mary S. G. Anderson, James S. W. Griel, Edward W.
20 Scripps, II and Jean W. Scripps are the only claimants of vested
21 rights recognized in this Decree on the date the Order of Deter-
22 mination was filed with the Clerk of the Court, and on the date
23 of the hearing on this matter.

24 IV.

25 That the water for irrigation purposes may be used at
26 any time during the year provided that the amount applied to the
27 land during any calendar year shall not exceed the total quantity
28 in acre feet herein set forth.

29 V.

30 That the seasonal duty of water on lands irrigated from

1 Deadman's Canyon Creek and its tributaries is herein fixed and
2 shall not exceed:

3 Class A --- Harvest Crop --- 4.5 ac.ft./ac/season

4 Class B --- Meadow Pasture-- 4.0 ac.ft./ac/season

5 VI.

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

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

15 VII.

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

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

27 VIII.

28 That the right to the diversion and use of water for
29 stock watering and domestic purposes shall be continued by the
30 claimants named herein or their successors in interest at any time

1 during the year that stock are grazing on the range, and such
2 diversions shall be according to the dates of priorities of such
3 users and limited to the quantity of water reasonably necessary
4 for such use.

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

10 That the amount of water diverted and used for stock
11 watering purposes shall not exceed 0.00000625 c.f.s. per head of
12 sheep or 0.00003125 c.f.s. per head of cattle or horses, said
13 quantity being delivered to the place of use when necessary for
14 this purpose.

15 IX.

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

22 X.

23 That from the Order of Determination and the documentary
24 evidence presented at the hearing in support thereof, the Court
25 finds that the names of the claimants and appropriators of the
26 waters of Deadman's Canyon Creek and its tributaries, the source of
27 the water supply, the manner of use of the water, the means of
28 diversion, the points of diversion for beneficial use, the period
29 of use, the years of priority, the cultural acreages, the places
30 of use, the legal subdivisions, sections, townships, ranges, and

1 the duty of water are as listed, stated and set forth.

2 XI.

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

6 JUDGMENT AND DECREE

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

10 I.

11 That the State Engineer made all necessary and proper
12 orders as required by law, and that each and every notice required
13 by law was duly given to the claimants and appropriators; that the
14 claimants and appropriators had full opportunity to appear and be
15 heard in objection to and file exceptions to the Order of Determin-
16 ation; that Mary S. G. Anderson, James S. W. Greil, and Edward
17 W. Scripps, II and Jean W. Scripps are the only claimants of
18 vested rights recognized in this Decree as appropriators of the
19 waters of Deadman's Canyon Creek and its tributaries and that this
20 Decree determines the limit and extent of all vested water rights
21 on the source.

22 That the Court has full and complete jurisdiction to
23 hear, try and determine this matter and to make and enter herein,
24 this Decree.

25 II.

26 That the flow of water from Deadman's Canyon Creek and
27 its tributaries is being placed to beneficial use by Mary S. G.
28 Anderson, James S. W. Griel, Edward W. Scripps, II and Jean W.
29 Scripps for irrigation, stock watering, and domestic purposes.

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III.

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

6 IV.

7 That the seasonal duty of water on lands irrigated from
8 Deadman's Canyon Creek and its tributaries is herein fixed and
9 shall not exceed:

10 Class A --- Harvest Crop -- 4.5 ac.ft./ac./season

11 Class B --- Meadow Pasture- 4.0 ac.ft./ac./season

12 V.

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

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

22 VI.

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

1 Engineer in the event it becomes necessary.

2
3 That priorities are fixed by years and where the years
4 are the same, the priorities are equal.

5 VII.

6 That the right to the diversion of use of water for
7 stock watering and domestic purposes shall be continued by the
8 claimants named herein or their successors in interest at any
9 time during the year that stock are grazing on the range, and
10 such diversions shall be according to the dates of priorities of
11 such users and limited to the quantity of water reasonably
12 necessary for such use.

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

18 That the amount of water diverted and used for stock
19 watering purposes shall not exceed 0.00000625 c.f.s. per head of
20 sheep or 0.00003125 c.f.s. per head of cattle or horses, said
21 quantity being delivered to the place of use when necessary for
22 this purpose.

23 VIII.

24 That all water allotted in the Decree shall be appurten-
25 ant to the place of use designated herein. That any water user
26 desiring to change the point of diversion, manner of use, or place
27 of use of the waters allotted herein, must make application to the
28 State Engineer for permission to make the change pursuant to NRS
29 533.345.

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That the names of the claimants and appropriators of the waters of Deadman's Canyon 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 and places of use, the legal subdivisions, sections, townships, ranges, and duty of water are hereby adjudged as follows:

PROOF NO. 02752

CLAIMANTS: Mary S. G. Anderson and James S. W. Greil

SOURCE: Deadman's Canyon Creek and Tributaries

USE: Irrigation

MEANS OF DIVERSION: Dam and Ditches

POINT OF DIVERSION:

SE 1/4 SE 1/4 Section 17, T.16N., R.20E.,

M.D.B. & M., or at a point from which the SE corner of said Section 17, bears S. 12° 18' E., a distance of 995 feet.

	PRIORITY:	CULTURAL ACREAGE:		LOCATION :			DUTY OF WATER :	
		HARVEST	SUBD.:	SEC.:	TWP.N.:	RGE. E.:	C.F.S.:	AC.Ft.:
1878	7.2	NE1/4	NE1/4	17	16	20	0.180	32.40
1878	7.3	SE1/4	NE1/4	17	16	20	0.183	32.85
1878	14.4	NE1/4	SE1/4	17	16	20	0.360	64.80
1878	<u>4.2</u>	SE1/4	SE1/4	17	16	20	<u>0.105</u>	<u>18.90</u>
TOTALS	33.1						0.828	148.95

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PROOF NO: 02762
 CLAIMANTS: Edward W. Scripps, II and Jean W. Scripps
 SOURCE: Unnamed Springs Tributary to Deadman's Canyon Creek
 USE: Irrigation, Stock Watering and Domestic
 MEANS OF DIVERSION: Ditches
 POINTS OF DIVERSION:

1. A spring in the NW1/4 SE1/4 Section 16, T.16N., R20E., M.D.B. & M., or at a point from which the SE corner of said Section 16, bears S. 54° 44' 01" E., a distance of 2340.06 feet.
2. A spring in the NE1/4 SE1/4 Section 16, T.16N., 20E., M.D.B. & M., or at a point from which the SE corner of said Section 16, bears S. 23° 33' 10" E., a distance of 1803.92 feet.

<u>PRIORITY:</u>	<u>CULTURAL ACREAGE:</u>	<u>LOCATION</u>	<u>DUTY OF WATER :</u>		
MEADOW PASTURE	:SUBD.:	SEC.:	TWP.N. RGE E.:	C.F.S.:	AC.FT.:
1875	<u>0.37</u>	NW1/4 SE 1/4 16	16 20	<u>0.009</u>	<u>1.48</u>
TOTAL	0.37			0.009	1.48

PROOF NO: 02744
 CLAIMANTS: Edward W. Scripps II and Jean W. Scripps
 SOURCE: Deadman's Canyon Creek and Tributaries and Springs
 USE: Irrigation, Stock Watering and Domestic
 MEANS OF DIVERSION: Dam and Ditches

2 POINTS OF DIVERSION:

- 3 1. A spring in the SW 1/4 SW 1/4 Section 10, T.16N.,
4 R.20E., M.D.B.& M., or at a point from
5 which the N quarter corner of Section 16,
6 T. 16N., R.20E., M.D.B.& M. bears S.
7 88° 44' W., a distance of 3150 feet.
- 8 2. NW1/4 NE1/4 Section 16, T.16N., R.20E.,
9 M.D.B.& M., or at a point from which the N
10 quarter corner of said Section 16, bears N.
11 55° 52' W., a distance of 1280 feet.
- 12 3. A spring in the NW 1/4 NE 1/4 Section 16, T.
13 16 N., R.20E., M.D.B. & M., or at a point
14 from which the N quarter corner of said
15 Section 16, bears N. 34° 45' W., a distance
16 of 1474 feet.
- 17 4. A spring in the NW1/4 NE1/4 Section 16, T.
18 16N., R.20E., M.D.B.& M., or at a point from
19 which the N quarter corner of said Section 16,
20 bears N. 31° 20' W., a distance of 1340 feet.
- 21 5. A spring in the NW1/4 NE1/4 Section 16, T.16N.,
22 R.20E., M.D.B.& M., or at a point from which
23 the N quarter corner of said Section 16, bears
24 N.26° 15' W., a distance of 1197 feet.
- 25 6. A spring in the SW1/4 NE1/4 Section 16, T.16N.,
26 R.20E., M.D.B.& M., or at a point from which
27 the N quarter corner of said Section 16,
28 bears N. 31° 10' W., a distance of 2085 feet.
- 29 7. A spring in the SW1/4 NE1/4 Section 16, T.16N.,
30 R.20E., M.D.B.& M., or at a point from which

the N quarter corner of said Section 16, bears
N. 27° 45' W., a distance of 2280 feet.

8. A spring in the SW1/4 NE1/4 Section 16, T.16N.,
R.20E., M.D.B. & M., or at a point from which
the N quarter corner of said Section 16, bears
N. 23° 50' W., a distance of 2595 feet.

<u>PRIORITY:</u>	<u>CULTURAL ACREAGE:</u>	<u>LOCATION</u>	<u>:</u>	<u>DUTY OF WATER:</u>		
	MEADOW PASTURE:	SUBD.:	SEC.:	TWP.N.	RGE.E:	C.F.S.: AC.FT.:
1875	19.50	SW1/4NE1/4 16	16	20	0.488	73.00
1875	<u>3.50</u>	NW1/4NE1/4 16	16	20	<u>0.087</u>	<u>14.00</u>
TOTALS	23.00				0.575	92.00

PROOF NO: Amended 02680
 CLAIMANTS: Edward W. Scripps, II and Jean W. Scripps
 SOURCE: Deadman's Canyon Creek and Tributaries
 USE: Stock Watering
 MEANS OF DIVERSION: Spring Area and Natural Channel
 POINTS OF DIVERSION:

A natural spring area situated within the SW1/4
 SW1/4 Section 10, T.16N., R.20E., M.D.B.& M., from
 which the N quarter corner of Section 16, T.16N.,
 R.20E., M.D.B.& M., bears S.88° 44' W., a distance
 of 3150 feet, and the natural channel of said
 spring to its intersection with Deadman's Canyon
 Creek, and thence to a point in the channel of
 Deadman's Canyon Creek situated in the NW1/4 NE1/4
 Section 16, T.16N., R.20E., from which the N.

quarter corner of said Section 16, bears N.55°
52' W., a distance of 1280.0 feet.

PERIOD OF USE: January 1 through December 31 of
each year

PRIORITY: 1865

AMOUNT OF APPROPRIATION: 0.0021875 c.f.s. or sufficient
to water 50 cattle, 10 horses
and 50 sheep.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Livestock are watered in the natural channel
of the spring and the channel of Deadman's
Canyon Creek between the two points previously
described, traversing through portions of
Sections 10, 15 and 16, T.16N., R.20E., M.D.B.& M.

PROOF NO: 02763

CLAIMANTS: Edward W. Scripps, II and Jean W. Scripps

SOURCE: Unnamed Springs Tributary to Deadman's
Canyon Creek

USE: Stock Watering

MEANS OF DIVERSION: Ditches

POINTS OF DIVERSION:

1. A natural spring in the NW1/4 SE1/4 Section 16,
T.16N., R.20E., M.D.B.& M., or at a point
from which the SE corner of said Section 16,
bears S. 54° 44' 01" E., a distance of
2340.06 feet.

2. A natural spring in the NE 1/4 SE 1/4
Section 16, T. 16N., R20E., M.D.B.& M.,

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or at a point from which the SE corner
of said Section 16 bears S. 23° 33' 10" E.,
a distance of 1803.92 feet.

PERIOD OF USE: January 1, through December 31 of
each year

PRIORITY: 1875

AMOUNT OF APPROPRIATION: 0.00297 or sufficient to water
90 cattle and 5 horses

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Livestock are watered in pools collected at the
two springs, their location being described previously.

DATED this 1st day of July, 1975.

John E. Smith
District Judge