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NEVADA

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Filed July 2^d, 1930.
E. J. Peterson, Clerk.
By _____, Deputy.

In Equity No. F-33

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA IN AND FOR THE DISTRICT OF NEVADA.

THE GLENBROOK COMPANY,
a corporation,

Plaintiff,

vs.

JUDGMENT AND DECREE

CHARLES FULSTONE, CARSON AND
TAHOE LUMBER AND FLUMING COMPANY,
a corporation, JOHN DOE, RICHARD
ROE and JANE DOE,

Defendants.)

This cause came on to be heard at this term, and was argued by counsel, and thereupon, on consideration thereof, it was ORDERED, ADJUDGED and DECREED as follows, viz:

I.

That the respective parties hereto, to-wit: the plaintiff THE GLENBROOK COMPANY, a corporation, the defendants CHARLES L. FULSTONE and CLARA J. FULSTONE, and the defendants WALTER D. BLISS, WILLIAM S. BLISS and HOPE BLISS (collectively known as THE BLISS COMPANY), are hereby adjudged and decreed to be the owners of and to have the right to use in the relative amounts, and in the manner and for the specific uses and purposes hereinafter set forth, the waters of those certain streams and water courses arising in the mountains easterly from Lake Tahoe and within the State and District of Nevada, and flowing thence westerly over and through lands lying and being wholly within

1 the said State and District of Nevada into the said Lake Tahoe,
2 and which said streams are known as Secret Harbor Creek (sometimes
3 known as Nye Creek and sometimes known as Bliss Creek), including
4 all its tributaries, and North Canyon Creek (sometimes known as
5 Slaughter House Creek and sometimes known as Davis Creek, and
6 sometimes known as Pray's Creek), including all its tributaries
7 and expressly including its tributary known as Spooner Creek.

8 II.

9 That the defendants Charles L. Fulstone and Clara J.
10 Fulstone, or their grantors and predecessors in interest from
11 whom they derived title, have severally appropriated and bene-
12 ficially applied, and that the said Charles L. Fulstone and
13 Clara J. Fulstone have the right to use directly and/or to store
14 and/or impound one-half of the total flow of said Secret Harbor
15 Creek measured at the dam situated in the west half of the south-
16 east quarter of Section 25, Twp. 15 N. R. 18 E., M.D.M., and
17 not exceeding Fifteen (15) cubic feet per second of time continuous
18 flow from October fifteenth of each year to May first of the
19 succeeding year; that the said defendants may flow or direct said
20 portion of said waters of said creek, at said point of diversion,
21 into the channel of North Canyon Creek, and have the right to use
22 the direct flow, and/or to impound and/or store the said waters or
23 any portion thereof in a reservoir situated in Section 1, Twp.
24 14 N. R. 18 E., M.D.M., or at any other place, with a priority of
25 1872, and to utilize the waters so impounded and/or direct flow
26 for irrigation, fish propagation, resort purposes, domestic,
27 culinary and other beneficial purposes.

28 III.

29 That the plaintiff The Glenbrook Company, a corporation,
30 or its grantors and predecessors in interest from whom it derived
31 title, have severally appropriated and beneficially applied and
32 that the said The Glenbrook Company has the right to use directly

1 and/or store and/or impound one-quarter of the total flow of said
2 Secret Harbor Creek measured at the dam situated in the west half
3 of the southeast quarter of Section 25, Twp. 15 N. R. 18 E.,
4 M.D.M., and not exceeding Seven and one-half (7 1/2) cubic feet
5 per second of time continuous flow from October fifteenth of each
6 year to May first of the succeeding year; that the plaintiff may
7 flow or direct said portion of said waters of said Secret Harbor
8 Creek into the channel of North Canyon Creek, and have the right
9 to use the direct flow, and/or impound and/or store the said
10 waters or any portion thereof in a reservoir situated in the NE $\frac{1}{4}$
11 of Sec. 25, Twp. 15 N. R. 18 E., and/or in a reservoir situated
12 in the SE $\frac{1}{4}$ of Sec. 25, Twp. 15 N. R. 18 E., with a priority of
13 1872, and to utilize the waters so impounded and/or direct flow
14 for irrigation, fish propagation, resort purposes, domestic,
15 culinary and other beneficial purposes.

16 That the said The Glenbrook Company has the right to use
17 the waters so impounded for culinary, domestic, stock watering
18 purposes, resort purposes, fish propagation, irrigation and other
19 beneficial uses. That said water may be used on the following
20 described tracts and any thereof: 50 acres of land in Sections
21 3 and 10, Twp. 14 N. R. 18 E.

22 Provided that in the event The Glenbrook Company and/or
23 The Bliss Company divert and/or impound for storage purposes more
24 than 5 acre feet of water of Secret Harbor Creek above the measuring
25 weir at the "cut" provided for in Paragraph V. of this decree, then
26 such party or parties shall install and maintain another suitable
27 weir or measuring device to measure and divide the water in
28 accordance with the terms of this decree.

29 IV.

30 That the defendants Walter D. Bliss, William S. Bliss and
31 Hope Bliss (collectively known as The Bliss Company), or their
32 grantors and predecessors in interest from whom they derived title,

1 have severally appropriated and beneficially applied and that the
2 said Walter D. Bliss, William S. Bliss and Hope Bliss have the
3 right to use directly and/or store and/or impound one-quarter of
4 the total flow of said Secret Harbor Creek measured at the dam
5 situated in the west half of the southeast quarter of Section 25,
6 Twp. 15 N. R. 18 E., M.D.M., and not exceeding Seven and one-half
7 (7 1/2) feet per second of time continuous flow from October fifteen-
8 th of each year to May first of the succeeding year, and to all the
9 water flowing in the channel of Secret Harbor Creek below the
10 weir mentioned in Paragraph V. hereof; that the said defendants
11 Walter D. Bliss, William S. Bliss and Hope Bliss have the right
12 to use the direct flow and/or store and/or impound the said waters
13 or any portion thereof in a reservoir situated in the SW $\frac{1}{4}$ of the
14 SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 26, Twp. 15 N. R. 18 E., and/or
15 in a reservoir situated in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 23, Twp. 15
16 N. R. 18 E., and/or in a reservoir situated in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$
17 of Sec. 26, Twp. 15 N. R. 18 E., with a priority of 1872, and to
18 utilize the waters so impounded and/or direct flow for irrigation,
19 fish propagation, resort purposes, domestic, culinary and other
20 beneficial purposes.
21

22 That the said The Bliss Company has the right to use the
23 waters so impounded for culinary, domestic, stock watering purposes,
24 resort purposes, fish propagation, irrigation and other beneficial
25 uses. That said waters may be used on the following described
26 tracts and any thereof: 50 acres of land in Sections 14 and 23,
27 Twp. 15 N. R. 18 E.

28 V.

29 It is further ordered, adjudged and decreed that the
30 plaintiff The Glenbrook Company, and the defendants Walter D.
31 Bliss, William S. Bliss and Hope Bliss install and maintain a
32 box and weir at or near the said dam in the west half of the

13 1 southeast quarter of Section 25, Twp. 15 N. R. 18 E. suitable
2 and fitted to measure and divide the water there flowing in said
3 Secret Harbor Creek at all times and to divert any desired portion
4 thereof into the channel of North Canyon Creek while permitting
5 any desired portion thereof to flow on down the channel of said
6 Secret Harbor Creek.

7 VI.

8 It is further ordered, adjudged and decreed that the
9 defendants Charles L. Fulstone and Clara J. Fulstone install and
10 maintain a box and weir in the channel of North Canyon Creek at
11 a point to be by them selected above the present intake of what
12 is known as the upper Pray Ditch, situated in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$,
13 Sec. 35, Twp. 15 N. R. 18 E., and below the point where they return
14 to said stream all waste waters from irrigation and all waters
15 used for power purposes, and suitable and fitted to measure the
16 entire stream flow at such point.

17 VII.

18 It is further ordered, adjudged and decreed that the
19 defendants Charles L. Fulstone and Clara J. Fulstone, or their
20 grantors and predecessors in interest from whom they derived
21 title, at several and divers times, appropriated and beneficially
22 used and applied all the waters of North Canyon Creek (sometimes
23 called Slaughter House Creek and sometimes called Davis Creek,
24 and sometimes called Pray's Creek) and its tributaries flowing
25 in North Canyon channel above the weir mentioned in Paragraph VI.
26 hereof, and also all the waters of Spooner or Spooner Meadows
27 Creek, and all the waters of Spooner Springs, and also the portion
28 of the waters of Secret Harbor Creek hereinabove in Paragraph II.
29 set forth; and the said Charles L. Fulstone and Clara J. Fulstone
30 are the owners of said rights acquired by appropriation and
31 beneficial use and application in conformity with law and
32 custom relating thereto in and to said waters of said streams

1 and/or their tributaries, for the purpose of irrigation, domestic,
 2 fish propagation, resort purposes, culinary, stock watering and
 3 other beneficial purposes. That the said Charles L. Fulstone
 4 and Clara J. Fulstone are entitled to and have the right to use
 5 directly and/or store and/or impound one/half the waters of
 6 Secret Harbor Creek from October fifteenth of each year to
 7 May first of the succeeding year with the priority of 1872, as
 8 set forth in Paragraph II. hereinabove; that the water so im-
 9 pounded may be used for any of the several purposes hereinabove
 10 set forth, the irrigation to be upon any of the lands described
 11 hereinafter in this paragraph; that the said Charles L. Fulstone
 12 and Clara J. Fulstone are hereby adjudged and decreed to be the
 13 owners of the flow and use as aforesaid of the waters of Secret
 14 Harbor Creek, North Canyon Creek, Spooner Creek, Spooner Springs
 15 and of their and each of their tributaries as herein stated, with
 16 priorities and duty of water for irrigation and other purposes,
 17 as follows:

Priority	Meadow Ac.	Location	Source
1859	2.080	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36 T.15 N.R.18 E.	North Canyon Creek, Spooner Creek, and Secret Harbor Creek
"	4.096	NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 36 T.15 N.R.18 E.	" " "
"	8.192	SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 36 T.15 N.R.18 E.	" " "
"	10.752	SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 36 T.15 N.R.18 E.	" " "
"	1.024	SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 35 T.15 N.R.18 E.	" " "
"	11.712	SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 35 T.15 N.R.18 E.	" " "
"	39.648	NE $\frac{1}{4}$ NE $\frac{1}{4}$ " 2 T.14 N.R.18 E.	" " "
"	4.848	NW $\frac{1}{4}$ NE $\frac{1}{4}$ " 2 T.14 N.R.18 E.	" " "
"	4.768	SE $\frac{1}{4}$ NE $\frac{1}{4}$ " 2 T.14 N.R.18 E.	" " "
"	17.536	NW $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	2.304	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	0.208	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	0.144	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "

Priority	Meadow Ac.	Location	Source
1859	13.984	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1 T.14 N.R.18 E.	North Canyon Creek, SpoonerCreek, and Secret Harbor Creek
"	4.128	NW $\frac{1}{4}$ NE $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	27.026	SW $\frac{1}{4}$ NE $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	0.704	SE $\frac{1}{4}$ NE $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	31.712	SE $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	1.536	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	3.488	NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	7.440	NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	13.376	NW $\frac{1}{4}$ SE $\frac{1}{4}$ " 1 T.14 N.R.18 E.	" " "
"	3.264	SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 36 T.15 N.R.18 E.	" " "

Also the right to store and impound 750 acre feet of water annually with a priority of 1872 from Secret Harbor Creek and North Canyon Creek and their and each of their tributaries and also to store and impound 750 acre feet of water annually with a priority of 1868 from North Canyon Creek, and/or Spooner Creek, and their and each of their tributaries arising above the reservoir which is located in Section 1, Twp. 14 N. R. 18 E., with the right to use the said water so stored and impounded for any and all the purposes and uses enumerated, and any other beneficial use. That the right to store or impound waters of Secret Harbor Creek are limited to the period from October fifteenth of each year to May first of the succeeding year and limited to one-half of the flow of said Secret Harbor Creek during the said time and not to exceed Fifteen (15) cubic feet per second of time as provided in Paragraph II. of this decree.

That the said Charles L. Fulstone and Clara J. Fulstone have the right to use the waters so impounded for culinary, domestic, stock watering purposes, resort purposes, fish propagation, irrigation and other beneficial uses. That the said water may be

1 used on the following described tracts and any thereof:

2 S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 35,
3 S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 36,
4 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 36,
5 All being in Twp. 15 N. R. 18 E.,

6 NE $\frac{1}{4}$, Sec. 2,
7 NW $\frac{1}{4}$, Sec. 1,
8 N $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 1,
9 W $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 1,
10 NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1,
11 All being in Twp. 14 N. R. 18 E.

12 VIII.

13 That the plaintiff The Glenbrook Company, or its grantors
14 and predecessors in interest from whom it derived title, at several
15 and divers times, appropriated and beneficially used and applied,
16 and that the said The Glenbrook Company has the right to use
17 directly and/or store and/or impound one-half of the total
18 flow of Secret Harbor Creek measured at the dam situated in the
19 west half of the southeast quarter of Section 25, Twp. 15 N. R.
20 18 E., M.D.M., and not exceeding Fifteen (15) cubic feet per second
21 of time continuous flow from the first day of May to the fifteenth
22 day of October of each year with the priority of 1872; and the
23 said The Glenbrook Company are the owners of said rights acquired
24 by appropriation and beneficial use and application in conformity
25 with law and custom relating thereto in and to said water of said
26 stream and/or its tributaries, for the purpose of irrigation,
27 domestic, fish propagation, resort purposes, culinary, stock
28 watering, storing, impounding, and other beneficial purposes.
29 That the said The Glenbrook Company is entitled to and has the
30 right to use directly and/or store and/or impound one-quarter of
31 the waters of Secret Harbor Creek from October fifteenth of each
32 year to May first of the succeeding year, with the priority of
1872, as set forth in Paragraph III. hereinabove, also to use and/or
impound all the waters of North Canyon Creek and its tributaries
flowing in the channel of said North Canyon Creek arising below
the weir mentioned in Paragraph VI. hereof after the rights of the

1 said Charles L. Fulstone and Clara J. Fulstone as herein described,
 2 including storage and reservoir rights and applications now
 3 pending in the office of the State Engineer of the State of Nevada,
 4 have been fully satisfied, with the priority of 1869; that the
 5 said waters so impounded may be used for any of the several purposes
 6 hereinabove set forth, the irrigation to be upon any of the lands
 7 described hereinafter in this paragraph; that the said The
 8 Glenbrook Company is hereby adjudged and decreed to be the owners
 9 of the flow and use as aforesaid of the waters of Secret Harbor
 10 Creek and of its tributaries as herein stated, with priorities and
 11 duty of water for irrigation and other purposes, as follows:

12	Prior-ity	Acre-age	Location	Point of Diver-sion	Channel
13	1876	21.38	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.35 T.15 N.R.18 E.	(NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.35 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ " 25 (T.15 N.R.18 E.	No. Canyon Creek) Secret Harbor Creek
14	1876	22.91	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.35 T.15 N.R.18 E.	" " "	" " "
15	1876	11.71	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.34 T.15 N.R.18 E.	" " "	" " "
16	1876	23.36	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.34 T.15 N.R.18 E.	" " "	" " "
17	1876	4.63	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.34 T.15 N.R.18 E.	(NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.34 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ " 25 (T.15 N.R.18 E.	No. Canyon Creek) Secret Harbor Creek
18	1876	3.52	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.34 T.15 N.R.18 E.	" " "	" " "
19	1869	4.41	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3 T.14 N.R.18 E.	(SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3 (T.14 N.R.18 E. (NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.25 (T.15 N.R.18 E.	No. Canyon Creek) Secret Harbor Creek
20	1869	9.70	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.3 T.14 N.R.18 E.	" " "	" " "
21	1869	13.22	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.3 T.14 N.R.18 E.	" " "	" " "
22	1869	12.78	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 T.14 N.R.18 E.	" " "	" " "
23	1869	13.44	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3 T.14 N.R.18 E.	" " "	" " "
24	1869	5.95	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10 T.14 N.R.18 E.	" " "	" " "

1 Also the right to store and impound 100 acre feet of
2 water annually with a priority of 1872 from Secret Harbor Creek
3 and its and each of its tributaries in the or any of the res-
4 ervoires described in Paragraph III. hereof, with the right to use
5 the said water so stored and impounded for any and all the pur-
6 poses and uses enumerated, and any other beneficial use.

7 IX.

8 That the defendants Walter D. Bliss, William S. Bliss
9 and Hope Bliss have since the institution of this suit succeeded
10 to and are now the exclusive owners of any and all rights in the
11 said streams which were at the time of the institution of this
12 suit held, owned and possessed by the defendant Carson and Tahoe
13 Lumber and Fluming Company, a corporation.

14 That the said defendants Walter D. Bliss, William S. Bliss
15 and Hope Bliss, and their grantors and predecessors in interest
16 from whom they derived title, at several and divers times appro-
17 priated and beneficially used and applied, and that the said Walter
18 D. Bliss, William S. Bliss and Hope Bliss have the right to use
19 directly and/or store and/or impound one-half of the total flow of
20 Secret Harbor Creek measured at the dam situated in the west half
21 of the southeast quarter of Section 25, Twp. 15 N. R. 18 E.,
22 M.D.M., and not exceeding Fifteen (15) cubic feet per second of
23 time continuous flow from the first day of May to the fifteenth
24 day of October of each year, and all the waters of Secret Harbor
25 Creek and its tributaries at all times flowing in the channel of
26 Secret Harbor Creek below the weir in the west half of the south-
27 east quarter of Section 25, Twp. 15 N. R. 18 E., M.D.M., but
28 not exceeding a maximum of Fifteen (15) second feet; and that the
29 said Walter D. Bliss, William S. Bliss and Hope Bliss are the
30 owners of said rights acquired by appropriation and beneficial use
31 and application in conformity with law and custom relating thereto
32 in and to said waters of said stream and/or its tributaries, for

1 the purpose of irrigation, domestic, fish propagation, resort
2 purposes, culinary, stock watering and other beneficial purposes.
3 That the said Walter D. Bliss, William S. Bliss and Hope Bliss are
4 entitled to and have the right to use directly and/or store and/or
5 impound one-quarter of the waters of Secret Harbor Creek flowing
6 in the channel of Secret Harbor Creek above and measured at the
7 weir in the west half of the southeast quarter of Section 25, Twp.
8 15 N. R. 18 E., M.D.M., from October fifteenth of each year to
9 May first of the succeeding year, with the priority of 1872, as
10 set forth in Paragraph IV. hereinabove; that the said waters so
11 impounded may be used for any of the several purposes hereinabove
12 set forth, the irrigation to be upon any of the lands described
13 hereinafter in this paragraph; that the said Walter D. Bliss,
14 William S. Bliss and Hope Bliss are hereby adjudged and decreed
15 to be the owners of the flow and use as aforesaid of the waters of
16 Secret Harbor Creek, and of its tributaries as herein stated with
17 priorities and duty of water for irrigation and other purposes
18 as follows:

19 To be impounded, stored, used and beneficially applied at
20 the several places, in the several amounts, and in the manner that
21 may be by certificates of the State Engineer of the State of
22 Nevada granted to said defendants upon their or any of their now
23 pending applications to beneficially use said waters.

24 Also the right to store and impound 100 acre feet of
25 water annually with a priority of 1872 from Secret Harbor Creek
26 and its and each of its tributaries in the or any of the reser-
27 voirs described in Paragraph IV. hereof, with the right to use the
28 said water so stored and impounded for any and all the purposes
29 and uses enumerated, and any other beneficial use.

30 X.

31 It is further ordered, adjudged and decreed that The
32 Glenbrook Company and The Bliss Company have the right to divert

1 and flow through the channels of North Canyon Creek, or through
2 pipes, ditches or flumes along an easement heretofore granted for
3 same over the property of the other parties herein mentioned, any
4 and all waters of Secret Harbor Creek hereinabove decreed to be
5 the property of the said The Glenbrook Company and/or The Bliss
6 Company, and that a flow of water through the weir provided for in
7 Paragraph VI. hereof in an amount equal to such water of Secret
8 Harbor Creek so diverted by the said The Glenbrook Company and/or
9 The Bliss Company shall be deemed to be all the water which the
10 said The Glenbrook Company and/or The Bliss Company are entitled
11 to receive at such weir.

12 XI.

13 It is further ordered that nothing herein shall prevent
14 rotations of water between the several parties if they see fit to
15 rotate among or between each other.

16 XII.

17 It is further ordered, adjudged and decreed that each and
18 every party to this suit, and their and each of their servants,
19 agents, and attorneys, and all persons claiming by, through or
20 under them and their and each of their successors and assigns in
21 and to the water rights and lands herein described, be, and each
22 of them hereby is, forever enjoined and restrained from claiming
23 any rights in or to the waters of the said streams and their and
24 each of their branches and tributaries, except the rights set up
25 and specified in this decree, except rights and claims now in-
26 complete and filed and pending in the office of the State Engineer
27 of the State of Nevada, and/or power applications hereafter filed
28 by Charles L. Fulstone, Josephine Fulstone and/or Clara J. Fulstone
29 and/or their successors or assigns; and each of the parties is
30 hereby enjoined and restrained from taking, diverting or inter-
31 fering in any way with the waters of said respective streams, their
32 respective branches and tributaries so as to in any way, shape or

1 manner interfere with the diversion, use and enjoyment of the
2 waters of any of the other parties to this suit as set forth in
3 this decree, having due regard to the relative priorities therein
4 set forth, and each party is hereby enjoined and restrained from
5 ever taking, diverting, carrying away or otherwise using or claim-
6 ing any of the waters so allotted to them in any manner or at any
7 time in any manner or way as to in any way interfere with the
8 prior rights of other parties to this suit as the same are herein
9 set forth.

10 XIII.

11 Each of the parties above named is hereby adjudged to
12 be the owner of the flow and use of the several amounts of water
13 appropriated by them respectively, as above set forth from the
14 stream or streams as therein set forth, and are entitled to take,
15 divert and use the waters of the said streams or of any tributary
16 thereof as the case may be, without limit as to time, method,
17 application or use of any beneficial character whatsoever for
18 the irrigation of land, the watering of stock, domestic uses,
19 and other beneficial purposes, subject to and in accordance with
20 the priorities above set forth. Wherever two or more persons are
21 given a priority as of the same year and from the same stream,
22 such priorities shall be deemed to be identical in point of time
23 and equal in point of right with due regard to the amount hereby
24 allowed to each. Any of the said parties shall be entitled to
25 legally change the manner, means, place or purpose of use or the
26 point of diversion of the said waters or any thereof, so far as
27 they may do so without injury to the rights of other persons
28 hereto, and as the same are fixed hereby, and nothing herein
29 contained shall be deemed to in any way affect such right of
30 change of manner, means, place or purpose of use or diversion.

31 XIV.

32 It is further ordered and adjudged that each party hereto

WELL & SPRINGMEYER
ERS AND MERCHANTS
AT L BANK BLDG.
NEVADA

1 pay his or its costs.

2 XV.

3 The duty of water for irrigation purposes, as herein
4 defined, is fixed at and determined to be an average flow of two
5 hundredths (0.02) of a cubic foot per second of time per acre of
6 land irrigated.

7 XVI.

8 The Court reserves jurisdiction to make further orders,
9 if any be' needed, to carry this decree into effect.

10 Dated, *July 2nd*, 1930.

11
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14 DISTRICT JUDGE.

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F-33

5/14/92
JLN

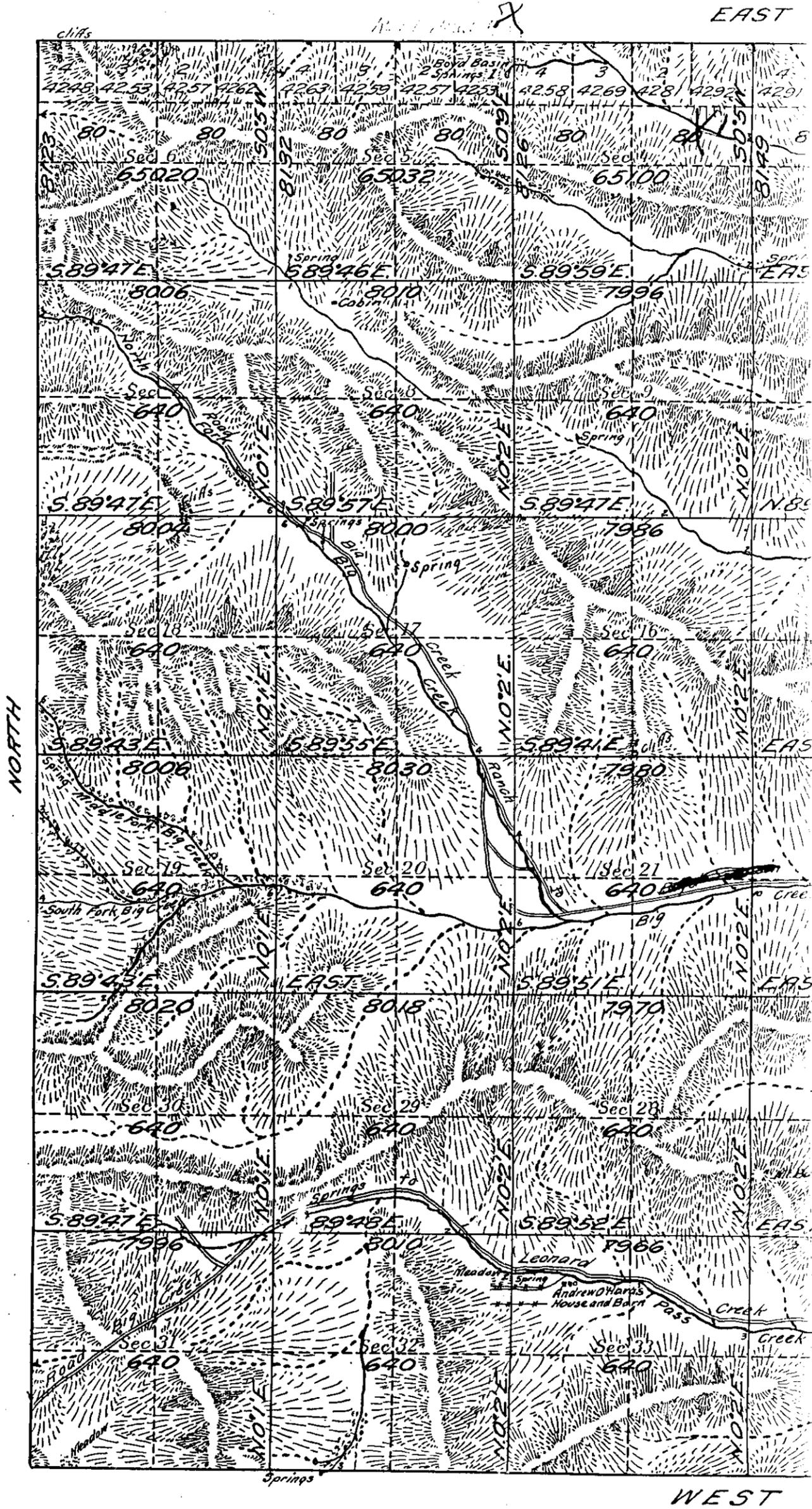
Township N^o. 44 North Range N^o. 30 E

Plamteff
Et 1

No. B. 29
S. Dist Court Dist
of Nevada
Lepic Bros Stock Co.
vs.
M. Read
Offs Ex No 1

Filed Feb. 21-1923
E. O. Patterson Clerk

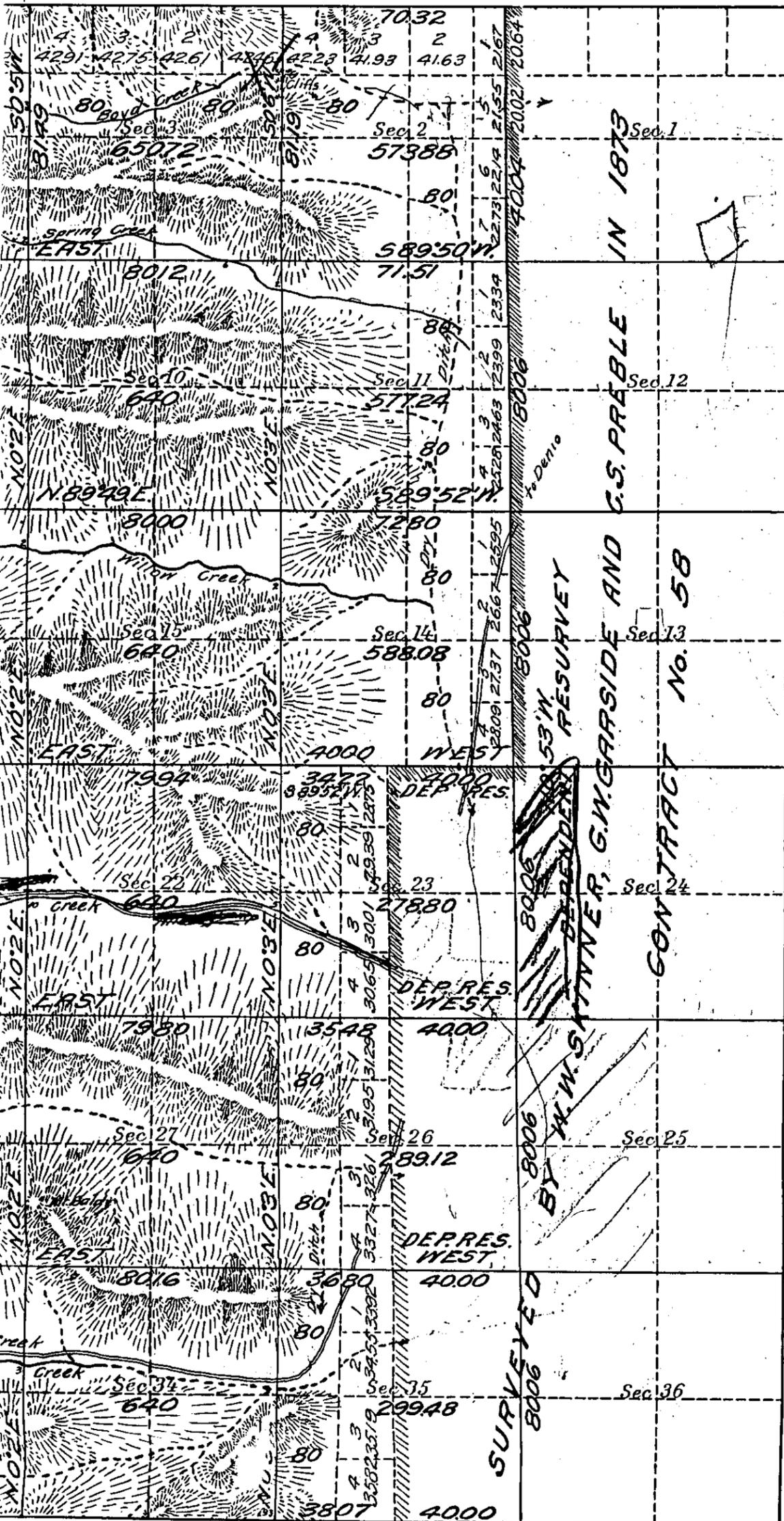
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from San Bruno
11/1/1922
5/11/1922



Surveys Designated	By Whom Surveyed	Group		Amount of Surveys			When Begun
		No.	Date	Mls.	chs.	Ucs.	
North Boundary	John R. English	62	March 26, 1918	4	70	32	Sept. 3, 1918
West Boundary	U.S. Transitman			6	01	23	Aug. 29, 1918
South Boundary	and			3	78	07	Aug. 27, 1918
South Body Dep. Res.	Lemuel R. Mercer			1	00	00	Aug. 27, 1918
Subdivision Dep. Res.	U.S. Transitman			7	41	00	Aug. 27, 1918
Subdivision				47	16	07	Aug. 31, 1918

30 East Mt Diablo Meridian, Nevada

AST



Areas in Acres	
Public Land	18008.84
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
Total Area	18008.84

0 10 20 40 80

Scale 40 Chains to an inch
Mean Magnetic Declination 20°15' E

8000
DEP. RES.
Latitude 41°38' N.
Longitude 118°34' W.

When Surveyed	
Began	Completed
Oct 3, 1918	Sept 4, 1918
Apr 29, 1918	Sept 3, 1918
Apr 27, 1918	Aug 28, 1918
Apr 27, 1918	Aug 27, 1918
Apr 27, 1918	Aug 31, 1918
Apr 31, 1918	Sept 16, 1918

The above map of Township No. 44 North Range No. 30 East of the Mt. Diablo Meridian, Nevada is strictly conformable to the field notes of the survey thereof on file in this office, which have been examined and approved

U. S. Surveyor General's Office.

Reno, Nevada, December 8, 1919.

John B. Sullivan
Surveyor General.

No. B-29
U. S. District Court District
of Nevada

Empire Lumber Co.

A. M. Read

Pliff E. M. 1

Filed Feb 21 - 1923

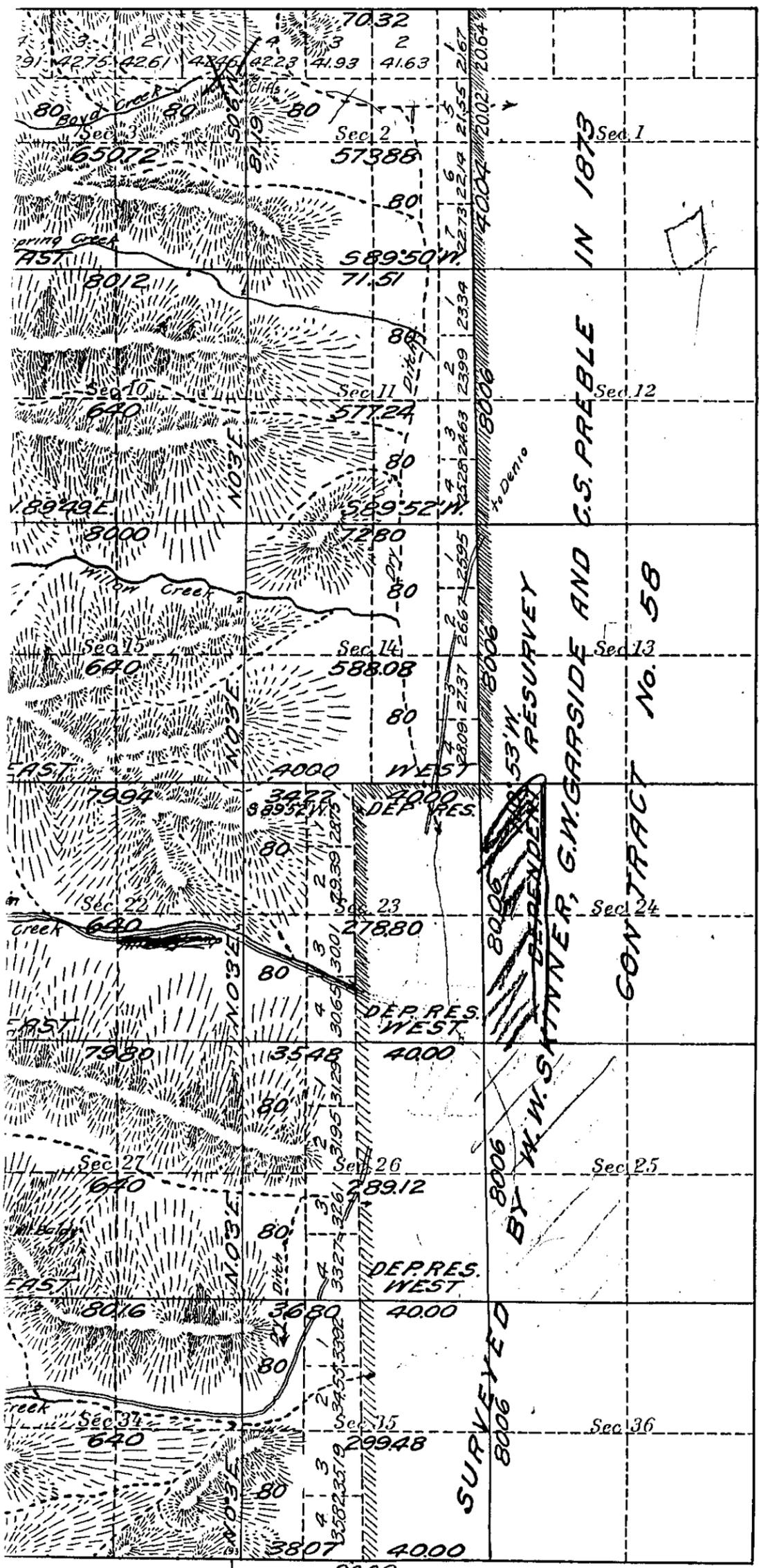
J. D. Johnson Clerk

4425

NO. 4425
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
FILED

DEC 8 - 1924

F. S. MONCKTON



Areas in Acres	
Public Land	18008.84
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
Total Area	18008.84

0 10 20 40 80

Scale 40 Chains to an inch
Mean Magnetic Declination 20°15' E.

8000
DEP. RES.
Latitude 41°38'N.
Longitude 118°34'W.

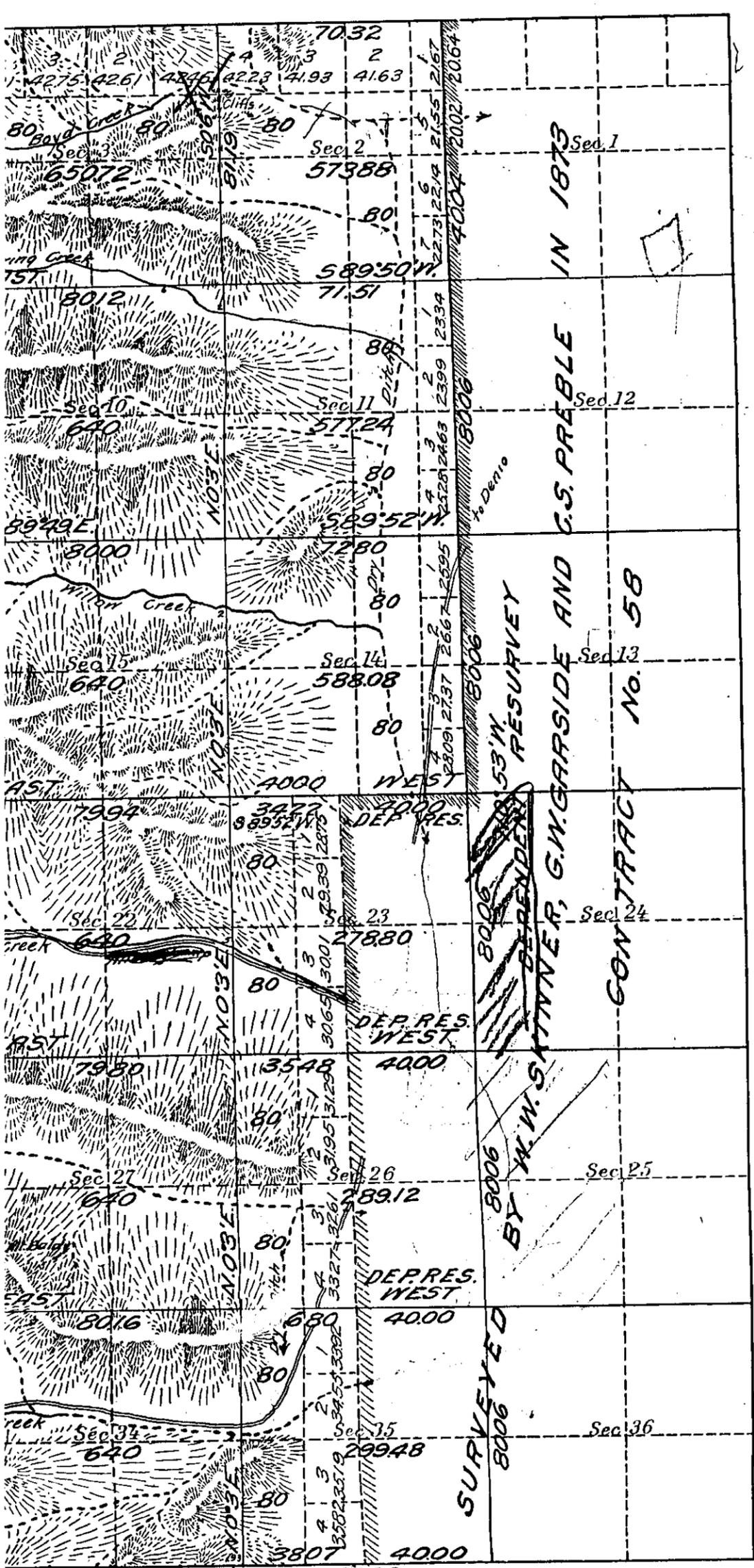
The above map of Township No. 44 North Range No. 30 East of the Mt. Diablo Meridian Nevada is strictly conformable to the field notes of the survey thereof on file in this office, which have been examined and approved

U. S. Surveyor General's Office.
Reno, Nevada, December 8, 1919.

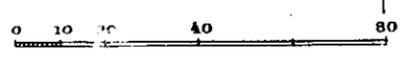
John B. Sullivan
Surveyor General.

When Surveyed	Completed
1918	Sept 4, 1918
1918	Sept 3, 1918
1918	Aug 28, 1918
1918	Aug 27, 1918
1918	Aug 31, 1918
1918	Sept 16, 1918

East Mt Diablo Meridian, Nevada



Areas in Acres	
Public Land	18008.84
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
Total Area	18008.84



Mean Magnetic Declination 20°15' E.

Latitude 41°38' N.
Longitude 118°34' W.

When Surveyed	Completed
1918	Sept. 4, 1918
1918	Sept. 3, 1918
1918	Aug. 28, 1918
1918	Aug. 27, 1918
1918	Aug. 31, 1918
1918	Sept. 16, 1918

The above map of Township No. 44 North Range No. 30 East of the Mt. Diablo Meridian Nevada is strictly conformable to the field notes of the survey thereof on file in this office, which have been examined and approved

U. S. Surveyor General's Office.
Reno, Nevada, December 8, 1919

John B. Sullivan
Surveyor General.