

1 IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
2 OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

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4 IN THE MATTER OF THE DETERMINATION OF THE)
5 RELATIVE RIGHTS IN AND TO THE WATERS OF)
6 LEONARD CREEK AND ITS TRIBUTARIES IN)
7 HUMBOLDT COUNTY, STATE OF NEVADA.)

No. 7475
FILED

MAR 3 1972

GRACE W. BELL
CLERK OF DIST. COURT

8 FINDINGS OF FACT, CONCLUSIONS OF LAW
9 JUDGMENT AND DECREE

10 This matter came on regularly for hearing on the 15th day of
11 November, 1971, before the Honorable Thomas J. O'Donnell, District
12 Judge presiding, the entire stream system being within Humboldt
13 County, State of Nevada, and he being the Judge designated by
14 NRS 533.165 to hear and having jurisdiction to hear the above-
15 entitled matter, upon the State Engineer's determination of the
16 relative rights of the petitioner and claimants to the use of
17 the waters of the stream system of Leonard Creek and its
18 tributaries, which Order of Determination and all related
19 documentary evidence had been filed by the State Engineer. There
20 being no exceptions to the Order of Determination filed or other-
21 wise submitted to the Court by the claimant or petitioner or any
22 other person or persons at least 5 days prior to the date set for
23 hearing as provided for under NRS 533.170, the matter was submitted
24 to the Court for its decision.

25 Starr Hill, Jr., Surface Water Engineer, L. Edward Parmenter,
26 Adjudication Engineer, and Brian A. Randall, Hydraulic Engineer,
27 appeared in the hearing and proceedings on behalf of the State
28 of Nevada and the Office of the State Engineer. James A.
29 Callahan, Esquire, appeared on behalf of the claimant, Pine
30 Forest Land and Stock Co.

1 The record disclosed that the claimant had received a
2 certified copy of the Court Order Setting Time for Hearing on the
3 Order of Determination.

4 The Surface Water Engineer thereupon, at the hearing, offered
5 verified affidavits, files and records of the State Engineer's
6 Office, all contained in the Order of Determination, which were
7 entered as evidence in support of the rights of the claimant in
8 and to the above-named stream system.

9 The Court, having duly considered the entire record and the
10 evidence introduced and received, directed that Findings of Fact,
11 Conclusions of Law, and Judgement and Decree be entered accord-
12 ingly.

13 FINDINGS OF FACT

14 I.

15 That on May 2, 1962, Pine Forest Land and Stock Company, a
16 water user on Leonard Creek and its tributaries, filed with the
17 State Engineer of the State of Nevada, a petition requesting the
18 determination of the relative rights of the petitioner and other
19 claimants to the waters of Leonard Creek, situate in Humboldt
20 County, State of Nevada.

21 That the State Engineer thereupon and in accordance with the
22 provisions of NRS 533.090, made an investigation of all facts and
23 conditions concerning the above-named stream system and its
24 tributaries for the purpose of disclosing whether the determin-
25 ation of such rights was justified and filed his report in the
26 Office of the State Engineer of the State of Nevada. The report
27 of the facts and conditions disclosed that a determination of the
28 relative rights was justified, and the State Engineer made and
29 entered his order on August 27, 1964, granting the petition for
30 the determination of such relative rights in and to the waters

1 of Leonard Creek and its tributaries.

2 That as a result of the State Engineer's investigation report,
3 it was found that the waters of Leonard Creek and its tributaries
4 are being placed to beneficial use for irrigation, stock watering
5 and domestic purposes as affirmed by Proofs of Appropriation 01683,
6 02687, 02688, 02689, 02691, and Amended Proof of Appropriation
7 01683, filed in the Office of the State Engineer. Evidence
8 contained in the title documents submitted by the claimant,
9 relative to the land, indicates the present claimant and appro-
10 priator, Pine Forest Land and Stock Company, is the successor in
11 interest to vested rights initiated by its predecessors.

12 That on the 3rd day of September, 1964, and once each week
13 for four succeeding weeks, the State Engineer did cause to be
14 published a Notice of Order and Proceedings to Determine Water
15 Rights in and to the waters of Leonard Creek and tributaries in
16 Humboldt County, State of Nevada, and that notice was duly given
17 to all claimants as required by law. That on the 11th day of
18 January, 1965, there was filed in the Office of the State Engineer
19 an affidavit of the publisher of The Winnemucca Humboldt Star,
20 exemplifying the Proof of Publication of the Notice of Order and
21 Proceedings.

22 That the State Engineer did cause to be published on the 12th
23 day of November, 1964, and once each week for four succeeding
24 weeks, a Notice of Order for Taking Proofs to Determine Water
25 Rights, in and to the waters of Leonard Creek and its tributaries
26 in Humboldt County, State of Nevada, and that notice was duly
27 given to all claimants as required by law. That on the 23rd
28 day of December, 1964, there was filed in the Office of the
29 State Engineer an affidavit of the publisher of The Winnemucca
30 Humboldt Star, exemplifying the Proof of Publication of the

1 Notice of Order for Taking Proofs.

2 That thereafter, in accordance with NRS 533.125, the State
3 Engineer did file in the records of his office, on August 14,
4 1970, a request to extend for 120 days the time in which proofs
5 may be filed. That he did grant an extension and that notice
6 thereof was given to all claimants.

7 That the State Engineer, in accordance with NRS 533.140, did
8 enter and file in the records of his office, on the 21st day of
9 June, 1971, an Abstract of Claims, a Preliminary Order of
10 Determination and Notice and Order Fixing and Setting Time and
11 Place of Inspection, stating when and where the evidence taken
12 or filed with him and the proofs of claims were open to the
13 inspection of all interested persons; and that notice thereof was
14 duly given to all claimants as required by law.

15 That the State Engineer, in accordance with NRS 533.160,
16 entered in the records of his office, on the 1st day of
17 September, 1971, an Order of Determination defining the rights
18 of the claimants and appropriators to the waters of Leonard Creek
19 and its tributaries and that notice thereof was duly given to all
20 claimants as required by law.

21 That upon the filing of the certified copy of the Order of
22 Determination and original evidence with the Clerk of the Court
23 of Humboldt County, State of Nevada, the Court, at the request
24 of the State Engineer, made and entered an Order on the 3rd
25 day of September, 1971, setting a time for hearing of any
26 exceptions to the Order of Determination on Monday, the 15th
27 day of November, 1971, at 1:00 o'clock in the afternoon in the
28 court room of the Court House at Winnemucca, Humboldt County,
29 Nevada; and that the clerk of said Court did furnish the State
30 Engineer with a certified copy thereof.

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I. PREFACE

On May 2, 1962, Pine Forest Land and Stock Company, a water user on Leonard Creek and its tributaries, filed with the State Engineer of the State of Nevada, a petition requesting a determination of the relative rights of the petitioner and other claimants to the waters of Leonard Creek, situate in Humboldt County, Nevada.

A field investigation was made of Leonard Creek on April 24, 1964, by L. Edward Parmenter, Adjudication Engineer, and John L. Cardinalli, then Hydraulic Engineer, both of the Division of Water Resources.

On August 27, 1964, the State Engineer entered an Order granting the petition and made proper arrangements to proceed with the determination of the relative rights of the water users in accordance with NRS 533.090.

On November 5, 1964, the State Engineer entered a Notice of Order for Taking Proofs to Determine Water Rights.

II. CLAIMANTS

The investigation disclosed that the waters of Leonard Creek and its tributaries are being placed to beneficial use for irrigation, stock watering and domestic purposes on lands of the Pine Forest Land and Stock Company, as affirmed by Proofs of Appropriation 01683, 02687, 02688, 02689, 02691, and Amended Proof of Appropriation 01683, filed in the Office of the State Engineer. Evidence contained in the title documents submitted by the claimant, relative to the land, indicates the present claimant and appropriator, the Pine Forest Land and Stock Company, is the successor in interest to vested rights initiated by its predecessors.

Proof of Appropriation 02690 (Diversion No. 4) was filed

1 November 5, 1970, by Pine Forest Land and Stock Company, claiming
2 a priority of 1967. Since March 1, 1905, is the date dividing
3 vested rights from permitted rights on surface water, the priority
4 of 1967, claimed in Proof 02690, cannot be considered in the
5 determination of vested rights in this proceeding and does not
6 establish a vested right.

7 Proof 02691 (Diversion No. 5) was filed November 5, 1970, by
8 Pine Forest Land and Stock Company, claiming priorities of 1967
9 and 1874. The lands with a 1967 priority claimed in Proof 02691,
10 cannot be considered in the determination of vested rights for
11 the reason explained in the preceding paragraph. The 1874
12 priority establishes vested rights as determined under Proof 02691
13 in Article IX in the Decree.

14 Proof 02539 was filed November 18, 1964, by Pine Forest Land
15 and Stock Company. No map was ever filed delineating the acreages
16 for which vested rights were claimed in the proof. By corres-
17 pondence dated February 8, 1971, the claimant requested that
18 Proof 02539, be withdrawn. No consideration was given to Proof
19 02539 in the determination of vested rights in this proceeding.

20 Proof 01683 was filed January 9, 1920, listing separately,
21 acreages irrigated from five different ditches. Amended Proof
22 01683 was filed June 9, 1923, changing the acreages irrigated
23 from the first three ditches. The acreages irrigated from the
24 last two ditches, Ditch No. 4 and Ditch No. 5, were not amended
25 and remained as originally filed. Vested rights in Article IX
26 in the Decree are determined from Amended Proof 01683 for
27 acreages irrigated from Ditches Nos. 1, 2, and 3 and from Proof
28 01683 for acreages irrigated from Ditches Nos. 4 and 5.

29 III. SOURCE

30 Leonard Creek heads near Duffer Peak at the south terminus

1 of the Pine Forest Range, and flows in a southerly direction for
2 a distance of approximately ten miles to the Leonard Creek Ranch
3 which is located near the north boundary of the Black Rock
4 Desert. There are numerous canyons in the mountains on the west
5 and east ridges of the Pine Forest Range which contribute water
6 to Leonard Creek. The main tributaries on the west ridge which
7 flow in a southeasterly direction are Chicken Creek, Snow Creek,
8 Sagehen Creek, New York Canyon Creek and Cherry Creek. The main
9 tributaries on the east ridge which flow in a southwesterly
10 direction are Teepee Creek and Sentinel Peak Creek. Leonard Creek
11 and its tributaries have a high runoff in the spring due to
12 melting snow and then recede to a minimum flow from many springs
13 for the remainder of the year.

14 IV. PERIOD OF USE

15 The irrigation season shall begin on March 15th and shall
16 extend through October 31 of each year.

17 V. DUTY OF WATER

18 There are two general areas of use of waters of Leonard Creek
19 and its tributaries; one area being in Leonard Creek Canyon within
20 Section 13, T.42N.,R.28E., M.D.B.&M., and the other area being
21 three to four miles south on the valley floor in Section 36,
22 T.42N.,R.28E., and in Sections 1, 11, 12, 14, and 15, T.41N.,
23 R.28E., M.D.B.&M.

24 Because of the gravelly soil in the upper area in Leonard
25 Creek Canyon, the seasonal duty of water from all sources is
26 herein fixed and shall not exceed:

27 Class A --- Harvest Crop --- 5.0 a.f./ac./season

28 The lower area on the valley floor has a finer textured soil
29 and the seasonal duty of water from all sources for this area is
30 herein fixed and shall not exceed:

1 Class A --- Harvest Crop --- 4.0 a.f./ac./ season

2 Class B --- Meadow Pasture --- 2.0 a.f./ac./season

3 VI. DIVERSION OF WATER AND METHOD OF USE

4 The claimant shall have the right to divert 2½ cubic feet
5 per second of water per 100 acres of land irrigated, but not to
6 exceed the seasonal duty as established herein.

7 The claimant or its successors in interest will not be
8 required to take or use the amount of water allotted to it in a
9 continuous flow, but may cumulate the same or any part thereof in
10 rotation or periodic turn within the seasonal limits, with the
11 approval of the water commissioner and subject to the control and
12 direction of the State Engineer.

13 VII. MEASUREMENT OF WATER

14 All measurements of water diverted are to be made at a point
15 where the main ditch enters or becomes adjacent to the land to be
16 irrigated or as near thereto as is practicable; the location if
17 not selected by the State Engineer, to be approved by him. The
18 water user shall install and maintain at its own expense, sub-
19 stantial and easily operated regulating headgates and measuring
20 devices in its ditch or ditches or channel. Due allowance for
21 losses in ditches will be made by the State Engineer in case it
22 becomes necessary.

23 Priorities are fixed by years and where the years are the
24 same, the priorities are equal.

25 VIII. STOCK WATERING AND DOMESTIC

26 The right to the diversion and use of water for stock
27 watering and domestic purposes shall be continued by the claimant
28 named herein or its successors in interest at any time during the
29 year and such diversions shall be according to the dates of
30 priorities of such user and limited to the quantity of water

1 reasonably necessary for such use. If a claimant is not in
2 priority for irrigation water then the claimant is not in
3 priority for stock water and domestic water.

4 The amount of water diverted for irrigation purposes shall
5 not be increased by any amount to be used for stock watering and
6 domestic purposes.

7 IX. CHANGE OF PLACE OF USE

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

13 X. RIGHTS OF APPROPRIATION

14 From the Order of Determination and the evidence, both oral
15 and documentary, submitted in support thereof, the Court finds
16 that the names of the claimant and appropriator of the waters of
17 Leonard Creek and its tributaries, the source of the water supply,
18 the means of diversion, the points of diversion for beneficial
19 use, the periods of use, the years of priority, the cultural
20 acreages, the places of use, the legal subdivisions, sections,
21 townships, ranges and the duty of water are as listed, stated and
22 set forth.

23 CONCLUSIONS OF LAW

24 From the evidence presented and received in this matter, and
25 from the foregoing FINDINGS OF FACT, the Court makes the following
26 CONCLUSIONS OF LAW:

27 I.

28 That the State Engineer had the right, authority and
29 jurisdiction pursuant to Chapter 533 of NRS to make the
30 investigation made by him, receive the proofs and maps, enter and

1 file in his office the original Order of Determination and file a
2 certified copy thereof in this Court, and to determine the
3 relative rights of claimant and appropriator in and to the waters
4 of Leonard Creek and its tributaries in Humboldt County, State of
5 Nevada; that the State Engineer duly made all orders necessary and
6 proper in connection therewith and entered the same in his office
7 as required by Chapter 533 of NRS; that each and every notice
8 required by law to be given herein to the claimant and appropria-
9 tor was duly served by the State Engineer in the manner and within
10 the time required by Statute, and that the notices contained all
11 of the statements required by law, and that the claimant and
12 appropriator of the waters of the above-named stream system and
13 its tributaries duly received the information and notices, as
14 required by law.

15 II.

16 That the Sixth Judicial District Court of the State of
17 Nevada, in and for the County of Humboldt, had and has jurisdic-
18 tion to hear and try this matter, and has jurisdiction to find,
19 make and enter the foregoing Findings of Fact and these Conclu-
20 sions of Law, and enter its Decree herein.

21 III.

22 That the Pine Forest Land and Stock Company is the only
23 claimant who was and is now the appropriator and user of the
24 waters of Leonard Creek and its tributaries on the date the Order
25 of Determination was filed with the Clerk of the Court, and on the
26 date of the trial and hearing of this matter.

27 IV.

28 That the irrigation season shall begin on March 15th and shall
29 extend through October 31st of each year.

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V.

That there are two general areas of use of waters of Leonard Creek and its tributaries; that one area is in Leonard Creek Canyon within Section 13, T.42N.,R.28E., M.D.B.&M., and the other area is three to four miles south on the valley floor in Section 36, T.42N.,R.28E., and in Sections 1, 11, 12, 14, and 15, T.41N., R.28E., M.D.B.&M.

That because of the gravelly soil in the upper area in Leonard Creek Canyon, the seasonal duty of water from all sources is herein fixed and shall not exceed:

Class A --- Harvest Crop --- 5.0 a.f./ac./season

That the lower area on the valley floor has a finer textured soil and the seasonal duty of water from all sources for this area is herein fixed and shall not exceed:

Class A --- Harvest Crop --- 4.0 a.f./ac./season

Class B --- Meadow Pasture --- 2.0 a.f./ac./season

VI.

That the claimant shall have the right to divert 2½ cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

That the claimant or its successors in interest will not be required to take or use the amount of water allotted to it in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn within the seasonal limits, with the approval of the water commissioner and subject to the control and direction of the State Engineer.

VII.

That all measurements of water diverted are to be made at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as is practicable; that the

1 location if not selected by the State Engineer, to be approved by
2 him. That the water user shall install and maintain at its own
3 expense, substantial and easily operated regulating headgates and
4 measuring devices in its ditch or ditches or channel. That due
5 allowance for losses in ditches will be made by the State Engineer
6 in case it becomes necessary.

7 That priorities are fixed by years and where the years are
8 the same, the priorities are equal.

9 VIII.

10 That the right to the diversion and use of water for stock
11 watering and domestic purposes shall be continued by the claimant
12 named herein or its successors in interest at any time during the
13 year and, such diversions shall be according to the dates of
14 priorities of such user and limited to the quantity of water
15 reasonably necessary for such use. That, if a claimant is not in
16 priority for irrigation water then the claimant is not in priority
17 for stock water and domestic water.

18 That the amount of water diverted for irrigation purposes
19 shall not be increased by any amount to be used for stock watering
20 and domestic purposes.

21 IX.

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

28 X.

29 That from the Order of Determination and the evidence both
30 oral and documentary, submitted in support thereof, the Court

1 finds that the names of the claimant and appropriator of the
2 waters of Leonard Creek and its tributaries, the source of the
3 water supply, the means of diversion, the points of diversion for
4 beneficial use, the periods of use, the years of priority, the
5 cultural acreages and places of use, the legal subdivisions,
6 sections, townships, ranges and the duty of water, are as listed,
7 stated and set forth.

8 XI.

9 That the Order of Determination made, filed and caused to be
10 entered of record in this matter by the State Engineer, should be
11 affirmed.

12 JUDGMENT AND DECREE

13 THEREFORE, BY REASON OF THE FINDINGS OF FACT AND CONCLUSIONS OF
14 LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED AND DECREED
15 BY THE COURT AS FOLLOWS:

16 I.

17 That the State Engineer made all necessary and proper orders
18 as required by law, and that each and every notice required by
19 law was duly given to the claimant and appropriator; that the
20 claimant and appropriator had full opportunity to appear and be
21 heard in objection to and file exceptions to the Order of Deter-
22 mination; that the claimant and appropriator, is the only
23 claimant and appropriator of the waters of Leonard Creek and its
24 tributaries and this Decree determines the limit and extent of all
25 vested water rights on the source.

26 That the Court has full and complete jurisdiction to hear,
27 try and determine this matter and to make and enter herein, this
28 Decree.

29 II.

30 That the flow of water from Leonard Creek and its tributaries

1 is being placed to beneficial use by the Pine Forest Land and
2 Stock Company for irrigation, stock watering and domestic purposes.

3 III.

4 That the irrigation season shall begin on March 15th and
5 shall extend through October 31st of each year.

6 IV.

7 That there are two general areas of use of waters of Leonard
8 Creek and tributaries; one area is in Leonard Creek Canyon within
9 Section 13, T.42N.,R.28E., M.D.B.&M., and the other area is three
10 to four miles south on the valley floor in Section 36, T.42N.,
11 R.28E., and in Sections 1, 11, 12, 14, and 15, T.41N.,R.28E.,
12 M.D.B.&M.

13 That because of the gravelly soil in the upper area in
14 Leonard Creek Canyon, the seasonal duty of water from all sources
15 is herein fixed and shall not exceed:

16 Class A --- Harvest Crop --- 5.0 a.f./ac./season

17 That the lower area on the valley floor has a finer textured
18 soil and the seasonal duty of water from all sources for this area
19 is herein fixed and shall not exceed:

20 Class A --- Harvest Crop ---- 4.0 a.f./ ac./season

21 Class B --- Meadow Pasture --- 2.0 a.f./ac./season

22 V.

23 That the claimant shall have the right to divert 2½ cubic
24 feet per second of water per 100 acres of land irrigated, but
25 not to exceed the seasonal duty as established herein.

26 That the claimant or its successors in interest will not be
27 required to take or use the amount of water allotted to it in a
28 continuous flow, but may cumulate the same or any part thereof
29 in rotation or periodic turn within the seasonal limits, with
30 the approval of the water commissioner and subject to the control

1 and direction of the State Engineer.

2 VI.

3 That all measurements of water diverted are to be made at a
4 point where the main ditch enters or becomes adjacent to the land
5 to be irrigated or as near thereto as is practicable; that the
6 location if not selected by the State Engineer, to be approved
7 by him. That the water user shall install and maintain at its own
8 expense, substantial and easily operated regulating headgates
9 and measuring devices in its ditch or ditches or channel. That
10 due allowance for losses in ditches will be made by the State
11 Engineer in case it becomes necessary.

12 That priorities are fixed by years and where the years are
13 the same, the priorities are equal.

14 VII.

15 That the right to the diversion and use of water for stock
16 watering and domestic purposes shall be continued by the claimant
17 named herein or its successors in interest at any time during the
18 year and such diversions shall be according to the dates of
19 priority of the claimant and limited to the quantity of water
20 reasonably necessary for such use. That if a claimant is not in
21 priority for irrigation water then the claimant is not in priority
22 for stock water and domestic water.

23 That the amount of water diverted for irrigation purposes
24 shall not be increased by any amount to be used for stock
25 watering and domestic purposes.

26 VIII.

27 That all water allotted in this Decree shall be appurtenant
28 to the place of use designated herein. That any water user
29 desiring to change the point of diversion, manner of use or place
30 of use of the waters allotted herein, must make application to the

1 State Engineer for permission to make the change pursuant to
 2 NRS 533.345.

3 IX.

4 That the name of the claimant and appropriator of the waters
 5 of Leonard Creek and its tributaries, the source of the water
 6 supply, the means of diversion, the points of diversion for
 7 beneficial use, the periods of use, the years of priority, the
 8 cultural acreages and places of use, the legal subdivisions,
 9 sections, townships, ranges and duty of water are hereby adjudged
 10 as follows:

11 PROOF NO. : 01683 and Amended 01683
 12 CLAIMANT : Pine Forest Land and Stock Company
 13 SOURCE : Leonard Creek and Tributaries
 14 USE : Irrigation and Stock Watering
 15 MEANS OF DIVERSION : Dam and Ditches

- 16 POINTS OF DIVERSION:
- 17 1. Ditch No. 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.42N., R.28E., M.D.B.&M.
 - 18 2. Ditch No. 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.42N., R.28E., M.D.B.&M.
 - 19 3. Ditch No. 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.42N., R.28E., M.D.B.&M.
 - 20 4. Ditch No. 4 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.42N., R.28E., M.D.B.&M.
 - 21 5. Ditch No. 5 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.42N., R.28E., M.D.B.&M.

22	PRIOR-:CULT.ACREAGE:		LOCATION			DUTY OF WATER		
	ITY :	HARVEST	SUBD.:	SEC.	TWP.N.	RGE.E.	CFS	AC.-FT.
23	1904	9.31	NE $\frac{1}{4}$ NE $\frac{1}{4}$	13	42	28	0.233	46.55
24	1903	1.50	SE $\frac{1}{4}$ NE $\frac{1}{4}$	13	42	28	0.037	7.50
25	1903	6.74	NE $\frac{1}{4}$ SE $\frac{1}{4}$	13	42	28	0.169	33.70
26	1903	<u>5.45</u>	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13	42	28	<u>0.136</u>	<u>27.25</u>
27	Total	23.00					0.575	115.00

1 PROOF NO. : 02687
 2 CLAIMANT : Pine Forest Land and Stock Company
 3 SOURCE : Leonard Creek and Tributaries
 4 USE : Irrigation and Stock Watering
 5 MEANS OF DIVERSION: - Dam and Ditch
 6 POINT OF DIVERSION:
 7 SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.42N., R.28E., M.D.B.&M.
 8 or at a point from which the SE corner of said
 9 Section 35 bears S. 40° 29' E., a distance of
 10 4240 feet.

PRIOR- ITY	CULT. ACREAGE			LOCATION	DUTY OF WATER				
	HARV.	HEAD.	PAST.		SEC.	TWP. N.	RGE. E.	CFS	AC.-FT.
11	1874	6.37	6.96	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	28	0.333	39.40
12	1874	2.64	---	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	28	0.066	10.56
13	1874	14.65	---	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	28	0.366	58.60
14	1874	12.01	---	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.300	48.04
15	1874	17.91	---	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.448	71.64
16	1874	20.60	---	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1	41	28	0.515	82.40
17	Total	74.18	6.96					2.028	310.64

18 PROOF NO. : 02688
 19 CLAIMANT : Pine Forest Land and Stock Company
 20 SOURCE : Leonard Creek and Tributaries
 21 USE : Irrigation and Stock Watering
 22 MEANS OF DIVERSION: Dam and Ditch
 23 POINT OF DIVERSION:
 24 NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.42N., R.28E., M.D.B.&M.
 25 or at a point from which the SE corner of said
 26 Section 36 bears S. 45° 44' E., a distance of
 27 4015 feet.

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PRIOR- ITY	CULT. : HARV.	ACREAGE : MEAD. PAST.	LOCATION : SUBD.	SEC.	TWP. N.	RGE. E.	DUTY OF WATER : CFS	AC. FT.
1874	---	2.24	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	28	0.056	4.48
1874	6.22	---	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	28	0.156	24.88
1874	0.68	---	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	42	28	0.017	2.72
1874	30.86	---	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.771	123.44
1874	23.55	----	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.589	94.20
1874	13.28	---	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1	41	28	0.332	53.12
1874	25.31	---	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1	41	28	0.632	101.24
1874	1.43	---	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1	41	28	0.036	5.72
1874	<u>4.20</u>	---	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	41	28	<u>0.105</u>	<u>16.80</u>
Total	105.53	2.24					2.694	426.60

PROOF NO. : 02689
 CLAIMANT : Pine Forest Land and Stock Company
 SOURCE : Leonard Creek and Tributaries
 USE : Irrigation and Stock Watering
 MEANS OF DIVERSION: Dam and Ditches
 POINT OF DIVERSION:
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T.41N., R.28E., M.D.B.&M.
 or at a point from which the NE corner of said Section 1,
 bears N. 84° 30' E., a distance of 4712 feet.

PRIOR- ITY	CULT. : HARVEST	ACREAGE : SUBD.	LOCATION : SEC.	TWP. N.	RGE. E.	DUTY OF WATER : CFS	AC.-FT.
1874	8.90	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.223	35.60
1874	6.62	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.165	26.48
1874	11.50	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	0.287	46.00
1874	<u>11.95</u>	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	28	<u>0.299</u>	<u>47.80</u>
Total	38.97					0.974	155.88

1 PROOF NO. : 02691
 2 CLAIMANT : Pine Forest Land and Stock Company
 3 SOURCE : Leonard Creek and Tributaries
 4 USE : Irrigation and Stock Watering
 5 MEANS OF DIVERSION: -Dam and Ditches

6 POINT OF DIVERSION:
 7 SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.41N., R.28E., M.D.B.&M.,
 8 or at a point from which the SE corner of said
 9 Section 11, bears S. 63° 15' E., a distance of
 2641 feet.

10	PRIOR-: CULT. ACREAGE:			LOCATION			: DUTY OF WATER	
	11	HARVEST	SUBD.	SEC.	TWP.	N. RGE. E.	CFS	AC. - FT.
11	1874	35.93	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14	41	28	0.898	143.72
12	1874	18.10	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14	41	28	0.453	72.40
13	1874	8.34	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14	41	28	0.208	33.36
14	1874	40.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14	41	28	1.000	160.00
15	1874	8.05	Lot 6	14	41	28	0.201	32.20
16	1874	0.60	Lot 5	14	41	28	0.015	2.40
17	1874	0.65	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15	41	28	0.016	2.60
18	1874	19.82	NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	41	28	0.496	79.28
19	1874	40.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15	41	28	1.000	160.00
20	1874	4.88	SW $\frac{1}{4}$ NE $\frac{1}{4}$	15	41	28	0.122	19.52
21	1874	<u>2.88</u>	Lot 1	15	41	28	<u>0.072</u>	<u>11.52</u>
22	Total	179.25					4.481	717.00

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 24 DONE IN OPEN COURT THIS 2nd Day
 25 OF March, A.D. 1972.

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 27 Thomas J. O'Donnell
 28 THOMAS J. O'DONNELL
 29 DISTRICT JUDGE
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