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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS OF CLAIMANTS)
AND APPROPRIATORS IN AND TO THE)
WATERS OF NORTH LOGAN CREEK (some-)
times known as Logan Creek or Logan)
Shoals Creek No. 1) AND ITS TRIBU-)
TARIES, IN DOUGLAS COUNTY, NEVADA)

No. 860
Filed: Sept 4, 1941
N. R. J. J. J.
Clerk

.....) By _____
Deputy Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE

The above entitled matter came on regularly for hearing before the above entitled Court on the 12th day of June, 1941, pursuant to order theretofore entered by the Court, upon the Order of Determination made and filed by the State Engineer of the State of Nevada and the exceptions made and filed by the exceptors, Emma Nevada Loftus, I. Duberstein, and Clara E. Duberstein.

W. T. Mathews, Deputy Attorney General of the State of Nevada, appeared on behalf of the State of Nevada and the State Engineer; Messrs. Cantwell & Loomis appeared for the claimant, the Glenbrook Company, a corporation; and John R. Ross appeared for and on behalf of the exceptors, Emma Nevada Loftus, I. Duberstein, and Clara E. Duberstein.

Competent evidence, both oral and documentary, was offered and received showing a full compliance by the State Engineer with each and every act required by law for him to perform in the preparation and filing in court of the Final Order of Determination.

The Attorney General thereupon offered, and there were received in evidence in support of the rights of claimants named

1 in the final Order of Determination, the sworn statements of
2 claimant, verified affidavits, and other competent evidence,
3 together with the files and records of the State Engineer's
4 office respecting the rights of said claimant, including cultural
5 maps establishing the cultural area, diversion ditches, and
6 evidence of the kind and character of lands irrigated by the
7 claimant, and all the other maps, plats, surveys, and evidence
8 on file in the office of the State Engineer relating to the proof
9 of appropriation of each of the claimants involved in this matter
10 for determination of the relative rights of said claimants in
11 and to the waters of said stream system which were obtained and
12 filed in the State Engineer's office under the provisions of law
13 relating to the office of the State Engineer, and all other
14 records and files in the said State Engineer's office relating
15 to and constituting competent evidence in this matter.
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17 Thereupon and pursuant to stipulation of counsel for the
18 respective parties, the further hearing upon said matter was
19 continued to the hour of 1:30 o'clock P. M. of Thursday, the 10th
20 day of July, 1941.

21 Thereafter a stipulation was filed herein which had been
22 made and entered into by counsel for the above named exceptors
23 and counsel for the claimant, the Glenbrook Company, and the
24 Attorney General, representing the State of Nevada and the State
25 Engineer, by which the parties stipulated that the setting of
26 said matter for further hearing on July 10, 1941, might be
27 vacated, the matter submitted upon the evidence theretofore taken,
28 and that the court might enter its order and decision that the
29 Findings and Determination as made by the State Engineer be
30 approved and allowed, as per written order and findings to be
31 thereafter filed, provided that said order and findings should by
32 express terms be made effective to prohibit the claimant, the

1 Glenbrook Company, from installing at any time at its point of
2 diversion on North Logan Creek, or at any different point of
3 diversion which may be authorized by the State Engineer, any
4 impervious type of dam which shall be effective to divert or
5 impede the natural flow of any subsurface waters below the bed of
6 the stream.

7 The Court, having duly considered the entire record, the
8 evidence offered, as well as the aforesaid stipulation, and being
9 fully advised, thereupon on the 23d day of June, 1941, duly
10 entered and filed its Opinion and Decision, and directed that
11 Judgment be entered accordingly. Wherefore, pursuant to and in
12 accordance with said Opinion and Decision, the Court finds from
13 the evidence presented to and received by the Court, the
14 following Facts, makes therefrom the following Conclusions of Law,
15 and enters its Final Judgment and Decree concerning the matters
16 submitted to the Court, as follows, to-wit:

17
18 FINDINGS OF FACT

19 I.

20 That the Glenbrook Company, a corporation, claimant on
21 said stream system, on September 5, 1939, petitioned the State
22 Engineer, as provided in Section 18 of the Water Law, for a
23 determination of the relative rights of claimants and appropria-
24 tors in and to the waters of said North Logan Creek (sometimes
25 known as Logan Creek or Logan Shoals Creek #1) and its tributar-
26 ies; that pursuant to said petition the State Engineer, in
27 accordance with the statute in such case made and provided, made
28 an investigation of said stream system on September 26,
29 1939, and from such investigation determined that the relative
30 rights of said stream system should be determined, and on
31 June 14, 1940, made and entered an order in his office for a
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1 determination of the relative rights of said stream system; and
2 the State Engineer having received, filed in his records, and
3 abstracted all proofs, maps and statements of claims to the use
4 of the water from the stream system, as required by law, and
5 all the claimants and appropriators, being less than ten in
6 number, having waived the provisions of Chapter 140, Statutes of
7 1913, and acts amendatory and supplementary thereto, with
8 reference to notices and service and publication thereof, the
9 State Engineer in accordance with the provisions of the Water
10 Law of the State of Nevada, entered on the 2nd day of May, 1941,
11 an Order of Determination. That thereafter and on May 3, 1941,
12 in accordance therewith, the State Engineer filed with the Clerk
13 of this Court certified copies of the abstract of claims and
14 Order of Determination, together with the original evidence and
15 data filed with the State Engineer, and thereupon requested of
16 and obtained from the Court an order setting the time for hearing,
17 as provided in Section 34 of the Water Law of this state, whereby
18 said matter was set for hearing at the hour of 10:00 o'clock A. M.
19 on Thursday, the 10th day of July, 1941, in the Court Room of the
20 Court House at Minden, Douglas County, Nevada, and therein
21 further ordering that any and all persons interested, who were
22 aggrieved or dissatisfied with said Order of Determination,
23 should file with the Clerk of the Court, and serve upon the
24 State Engineer, notice of exceptions to such Order of Determina-
25 tion at least five days prior to the date set for such hearing.
26 That the Clerk of the Court thereupon immediately furnished a
27 certified copy of said Order to the State Engineer, and the
28 State Engineer thereupon, to-wit, on or about the 5th day of May,
29 1941, mailed a certified copy of said Order, together with a
30 copy of his Order of Determination, by registered mail, at
31 Carson City, Nevada, addressed and directed to each of the parties
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1 designated in said Order of Determination at his, her or its
2 last known post office address. That the State Engineer of the
3 State of Nevada, in accordance with Section 34 of the Water Law,
4 also caused said last mentioned order of court to be published
5 at least once a week for five consecutive weeks in the Record-
6 Courier, a newspaper of general circulation published in
7 Douglas County, Nevada, commencing with the issue of May 9, 1941,
8 and ending with the issue of June 6, 1941, the said newspaper
9 being published in the county in which said stream is located,
10 and that thereafter the State Engineer filed with the Clerk of
11 this Court proof of such service by registered mail and by such
12 publication.

13
14 II.

15 That within the time allowed by law, as extended by order
16 of court, the exceptors, Emma Nevada Loftus, I. Duberstein, and
17 Clara E. Duberstein, filed certain exceptions to the final Order
18 of Determination, and that said exceptions were by them later
19 withdrawn.

20 III.

21 That North Logan Creek and its tributaries are located
22 wholly in Douglas County, State of Nevada.

23 IV.

24 That North Logan Creek can be considered perennial in
25 character, as numerous springs or spring areas along the stream
26 system serve as feeders throughout the year; that during the
27 early part of the irrigation season the run-off resulting from
28 melting snows or precipitation in the form of rain within the
29 drainage area augments the flow of water from springs, while
30 ordinarily during the latter part of the season the only water
31 available for use from the stream system is derived solely from
32 the so called feeder springs.

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V.

That the lands irrigated from North Logan Creek are contiguous to and constitute a part of the lands irrigated with the waters of Glenbrook Creek and its tributaries; that the soils of the irrigated lands have a tendency to a mixture of decomposed granite material and loam; that the soils are somewhat coarse in texture near the base of the mountains but extending out on the alluvial fill along Glenbrook Creek are of finer texture, well supplied with organic material and underlain more or less with gravel sands; that in arriving at the proper duty of water for irrigated lands proper consideration should be given to the porous character of the soils, the altitude, length of irrigation season, and the fact that same are more or less sloping and uneven; that in order to accomplish a satisfactory definition and limitation of the right to the use of water by the claimant on this stream system for irrigation use, it is essential that some unit or units of measurement be adopted which will establish the measure or the amount of the user's right; that the duty of water for irrigation of these lands should, therefore, be found and fixed in the amount of four acre feet for the irrigation season, and the rate of flow to which the claimant is entitled for direct diversion, as herein modified and enlarged upon, should not exceed 0.012025 of a cubic foot of water per second of time for each acre of land having a water right, which amount in uniform continuous flow during an irrigation season of 168 days will yield the duty of water per acre in acre feet as herein specified.

VI.

That the irrigation season begins on the 1st day of May and ends on the 15th day of October of each year, both dates inclusive, being a length of 168 days, except when climatic conditions are

1 such that said irrigation season is not in accordance with good
2 husbandry and actual beneficial use of water, in which event the
3 State Engineer should determine by examination the beginning of
4 the irrigation season, and should set the date thereof, giving
5 due notice to any parties concerned.

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7 VII.

8 That North Logan Creek is not dissimilar to a number of
9 other small mountain streams in Nevada where the run-off from
10 melting snows or precipitation in the form of rain is unusually
11 rapid and of comparatively short duration. Wherefore, it is
12 highly important that some flexibility with respect to the rate
13 of diversion must be maintained in order to meet those condi-
14 tions where water is not constantly available in the source to
15 satisfy the continuous flow in cubic feet per second, as herein
16 allotted, and the water user must of necessity conform his
17 irrigation practice to the availability of water; that for this
18 reason during those periods of the irrigation season when the
19 flow of water in the stream system will more than satisfy the
20 continuous flow allotment, as herein allowed, the claimant named
21 herein, or its successors in interest, subject to the conditions
22 that there be no interference with other users, should be en-
23 titled to increase the rate of the direct flow diversion so as
24 to satisfy any immediate needs of the growing crops and build up
25 the ground water storage; provided, however, that the total
26 diversion for the claimant during any calendar month shall not
27 exceed 1.5 acre feet for each acre of land granted a water
28 right; and provided, further, that the total diversions during
29 the irrigation season shall not exceed the duty of water in
30 acre feet as specified for such land.

31 VIII.

32 That all water diverted from North Logan Creek and its

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2 tributaries for irrigation purposes, in accordance with the
3 rights as herein defined, should be measured at a point where
4 the water in each main ditch first becomes appurtenant to the
5 land to be irrigated, or as near thereto as practical.

6 II.

7 That substantial headgates or other control works and weirs
8 to facilitate the measure and control of the water should be
9 installed wherever necessary to insure its proper distribution
10 in accordance with the rights to its use, as herein defined.

11 X.

12 That the claimant named herein, or any of its successors in
13 interest, should have the right to rotate the use of water to
14 which it or they shall be collectively entitled between the
15 various ditches diverting water from the stream system.

16 XI.

17 That all waters allotted under this order should be decreed
18 to be appurtenant to the place or places of use designated
19 herein, and that in the event any water user under this order
20 desires to change the place of use of the waters allotted herein,
21 such water user should first make application to the State
22 Engineer for permission to make such change, pursuant to law.

23 XII.

24 That the names of claimants or appropriators of the water
25 of North Logan Creek or its tributaries, the source of water
26 supply, the means by which water is secured from the source of
27 supply for beneficial use, the point of diversion, the year of
28 priority, the cultural acreage or place of use, the legal
29 subdivision, section, township, and range, length of season,
30 and the duty of water are by the court found to be as set forth
31 by the State Engineer in his said Order of Determination.

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XIII.

That whenever any of the lands as listed herein are irrigated with the waters of more than one source, the right to such combined use of water from all sources of supply should not exceed the duty of water as allowed for such lands.

XIV.

That the right to a reasonable diversion and use of the water of said stream system for stock and domestic purposes should be continued by the applicant named herein, or its successors in interest, at any time during the year, provided that during the irrigation season the quantity of water allowed and diverted for irrigation purposes should include that amount of water required for stock and domestic purposes.

XV.

That no person or persons holding a right of appropriation not herein listed should be entitled to receive any water from North Logan Creek or its tributaries, to the detriment of the rights as herein defined.

XVI.

That the claimant, the Glenbrook Company, and its successors in interest, should be debarred and prohibited from installing at any time at its point of diversion on North Logan Creek, or at any different point of diversion which may be authorized by the State Engineer, any impervious type of dam which shall be effective to divert or impede the natural flow of any subsurface waters below the bed of the stream.

And from the evidence presented and received in this matter, and from the foregoing FINDINGS OF FACT, the Court makes the following

CONCLUSIONS OF LAW

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I.

That the State Engineer had the right, authority and jurisdiction, under the Water Code of this state, to prepare, make, enter and file in his office the final Order of Determination and a certified copy thereof in this court, and to determine in said final Order of Determination the relative rights of the water users of North Logan Creek and its tributaries. That said State Engineer duly made all orders necessary and proper in connection therewith, and entered the same in his office, as required by law. That each and every notice required by law to be given, except the notices which were waived in writing by each of said claimants, was duly given by the State Engineer in the manner and at the time required by law, and such notices, and each of them, contains the statements required by law. That all claimants and appropriators of the waters of North Logan Creek and its tributaries duly received the information and notices required by law. That there is but one claimant and appropriator having vested right of appropriation to the waters of North Logan Creek and its tributaries, to-wit, the Glenbrook Company; that except such persons as may have acquired or may hereafter acquire rights to the use of water therefrom by virtue of applications filed with and approved by the State Engineer, in accordance with the provisions of the statute, no persons other than the Glenbrook Company have or claim any interest in or to said water, or in or to the use of said water, or any part thereof that all the water of said stream system has been appropriated. That each of the said claimants in writing waived the provisions with reference to notices and to service and publication thereof, as provided by the Water Code, and that pursuant to such written waiver the State Engineer was authorized

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2 to make an Order of Determination without giving, serving or
3 publishing any notices required in this Act. That after said
4 final Order of Determination was filed, as required by law, all
5 subsequent notices required by law were given in the manner and
6 for the time required.

7 II.

8 That this Court had jurisdiction to hear and try this
9 matter, and has jurisdiction to find, make and enter these
10 Findings of Fact and Conclusions of Law and this Decree.

11 III.

12 That the Glenbrook Company, named herein as claimant, and
13 its successors in interest, is the sole and only claimant who is
14 an appropriator and user of the waters of North Logan Creek and
15 its tributaries on the date the final Order of Determination was
16 filed with the Clerk of this Court, excepting from this finding
17 the names of those parties who have made application to the
18 State Engineer for permits.

19 That the said Glenbrook Company, named in the final Order
20 of Determination as claimant and appropriator to the waters of
21 North Logan Creek and its tributaries, by and through the several
22 diversion ditches named, and its successors in interest, is the
23 appropriator or claimant to the waters of said stream system,
24 and that such appropriator or claimant, by itself and by and
25 through its predecessors in interest, now is the owner or
26 possessor of the lands described in said Order of Determination
27 and in these Findings of Fact, Conclusions of Law and Decree,
28 and continuously from the date of such appropriation or priority,
29 when such water was available for beneficial use, diverted all
30 of such quantity of water from said North Logan Creek and its
31 tributaries, and applied the same to beneficial use, as alleged
32 in said Order of Determination.

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IV.

That the Judgment and Decree should by specific terms debar and prohibit the claimant, the Glenbrook Company, and its successors in interest, from installing at any time at its point of diversion on North Logan Creek, or at any different point of diversion which may be authorized by the State Engineer, any impervious type of dam which shall be effective to divert or impede the natural flow of any subsurface waters below the bed of the stream.

V.

That the decree should fix the duty of water for the irrigation of the land of the claimant in the amount of four acre feet per acre for the irrigation season.

VI.

That except where specifically otherwise ordered herein, the Order of Determination made, filed, and caused to be entered of record in this matter by the State Engineer should be affirmed.

VII.

That the parties hereto are, and each of them is, entitled to the restraining order and injunction granted and hereinafter set forth in the decree.

JUDGMENT AND DECREE

WHEREFORE, 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 this Court has full and complete jurisdiction to hear, try, and determine this case and to make and enter herein this decree.

II.

That the State Engineer duly made all orders necessary and

1 waters of North Logan Creek and its tributaries, diverting water
 2 from said stream for beneficial use, the year of priority, the
 3 cultural acreage of harvest crop, the legal subdivision, section,
 4 township, range, and number of acre feet of water for each of
 5 said claimants or appropriators, is hereby adjudged and decreed
 6 as follows, to-wit:

7 Claimant: The Glenbrook Company Proof No. 02147

8 Source: North Logan Creek (sometimes called Logan Creek
 9 or Logan Shoals Creek No. 1)

10 Use: Irrigation, stockwatering and domestic purposes

11 Means of diversion: Through main ditch, unnamed creek and
 12 distribution ditches Nos. 1, 2 and 3

13 Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, Township 14 N.,
 14 Range 18 E., M.D.B. & M.

15 Period of use: May 1st to October 15th of each year.

17	Prior-	Cultural	Sub-	Sec-	T.	R.	Duty of water		
18	ity	Acreage	division	tion	N.	E.	c.f.s.	Acre-feet	
				Ditch #1					
1872		7.54	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0907	30.16	
"		5.02*	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0603	20.08	
"		2.10*	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0252	8.40	
"		8.99*	Lot 3	10	14	18	.1081	35.96	
"		4.88*	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.0587	19.52	
"		0.82	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.0099	3.28	
				Ditch #2					
1872		0.24	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	14	18	.0029	0.96	
"		13.43	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.1615	53.72	
"		2.16	Lot 5	10	14	18	.0260	8.64	
"		0.22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	14	18	.0026	0.88	
				Ditch #3					
1872		2.91	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.0350	11.64	
"		11.89*	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	14	18	.1430	47.56	
"		0.07*	Lot 3	10	14	18	.0008	0.28	
"		0.03*	Lot 5	10	14	18	.0004	0.12	
28	Total	60.30 acres					.7251	241.20	

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 30 * Areas also irrigated from Glenbrook Creek through
 31 Glenbrook Creek Ditch #2

1 proper, as required by law, and entered the same in his office;
2 that each and every notice required by law to be given, except
3 the notices which were waived in writing by each of said claim-
4 ants, was duly given by the State Engineer in the manner and at
5 the time required by law, and said notices contained the state-
6 ments required by law; that there is but one claimant or
7 appropriator to the waters of North Logan Creek and its
8 tributaries, to-wit, the Glenbrook Company, claiming a vested
9 right therein; that except such persons as may have acquired
10 or may hereafter acquire rights therein by virtue of applications
11 filed with and approved by the State Engineer, no person
12 other than the Glenbrook Company has or claims any interest in
13 or to the said water, or to the use of said water, or any part
14 thereof; and that each of said claimants in writing waived
15 the provisions of the Water Code with reference to notice
16 and serving and publication thereof; and that pursuant to
17 such written waiver the State Engineer was authorized to
18 make an Order of Determination without giving, serving, or
19 publishing any notice required prior to the making of said
20 final Order of Determination.
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22 III.

23 That except as specifically in this decree otherwise
24 ordered, the Order of Determination made, filed, and caused
25 to be entered of record in this case by the State Engineer
26 be, and the same hereby is, confirmed.
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28 IV.

29 That the name of the claimant or appropriator of the
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V.

That the irrigation season shall begin on May 1st and end on October 15, both dates inclusive, of each year, being a length of 168 days, except when climatic conditions are such that irrigation is not in accordance with good husbandry and actual beneficial use of water. The State Engineer shall then determine by examination the beginning of the irrigation season and set the date thereof, giving notice to the claimant and to all other parties concerned therewith. The setting of the date shall be for the sole purpose of administering and distributing the waters of the North Logan Creek stream system and its tributaries.

VI.

That the duty of water on lands irrigated from said North Logan Creek stream system and its tributaries is hereby adjudged and decreed and fixed as 4 acre feet per acre during the irrigation season for said lands; that the rate of flow to which said claimant is entitled for direct diversion shall be 0.012025 of a cubic foot of water per second for each acre of land irrigated based upon an irrigation season of 168 days, which said amount of water in uniform continuous flow will yield the acre feet allotment per acre as fixed as said duty of 4 acre feet; that during those periods of the irrigation season when the flow of water in the stream system will more than satisfy the continuous flow allotment of said claimant, subject to the condition that there be no undue interference with other water users, if any, shall be entitled to increase the rate of the claimant's direct diversion so as to satisfy the immediate needs of the growing crops and build up ground water storage; provided, that the total diversion for said claimant during any calendar month shall not exceed 1.5 acre feet for each acre of land granted a water right

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herein; and provided further, that the total diversion during the irrigation season shall not exceed the duty of water in acre feet as specified for such land.

That the priorities fixed herein, transmission loss, evaporation, seepage, nature of crops, duty of water, sub flow, and other elements shall be taken into consideration in connection with the distribution of the waters of said stream system.

VII.

That all measurements of amounts of water diverted are to be made at the point where the water in the ditch first becomes appurtenant to the land to be irrigated therefrom, or as near thereto as practicable, the location, if not selected by the State Engineer, to be approved by him. Due allowance for ditch losses shall be made by the State Engineer.

That substantial headgates or such other control works and weirs to facilitate the measurement and control of water, approved by the State Engineer, shall be installed whenever and wherever necessary to insure the proper distribution of the water in accordance with the rights to its said use.

VIII.

That the claimant, the Glenbrook Company, and its successors in interest, is debarred and prohibited from installing at any time at its point of diversion on North Logan Creek, or at any different point of diversion which may be authorized by the State Engineer, any impervious type of dam which shall be effective to divert or impede the natural flow of any subsurface waters below the bed of the stream.

IX.

That the said claimant and/or any of its successors in interest shall have the right to rotate the use of water to which

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it or they may be collectively entitled between the various ditches diverting water from the said stream system; provided, that whenever any of the lands as listed in said Final Order of Determination are irrigated with waters of more than one source, the right to such combined use of said water from all said sources of supply shall not exceed the duty of water as allowed herein for said lands.

X.

That all waters allocated in this decree shall be appurtenant to the place or places of use designated herein. In the event it is desired to change the place of use of said waters as so allocated, the claimant or water user shall make application to the State Engineer for permission to change such place of use according to law.

XI.

That no person or persons holding a right of appropriation of water from North Logan Creek stream system and its tributaries not listed in this Decree shall be entitled to receive any water from said stream system and its tributaries until all appropriations herein listed and set forth have been fully satisfied.

XII.

That the right to a reasonable diversion and use of the water for stock and domestic purposes shall be continued by the claimant, the Glenbrook Company, or its successors in interest, at any time during the year, provided that during the irrigation season the quantity of water allowed and diverted for irrigation purposes shall include that amount of water required for stock and domestic purposes.

XIII.

That the State Engineer, his assistants and water com-

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missioners shall be the administrators of the waters of the North Logan Creek stream system and its tributaries, and he shall make such rules and regulations as may be necessary for the proper distribution of said waters so long as said rules conform to these findings, this Decree, and the Water Code of this State.

XIV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

That the claimant and appropriator hereinbefore named is the owner of the flow and the use of the several amounts of water appropriated to it as set forth herein, and in said Final Order of Determination where no change has been made herein; that said claimant and appropriator, and each of its servants, agents and attorneys, and all persons claiming by, through or under it or them, and its or their successors and assigns, in and to the water rights and laws herein described, be, and each of them is forever enjoined and restrained from claiming any rights in or to the waters of the said North Logan Creek stream system and its tributaries, except the rights herein allotted, allowed, prescribed and determined, or allowed by permits which have been or may hereafter be granted by the State Engineer of the State of Nevada.

XV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

That the claimant and appropriator herein, and each of its servants, agents and attorneys, and all persons claiming by, through or under it or them, and its or their successors and assigns, be, and each of them is forever enjoined and restrained from diverting from the natural channel of said North Logan Creek or from any other means of diversion and transportation of water and from using any of the said water in any other manner, or at any other time, or for any other purpose or purposes or

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upon any other land or lands than as provided and prescribed by the terms of this Decree, or by permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

XVI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

That the said claimant and appropriator herein, and each of its servants, agents, attorneys or employees, and their successors in interest, and all and every person or persons acting in aid or assistance of any of said parties or either of them, be, and each of them is, hereby enjoined and restrained from in any manner meddling with, opening, closing, changing, injuring or interfering with any headgates, weirs, waterbox, flume or measuring device, placed, installed or established by the State Engineer or by his authority or direction, unless such act be done by the permission or authority of the said State Engineer and/or any of his assistants and water commissioners, if during the period of his regulation or control of said water, or if not done during such period, then by virtue of the allowances, authority, terms and provisions of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

DATED this 2nd day of Sept, 1941.

Clark D. Guilel
District Judge.

Entered in Judgment Book "E" page 117-126

STATE OF NEVADA }
County of Douglas } ss.

I, H. R. Jepson, County Clerk of Douglas County, State of Nevada and ex-officio Clerk of the District Court, First Judicial District of the State of Nevada, in and for said County of Douglas; said Court being a Court of Record, having a common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing is a full, true, and correct copy of the original Findings of Fact, Conclusions of Law and
Verdict
which now remains on File
in my office in Minden, in said county.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed my Official Seal at
Minden, in said County and State, this 19
day of Sept, A. D., 1941.
H. R. Jepson County Clerk.