

Filed JANUARY 30, 1956

No. 6715

F. D. DODFIELD, Clerk

By \_\_\_\_\_, Deputy

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

\*\*\*\*\*

IN THE MATTER OF THE DETERMINATION )	
OF THE RELATIVE RIGHTS OF CLAIMANTS )	
AND APPROPRIATORS IN AND TO THE )	
WATERS OF EGAN CREEK AND ITS TRIBU- )	<u>JUDGMENT AND</u>
TARIES IN WHITE PINE COUNTY, STATE )	
OF NEVADA. )	<u>DECREE</u>
_____ )	

This matter came on regularly for hearing on the 30th day of November, 1955, and there being present in Court E. J. DeRICCO, Field Deputy State Engineer, Office of State Engineer, State of Nevada, by and with his counsel, JON R. COLLINS, ESQ., of Ely, Nevada, Special Deputy Attorney General, Office of Attorney General, State of Nevada, and C. E. BORTON, ESQ., of Ely, Nevada, of the firm Gray and Horton, attorneys at law, and attorneys for K. A. BARTON, claimant and petitioner in the above entitled matter, and the matter having been finally submitted to the Court for its decision, thereafter being fully advised in the premises, filed its Findings of Fact and Conclusions of Law herein, and rendered its decision in writing and ordered that judgment be entered herein in accordance therewith; wherefore, by reason of the law and findings aforesaid:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I

That K. A. BARTON is the successor in interest to the vested rights initiated prior to the year 1880 by CHARLES GREEN.

II

That the duty of water is fixed in the amount of six acre-feet per acre for the season of 183 days. The duty of water may be changed or altered within a period of 3 years after entry of Decree herein, providing that conclusive justification for such change or alteration is shown the

Court as provided in Section 36A, Chapter 106, Statutes of Nevada, 1921.

III

That claimant named herein, or his successors in interest, are allowed to increase the rate of direct flow diversions as herein allowed so as to satisfy any immediate needs of growing crops and may at his or their own option rotate the allotted water between the various fields having a decreed water right at such times and in such quantities as is necessary to place the water to the greatest beneficial use, provided that during any one month the amount of water diverted does not exceed 1.5 acre-feet per acre of irrigated land granted a water right and, provided further, that the total diversions during the irrigation season shall not exceed the duty of water in acre-feet as specified for such land.

IV

That claimant and his successors in interest are allowed to store the waters of Egan Creek and its tributaries in the holding reservoir at the outlet of Egan Canyon and are allowed to divert the waters therefrom at such times and in such quantities as is necessary to place the water to the greatest beneficial use.

V

That the irrigation season for the land in question is hereby fixed as being from April 1st to September 30th of each year, except when climatic conditions are such that irrigation is not in accordance with good husbandry and actual beneficial use of the water, in which event the State Engineer shall determine by examination the beginning of the irrigation season and shall set the date giving notice to all concerned. The setting of the date shall be for the sole purpose of administration and distribution of the waters of Egan Creek and its tributaries in accordance with this Decree.

VI

That all waters diverted from Egan Creek and its tributaries for irrigation purposes in accordance with this Decree shall be measured at a point where the water enters or becomes adjacent to the lands to be irrigated or as near thereto as practical.

✓ Substantial head gates or other control works and weirs to facilitate the measurement and control of water shall be installed wherever necessary to insure its proper distribution in accordance with the right to its use as herein defined.

VII

That the claimant named herein, or his successors in interest, in conjunction with the rights to the use of water for irrigation purposes, as herein decreed, are entitled to a reasonable diversion and use of water for ✓ stockwatering and domestic purposes at any time during the year.

VIII

✓ That no person or persons holding a right of appropriation not herein vested is entitled to receive any water from Egan Creek and its tributaries to the detriment of the rights as herein defined.

IX

That all waters allotted under this Decree shall be appurtenant to the place or places of use designated herein.

X

That the name of the claimant or appropriator of the waters of Egan Creek and its tributaries, the source of water supply, the means by which water is secured from the source of supply for beneficial use, the points of diversion, the year of priority, the cultural acreage or place of use, the legal subdivision, section, township and range, length of season and duty of water as listed in the following tabulation govern and shall be recognized at all times hereafter:

Claimant: K. A. Barton

Source : Egan Creek and its Tributaries

Use : Irrigation, Stockwatering and Domestic

Means of Diversion: Water is stored in a small holding reservoir; thence conveyed through the Egan Creek Channel to the points of diversion; thence by means of ditches to the place of use.

Points of Diversion: In the NE 1/4 SW 1/4 Section 18, T. 23 N., R. 63 E.,  
M. D. B. & M. or at points from which the W 1/4 corner  
of Section 18, T. 23 N., R. 63 E. bears N. 63°  
00' 00" E., 2,130 feet and N. 40° 40' W., 1,730 feet;  
in the SE 1/4 SE 1/4 Section 18, T. 23 N., R. 63 E.,  
M. D. B. & M. or at a point from which the W 1/4 corner  
of Section 18, T. 23 N., R. 63 E., bears N. 71°  
40' W., 4,500 feet.

Period of Use: Irrigation: April 1st to September 30th inclusive of each year.

Stockwatering and Domestic: January 1st to December 31st  
of each year

Priority	Cultural Acres	Subdivi- sion	Description			Duty of Water	
			Sec- tion	Tp. N.	R. E.	C. F. S.	Acre-Feet
1872	3.5	NE1/4SW1/4	18	23	63	0.058	21.0
"	17.0	SE1/4SW1/4	18	23	63	0.206	107.4
"	28.1	SW1/4SE1/4	18	23	63	0.464	166.6
"	3.0	SE1/4SE1/4	18	23	63	0.050	18.0
"	4.3	NW1/4NE1/4	18	23	63	0.071	23.0
"	17.7	NE1/4NE1/4	18	23	63	0.203	106.2
"	1.5	NW1/4NW1/4	20	23	63	0.025	9.0
Total	76.0					1.257	456.0

Done in Open Court this 30th day of November, 1955.

HARRY M. WATSON  
HARRY M. WATSON  
District Judge