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No. 859  
Filed, Aug 1, 1941  
N. Depaen  
Clerk  
Deputy

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF THE DETERMINATION OF  
THE RELATIVE RIGHTS OF CLAIMANTS AND  
APPROPRIATORS IN AND TO THE WATERS OF  
GLENBROOK CREEK AND ITS TRIBUTARIES,  
IN DOUGLAS COUNTY, NEVADA.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE

The above entitled matter came on regularly for hearing in the above entitled Court on the 12th day of June, 1941 before Honorable Clark J. Guild, District Judge of said Court presiding, the whole of said stream system being within said Douglas County, State of Nevada, and he being the Judge designated by statute to hear and having jurisdiction to hear said matter, upon the State Engineer's Final Order of Determination of the relative rights of the claimants and appropriators to the use of the waters of said stream system of Glenbrook Creek and its tributaries, which Final Order of Determination had been duly filed by said State Engineer herein; there being no exceptions to said Final Order of Determination filed or otherwise submitted to the Court by the herein-after named claimants or any other person or persons, the Court proceeded to hear the matter and to take such testimony as it

1 deemed necessary herein.

2 W. T. Mathews, Deputy Attorney-General of the State of  
3 Nevada, appeared in said hearing and proceedings on behalf of the  
4 State of Nevada and the State Engineer of said State; there  
5 being no appearance for and in behalf of the claimants herein or  
6 any other person or persons whatsoever.

7 The Deputy Attorney-General thereupon, at said hearing,  
8 offered and there were received in evidence in support of the  
9 rights of the claimants, as set forth in said Final Order of De-  
10 termination, the sworn statements of the claimant, verified affi-  
11 davits, files, and records of the State Engineer's Office respect-  
12 ing the rights of said claimant to the use of the waters of said  
13 stream system, including also the cultural map establishing the  
14 cultural area involved, the diversion ditches, and the kinds and  
15 character of lands irrigated by said claimant, together with the  
16 oral testimony of H. W. Reppert, Assistant State Engineer of the  
17 State of Nevada, explaining said maps and other files and records  
18 so introduced in evidence.

19 The Court, having duly considered the entire record and  
20 evidence so introduced and there being no exceptions filed by  
21 claimant and or any other person or persons to the Final Order of  
22 Determination of the said State Engineer, and being fully advised  
23 in the premises, now makes and enters its Findings of Fact,  
24 Conclusions of Law, and Judgment and Decree herein.

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26  
27 FINDINGS OF FACT

28 I.

29 That on or about September 6, 1939, C. V. Taylor,  
30 *Attorney at Law* engineer, of Reno, Nevada, representing the Glenbrook Company,

1 petitioner and claimant herein, filed with Alfred Merritt Smith,  
2 State Engineer of the State of Nevada, a petition requesting the  
3 determination of the relative rights of claimants to the use of  
4 the waters of Glenbrook Creek and its tributaries in Douglas  
5 County, Nevada.

6 That the State Engineer, through his assistant, H. W.  
7 Reppert, thereupon and in accordance with the provisions of Sec-  
8 tion 18 of the Water Code, being Section 7905, Nevada Compiled  
9 Laws, 1929, made an investigation of the facts and conditions of  
10 and concerning said Glenbrook Creek and its tributaries for the  
11 purpose of disclosing whether the determination of said rights was  
12 justified and filed his report thereon with the State Engineer on  
13 June 1, 1940. That said report of said facts and conditions dis-  
14 closed that a determination of said relative rights was justified,  
15 and said State Engineer thereupon made and entered his order on  
16 June 14, 1940 granting said petition for determination of said  
17 relative rights in and to the waters of Glenbrook Creek and its  
18 tributaries.

19 That as a result of said investigation it was found that  
20 the Glenbrook Company was the only known water user on said Glen-  
21 brook Creek stream system and its tributaries; that on September  
22 11, 1939, said claimant by and through its engineer, C. V. Taylor,  
23 pursuant to the provisions of Section 36b of the Water Code, being  
24 Section 7925, Nevada Compiled Laws, 1929, did waive in writing the  
25 provisions of the Water Code in reference to notices and the ser-  
26 vice and publication thereof, all as provided in Sections 18 to 31,  
27 inclusive, of the Statutes of 1913, the same being Sections 7905  
28 to 7918, inclusive, Nevada Compiled Laws, 1929, as amended and  
29 supplemented, so that the State Engineer could make a Final Order  
30 of Determination without the giving, serving or publication of any

1 notices required in said Act for the purpose of filing the same  
2 with the District Court in the manner prescribed in Section 34 of  
3 said Water Code, the same being Section 7921, Nevada Compiled Laws,  
4 1929, as amended.

5 That the Glenbrook Company had, on or about November 23,  
6 1927, filed with the State Engineer its proof of appropriation of  
7 water from Glenbrook Creek for irrigation, domestic and stock  
8 watering purposes, and that said proof had been assigned Serial  
9 No. 02148. That on or about September 6, 1932, the Glenbrook  
10 Company filed its amended proof of appropriation of water for  
11 irrigation, domestic and stock watering purposes from Glenbrook  
12 Creek and tributaries; including the Bliss Spring, which amended  
13 proof of appropriation was assigned Serial Number 02148.

14 That the Glenbrook Company had heretofore filed with the  
15 State Engineer, on November 23, 1927, its proof of appropriation  
16 of water for stock watering purposes from Short Spring, a tribu-  
17 tary of Glenbrook Creek, and which proof was assigned Serial No.  
18 02149.

19 That the Glenbrook Company had heretofore filed with the  
20 State Engineer, on November 23, 1927, proof of appropriation of  
21 water for stock watering purposes from Unnamed Spring, a tributary  
22 of Glenbrook Creek, and said proof being assigned Serial No. 02150.

23 That the Glenbrook Company had heretofore filed with the  
24 State Engineer, on November 23, 1927, proof of appropriation of  
25 water from Unnamed Spring, a tributary of Glenbrook Creek, for ir-  
26 rigation and domestic purposes, and said proof was assigned  
27 Serial No. 02151.

28 That the Glenbrook Company, on November 23, 1927, filed  
29 a map in support of all of the foregoing proofs.

30 That the State Engineer assembled all of the said proofs

1 notice by service of a certified copy of the order setting time  
2 for said hearing.

3 The Court finds that all and singular the proceedings,  
4 orders and notices required by said Water Code of this State were  
5 duly had, made and given herein as required by law, and that all  
6 and singular the matters and things in said record contained were  
7 done, performed, given and made in strict accordance with said  
8 Water Code, and that this Court had and has jurisdiction to hear  
9 and determine said matter.

10 II.

11 The Court finds that Glenbrook Creek and its tributaries  
12 is located wholly within Douglas County, State of Nevada, and that  
13 the main portion of its watershed lies within the Northeast Corner  
14 of Township 14 N., Range 18 E., M.D.B. & M., and that said creek  
15 flows in a westerly direction into Lake Tahoe; that in addition  
16 to water derived from melting snows and precipitation in the form  
17 of rain within its drainage area, the creek also has as supplement-  
18 ing its source several springs along its channel which serve to  
19 create a flow of water in said creek throughout the entire year,  
20 and that said springs are tributaries of said Glenbrook Creek  
21 stream system, including the said Bliss Spring and the said Short  
22 Spring and the said Unnamed Spring.

23 III.

24 The Court further finds that the stream system's flow is  
25 typical of many small streams and creeks existing in the State of  
26 Nevada; that in the Spring when the snowfall is normal, the flow  
27 from the melting snow added to that from the springs provides a  
28 supply of water sufficient to serve all the hereinafter decreed  
29 water rights; that this flow of water usually continues only for  
30 a comparatively short period of time in the Spring and early Summer,

1 and prepared an abstract of claims in accordance with Section 28  
2 of the Water Code, being Section 7915, Nevada Compiled Laws, 1929,  
3 and caused said abstract to be typed in his office and a certified  
4 copy thereof filed herein.

5 That thereupon the State Engineer, in accordance with the  
6 provisions of Section 36b of the Water Code, being Section 7925,  
7 Nevada Compiled Laws, 1929, made up in typewritten form and entered  
8 in the records of his office, on or about May 2, 1941, a Final  
9 Order of Determination defining the several rights to the waters  
10 of said Glenbrook Creek stream system and filed a certified copy  
11 of said order herein on or about May 3, 1941, together with the  
12 original evidence taken by and filed with the State Engineer.

13 That upon the filing of said Final Order of Determination  
14 and said evidence with the clerk of this Court, and on or about  
15 the 3rd day of May, 1941, this Court made and entered an order  
16 setting a time for hearing of exceptions to the said Final Order of  
17 Determination at the hour of 10:00 o'clock A.M. on June 12, 1941,  
18 at the County Court House at Minden, Nevada, all as provided in  
19 Section 34 of said Water Code, being Section 7921, Nevada Compiled  
20 Laws, 1929, as amended, and therein ordered that any and all parties  
21 in interest who were aggrieved or dissatisfied with said Final  
22 Order of Determination so filed should file with the clerk of said  
23 Court and serve upon or transmit to said State Engineer by regis-  
24 tered mail notice of exceptions to said order at least 5 days prior  
25 to the date set for said hearing.

26 That the State Engineer thereupon and on or about the 5th  
27 day of May, 1941 mailed to the Glenbrook Company, the claimant and  
28 only known water user on Glenbrook Creek and its tributaries, a  
29 certified copy of said Final Order of Determination, together with  
30 copy of abstract of claims filed in connection therewith, and gave

1 and that thereafter when the flow from melting snow is at an end,  
2 the only supply of water for said claimant is derived almost  
3 entirely from the tributary springs.

4 IV.

5 The Court further finds that the soil of the lands  
6 irrigated from said Glenbrook Creek is composed of a mixture of  
7 decomposed granite material and loam, and that the soil near the  
8 base of the mountain slopes is comparatively shallow and somewhat  
9 coarse in texture, while farther downstream and near Lake Tahoe  
10 the soil is much deeper. That the climate where the lands of  
11 claimant are situated is dry and semi-arid and that it is necessary  
12 to irrigate said lands in order to produce crops thereon, and it  
13 is necessary that water be provided from said Glenbrook Creek  
14 stream system for the purpose of irrigation.

15 V.

16 That the name of the claimant and appropriator set forth  
17 in said Final Order of Determination, the source of water supply,  
18 the means by which the water is secured from such source and  
19 applied to beneficial use, the year of priority, the legal sub-  
20 divisions and classifications of lands, the length of the irriga-  
21 tion season, the provisions for the installation, maintenance and  
22 regulation of headgates and control works, measuring devices,  
23 designation of ditches and channels, the duty of water, and the  
24 provisions for retention of use of water, and the provisions as to  
25 any junior rights, all as set forth in said Final Order of Deter-  
26 mination, are true, proper and correct, and all and singular the  
27 same should be approved and confirmed.

28 VI.

29 PRIORITIES

30 The Court further finds that the priorities under the

1 following proofs of appropriation are as follows:

2 Proof No. 02148 - - - The priority under  
3 Proof No. 02148 is hereby found to be and  
4 fixed at the year 1872.

5 Proof No. 02149 - - - The priority under  
6 Proof No. 02149 is hereby found to be and  
7 fixed at the year 1890.

8 Proof No. 02150 - - - The priority under  
9 Proof No. 02150 is hereby found to be and  
10 fixed at the year 1872.

11 Proof No. 02151 - - - The priority under  
12 Proof No. 02151 is hereby found to be and  
13 fixed at the year 1872.  
14

15 VII.

16 CLASSES OF LAND

17 The Court also finds that there is one class of land  
18 served with water from said Glenbrook Creek stream system, which is  
19 hereby designated as class "A" land, and consists of all lands  
20 listed under said Proof No. 02148 and Proof No. 02151.  
21

22 VIII.

23 IRRIGATION SEASON

24 The Court further finds that the water heretofore appre-  
25 priated for irrigation purposes was used during the commonly known  
26 Summer irrigation season; and the Court finds that the irrigation  
27 season should begin on May 1st and end, or should end, on October  
28 15 of each year, both dates inclusive, being an irrigation season  
29 of the length of 168 days, except when climatic conditions are such  
30 that irrigation during the said period is not in accordance with

1 good husbandry and actual beneficial use of water, in which event  
2 the State Engineer should determine by examination at the beginning  
3 of the irrigation season and thereupon set the date for the be-  
4 ginning of said season and the ending thereof, giving due notice  
5 to parties concerned therewith.

6 IX.

7 DUTY OF WATER

8 The Court further finds that the duty of water on said  
9 lands herein shall be at the rate of not to exceed 0.012025 cubic  
10 feet per second continuous flow, or 4 acre feet per acre during  
11 the irrigation season of 168 days.

12 The Court further finds that there should be flexibility  
13 with respect to the rate of diversion of water in order to meet  
14 conditions brought about by a large run-off of water from melting  
15 snow or precipitation in the form of rain and also where water is  
16 not constantly available in the source of supply to satisfy the  
17 continuous flow in cubic feet per second, therefore, during those  
18 periods of the irrigation season when the flow of water in said  
19 stream system will more than satisfy the continuous flow allotment,  
20 the claimant herein named, or its successors in interest, subject  
21 to the condition that there be no interference with other users,  
22 if any, should be entitled to increase the rate of the direct flow  
23 diversion so as to satisfy any immediate needs of the growing crops  
24 and build up ground water storage; provided, that the total  
25 diversion of the claimant during any calendar month should not  
26 exceed 1.5<sup>65</sup> acre feet for each acre of land granted a water right  
27 herein; and provided further, that the total diversion during the  
28 irrigation season should not exceed the duty of water in acre feet  
29 as specified for such land.  
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X.

MEASUREMENT OF WATER

The Court further finds that all water diverting from Glenbrook Creek and its tributaries for irrigation purposes in accordance with the rights as herein defined shall be measured at the point where the water in each main ditch first becomes appurtenant to the land to be served, or as near thereto as practical.

XI.

HEADGATES AND CONTROL WORKS

The Court also finds that it is for the best interests of the claimant herein that substantial headgates and control works, and weirs to facilitate the measurement and control of water, should be installed wherever and whenever necessary to insure the proper distribution of said water in accordance with the hereinafter decree of water rights.

XII.

ROTATION IN USE OF WATER

The Court further finds that the claimant herein named, or any of its successors in interest and/or assigns, should have the right to rotate the use of water to which it or they may be entitled, between the various ditches diverting water from said stream system; provided, that whenever any of the lands as listed in said Final Order of Determination are irrigated with waters of more than one source, the right to such combined use of said water from all said sources of supply should not exceed the duty of water as allowed herein for said lands.

XIII.

CHANGE OF PLACE OF USE

The Court further finds that all waters allocated in said

1 Final Order of Determination shall be appurtenant to the place or  
2 places of use designated therein; and the Court further finds  
3 that in the event it is desired to change the place of use of  
4 said waters as so allocated, the claimant or water user must make  
5 application to the State Engineer for permission to change such  
6 place of use according to law.

7 XIV.

8 JUNIOR RIGHTS

9 The Court further finds that no person holding a right  
10 of appropriation not listed in said Final Order of Determination  
11 or hereinafter listed in the Decree of this Court shall be  
12 entitled to receive any water from said Glenbrook Creek or its  
13 tributaries until all appropriations in said Final Order of Deter-  
14 mination and in said Decree have been fully satisfied.

15 XV.

16 RIGHTS OF APPROPRIATION

17 From the said Final Order of Determination and the evi-  
18 dence both oral and documentary submitted in support thereof, the  
19 Court finds that the name of the claimant and appropriator of the  
20 waters of <sup>the creek</sup> Glenbrook Creek and its tributaries, the source of water  
21 supply, the means by which water is secured from the source of  
22 supply for beneficial use, the point or points of diversion, the  
23 year of priority, the cultural acreage and/or place of use, the  
24 legal subdivisions, section, township and range, and the duty of  
25 water, all as listed, stated and set forth at pages 8 to 13, both  
26 inclusive, of said Final Order of Determination, are proper, full,  
27 true and correct, and that the same should be and hereby are con-  
28 firmed, settled and allowed as therein fully set forth.  
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XVI.

STOCK WATERING AND DOMESTIC RIGHTS

The Court further finds that the claimant and appropriator herein is entitled to the use of water from said Glenbrook Creek and its tributaries, including the said Bliss Spring, the said Short Spring and the Unnamed Spring water for stock watering purposes, domestic use and quasi-municipal use during the entire year. That said use includes the right to the use of 0.003 cubic feet per second under Proof No. 02149 for stock watering purposes; and 0.003 cubic feet per second under Proof No. 02150 for stock watering purposes; and 0.12 cubic feet per second under Proof No. 02151 for quasi-municipal purposes, including the irrigation of lawns, and to a reasonable amount of water for stock watering purposes under Proof No. 02148, during the entire year.

CONCLUSIONS OF LAW

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

I.

That the State Engineer had the right, authority and jurisdiction under the Water Code of this State, i.e., Sections 7990 to 7998, inclusive, Nevada Compiled Laws, 1929, as amended, to make the investigations made by him, conduct the hearings had by him, receive the proofs and maps received by him, hear the evidence presented to him, and to prepare, make, enter and file in his office the original of said Final Order of Determination and

1 file a certified copy thereof in this Court, and to determine in  
2 said Final Order of Determination the relative rights of the water  
3 users of said Glenbrook Creek stream system and its tributaries;  
4 that said State Engineer duly made all orders necessary and proper  
5 in connection therewith and entered the same in his office as re-  
6 quired by said Water Code; that each and every notice required by  
7 law to be given herein to the claimant and appropriator was duly  
8 given by the said State Engineer in the manner and at the time  
9 required by law and that said notices contained all the statements  
10 required by law, and that the claimant and appropriator of the  
11 waters of said Glenbrook Creek stream system and its tributaries  
12 duly received the information and notices required by law herein.

13 II.

14 That this Court had jurisdiction to hear and try this  
15 said matter and has jurisdiction to find, make and enter the fore-  
16 going Findings of Fact and these Conclusions of Law and enter its  
17 Decree herein.

18 III.

19 That the Glenbrook Company constitutes the claimant and  
20 the only claimant who was and is appropriator and user of the waters  
21 of the said Glenbrook Creek stream system and its tributaries on  
22 the date the Final Order of Determination was filed with the clerk  
23 of this Court and on the date of the trial and hearing of said  
24 matter.

25 IV.

26 That the said Glenbrook Company as claimant and appropria-  
27 tor of the waters of the Glenbrook Creek stream system and its  
28 tributaries, by and through the ditches, canals and pipelines  
29 named, and its successors in interest, are claimants and appropria-  
30 tors of and to the waters of the said stream system; that said

1 Glenbrook Company and its predecessors in interest continuously  
2 from the date of said appropriation or priority, when such water  
3 was available for beneficial use, diverted all of such quantity  
4 of water from said Glenbrook Creek stream system and its tributaries  
5 and applied the same to beneficial use as alleged in said Final  
6 Order of Determination.

7  
8 V.

9 That the duty of water should be fixed in the Decree as  
10 4 acre feet per acre for the irrigation season for all lands  
11 classified in said Final Order of Determination.

12 VI.

13 That all of the water allotted in the Decree should be  
14 appurtenant to the lands designated therein and in the event that  
15 claimant and/or its successors in interest desire to change the  
16 point of diversion, manner and place of use of the waters therein  
17 allotted, such water user must make application to the State  
18 Engineer for permission to make such change in the manner as pro-  
19 vided by the Water Code of the State of Nevada.

20 VII.

21 That the relative priorities or rank of the several  
22 rights to appropriate the waters of Glenbrook Creek stream system  
23 and its tributaries as listed in the Decree shall govern and be  
24 recognized at all times hereafter; and that no person or persons  
25 holding a right of appropriation in and to the waters of said  
26 stream system not listed in said Decree shall be entitled to  
27 receive any water from said stream system and its tributaries  
28 until all the appropriations in said Decree set forth have been  
29 fully satisfied.  
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VIII.

That except where specifically otherwise ordered herein, and or in said Decree, Final Order of Determination made, filed and caused to be entered of record in this said 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 herein as required by law, and that each and every notice required by law was duly given to the claimant and appropriator; that said claimant and appropriator had full opportunity to appear and be heard in objection to and to file exceptions to the said Final Order of Determination herein; that said claimant and appropriator is the only claimant and appropriator of the waters of Glenbrook Creek stream system and its tributaries.

That this Court has full and complete jurisdiction to hear,

1 try and determine this matter and to make and enter herein this  
2 Decree.

3  
4 II.

5 That, except such persons as may hereafter acquire  
6 rights to use of the waters of the Glenbrook Creek stream system  
7 and its tributaries granted under and pursuant to application to  
8 the State Engineer under and by virtue of the provisions of the  
9 Water Code of this State, no person other than the claimant named  
10 herein have or claimed any interest in or to said water or in or  
11 to the use of said water of said stream system and its tributaries  
12 or any part thereof.

13 III.

14 That except as specifically in this Decree otherwise  
15 ordered, the Final Order of Determination made, filed and caused  
16 to be entered of record in this matter by the State Engineer be,  
17 and the same is hereby confirmed.

18 IV.

19 That the name of the claimant and appropriator of the  
20 waters of the Glenbrook Creek stream system and its tributaries,  
21 the source of water supply, the means by which water is secured  
22 from the source of supply for beneficial use, the point of diversion,  
23 the year of priority, the cultural acreage or place of use,  
24 the legal subdivision, section, township and range, the duty of  
25 water, and the number of cubic feet of water per second for each  
26 acre irrigated by said claimant and appropriator is hereby  
27 adjudged as follows, to wit:  
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Claimant: The Glenbrook Company Proof No. 02148  
 Source: Glenbrook Creek  
 Use: Irrigation, stockwatering and domestic  
 Means of diversion: Glenbrook Creek Ditch No. 1  
 Point of diversion: SW $\frac{1}{2}$  SE $\frac{1}{2}$  Section 11, Township 14.,  
Range 18 E., M.D.B. & M.  
 Class of culture: Alfalfa, meadow and pasture  
 Period of use: May 1st to October 15th of each year

Prior-ity	Cultural Acreage	Sub-division	Sec-tion	Tp. N.	R. E.	Duty of Water c.f.s.
1872	0.14	NE $\frac{1}{2}$ SW $\frac{1}{2}$	11	14	18	.002
"	0.34	SE $\frac{1}{2}$ SW $\frac{1}{2}$	11	14	18	.004
"	1.51	SW $\frac{1}{2}$ SW $\frac{1}{2}$	11	14	18	.018
"	14.41	NW $\frac{1}{2}$ SW $\frac{1}{2}$	11	14	18	.173
"	1.10	SW $\frac{1}{2}$ NW $\frac{1}{2}$	11	14	18	.013
"	17.64	Lot 3	10	14	18	.212
"	21.37	Lot 2	10	14	18	.257
"	4.88	NE $\frac{1}{2}$ NE $\frac{1}{2}$	10	14	18	.059
"	8.05	Lot 1	10	14	18	.097
"	9.34	SW $\frac{1}{2}$ SE $\frac{1}{2}$	3	14	18	.112
"	3.46	SE $\frac{1}{2}$ SE $\frac{1}{2}$	3	14	18	.042
<b>Total</b>	<b>82.24 acres</b>					<b>.989 c.f.s.</b>

1 Claimant: The Glenbrook Company Proof No. 02148

2 Source: Glenbrook Creek & Tributaries

CERTIFICATE 350-2

3 Use: Irrigation, stockwatering and domestic

4 Means of diversion: Glenbrook Creek Ditch No. 2

5 Point of diversion: SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 11, Township 14 N.,

Range 18 E., M.D.B. & M.

7 Class of culture: Alfalfa, garden, orchard, meadow pasture

8 Period of Use: May 1st to October 15th of each year

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Prior-ity	Cultural Acreage	Sub-division	Sec-tion	Tp. N.	R. E.	Duty of Water c.f.s.
11 1872	0.05	SE $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0006
12 "	5.97	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0718
13 "	2.10	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0253
14 "	9.06	Lot 3	10	14	18	.1089
15 "	16.77	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.2016
16 "	0.03	Lot 5	10	14	18	.0004
17						
18 Total	33.98 acres					.4086 c.f.s.

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20 NOTE: The above described lands, with the exception of one acre  
21 near the head of Ditch #2, are irrigated through said  
22 ditch by commingling of water from Glenbrook Creek with  
23 water from Bliss Spring, a tributary, entering Glenbrook  
24 Creek Ditch #2 through Bliss Spring Channel, and with  
25 waters of North Logan Creek entering Glenbrook Creek  
26 Ditch #2 through Ditch #1, also with waters of North  
27 Logan Creek through Ditch #3.  
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Claimant: The Glenbrook Company Proof No. 08149  
Source: Short Spring (tributary of Glenbrook Creek)  
Use: Stockwatering through "Short-Eliss Pipeline" -  
tank and trough  
Point of diversion: Near center of SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11,  
Township 14 N., Range 18 E.  
Period of use: January 1st to December 31st of each year.  
Priority: 1890  
Amount of appropriation: 0.003 c.f.s. or sufficient to  
water 100 head of cattle.  
Manner of Use: Water conveyed from spring through 20 feet of  
6-inch pipe to a wooden storage tank 5 feet by 5 feet by 7  
feet. From storage tank water is conveyed about a quarter of  
a mile through one and two inch pipeline to a division box in  
the north part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10 of Township 14 N.,  
Range 18 E., N.D.B. & M., and thence by means of a one inch  
pipe to water trough in corrals of appropriator, also  
located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10.

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Claimant: The Glenbrook Company Proof No. 02150  
Source: Unnamed Spring (tributary of Glenbrook Creek)  
Use: Stockwatering through pipeline and trough  
Point of diversion: N.W. Corner SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11,  
Township 14 N., Range 18 E., M.D.B. & M.  
Period of use: January 1st to December 31st of each year.  
Priority: 1872  
Amount of appropriation: 0.003 c.f.s. or sufficient to water  
100 head of cattle and horses.  
Manner of use: Water conveyed from spring through about  
20 feet of iron pipe to two half barrels and thence through  
500 feet of 1 $\frac{1}{2}$  and 1 inch iron pipe to a watering trough  
located just inside field of appropriator in Lot 2, Section  
10, Township 14 N., Range 18 E., M.D.B. & M.

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Claimant: The Glenbrook Company Proof No. 02151  
Source: An unnamed spring  
Use: Quasi-municipal use, including irrigation of lawns  
Point of diversion: S.W. Corner SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11,  
Township 14 N., Range 18 E., M.D.B. & N.  
Period of use: January 1st to December 31st of each year.  
Priority: 1872  
Amount of appropriation: 0.12 c.f.s.

Means of diversion and manner of use: Water conveyed from spring through 40 feet of V-shaped flume to settling box, thence through 23 feet of pipe to a storage tank, 15 feet in diameter and 11.5 feet high. From tank water is conveyed through approximately 1,320 feet of 8 inch pipe to a point in Lot 3, Section 10, Township 14 N., Range 18 E., thence by distribution system to 3.56 acres in Lot 3, and 0.28 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10 of said township and range, where it is used for quasi-municipal purposes at Glenbrook Inn, Bliss House, cottages and surrounding lawns.

\* 2.28 acres also irrigated under Permit No. 8197.

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V.

That the irrigation season shall begin on May 1st and end on October 15, both dates inclusive, of each year, being a length of 168 days, except when climatic conditions are such that irrigation is not in accordance with good husbandry and actual beneficial use of water. The State Engineer shall then determine by examination the beginning of the irrigation season and set the date thereof, giving notice to the claimant and to all other parties concerned therewith. The setting of the date shall be for the sole purpose of administering and distributing the waters of the Glenbrook Creek stream system and its tributaries.

VI.

That the duty of water on lands irrigated from said Glenbrook Creek stream system and its tributaries is hereby adjudged and decreed and fixed as 4 acre feet per acre during the irrigation season for said lands; that the rate of flow to which said claimant is entitled for direct diversion shall be 0.018025 of a cubic foot of water per second for each acre of land irrigated based upon an irrigation season of 168 days, which said amount of water in uniform continuous flow will yield the acre feet allotment per acre as fixed as said duty of 4 acre feet; that during those periods of the irrigation season when the flow of water in the stream system will more than satisfy the continuous flow allotment of said claimant, subject to the condition that there be no undue interference with other water users, if any, shall be entitled to increase the rate of the claimant's direct diversion so as to satisfy the immediate needs of the growing crops and build up ground water storage; provided, that the total diversion for said claimant during any calendar month shall not exceed 1.5 acre feet for each acre of land granted a water right

1 herein; and, provided further, that the total diversion during  
2 the irrigation season shall not exceed the duty of water in acre  
3 feet as specified for such land.

4 VII.

5 That all measurements of amounts of water diverted are  
6 to be made at the point where the water in the ditch first becomes  
7 appurtenant to the land to be irrigated therefrom, or as near  
8 thereto as practicable, the location, if not selected by the State  
9 Engineer, to be approved by him. Due allowance for ditch losses  
10 shall be made by the State Engineer.

11 That substantial headgates or such other control works  
12 and weirs to facilitate the measurement and control of water,  
13 approved by the State Engineer, shall be installed whenever and  
14 wherever necessary to insure the proper distribution of the water  
15 in accordance with the rights to its said use.

16 VIII.

17 That the said claimant and/or any of its successors in  
18 interest shall have the right to rotate the use of water to which  
19 it or they may be collectively entitled between the various ditches  
20 diverting water from the said stream system; provided, that when-  
21 ever any of the lands as listed in said Final Order of Determina-  
22 tion are irrigated with waters of more than one source, the right  
23 to such combined use of said water from all said sources of supply  
24 shall not exceed the duty of water as allowed herein for said  
25 lands.

26 IX.

27 That all waters allocated in this decree shall be appur-  
28 tenant to the place or places of use designated herein. In the  
29 event it is desired to change the place of use of said waters as  
30 so allocated, the claimant or water user shall make application to

1 the State Engineer for permission to change such place of use  
2 according to law.

3 X.

4 That no person or persons holding a right of appropri-  
5 ation of water from Glenbrook Creek stream system and its tribu-  
6 taries not listed in this Decree shall be entitled to receive any  
7 water from said stream system and its tributaries until all appro-  
8 priations herein listed and set forth have been fully satisfied.

9 XI.

10 That the claimant and appropriator herein shall be  
11 entitled to the use of the water appropriated by said claimant  
12 and its predecessors in interest for stock watering, domestic  
13 and quasi-municipal use under Proofs Nos. 02148, 02149, 02150 and  
14 02151 during the entire year in the following amounts and quanti-  
15 ties of water, to wit: Under Proof No. 02148, a reasonable  
16 amount of water for stock watering and domestic purposes; under  
17 Proof No. 02149, not to exceed 0.003 cubic feet per second for  
18 stock watering purposes; under Proof No. 02150, not to exceed  
19 0.003 cubic feet per second for stock watering purposes; and  
20 under Proof No. 02151, not to exceed 0.12 cubic feet per second  
21 for quasi-municipal use, including irrigation of lawns; provided,  
22 that during the irrigation season the quantity of water herein  
23 allowed to be diverted for irrigation purposes shall include the  
24 amount of water herein allocated for stock and domestic purposes.

25 XII.

26 That the State Engineer, his assistants and water com-  
27 missioners shall be the administrators of the waters of the Glen-  
28 brook Creek stream system and its tributaries, and he shall make  
29 such rules and regulations as may be necessary for the proper dis-  
30 tribution of said waters so long as said rules conform to these

1 Findings, this Decree, and the Water Code of this State.  
2

3 XIII.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

5 That the claimant and appropriator hereinbefore named is  
6 the owner of the flow and the use of the several amounts of water  
7 appropriated to it as set forth herein, and in said Final Order of  
8 Determination where no change has been made herein; that said  
9 claimant and appropriator, and each of its servants, agents and  
10 attorneys, and all persons claiming by, through or under it or  
11 them, and its or their successors and assigns, in and to the water  
12 rights and land herein described, be and each of them is forever  
13 enjoined and restrained from claiming any rights in or to the  
14 waters of the said Glenbrook Creek stream system and its tributaries,  
15 except the rights herein allotted, allowed, prescribed and deter-  
16 mined, or allowed by permits which have been or may hereafter be  
17 granted by the State Engineer of the State of Nevada.  
18

19 XIV.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

21 That the claimant and appropriator herein, and each of  
22 its servants, agents and attorneys, and all persons claiming by,  
23 through or under it or them, and its or their successors and  
24 assigns, be and each of them is forever enjoined and restrained  
25 from diverting from the natural channel of said Glenbrook Creek or  
26 from any other means of diversion and transportation of water and  
27 from using any of the said water in any other manner, or at any  
28 other time, or for any other purpose or purposes or upon any other  
29 land or lands than as provided and prescribed by the terms of this  
30 Decree, or by permit granted or that may hereafter be granted by

1 the State Engineer of the State of Nevada.

2  
3 XV.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

5 That said claimant and appropriator herein and each of  
6 its servants, agents, attorneys or employees, and their successors  
7 in interest, and all and every person or persons acting in aid or  
8 assistance of any of said parties or either of them, be, and each  
9 of them is, hereby enjoined and restrained from in any manner  
10 meddling with, opening, closing, changing, injuring or interfering  
11 with any headgates, weirs, waterbox, flume or measuring device,  
12 placed, installed or established by the State Engineer or by his  
13 authority or direction, unless such act be done by the permission  
14 or authority of the said State Engineer and/or any of his assist-  
15 ants and water commissioners, if during the period of his regula-  
16 tion or control of said water, or if not done during such period,  
17 then by virtue of the allowances, authority, terms and provisions  
18 of this Decree or by a permit granted or that may hereafter be  
19 granted by the State Engineer of the State of Nevada.  
20

21 DATED this 2nd day of Sept, 1941.

22  
23 Arch J. Guild

24 District Judge.

25 Entered in Judgment Book E. Pages 104 to 116  
26 Service of the foregoing Findings, Fact, Conclusions  
27 Law and Decree by delivery of Copy thereof, admitted this  
28 30th day of July, 1941  
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STATE OF NEVADA }  
County of Douglas } ss.

I, N. K. Jensen, County Clerk of Douglas County, State of Nevada and ex-officio Clerk of the District Court, First Judicial District of the State of Nevada, in and for said County of Douglas; said Court being a Court of Record, having a common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing is a full, true, and correct copy of the original

Findings of Fact, Conclusions of Law and  
Decree

which now remains on File

in my office in Minden, in said county.

IN TESTIMONY WHEREOF, I have hereunto  
set my hand and affixed my Official Seal at  
Minden, in said County and State, this 19  
day of Sept, A. D., 1941.  
N. K. Jensen County Clerk.

STATE OF NEVADA }  
County of Douglas } ss.

I, N. H. Jepsen, County Clerk of Douglas County, State of Nevada and ex-officio Clerk of the District Court, First Judicial District of the State of Nevada, in and for said County of Douglas; said Court being a Court of Record, having a common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing is a full, true, and correct copy of the original Findings of Fact, Conclusions of Law and Verdict  
which now remains on File  
in my office in Minden, in said county.

IN TESTIMONY WHEREOF, I have hereunto  
set my hand and affixed my Official Seal at  
Minden, in said County and State, this 19  
day of Sept, A. D., 1941.  
N. H. Jepsen County Clerk.

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