No. 301866 Dept. No. 3

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

* * * *

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO)
THE WATERS OF LEWERS CREEK)
(aka MUSKGROVE CREEK) AND ITS)
TRIBUTARIES IN WASHOE COUNTY,)
NEVADA)
)

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

This matter came on regularly for hearing on the 28th day of March, 1975, before the Honorable John E. Gabrielli, District Judge presiding. Lewers Creek and its tributaries are exemplified in these proceedings as being within Washoe County, State of Nevada, and Judge Gabrielli is a District Court Judge designated by NRS 533.165 to hear and to have jurisdiction to hear the above entitled matter of the State Engineer's determination of the relative ri hts of the claimants to the use of the waters of the stream system of Lewers Creek and its tributaries. The Order of Determination and all related documentary evidence had been previously filed with the Clerk of said district by the State Engineer.

Harry W. Swainston, Deputy Attorney General, Starr Hill, Jr., Surface Water Engineer, and L. Edward Parmenter, Adjudication Engineer, appeared in the hearing and proceedings on behalf of the State of Nevada and the office of the State Engineer.

The record disclosed that the claimants had received a certified copy of the Court Order Setting Time

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For Hearing on the Order of Determination.

Harry W. Swainston, thereupon, at the hearing, offered verified affidavits, files and records of the State Engineer's Office, all contained in support of the rights of the claimants in and to the above named stream system.

On March 28, 1975, the Court, having considered the entire record and the evidence introduced and received, including the cost bill, directed the State Engineer to prepare the Findings of Fact, Conclusions of Law, and Judgment and Decree affirming the Order of Determination, in accordance with NRS 533.185.

FINDINGS OF FACT

I.

The Court Finds: That the State Engineer after due consideration and investigation decided that facts and conditions warranted the initiation of proceedings to determine the relative rights of the claimants in and to the waters of Lewers Creek and its tributaries in Washoe County, State of Nevada.

That the investigation disclosed that the waters of Lewers Creek and its tributaries were being placed to beneficial use on lands of Henry E. and Minnie E. Heidenreich and Pietro A. and Bernice Bandera for irrigation, domestic and stock watering purposes; and on lands of Donald A. Cliff and Norman E. Cliff, James H. and Yvonne Lathrop, Norman E. and Barbara A. Evans, and Robert C. and Joan Evans for irrigation purposes. Evidence contained in title documents, affidavits and proofs of appropriation submitted by the present claimants, indicate that they are the successors in interest to vested rights initiated by their predecessors.

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That on October 22, 1971, the State Engineer entered an Order and made proper arrangements to proceed with the determination of the relative rights of the water users in accordance with NRS 533.090.

That on November 24, 1971, and once each week for four succeeding weeks, the State Engineer did cause to be published a Notice of Order and Proceedings to Determine Water Rights in and to the waters of Lewers Creek and its tributaries in Washoe County, State of Nevada, and that notice was duly given to all claimants as required by law. That on December 23, 1971, there was filed in the Office of the State Engineer an affidavit of the legal clerk of the Nevada State Journal, exemplifying the Proof of Publication of Notice of Order and Proceedings.

That the State Engineer did cause to be published on January 6, 1972, and once each week for four succeeding weeks, a Notice of Order for Taking Proofs to Determine Water Rights, in and to the waters of Lewers Creek in Washoe County, State of Nevada, and that notice was duly given to all claimants as required by law. That on February 10, 1972, there was filed in the Office of the State Engineer an affidavit of the record clerk of the Sparks Tribune, exemplifying the Proof of Publication of the Notice of Order for Taking Proofs.

That thereafter, in accordance with NRS 533.125 the State Engineer did file in the records of his office on April 20, 24, 25 and 28, 1972 and May 1, 1972, requests to extend the time in which proofs may be filed. That he did grant an extension of time to file proofs and that notices thereof were duly given to all claimants.

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That the State Engineer, in accordance with NRS 533.140, did file in the records of his office on July 1, 1974, an Abstract of Claims, a Preliminary Order of Determination, and a Notice and Order Fixing and Setting Time and Place of Inspection, stating when and where the evidence taken by or filed with him and the proofs of claims were open to the inspection of all interested persons; and that notice thereof was duly given to all claimants as required by law.

That on September 18, 1974, Objections to the Preliminary Order of Determination were filed in the State Engineer's Office by James H. Lathrop, Donald A. Cliff, Norman E. Cliff, Norman E. Evans and Henry E. and Minnie E. Heidenreich.

That on December 3, 1974, a Hearing of the Objections to the Preliminary Order of Determination was held before the State Engineer of the State of Nevada pursuant to NRS 533.150.

That the State Engineer, in accordance with NRS 533.160 entered in the records of his office, on January 31, 1975, an Order of Determination defining the rights of the claimants and appropriators to the waters of Lewers Creek and its tributaries and that notice thereof was duly given to all claimants as required by law.

That upon the filing of the certified copy of the Order of Determination and the original evidence with the Clerk of the Court of Washoe County, State of Nevada, the Court, at the request of the State Engineer, made and entered an Order on February 4, 1975, setting a time for hearing of any exception to the Order of Determination

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on Friday, March 28, 1975, at 11:00 o'clock in the forenoon in the court room of the Court House in Reno, Washoe County, Nevada; and that the Clerk of said Court did furnish the State Engineer with a certified copy thereof.

That the State Engineer, in accordance with NRS 533.165 gave notice to the claimants by service of a certified copy of the Court Order Setting Time for Hearing.

That on February 12, 1975, and once each week for four succeeding weeks, the State Engineer did cause to be published the Court Order Setting Time for Hearing, and that thereafter on March 13, 1975, there was filed in the Office of the State Engineer an affidavit of the legal clerk of the Reno Evening Gazette, exemplifying the Proof of Publication of the Court Order Setting Time For Hearing.

That the Court finds that all and singular, the Proceedings, Orders, and Notices required by Chapter 533 of NRS were duly had, made, and given as required by law, and that all and singular, the matters and things contained in the record were done, performed, given and made in strict compliance with the statutes, and that this Court had and has jurisdiction to hear and determine this matter.

II.

The Court Further Finds: That Lewers Creek and its tributaries exemplified in these proceedings is situated wholly within Washoe County, State of Nevada.

III.

The Court Further Finds: That the names of the claimants and appropriators of the waters of Lewers Creek and its tributaries, the source of the water supply, the manner of use of the water, the period of use, the duty of

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water, the diversion of water and method of use, measurement of water, stock watering and domestic use, change of place of use, and the rights of appropriation of the water, all as set forth in the Order of Determination are true, proper and correct, and all and singular, the same should be approved and confirmed.

I. SOURCE

The headwaters of Lewers Creek originate in the Carson Range at an elevation of 7,100 feet, approximately 2 miles northeasterly of Marlette Peak. The creek flows northeasterly through the mountains for 2 miles and then enters Washoe Valley. The stream is fed by springs and melting snow, having a relatively high spring runoff which later recedes to an intermittent flow and frequently becomes dry in the late summer months.

II. PERIOD OF USE

Water for irrigation is allowed to be used at any time during the year, provided that the amount applied to the land during any calendar year shall not exceed the quantity in acre feet herein set forth.

III. DUTY OF WATER

The seasonal duty of water on lands irrigated from Lewers Creek and its tributaries is herein fixed and shall not exceed:

Class A...Harvest crop... 4.5 ac.ft./ac./season

Class B...Meadow Pasture. 4.0 ac.ft./ac./season

IV. DIVERSION OF WATER AND METHOD OF USE

The claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty in acre

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feet as established herein.

The claimants or their successors in interest will not be required to take or use the amount of water allotted to them 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.

V. MEASUREMENT OF WATER

All measurements of water diverted are to be made at a point where the mainditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location, if not selected by the State Engineer, is to be approved by him. The claimants shall install and maintain at their own expense, substantial and easily operated regulating headgates and measuring devices in their ditch or ditches or channel. Due allowance for losses in ditches will be made by the State Engineer in the event it becomes necessary.

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

VI. STOCK WATERING AND DOMESTIC

The right to the diversion and use of water for stock watering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and such diversions shall be according to the dates of priorities of such water users and limited to the quantity of water reasonably necessary for such use. If a claimant is not in priority for irrigation water then the claimant is not in priority for stock water

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and domestic water.

The amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for stock watering and domestic purposes.

VII. CHANGE OF PLACE OF USE

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

VIII. RIGHTS OF APPROPRIATION

From the Order of Determination and the documentary evidence presented at the hearing in support thereof, the Court finds that the names of the claimants and appropriators of the waters of Lewers Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are as listed, stated and set forth.

CONCLUSIONS OF LAW

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

I.

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That the State Engineer had the right, authority and jurisdiction pursuant to Chapter 533 of NRS to make the investigation made by him, receive the proofs and maps, enter and file in his office the original Order of Determination and file a certified copy thereof in this Court, and to determine the relative rights of the claimants and appropriators in and to the waters of Lewers Creek and its tributaries in Washoe County, State of Nevada; that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of NRS. That each and every notice required by law to be given herein to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by statute, and that the notices contained all of the statements required by law, and that the claimants and appropriators of the waters of the above named stream system and its tributaries duly received the information and notices, as required by law.

II.

That the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, had and has jurisdiction to hear and try this matter, and has jurisdiction to find, make and enter the foregoing Findings of Fact and these Conclusions of Law and enter its Decree herein.

III.

That Henry E. and Minnie E. Heidenreich, Pietro A. and Bernice Bandera, Donald A. Cliff, Norman E. Cliff, Norman E. and Barbara A. Evans, Robert C. and Joan Evans and James H. and Yvonne Lathrop are the only claimants of vested rights recognized in this Decree who were appropriators

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and users of the Waters of Lewers Creek and its tributaries on the date the Order of Determination was filed with the Clerk of the Court, and on the date of the hearing on this matter.

IV.

That the water for irrigation is allowed to be used at any time during the year, provided that the amount applied to the land during any calendar year shall not exceed the quantity in acre feet herein set forth.

V.

That the seasonal duty of water on lands irrigated from Lewers Creek and its tributaries is herein fixed and shall not exceed:

Class A...Harvest Crop... 4.5 ac.ft./ac./season

Class B...Meadow Pasture. 4.0 ac.ft./ac./season

VI.

That the claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty in acre feet as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water allotted to them 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

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adjacent to the land to be irrigated or as near thereto as is practicable; that the location, if not selected by the State Engineer, is to be approved by him. That the claimants shall install and maintain at their own expense, substantial and easily operated regulating headgates and measuring devices in their ditch or ditches or channel. That due allowance for losses in ditches will be made by the State Engineer in the event it becomes necessary.

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

VIII.

That the right to the diversion and use of water for stock watering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and such diversions shall be according to the dates of priorities of such water users and limited to the quantity of water reasonably necessary for such use. If a claimant is not in priority for irrigation water then the claimant is not in priority for stock water and domestic water.

That the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for stock watering and domestic purposes.

IX.

That all water allotted in the Decree shall be appurtenant to the place of use designated herein. That any water user desiring to change the point of diversion, manner

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of use or place of use of the waters allotted herein, must make application to the State Engineer for permission to make the change pursuant to NRS 533.345.

X.

That from the Order of Determination and the documentary evidence presented at the hearing in support thereof, the Court concludes that the names of the claimants and appropriators of the waters of Lewers Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are as listed, stated and set forth.

XI.

That the Order of Determination, filed and caused to be entered of record in this 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 as required by law, and that each and every notice required by law was duly given to the claimants and appropriators; that the claimants and appropriators had full opportunity to appear and be heard in objection to and file exceptions to the Order of Determination; that Henry E. and Minnie E. Heidenreich, Pietro A. and Bernice Bandera,

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Donald A. Cliff, Norman E. Cliff, Norman E. and Barbara A. Evans, Robert C. and Joan Evans, and James H. and Yvonne Lathrop are the only claimants of vested water rights recognized in this Decree as appropriators of the waters of Lewers Creek and its tributaries and that this Decree determines the limit and extent of all vested water rights on the source.

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

II.

That the waters of Lewers Creek and its tributaries are being placed to beneficial use by Henry E. and Minnie E. Heidenreich, Pietro A. and Bernice Bandera, Donald A. Cliff, Norman E. Cliff, Norman E. and Barbara A. Evans, Robert C. and Joan Evans, and James H. and Yvonne Lathrop for irrigation, stock watering, and domestic purposes.

III.

That the water for irrigation is allowed to be used at any time during the year, provided that the amount applied to the land during any calendar year shall not exceed the quantity in acre feet herein set forth.

IV.

That the seasonal duty of water on lands irrigated from Lewers Creek and its tributaries is herein fixed and shall not exceed:

Class A...Harvest Crop... 4.5 ac.ft./ac./season

Class B...Meadow Pasture. 4.0 ac.ft./ac./season

V.

That the claimants shall have the right to divert

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2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water alloted to them 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.

VI.

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 location, if not selected by the State Engineer, is to be approved by him. That the claimants shall install and maintain at their own expense, substantial and easily operated regulating headgates and measuring devices in their ditch or ditches or channel. That due allowance for losses in ditches will be made by the State Engineer in the event it becomes necessary.

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

VII.

That the right to the diversion and use of water for stock watering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and such diversions shall be according to the dates of priorities of such water users and limited to the quantity of water reasonably necessary for such use. If a claimant is not in priority for irrigation

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water, then the claimant is not in priority for stock water and domestic water.

That the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for stock watering and domestic purposes.

VIII.

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

IX.

That the names of the claimants and appropriators of the waters of Lewers Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are hereby adjudged as follows:

PROOF NO.	02771
CLAIMANTS:	Henry E. and Minnie E. Heidenreich
SOURCE:	Lewers Creek (aka Muskgrove Creek) and Tributaries
USE:	Irrigation, Stock Watering and Domestic
MEANS OF DIVERSION:	Dams, Ditches, Pipeline and Storage Tanks

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PROOF NO.: 02771 (continued)

POINTS OF DIVERSION:

1. A spring in the NE¼ NE¼ Section 28, T.16N., R.19E., M.D.B.&M., or at a point from which the NE corner of said Section 28, bears N. 49° 12' E., a distance of 1,297 feet.

2. A spring in the NE¼ NE¼ Section 28, T.16N., R.19E., M.D.B.&M., or at a point from which the NE corner of said Section 28, bears N. 61° 30' E., a distance of 1,380 feet.

3. SE¼ SE¼ Section 21, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 21, bears S. 49° 32' E., a distance of 908 feet.

4. SE¼ SE¼ Section 21, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 21 bears S. 13° 26' E., a distance of 1,209 feet.

5. NW¼ SW¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SW corner of said Section 22, bears S. 4° 09' W., a distance of 1,625 feet.

6. A spring in the NE¼ SE¼ Section 21, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 21, bears S. 22° 28' E., a distance of 2,579 feet.

7. NW¼ SW¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SW corner of said Section 22, bears S. 10° 10' W., a distance of 1,887 feet.

8. SW¼ NW¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SW corner of said Section 22, bears S. 11° 15' W., a distance of 2,982 feet.

9. SW¼ NW¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SW corner of said Section 22, bears S. 10° 07' W., a distance of 3,772 feet.

10. SE¼ NE¼ Section 21, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 21, bears S. 15° 55' E., a distance of 4,087 feet.

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PROOF NO.: 02771 (continued)

PRIORITY:	CULT. ACRE. HARV.	MEAD. PAST.	SUBD.	LOCATION SEC.	TWP. N.	RGE. E.	DUTY OF WATER C.F.S.	AC.FT.
1860	- -	19.26	NE¼NE¼	28	16	19	0.482	77.04
1860	- -	1.24	NW¼NW¼	27	16	19	0.031	4.96
1860	- -	8.26	SE¼SE¼	21	16	19	0.206	33.04
1860	- -	3.84	SW¼SW¼	22	16	19	0.096	15.36
1860	8.86	1.51	NW¼SW¼	22	16	19	0.259	45.91
1860	18.10	- -	SW¼NW¼	22	16	19	0.452	81.45
1860	- -	15.29	NW¼NW¼	22	16	19	0.382	61.16
1860	- -	7.75	NE¼NE¼	21	16	19	0.194	31.00
1860	15.09	4.50	SE¼NE¼	21	16	19	0.490	85.91
1860	2.69	7.67	NE¼SE¼	21	16	19	0.259	42.78
TOTALS	44.74	69.32					2.851	478.61

PROOF NO.: 02772

CLAIMANTS: Pietro A. and Bernice Bandera

SOURCE: Bandera Springs, Tributary to Lewers Creek

USE: Irrigation, Stock Watering and Domestic

MEANS OF DIVERSION: Spring Area, Ditches and Pipeline

POINT OF DIVERSION: SE¼NE¼ Section 21, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 21, bears S. 15° 55' E., a distance of 4,087 feet.

PRIORITY:	CUL. ACREAGE HARVEST	SUBD.	LOCATION SEC.	TWP. N.	RGE. E.	DUTY OF WATER C.F.S.	AC.FT.
1860	5.80	NE¼NE¼	21	16	19	0.145	26.10
1860	5.70	SE¼NE¼	21	16	19	0.142	25.65
TOTAL	11.50					0.287	51.75

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PROOF NO.: Amended 02773

CLAIMANTS: Donald Alvin Cliff and Norman Emmitt Cliff

SOURCE: Lewers Creek (aka Muskgrove Creek) and Tributaries

USE: Irrigation

MEANS OF DIVERSION: Dam and Ditches

POINT OF DIVERSION: SE¼ NW¼ Section 14, T.16N., R.19E., M.D.B.&M., or at a point from which the NW corner of said Section 14, bears N. 38° 35' W., a distance of 2,125 feet

PRIORITY	CULT. ACREAGE HARVEST	LOCATION SUBD.	SEC.	TWP. N.	RGE. E.	DUTY OF WATER C.F.S.	AC.FT.
1903	25.38	NE¼NW¼	14	16	19	0.634	114.21
1903	6.79	NW¼NE¼	14	16	19	0.170	30.56
1903	14.03	SE¼NW¼	14	16	19	0.351	63.13
1903	4.84	SW¼NE¼	14	16	19	0.121	21.78
TOTAL	51.04					*1.276	*229.68

*The lands tabulated above are allowed to use any of the runoff waste waters draining from lands of higher elevation, provided that the quantity of water used by the subject lands from all sources shall not exceed the flow and the quantity in acre feet hereinbefore designated.

PROOF NO.: Amended 02774

CLAIMANTS: James H. and Yvonne Lathrop

SOURCE: Lewers Creek (aka Muskgrove Creek) and Tributaries

USE: Irrigation

MEANS OF DIVERSION: Dam and Ditches

POINT OF DIVERSION: NW¼ NW¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SW corner of said Section 22, bears S. 12° 10' W., a distance of 5,020 feet.

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PROOF NO.: Amended 02774 (continued)

PRIORITY	CULT. ACRE. HARV.	CULT. ACRE. MEAD. PAST.	SUBD.	LOCATION SEC.	TWP. N.	RGE. E.	DUTY OF WATER C.F.S.	DUTY OF WATER AC.FT.
1903	1.03	- -	SW¼SW¼	15	16	19	0.026	4.64
1903	15.42	- -	SE¼SW¼	15	16	19	0.386	69.39
1903	31.13	- -	SW¼SE¼	15	16	19	0.778	140.08
1903	8.61	15.32	SE¼SE¼	15	16	19	0.598	100.03
1903	2.27	- -	NW¼NW¼	22	16	19	0.057	10.21
1903	12.08	- -	NE¼NW¼	22	16	19	0.302	54.36
1903	9.92	- -	NW¼NE¼	22	16	19	0.248	44.64
1903	- -	6.05	NE¼NE¼	22	16	19	0.151	24.20
TOTAL	80.46	21.37					*2.546	*447.55

*The lands tabulated above are allowed to use any of the runoff waste waters draining from lands of higher elevation, provided that the quantity of water used by the subject lands from all sources shall not exceed the flow and the quantity in acre feet hereinbefore designated.

PROOF NO.: Amended 02776

CLAIMANTS: Norman E. Evans and Barbara A. Evans
Robert C. Evans and Joan Evans

SOURCE: Lewers Creek (aka Muskgrove Creek) and Tributaries

USE: Irrigation

MEANS OF DIVERSION: Dam and Ditches

POINT OF DIVERSION: SE¼ NW¼ Section 14, T.16N., R.19E., M.D.B.&M., or at a point from which the NW corner of said Section 14, bears N. 38° 35' W., a distance of 2,125 feet.

STATE OF NEVADA
DIVISION OF WATER RESOURCES
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
NYE BUILDING
201 S. FALL STREET
CARSON CITY, NEVADA
89701
2801A

PROOF NO.: Amended 02776 (continued)

PRIOR-ITY:	CULT. ACRE. MEADOW PASTURE	LOCATION SUBD.	SEC.	TWP. N.	RGE. E.	DUTY OF WATER C.F.S.	AC.FT.
1903	2.82	SW¼NW¼	14	16	19	0.071	11.28
1903	25.96	SE¼NW¼	14	16	19	0.649	103.84
1903	7.25	SW¼NE¼	14	16	19	0.181	29.00
1903	4.14	NW¼SW¼	14	16	19	0.103	16.56
1903	13.54	NE¼SW¼	14	16	19	0.339	54.16
1903	4.64	NW¼SE¼	14	16	19	0.116	18.56
TOTAL	58.35					*1.459	*233.40

*The lands tabulated above are allowed to use any of the runoff waste waters draining from lands of higher elevation, provided that the quantity of water used by the subject lands from all sources shall not exceed the flow and the quantity in acre feet hereinbefore designated.

DATED this 18th day of August, 1976.

/s/ John E. Gabrielli
District Judge

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