

IN THE DISTRICT COURT OF THE STATE OF
STATE OF NEVADA COUNTY OF
WHITE PINE

Jacob Harris

Plaintiff

vs.

Alice Shekell
Joseph Oneto
Augustus Biggio
John Gheradello and
John Anderson

Defendants

Illipah Cr.

This action coming on regularly to be heard before the Court upon the 16th day of May 1887 being a day of a regular term of said District Court and all of said parties having been made parties to said proceedings and each and all of said parties being represented by counsel and the Court being fully advised in the premises. Now upon this day all of the said parties both plaintiff and defendants appear in open court by their respective Attys. and give their consent to the entering of this decree.

It is therefore ordered adjudged and decreed by the Court by virtue of the power in it vested, that each of the parties to this action have a vested right to the use of the waters of Illipah Creek which is a natural stream of water flowing to and upon the lands of said plaintiff and defendants and that the right to the use of said parties is hereby adjudged and decreed to be as follows: The said Jacob Harris is entitled to one share or the undivided one fourth interest in the use of the waters of said stream. The said Alice Shekell is entitled to one share or the undivided one fourth interest in the use of the waters of said stream. The said Augustus Giggio and partners, and Joseph Oneto are entitled to one share or the undivided one fourth interest in the use of the waters of said stream and the said John Anderson is entitled to one share or the one fourth interest in the use of the waters of said stream, and the use of and to the waters of said stream are hereby decreed to belong to the respective parties above mentioned in the proportion above specified and the right to appropriate and use the waters of said Illipah Creek is hereby decreed to the parties above mentioned in the following manner and conditions "to-wit".

That the said Plaintiff shall have and he is hereby granted the exclusive use (subject to the limitations hereinafter mentioned) of all the waters of said Illipah Creek for the first seven and one-half days in each and every month during the irrigating season in each and every year and his right to use the waters of said stream during such period of seven and one half days shall not in any manner be interrupted, interfered with, or curtailed by any of the parties hereto under any pretence whatsoever and in case either or any of the parties to this decree shall in any manner whatever interfere with the use of said water by said Jacob Harris, whereby its free and uninterrupted use by him shall be in any manner diminished shall pay to the said Jacob Harris as liquidated damages the sum of one hundred dollars per day for each and every day that the use of

1 said water is thus interfered with and in addition to said
2 damages shall forfeit the right to the use of any of the waters
of said stream under this decree.

3 It is further adjudged and decreed that the said
4 defendant Alice Shekell is hereby decreed to have and is hereby
5 granted (subject to the limitations hereinafter mentioned) the
6 exclusive use of all of the waters of said Illipah Creek for
7 the second seven and one half days in each month during the
8 irrigating season in each and every year without any interruption
9 or interference in any manner whatever upon the part of either
10 or any of the parties to this decree and in case any or either
11 of the parties hereto shall in any manner prevent the said
12 Alice Shekell from the enjoyment and use of all of the waters
of said stream during the time allotted to her by the provisions
hereof, the person or persons thus depriving her of its use as
aforesaid shall pay to the said Alice Shekell the sum of one
hundred dollars per day as liquidated damages for each and every
day during the time she was thus deprived of its use and in
addition thereto the party or person thus depriving her of the
use of the waters of said stream when she is entitled to use
the same, shall forfeit all right to the use of any of the
waters of said stream under this decree.

13 It is further adjudged and decreed that John Garadello,
14 and his partners and Joseph Oneto are and they are hereby decreed
15 to be conjointly and not severally, entitled to the use of all
16 the waters of said streams (subject to the limitations herein-
17 after mentioned) for the (fourth) seven and one half days in each
18 month and the use of said waters during the time allotted to the
19 said Garadello and his partners and the said Joseph Oneto, shall
20 be in such proportion as they may agree upon between themselves
21 without any molestation or hindrance from any of the other
22 parties hereto, provided that the use of said stream shall only
23 be had by either and all of said parties, Garadello, Biggionand
24 Oneta for the space of seven and one half days in each and ever
25 month during the irrigating season in each year and the particular
26 time being the fourth seven and one half days in each month
during which time they shall be entitled to the free and unin-
interrupted use of all of the waters of said stream subject to the
limitations hereinafter mentioned without any interference upon
the part of any of the parties to this decree and in case any
of the parties hereto shall in any manner deprive the said
Garadello, Biggio and Oneto of the use of said waters or any
part thereof during the time in which they are entitled to its
use under the provisions hereof the person or persons thus in-
terfering shall pay to the said Garadello and Biggio and Joseph
Oneto or either or any of them whose rights have been interfered
with the sum of one hundred dollars per day and in addition there-
to shall forfeit all right to the waters of said stream under
this decree.

27 It is further adjudged and decreed that John Anderson
28 defendant herein is entitled (subject to the limitations herein-
29 after mentioned) to the free and uninterrupted use of all of
30 the waters of said stream for the (third) seven and one half
31 days during each and every month of the irrigating season with-
32 out any interference upon the part of any of the parties to this
decree and in case any or either of the parties hereto shall in
any manner whatever interfere with or deprive the said John
Anderson of the use of the waters of said stream or any part there-
of during said time such person or persons shall pay to the
said John Anderson the sum of one hundred dollars per day as

1 liquidated damages and in addition thereto shall forfeit all
2 right to the waters of said stream under and by virtue of this
3 decree.

4 It is further adjudged and decreed, that the limitations
5 herebefore mentioned as to the right to the use of all of the
6 waters of said Illipah Creek by the parties above mentioned is
7 hereby declared to be subject to the free and uninterrupted flow
8 of said stream to the lands and premises of each of the parties
9 to this decree of sufficient water for domestic use for man and
10 beast, and neither of the parties hereto shall so appropriate
11 the waters of said stream so as to in any manner to deprive any
12 of the parties below him or thereupon said stream of sufficient
13 water for domestic purposes and any violation of this portion
14 of the decree as well as any violation of the decree in any
15 other respect whatever shall subject the parties violating the
16 same in addition to the other penalties as hereinbefore provided
17 to be punished for contempt and to be cited before the court or
18 before the Judge thereof as in other contempt proceedings.

19 It is further adjudged and decreed that each of the
20 parties to this decree are hereby perpetually enjoined and res-
21 trained from in anywise appropriating or using the waters of
22 said stream called Illipah Creek except in the manner and during
23 the time as in this decree mentioned and set forth.

24 Witness my hand this 16th day of May A.D. 1887.

25 (Signed) A. L. Fitzgerald
26 District Judge

27 (SEAL)
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