

1 Henry Vansickle, Catherin Davis, C.W.Dake, Fred Klotz,  
2 Geo. Dungan, A. Seaman, A. Swartz, R.G. Montrose, T. Robinson,  
3 J.C. Lupton, Mary S. Gilman, P.W. Vansickle, Mary Williams,  
4 Genoa Lodge No. 15 I.O.O.F., W.D. Gray, Felicita Allenback,  
5 Hannah Cook, T.J. McComas, E.D. Black, Joseph Raycraft, Sr.  
6 M. Harris, J.R. Johnson, R. Galatt, A.C. Pratt, Garland Slemmons,  
7 Jos. Davis, W.H. Smith, E.A. Boles, G. Gardelli, Minrod Bauer,  
8 K. Rice, A. Livingston, Frank Fetic, N. Blossom,  
9 John Walker, William Grisham, Douglas County, M.E. Church,  
10 E.W. Virgin, Douglas Lodge No. 12, F.A.M., Lawrence Gilman,  
11 John T. Williams, L.C. Long, John S. Child, Fred Furth,  
12 C.M. Hoteware, Walter Swart, Philip Clark, H.P. Burnham,  
13 J.S. Allenmany, Bishop of San Francisco, Genoa District  
14 School No. 2, Douglas County, Nevada. PLAINTIFFS.

VS.

16 J.W. Haines, L. Fray, S.A. Kinsey and Jos. Dondero.

17 ----- DEFENDANTS -----

18 ----- FINDINGS -----

19 This cause coming on regularly to be heard on the day  
20 December, A.D. 1880, the same being a regular term-day of  
21 the Court, the parties Plaintiff and Defendant appear by  
22 their respective Attorneys, and Joseph Raycraft is allowed  
23 to intervene by consent of all parties, and appears by his  
24 Attorney.

25 After hearing the testimony adduced by the parties  
26 Plaintiff, Defendant and Intervening, together with the  
27 arguments of the respective Counsel, and having fully con-  
28 sidered the same, I make and file the following findings of

1 fact and conclusions of law.

2 FINDINGS OF FACT.

3 1. I find that the parties Plaintiff, Defendant and Inter-  
4 vening are the owners of the lands as set forth in their  
5 respective pleadings.

6 2. I find that the waters of Genoa Creek are necessary  
7 for the irrigation of said lands, and for the watering  
8 of stock, and for domestic uses, and for protection against  
9 fire, of all the parties to this action, and that said  
10 parties are entitled by actual appropriation and use of  
11 said waters, for said purposes, to the use of the same for  
12 said purposes.

13 3. I find that the said parties are entitled to the use  
14 of all the water flowing in said Genoa Creek in the  
15 following proportion, namely: Out of each Seventy-two  
16 (72) parts, they are respectively entitled as follows:

17 The Plaintiffs to Twenty-seven,	27.	3 ds of 1000000
18 Defendant J.W.Haines to Nineteen,	19.	
19 Defendant L.Fray to Fifteen,	15.	
20 Defendant J. Dondero to Four,	4.	
21 Defendant S.A.Kinsey to Four & half,	4½	
22 Intervenor J. Raycraft to Two & half,	2½	
23 Aggregating all parts,	72.	

24 4. I find that the division of the said use of the water  
25 of said Creek among the said parties which is best  
26 ~~promotive~~ of the interest of all interested, is by  
27 allowing the whole stream to the respective parties for  
28 certain periods of time, in proportion to their respective

1 rights thereto, rather than by dividing the stream.

2 5. I find that the following is a just diversion of the use

3 of the water of said Genoa Creek by time, as contemplated

4 in the Stipulation on file agreeing that such diversion by

5 time might be made, and the hours fixed are for the best

6 interest of all concerned, namely: That in each

7 ~~twenty~~ twenty four (24) hours, the respective parties are

8 entitled to the whole of said waters flowing in said

9 Genoa Creek, as follows:

10 The Plaintiffs, each day, from 3<sup>h</sup> A.M. to 12<sup>h</sup> 00<sup>m</sup> Midday.

11 Defendant J.W.Haines, from 3<sup>h</sup> 40<sup>m</sup> P.M. to 5<sup>h</sup> 40<sup>m</sup> P.M., and

12 from 10<sup>h</sup> 40<sup>m</sup> P.M. to 3<sup>h</sup> A.M., of following day.

13 The Defendant L. Fray, from 5<sup>h</sup> 40<sup>m</sup> P.M. to 10<sup>h</sup> 40<sup>m</sup> P.M. of

14 each day.

15 The Defendant J. Dondero, from 2<sup>h</sup> 20<sup>m</sup> P.M. to 3<sup>h</sup> 40<sup>m</sup> P.M. of

16 each day.

17 The Defendant S.A. Kinsey, from 12<sup>h</sup> 50<sup>m</sup> P.M. to 2<sup>h</sup> 20<sup>m</sup> P.M.

18 of each day.

19 The Intervenor Joseph Raycraft, from 12<sup>h</sup> Midday to 12<sup>h</sup> 50<sup>m</sup> P.M.

20 of each day.

21 6. I find that the Defendant Kinsey and Plaintiff J.R.Johnson

22 together, by means of the one common pipe now operated &

23 maintained by them have openly, notoriously, exclusively,

24 peaceably, adversely to all the world used appropriated &

25 diverted for more than five (5) years preceeding the commence-

26 ment of this action, of and from the waters of said Genoa

27 <sup>continuously</sup> Creek/water naturally flowing therein, to the amount & extent

28 of the full size and capacity of said pipe, & now own the same

1 & are entitled to use & divert said water. That Plaintiff  
2 A. Livingston has operated & Maintained for more than five  
3 years preceding the commencement of this action, a certain  
4 water pipe connecting with the Canon out of which said Creek  
5 flows, & taking water arising in said Canon to the extent  
6 & amount of the full capacity of his said pipe running  
7 continuously & has used diverted & appropriated said  
8 water openly notoriously, peaceably, & quietly and adversely  
9 to all the world, & is now entitled to so use the said water  
10 & maintain said pipe.

11 That Intervenor Joseph Raycraft Sr. has operated &  
12 maintained for more than five years next preceding the  
13 commencement of this action a certain water pipe, & by means  
14 thereof, for said period of time, openly, notoriously,  
15 peaceably and quietly, exclusively & adversely to all the  
16 world, used & diverted continuously of and from the waters  
17 of said creek, said water to the full extent and capacity  
18 of said water pipe, & now owns said water & is entitled to  
19 use appropriate & divert the same.

20 That Plaintiff T.J. McComas, for more than five years  
21 next preceding the commencement of this action has operated  
22 & maintained a certain water pipe connected with a certain  
23 water ditch running from said creek & by means thereof,  
24 when ever water was running in said ditch, has used &  
25 diverted from such water, to the full amount and capacity  
26 of said pipe, & has so used diverted & appropriated the  
27 same for said period of time openly, notoriously, peaceably  
28 quietly exclusively & adversely to all the world & now

owns the same and is entitled to so use divert and appropriate the same.

CONCLUSIONS OF LAW.

As conclusions of law, I find:

1. That the Plaintiffs, Defendants and Intervenor are entitled to the use of all the water flowing in the said Genoa Creek, during the hours named in the 5th finding of fact, each day, for irrigation, watering stock and domestic uses generally, & that said Johnson, Kinsey & Raycraft, Livingston & McComas are entitled to flow said water in their said water pipes as hereinbefore provided.
2. That the several parties, Plaintiffs, Defendants and Intervenor pay their own costs and expenses in this action incurred.

Let the Decree be entered in accordance herewith.

S.D. KING,  
JUDGE.

June 23, 1881.

Nearly all the property irrigated being City lots it is impossible to give the acreage, so we show the amount of the stream and the length of time used.

Monday -- 2/3 of stream for two hours to Mrs. Dena Champagne.  
 -- 1/3 " " " " " " Mrs. Hattie Morrison.  
 Filling tanks of County Tank, Mary Canonica, Falcke Bros., Mrs. Allenbach, H.C. Jepsen, Mrs. Hattie Morrison, Dave DeLong, Mrs. Lilly Seaman, Mrs. Selby, all the stream for one hour.  
 2/3 of stream five hours to J.L. Campbell.  
 1/3 " " " " " " Mrs. Lillie Seaman  
 1/2 " " " " " " Mrs. Selby  
 1/4 " " " " " " Mrs. Hattie Morrison  
 1/4 " " one hour " Dave De Long

Tuesday -- Whole stream two hours to Frank Walker.  
 One hour filling tanks of Mrs. Lee, Mrs. Simonis, B.L. Snelling, Mrs. Giardelli, Jim White, Mrs. Gray, Peter Wilslef, Frank Walker, Henry Walker, E. Jarvis, L.E. Jones, Charles Daudel, Mrs. Kate Seaman, and Robert Trimmer.  
 2/3 of stream three hours to Robert Trimmer.  
 - 1/3 " " " " " " L.E. Jones  
 3/4 " " Two " " Mrs. Giardelli,  
 1/4 " " " " " " Jim White  
 1/2 " " one " " Mrs. C.P. Young  
 1/4 " " " " " " Mrs. Simonis.  
 1/4 " " " " " " Frank Fetic.

Wednesday -- 2/3 of stream two hours to Julian Poirier.  
 1/3 " " " " " " Mrs. Lee.  
 1/5 " " one " " Mrs. Canonica.  
 1/5 " " " " " " Falcke Bros.  
 2/5 " " " " " " Mrs. Allenbach.  
 1/10 " " " " " " Mrs. Falcke.  
 1/10 " " " " " " Mrs. Franklin.  
 1/5 " " " " " " and one half to Fred Klotz.  
 1/5 " " " " " " " " " " Chris Christensen.  
 1/5 " " " " " " " " " " Douglas County.  
 1/5 " " " " " " " " " " Peter Wilslef.  
 1/5 " " " " " " " " " " E.L. Wyatt.  
 3/5 " " Two " " " E. Jarvis.  
 2/5 " " " " " " Henry Walker.  
 2/3 " " one and one half hours to Kate Seaman.  
 - 1/3 " " " " " " " " Charles Daudel.

Thursday -- 3/4 of stream two hours to Mrs. Giardelli.  
 1/4 " " " " " " Jim White.  
 1/2 " " one and one half hours to Mrs. Selby.  
 1/4 " " " " " " Mrs. H. Morrison.  
 1/4 " " " " " " Dave De Long.  
 1/5 " " " " " " Al Jarvis.  
 2/5 " " " " " " E.C. Jepsen.  
 2/5 " " " " " " Mrs. H. Morrison.  
 Whole stream three hours to Raycrafts.

FRIDAY -- 2/3 of stream for two hours to Edna Champagne.  
 1/3 " " " " " " " Mrs. Hattie Morrison.  
 1/2 " " " " " " " one and one half hours to Mrs. C.P. Young.  
 1/4 " " " " " " " " Mrs. Simonis.  
 1/4 " " " " " " " " Frank Fetic.  
 1/5 " " " " " " " one hours to Mrs. Canonica.  
 1/5 " " " " " " " Falcke Bros.  
 2/5 " " " " " " " Mrs. Allenbach.  
 1/10" " " " " " " Mrs. Falcke.  
 1/10" " " " " " " Mrs. Franklin  
 1/5 " " " " " " " one and one half hours to Fred Klotz.  
 1/5 " " " " " " " " Chris Christensen.  
 1/5 " " " " " " " " Douglas County.  
 1/5 " " " " " " " " Peter Wilslef.  
 2/3 " " " " " " " " E.L. Wyatt.  
 1/3 " " " " " " " Two hours to Julian Poirier.  
 1/3 " " " " " " " Mrs. Lee.

SATURDAY -- Whole stream for two hours to Henry Walker.  
 1/5 of stream for one and one half hours to Al. Jarvis.  
 2/5 " " " " " " " " H.C. Jepsen.  
 2/5 " " " " " " " " Mrs. Hattie Morrison  
 Whole stream for three hours and ten minutes to Peter Wilslef.  
 -1/4 of stream for one hour and twenty minutes to Chas. Daudel.  
 -1/4 " " " " " " " " L.E. Jones.  
 1/2 " " " " " " " " Mrs.K.Seaman.

SUNDAY -- Whole stream for seven hours to T.P. Hawkins.  
 2/5 of stream for two hours to Mrs. Grey.  
 2/5 " " " " " " " L. Frey.  
 1/5 " " " " " " " E. Jarvis.

In addition to what Raycrafts already have they get the whole stream every day for fifty minutes.  
 J.L. Campbell gets the whole stream fourteen hours twice every week, Robert Trimmer the same.  
 Fritz Cordes gets the whole stream fourteen hours once every week, and D.R. Hawkins the same.  
 Excepting the water used on Sundays, according to this schedule J.L. Campbell has it two Sundays, Robert Trimmer the same.  
 Fritz Cordes has it one Sunday and D.R. Hawkins the same.

I Certify that this is the true copy as handled down by L.E. Jones to H.B. Beers and given to me with the deed of my Genoa property.

*Walter S. Jones*