

1 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
2 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ESMERALDA

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

FILED

*July 9th 1973*  
*[Signature]*

9  
10 FINDINGS OF FACT, CONCLUSIONS OF LAW

11 JUDGMENT AND DECREE

12 This matter came on regularly for hearing on the 5th day  
13 of February, 1973, before the Honorable Kenneth L. Mann, District  
14 Judge presiding, the portion of McAfee Creek and its tribu-  
15 taries exemplified in these proceedings, being within Esmeralda  
16 County, State of Nevada, and he being the Judge designated by  
17 NRS 533.165 to hear and having jurisdiction to hear the above-  
18 entitled matter, upon the State Engineer's determination of the  
19 relative rights of the petitioner and claimants to the use of the  
20 waters of the stream system of McAfee Creek and its tributaries,  
21 which Order of Determination and all related documentary evidence  
22 had been filed by the State Engineer. There being no exceptions  
23 to the Order of Determination filed or otherwise submitted to the  
24 Court by the claimants, petitioners, or any other person or  
25 persons at least 5 days prior to the date set for hearing as  
26 provided for under NRS 533.170, the matter was submitted to the  
27 court for its decision.

28 Ross de Lipkau, Attorney at Law, Starr Hill, Jr., Surface  
29 Water Engineer, L. Edward Parmenter, Adjudication Engineer, and  
30 Bruce L. Rice, Hydraulic Engineer, appeared in the hearing and

1 proceedings on behalf of the State of Nevada and the office of  
2 the State Engineer. Pete Bruinsma appeared on behalf of the  
3 claimants, Pete and Gertrude Bruinsma.

4 The record disclosed that the claimants had received a  
5 certified copy of the Court Order Setting Time for Hearing on the  
6 Order of Determination.

7 Ross de Lipkau, thereupon, at the hearing, offered verified  
8 affidavits, files and records of the State Engineer's Office, all  
9 contained in the Order of Determination, which were entered as  
10 evidence in support of the rights of the claimants in and to the  
11 above-named stream system.

12 The Court, having duly considered the entire record and  
13 the evidence introduced and received, directed that Findings of  
14 Fact, Conclusions of Law, and Judgment and Decree be entered  
15 accordingly.

#### 16 FINDINGS OF FACT

##### 17 I.

18 That on August 7, 1959, Ernest M. and Pauline W. Pellkofer,  
19 water users on McAfee Creek and its tributaries, filed with the  
20 State Engineer of the State of Nevada, a petition requesting the  
21 determination of the relative rights of the petitioner and other  
22 claimants to the waters of McAfee Creek and its tributaries,  
23 situate in Esmeralda County, State of Nevada.

24 That the State Engineer thereupon and in accordance with  
25 the provisions of NRS 533.090, made an investigation of all facts  
26 and conditions concerning the above-named stream system and its  
27 tributaries for the purpose of disclosing whether the determina-  
28 tion of such rights was justified and filed his report in the  
29 Office of State Engineer of the State of Nevada. The report of  
30 the facts and conditions disclosed that a determination of the

1 relative rights was justified, and the State Engineer made and  
2 entered his Order on March 29, 1962, granting the petition for the  
3 determination of such relative rights in and to the waters of  
4 McAfee Creek and its tributaries.

5 That as a result of the State Engineer's investigation  
6 report, it was found that the waters of McAfee Creek and its  
7 tributaries are being placed to beneficial use for irrigation,  
8 stock watering, and domestic purposes as affirmed by Amended  
9 Proof of Appropriation 02733, filed in the Office of the State  
10 Engineer. Evidence contained in the title documents submitted  
11 by the claimants, relative to the land, indicates the present  
12 claimants and appropriators, Pete and Gertrude Bruinsma, are the  
13 successors in interest to vested rights initiated by their  
14 predecessors.

15 That on the 6th day of April, 1962, and once each week for  
16 four succeeding weeks, the State Engineer did cause to be  
17 published a Notice of Order and Proceedings to Determine Water  
18 Rights in and to the waters of McAfee Creek and its tributaries  
19 in Esmeralda County, State of Nevada, and that notice was duly  
20 given to all claimants as required by law. That on the 7th day  
21 of May, 1962, there was filed in the Office of the State Engineer  
22 an affidavit of the publisher of the Tonopah Times-Bonanza and  
23 Goldfield News, exemplifying the Proof of Publication of Notice  
24 of Order and Proceedings.

25 That the State Engineer did cause to be published on the  
26 5th day of July, 1963, and once each week for four succeeding  
27 weeks, a Notice of Order for Taking Proofs to Determine Water  
28 Rights, in and to the waters of McAfee Creek and its tributaries  
29 in Esmeralda County, State of Nevada, and that notice was duly  
30 given to all claimants as required by law. That on the 5th day

1 of August, 1963, there was filed in the Office of the State  
2 Engineer an affidavit of the publisher of the Tonopah Times-  
3 Bonanza and Goldfield News, exemplifying the Proof of Publication  
4 of the Notice of Order for Taking Proofs.

5 That thereafter, in accordance with NRS 533.125, the  
6 State Engineer did file in the records of his office on October  
7 17, 1971, and on December 17, 1971, requests to extend the time  
8 in which proofs may be filed. That he did grant extensions and  
9 that notice thereof was given to all claimants.

10 That the State Engineer, in accordance with NRS 533.140,  
11 did enter and file in the records of his office on the 7th day of  
12 July, 1972, on Abstract of Claims, a Preliminary Order of  
13 Determination, and a Notice and Order Fixing and Setting Time and  
14 Place of Inspection, stating when and where the evidence taken or  
15 filed with him and the proofs of claims were open to the inspec-  
16 tion of all interested persons; and that notice thereof was duly  
17 given to all claimants as required by law.

18 That the State Engineer, in accordance with NRS 533.160  
19 entered in the records of his office, on the 20th day of November,  
20 1972, an Order of Determination defining the rights of the claim-  
21 ants and appropriators to the waters of McAfee Creek and its  
22 tributaries and that notice thereof was duly given to all claimants  
23 as required by law.

24 That upon the filing of the certified copy of the Order of  
25 Determination and the original evidence with the Clerk of the  
26 Court of Esmeralda County, State of Nevada, the Court, at the  
27 request of the State Engineer, made and entered an Order on the  
28 4th day of December, 1972, setting a time for hearing of any  
29 exceptions to the Order of Determination on Monday, the 5th day of  
30 February, 1973, at 10:00 o'clock of the forenoon in the courtroom

1 of the Court House in Goldfield, Esmeralda County, Nevada; and  
2 that the clerk of said Court did furnish the State Engineer with  
3 a certified copy thereof.

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

7 That on the 15th day of December, 1972, and once each week  
8 for four succeeding weeks, the State Engineer did cause to be  
9 published the Court Order Setting Time for Hearing, and that  
10 thereafter on the 15th day of January, 1973, there was filed in  
11 the office of the State Engineer an affidavit of the publisher of  
12 the Tonopah Times-Bonanza and Goldfield News, exemplifying the  
13 Proof of Publication of the Court Order Setting Time for Hearing.

14 That the Court finds that all and singular, the Proceed-  
15 ings, Orders and Notices required by Chapter 533 of NRS were duly  
16 had, made and given as required by law, and that all and singular,  
17 the matters and things contained in the record were done, per-  
18 formed, given and made in strict compliance with the statute, and  
19 that this Court had and has jurisdiction to hear and determine  
20 this matter.

21 II.

22 The Court Further Finds: That the portion of McAfee Creek  
23 and its tributaries exemplified in these proceedings, is situated  
24 wholly within Esmeralda County, State of Nevada.

25 III.

26 The Court Further Finds: That the names of the claimants  
27 and appropriators, the source of water supply, the period of use,  
28 the duty of water, the diversion of water and method of use,  
29 measurement of water, stock water and domestic use, change of  
30 place of use, and the rights of appropriation of the water, all as

1 set forth in the Order of Determination are true, proper and  
2 correct, and all and singular, the same should be approved and  
3 confirmed.

#### 4 I. PREFACE

5 On August 7, 1959, Ernest M. and Pauline W. Pellkofer,  
6 water users on McAfee Creek and its tributaries, filed with the  
7 State Engineer of the State of Nevada, a petition requesting a  
8 determination of the relative rights of the petitioner and other  
9 claimants to the waters of McAfee Creek and its tributaries,  
10 situate in Esmeralda County, Nevada.

11 A field investigation was made of McAfee Creek on June 16,  
12 1960, by Thomas J. Smales, then Hydraulic Engineer, and Roland D.  
13 Westergard, then Junior Hydraulic Engineer, both of the Division  
14 of Water Resources.

15 On March 29, 1962, the State Engineer entered an Order  
16 granting the petition and made proper arrangements to proceed with  
17 the determination of the relative rights of the water users in  
18 accordance with NRS 533.090.

19 On June 17, 1963, the State Engineer entered a Notice of  
20 Order for Taking Proofs to Determine Water Rights.

#### 21 II. CLAIMANTS

22 The investigation disclosed that the waters of McAfee Creek  
23 and its tributaries were being placed to beneficial use on the  
24 lands of Ernest M. and Pauline W. Pellkofer for irrigation, stock  
25 watering and domestic purposes, as evidenced by Amended Proof of  
26 Appropriation 02733, filed in the Office of the State Engineer.  
27 Evidence contained in the title documents and the proof of  
28 appropriation submitted by the present claimants relative to the  
29 land, indicates the present claimants and appropriators, Pete and  
30 Gertrude Bruinsma, are successors in interest to vested rights

1 initiated by their predecessors.

2 Amended Proof of Appropriation 02733 was filed by the  
3 claimants to correct certain deficiencies in Proof 02733.

4 Amended Proof 02733 was used in determining vested rights for  
5 irrigation use in these proceedings.

6 Proof of Appropriation 02734, was filed in the Office of  
7 the State Engineer on March 1, 1972, by Pete and Gertrude Bruinsma  
8 for stock watering purposes. By letter addressed to the State  
9 Engineer and dated May 22, 1972, Edward C. Reed, Jr., attorney for  
10 the Bruinsmas, declared that his clients did not wish Proof of  
11 Appropriation 02734 considered in the proceedings and for this  
12 reason no determination has been made of claims set forth in  
13 Proof of Appropriation 02734.

14 III. SOURCE

15 McAfee Creek heads on the east slope of the White Mountain  
16 Range and flows in an easterly direction over an alluvial fan and  
17 terminates on the floor of Fish Lake Valley. Like most of Nevada's  
18 mountain streams, McAfee Creek has a relatively high spring runoff  
19 from melting snow and recedes to a minimum flow, discharged from  
20 many springs for the remainder of the year.

21 IV. PERIOD OF USE

22 The irrigation season shall begin on January 1st and extend  
23 through December 31st of each year.

24 V. DUTY OF WATER

25 The lands irrigated by McAfee Creek are situated on the  
26 lower portion of an alluvial fan consisting of detrital material  
27 from the White Mountains to the immediate southwest. Because of  
28 the pervious nature of the gravelly soil, the annual duty of water  
29 from McAfee Creek and its tributaries is herein fixed at and shall  
30 not exceed:

1 Class A-----Harvest Crop-----5.0 Ac.-Ft./Ac./Year  
2 Class B ----Meadow Pasture ----- 3.0 Ac.-Ft./Ac./Year  
3 Class C --- Diversified Pasture ---1.0 Ac.-Ft./Ac./Year

4 VI. DIVERSION OF WATER AND METHOD OF USE

5 The claimants shall have the right to divert 2.5 cubic  
6 feet per second of water per 100 acres of land irrigated, but  
7 not to exceed the annual duty as established herein.

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

14 VII. MEASUREMENT OF WATER

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

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

26 VIII. STOCK WATERING AND DOMESTIC

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

1 priorities of such users and limited to the quantity of water  
2 reasonably necessary for such use. If a claimant is not in  
3 priority for irrigation water, then the claimant is not in  
4 priority for stock water and domestic water.

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

10  
11 IX. CHANGE OF PLACE OF USE

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

18  
19 X. RIGHTS OF APPROPRIATION

20 From the Order of Determination and the documentary evidence  
21 submitted in support thereof, the Court finds that the names of the  
22 claimants and appropriators of the waters of McAfee Creek and its  
23 tributaries, the source of the water supply, the means of diver-  
24 sion, the points of diversion for beneficial use, the periods of  
25 use, the years of priority, the cultural acreages, the places of  
26 use, the legal subdivisions, sections, townships, ranges, and the  
27 duty of water are as listed, stated and set forth.

1 CONCLUSIONS OF LAW

2 From the evidence presented and received in this matter,  
3 and from the foregoing FINDINGS OF FACT, the Court makes the  
4 following CONCLUSIONS OF LAW.

5 I.

6 That the State Engineer had the right, authority and  
7 jurisdiction pursuant to Chapter 533 of NRS to make the investi-  
8 gation made by him, receive the proofs and maps, enter and file in  
9 his office the original Order of Determination and file a  
10 certified copy thereof in this Court, and to determine the  
11 relative rights of claimants and appropriators in and to the  
12 waters of McAfee Creek and its tributaries in Esmeralda County,  
13 State of Nevada; that the State Engineer duly made all orders  
14 necessary and proper in connection therewith and entered the same  
15 in his office as required by Chapter 533 of NRS; that each and  
16 every notice required by law to be given herein to the claimants  
17 and appropriators was duly served by the State Engineer in the  
18 manner and within the time required by Statute, and that the  
19 notices contained all of the statements required by law, and that  
20 the claimants and appropriators of the waters of the above-  
21 named stream system and its tributaries duly received the  
22 information and notices, as required by law.

23 II.

24 That the Fifth Judicial District Court of the State of  
25 Nevada, in and for the County of Esmeralda, had and has jurisdic-  
26 tion to hear and try this matter, and has jurisdiction to find,  
27 make and enter the foregoing Findings of Fact and these  
28 Conclusions of Law and enter its Decree herein.

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III.

That Pete and Gertrude Bruinsma are the only claimants of vested rights recognized in this Decree who were and are now appropriators and users of the waters of McAfee 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 trial and hearing of this matter.

IV.

That the irrigation season shall begin on January 1st and extend through December 31st of each year.

V.

That the lands irrigated by McAfee Creek and its tributaries are situated on the lower portion of an alluvial fan consisting of detrital material from the White Mountains to the immediate southwest. That because of the pervious nature of the gravelly soil, the annual duty of water from McAfee Creek and its tributaries is herein fixed at and shall not exceed:

Class A ---- Harvest Crop ----- 5.0 Ac.-Ft./Ac./Year

Class B ---- Meadow Pasture ----- 3.0 Ac.-Ft./Ac./Year

Class C ---- Diversified Pasture --- 1.0 Ac.-Ft./Ac./Year

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 annual duty 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.

1  
2 That all measurements of water diverted are to be made at  
3 a point where the main ditch enters or becomes adjacent to the  
4 land to be irrigated or as near thereto as is practicable; that  
5 the location, if not selected by the State Engineer, to be  
6 approved by him, That the water users shall install and maintain  
7 at their own expense, substantial and easily operated regulating  
8 headgates and measuring devices in their ditch or ditches or  
9 channel. That due allowance for losses in ditches will be made  
10 by the State Engineer in the event it becomes necessary.

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

VIII.

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

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

IX.

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

1 of use of the waters allotted herein, must make application to the  
2 State Engineer for permission to make the change pursuant to  
3 NRS 533.345

4 X.

5 That from the Order of Determination and the documentary  
6 evidence submitted in support thereof, the Court finds that the  
7 names of the claimants and appropriators of the waters of McAfee  
8 Creek and its tributaries, the source of the water supply, the  
9 means of diversion, the points of diversion for beneficial use,  
10 the periods of use, the years of priority, the cultural acreages  
11 and places of use, the legal subdivisions, sections, townships,  
12 ranges, and the duty of water are as listed, stated and set forth.

13 XI.

14 That the Order of Determination made, filed and caused to be  
15 entered of record in this matter by the State Engineer, should be  
16 affirmed.

17 JUDGMENT AND DECREE

18 THEREFORE, BY REASON OF THE FINDINGS OF FACT, AND CONCLUSIONS OF  
19 LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED AND DECREED  
20 BY THE COURT AS FOLLOWS:

21 I.

22 That the State Engineer made all necessary and proper  
23 orders as required by law, and that each and every notice required  
24 by law was duly given to the claimants and appropriators; that the  
25 claimants and appropriators had full opportunity to appear and be  
26 heard in objection to and file exceptions to the Order of Determin-  
27 ation; that Pete and Gertrude Bruinsma are the only claimants of  
28 vested rights recognized in this Decree as appropriators of the  
29 waters of McAfee Creek and its tributaries and this Decree  
30 determines the limit and extent of all vested water rights on the

1 source.

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

5 II.

6 That the flow of water from McAfee Creek and its tributar-  
7 ies is being placed to beneficial use by Pete and Gertrude  
8 Bruinsma for irrigation, stock watering and domestic purposes.

9 III.

10 That the irrigation season shall begin on January 1st and  
11 extend through December 31st of each year.

12 IV.

13 That the lands irrigated by McAfee Creek and its tributar-  
14 ies are situated on the lower portion of an alluvial fan consist-  
15 ing of detrital material from the White Mountains to the immediate  
16 southwest. That because of the pervious nature of the gravelly  
17 soil, the annual duty of water from McAfee Creek and its  
18 tributaries is herein fixed at and shall not exceed:

19 Class A --- Harvest Crop ----- 5.0 Ac.-Ft./Ac./Year  
20 Class B --- Meadow Pasture ----- 3.0 Ac.-Ft./Ac./Year  
21 Class C --- Diversified Pasture --- 1.0 Ac.-Ft./Ac./Year

22 V.

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

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

1 direction of the State Engineer.

2 VI.

3 That all measurements of water diverted are to be made at  
4 a point where the main ditch enters or becomes adjacent to the  
5 land to be irrigated or as near thereto as is practicable; that  
6 the location, if not selected by the State Engineer, to be approved  
7 by him. That the water users shall install and maintain at their  
8 own expense substantial and easily operated regulating headgates  
9 and measuring devices in their ditch or ditches or channel. That  
10 due allowance for losses in ditches will be made by the State  
11 Engineer in the event 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 the water for  
16 stock watering and domestic purposes shall be continued by the  
17 claimants named herein or their successors in interest at any time  
18 during the year and such diversions shall be according to the  
19 dates of priorities of such users and limited to the quantity of  
20 water reasonably necessary for such use. That if a claimant is  
21 not in priority for irrigation water, then the claimant is not in  
22 priority 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 watering  
25 and domestic purposes, but the quantity allowed and diverted for  
26 irrigation during the irrigation season shall include water for  
27 stock watering and domestic purposes.

28 VIII.

29 That all water allotted in this Decree shall be appurtenant  
30 to the place of use designated herein. That any water user

1 desiring to change the point of diversion, manner of use or place  
 2 of use of the waters allotted herein, must make application to the  
 3 State Engineer for permission to make the change pursuant to  
 4 NRS 533.345.

5 IX.

6 That the name of the claimants and appropriators of the  
 7 waters of McAfee Creek and its tributaries, the source of the  
 8 water supply, the means of diversion, the points of diversion for  
 9 beneficial use, the period of use, the years of priority, the  
 10 cultural acreages and places of use, the legal subdivisions,  
 11 sections, township, ranges, and duty of water are hereby  
 12 adjudged as follows:

13 PROOF NO. : Amended 02733  
 14 CLAIMANTS : Pete Bruinsma and Gertrude Bruinsma  
 15 SOURCE : McAfee Creek and Tributaries  
 16 USE : Irrigation, Stock Watering and Domestic  
 17 MEANS OF DIVERSION: Diversion Structure, Weir, Rock and  
 18 Concrete Flume and Ditches  
 19 POINT OF DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 2, T.4S., R.35E., M.D.B.&M.,  
 20 or at a point from which the north quarter  
 21 corner of said Section 2 bears N. 58°  
 59' E., a distance of 2,664.4 feet.

	PRIOR-: CULTURAL ACREAGE				LOCATION			DUTY OF WATER	
	ITY	HAR-	MEA.	DIV.	SUB-	SEC.:	TWP.:	RGE.:	
	VEST	PAST	PAST.	DIV.			S	E	C.F.S. AC.FT.
22	1865	10.0	--	--	SW $\frac{1}{4}$ NW $\frac{1}{4}$	24	3	35	0.250 50.00
23	1865	20.0	--	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	24	3	35	0.500 100.00
24	1865	40.0	--	--	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24	3	35	1.000 200.00
25	1865	14.0	--	--	SW $\frac{1}{4}$ SW $\frac{1}{4}$	24	3	35	0.350 70.00
26	1865	40.0	--	--	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24	3	35	1.000 200.00

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PRIOR- ITY	CULTURAL ACREAGE			LOCATION			DUTY OF WATER			
	HAR- VEST	MEA. PAST	DIV. PAST.	SUB- DIV.	SEC.	TWP.	RGE.	S.	E.	C.F.S.
1865	14.0	--	--	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24	3	35	0.350		70.00
1865	25.0	--	--	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25	3	35	0.625		125.00
1865	40.0	--	--	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	3	35	1.000		200.00
1865	16.0	--	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25	3	35	0.400		80.00
1865	18.5	9.0	--	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25	3	35	0.688		119.50
1865	14.0	26.0	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	3	35	1.000		148.00
1865	4.0	21.0	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	3	35	0.625		83.00
1865	11.4	10.0	4.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	3	35	0.635		91.00
1865	--	1.0	--	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	3	35	0.025		3.00
1865	18.0	--	--	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	3	35	0.450		90.00
1865	0	18.0	22.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	3	35	1.000		76.00
1865	40.0	--	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	3	35	1.000		200.00
1865	40.0	--	--	NE $\frac{1}{4}$ SW $\frac{1}{4}$	26	3	35	1.000		200.00
1865	40.0	--	--	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	3	35	1.000		200.00
1865	40.0	--	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	3	35	1.000		200.00
1865	40.0	--	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	3	35	1.000		200.00
1865	12.20	--	--	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	3	35	0.305		61.00
1865	33.00	--	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	3	35	0.825		165.00
1865	40.00	--	--	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	3	35	1.000		200.00
1865	<u>38.00</u>	<u>--</u>	<u>--</u>	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	3	35	<u>0.950</u>		<u>190.00</u>
	608.10	85.00	26.00					17.978		3321.50

DONE IN OPEN COURT THIS 9<sup>th</sup> DAY OF

July, A.D. 1973

KENNETH L. MANN  
KENNETH L. MANN  
DISTRICT JUDGE