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Case No. 319562

Dist. 2

*E. McKenya*

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF THE DETERMINATION)  
OF THE RELATIVE RIGHTS IN AND TO )  
THE WATERS OF OPHIR CREEK AND ITS )  
TRIBUTARIES IN WASHOE COUNTY, )  
NEVADA. )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
JUDGMENT AND DECREE

This matter came on regularly for hearing on the 18th day of July, 1978, before the Honorable John W. Barrett, District Judge. Ophir Creek and its tributaries, the subject of these proceedings, is within Washoe County, State of Nevada; and therefore, Judge Barrett, having been duly assigned this matter by the Clerk of the Court, is the Judge designated by NRS 337.165 to hear the above entitled matter of the Determination of the Relative Rights of all the Claimants to the use of the waters of the stream system of Ophir Creek and its tributaries. The Order of Determination and all related documentary evidence was filed on December 22, 1976, with the Clerk of the Court by the State Engineer. A hearing on the Order of Determination was set for March 31, 1977, at 1:30 P.M. A copy of the Order of Determination and a copy of the Court's Order Setting Time for the March 31, 1977, hearing were properly served on all Claimants and, thereafter, by stipulation, the original hearing date was vacated.

On March 17, 1977, Roger Gash filed a Notice of Exception to the Order of Determination in excess of five days prior to the

1 date set for hearing as provided by NRS 533.170. On March 23,  
2 1977, Steve Scott filed a Notice of Exception to the Order of  
3 Determination which was followed by additional exceptions of  
4 Lawrence and Betsy Brown on March 25, 1977, and Helen T. Alrich on  
5 March 27, 1977, the above exceptions being filed more than five  
6 days prior to the date set for hearing as provided by NRS 533.170.

7 On March 31, 1977, the hearing for Objections to the  
8 Order of Determination was commenced and by stipulation of counsel  
9 the hearing of objections and exceptions to the Order of Determina-  
10 tion was vacated and continued to a future time agreeable to the  
11 parties and this court.

12 On August 27, 1977, this Court, upon the Motion of  
13 Lawrence and Betsy Brown, entered an order staying the enforcement  
14 of the State Engineer's Order of Determination.

15 On September 16, 1977, the office of the Attorney General  
16 properly renoticed all interested parties and the hearing for  
17 Objections to the Order of Determination was set for July 10, 1978.

18 On July 10, 1978, Exceptions to the Order of Determina-  
19 tion were filed by Stanley E. Bailey and Justine W. Livingston  
20 which were objected to in oral motions by G & M Properties, Michael  
21 Dermody, and Gordon and Kathleen Thompson. The Court overruled the  
22 aforementioned objections and entered an order stating it would  
23 assume jurisdiction of the untimely objections. On July 11, 1978,  
24 the oral objections to the untimely filing of objections to the  
25 Order of Determination were renewed and again denied by this Court,  
26 however, a continuance of the proceeding was granted.

27 On or about July 11, 1978, a Petition for Writ of Prohi-  
28 bition and/or Mandamus was filed with the Nevada Supreme Court  
29 (Case No. 10957) seeking to restrain and prohibit the allowance of  
30 filing untimely exceptions to the Order of Determination and, by

1 motion, the Supreme Court stayed this Court's Order relating to the  
2 claims of Bailey and Livingston pending resolution of the propriety  
3 of this Court's action in allowing the belated exceptions to be  
4 heard.

5 The hearing on the timely filed Exceptions to the Order  
6 of Determination resumed on July 13, 1978, and upon receipt of the  
7 Order from the Nevada Supreme Court granting the Writ of Prohibi-  
8 tion, the hearing was continued until further order of this Court.

9 On January 11, 1979, the hearing of Exceptions to the  
10 Order of Determination was resumed and on January 12, 1979, the  
11 hearing was completed and a briefing schedule ordered by this  
12 Court.

13 On May 9, 1979, the Nevada Supreme Court, per Justice  
14 Manoukian, issued an opinion stating that subject Writ will issue  
15 to prohibit this Court from assuming jurisdiction and from hearing  
16 the untimely exceptions of Claimants Bailey and Livingston. G & M  
17 Properties v. District Court, 95 Nev. 301, 306, 594 P.2d 714 (1979)

18 On February 10, 1983, the Court's attention having been  
19 directed to the fact that the briefing schedule set forth in its  
20 previous Order of July 11 through 12, 1979, had not been complied  
21 with, requested a meeting of counsel present and parties repre-  
22 sented pro se at the July 11 through 12, 1979, hearing. Subse-  
23 quently, the Court issued an Order rescinding its previous Order  
24 setting forth the briefing schedule and further ordered a new  
25 briefing schedule in the above-entitled matter.

26 On May 2, 1983, and May 3, 1983, respectively, the State  
27 Engineer entered into stipulations amending the Order of Determina-  
28 tion and withdrawing objections to the Order of Determination filed  
29 by Helen T. Alrich and Roger Gash, respectively. On May 4, 1983,  
30 this Court entered Orders withdrawing the Alrich and Gash objec-

1 tions and mandating the Order of Determination be amended in  
2 accordance with the underlying stipulations.

3 On September 3, 1983, this Court entered an Order with-  
4 drawing the Stay of Enforcement of the State Engineer's Order of  
5 Determination, adopting the Order of Determination as amended and  
6 further ordering payment of adjudication expenses.

7 The Court, having considered the entire record and  
8 evidence introduced and received including the cost bill, directed  
9 the State Engineer to prepare the Findings of Fact, Conclusions of  
10 Law, and Judgment and Decree affirming the Order of Determination  
11 as amended herein in accordance with NRS 533.185.

12 FINDINGS OF FACT

13 I.

14 The Court Finds: That on April 21, 1958, Edward W.  
15 Scripps, II, a water user on Ophir Creek, submitted a petition to  
16 the State Engineer requesting the determination of the relative  
17 rights to the use of the waters of Ophir Creek and its tributaries  
18 located in Washoe County, Nevada.

19 That as a result of the State Engineer's investigations,  
20 it was found that facts and conditions justified such determina-  
21 tion and on June 12, 1958, the State Engineer entered an order  
22 granting said petitions.

23 That the State Engineer received and filed in his records  
24 maps and statements of claims to the use of water from said stream  
25 system required under the provisions of NRS 533.

26 That the claimants upon said stream system are as set  
27 forth herein.

28 That in accordance with the provisions of NRS 533, the  
29 State Engineer made and filed and caused to be entered on the  
30 records in his office, his Order of Determination defining the

1 rights of the claimants to the waters of said Ophir Creek stream  
2 system, as hereinafter defined.

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

9 II.

10 The Court Further Finds: That Ophir Creek and its  
11 tributaries, the subject of these proceedings, is situated wholly  
12 within Washoe County, State of Nevada.

13 III.

14 The Court Further Finds: That the names of the claimants  
15 and appropriators of the waters of Ophir Creek and its tributaries,  
16 the source of the water supply, the period of use, the duty of  
17 water, the diversion of water and method of use, measurement of  
18 water, stockwatering and domestic use, change of place of use, and  
19 the rights of appropriation of the water, all as set forth in the  
20 Order of Determination as amended and set forth hereinbelow, are  
21 true, proper and correct, and all and singular, the same should be  
22 approved and confirmed.

23 That the waters of Ophir Creek stream system, as herein-  
24 after defined, since prior to 1900 have been and are being placed  
25 to beneficial use by the claimants named herein and their prede-  
26 cessors in interest.

27 That deeds of record in the State Engineer's office show  
28 that the present claimants and appropriators set forth herein are  
29 the successors in interest to the herein determined and adjudged  
30 vested rights to the waters of the Ophir Creek stream system

1 initiated prior to the year 1900.

2 1. SOURCE

3 The words "Ophir Creek stream system" as used herein,  
4 shall be interpreted as including Ophir Creek situated in the mid-  
5 westerly part of Washoe County, Nevada, on the easterly slope of  
6 the Carson Range, flowing in a general easterly direction into  
7 Washoe Valley, together with all its tributaries and all springs  
8 tributary to it.

9 2. PERIOD OF USE

10 By actual practice over a great number of years, water  
11 for irrigation of harvest meadow crops and diversified pasture has  
12 been used at any time during the year depending on climatic condi-  
13 tions.

14 The irrigation season is therefore herein fixed as being  
15 from January 1st through December 31st of each year.

16 3. DIVERSION OF WATER AND METHOD OF USE

17 The claimants herein have the right to divert 2.5 cubic  
18 feet per second (c.f.s.) of water per 100 acres of land irrigated  
19 but not to exceed the annual duty in acre-feet as established  
20 herein.

21 The claimants or their successors in interest will not be  
22 required to take or use the amount of water allotted to them in a  
23 continuous flow but may accumulate the same or any part thereof in  
24 rotation or periodic turn within the annual limits with the approv-  
25 val of the Water Commissioner and subject to the control and  
26 direction of the State Engineer.

27 4. DUTY OF WATER

28 The duty of water is the amount of water in acre-feet per  
29 annum required to be placed on land in a manner consistent with  
30 good irrigation practice to yield adequate crop returns.

1 The seasonal duty of water on lands irrigated from Ophir  
2 Creek and its tributaries is herein fixed and shall not exceed:  
3 Class A. . .Harvest Crop . . . . 4.5 ac.ft./ac./season  
4 Class B. . .Meadow Pasture . . . 4.0 ac.ft./ac./season  
5 Class C. . .Diversified Pasture. 3.5 ac.ft./ac./season

6 Vested rights have been granted herein to the claimant of  
7 waters from Ophir Creek to compensate for evaporation losses of  
8 Fish Pond under Amended Proof 02713. The mean annual evaporation  
9 for the area has been determined by the Soil Conservation Service  
10 Central Lahontan Basin Report of June, 1969, to be 48 inches.

11 Evaporation loss. . . . 4.0 ac.ft./ac./season

12 5. MEASUREMENT OF WATER

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

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

24 6. STOCKWATERING, DOMESTIC, RECREATION,  
25 FISH PROPAGATION AND WILDLIFE

26 The right to the diversion and use of water for stock-  
27 watering, domestic, recreation, propagation of fish and wildlife  
28 purposes shall be continued by the claimants named herein or their  
29 successors in interest at any time during the year, except as  
30 otherwise specified under stockwatering rights of appropriation,

1 and such diversions shall be according to the dates of priorities  
2 of such users and limited to the quantity of water reasonably  
3 necessary for such use.

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

9 7. CHANGE OF PLACE OF USE

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

15 8. RIGHTS OF APPROPRIATION

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

25 IV. FULL APPROPRIATION

26 The Court further finds that from all the records in  
27 these proceedings, it is determined that the waters of Ophir Creek  
28 and its tributaries are fully appropriated for irrigation purposes.

29 CONCLUSIONS OF LAW

30 From the evidence presented and received in this matter

1 and from the foregoing Findings of Fact, the Court makes the  
2 following Conclusions of Law:

3 I.

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

21 II.

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

27 III.

28 That the herein named claimants or their predecessors in  
29 interest, as duly recorded and shown on the record in the instant  
30 proceedings, are the only claimants of vested rights recognized in

1 this Decree and are lawful successors in interest to the rights of  
2 the appropriators and users of the waters of Ophir Creek and its  
3 tributaries on the date the Order of Determination was filed with  
4 the Clerk of the Court and on the date of the hearing on this  
5 matter.

6 IV.

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

11 V.

12 That the annual duty of water on lands irrigated from  
13 Ophir Creek and its tributaries is herein fixed and shall not  
14 exceed:

15 Class A. . .Harvest Crop . . . . . 4.5 ac.ft./ac./season  
16 Class B. . .Meadow Pasture . . . . . 4.0 ac.ft./ac./season  
17 Class C. . .Diversified Pasture. . . . . 3.5 ac.ft./ac./season

18 Vested rights have been granted herein to the claimant o  
19 waters from Ophir Creek to compensate for evaporation losses of  
20 Fish Pond under Amended Proof 02713. The mean annual evaporation  
21 for the area has been determined by the Soil Conservation Service  
22 Central Lahontan Basin Report of June, 1969, to be 48 inches.

23 Evaporation loss. . . . . 4.0 ac.ft./ac./season

24 VI. .

25 That each of the claimants shall have the right to divert  
26 2.5 cubic feet per second (c.f.s.) per 100 acres of land irrigated  
27 but not to exceed the annual duty in acre-feet of water established  
28 herein.

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

1 in a continuous flow but may cumulate the same or any part thereof  
2 in rotation or periodic turn within the annual limits with the  
3 approval of the Water Commissioner and subject to the control and  
4 direction of the State Engineer.

5 VII.

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

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

17 VIII.

18 That the right to the diversion and use of the water for  
19 stockwatering, domestic, recreation, propagation of fish and wild-  
20 life purposes shall be continued by the claimants named herein or  
21 their successors in interest at any time during the year except as  
22 otherwise specified under stockwatering rights of appropriation and  
23 such diversions shall be according to the dates of priorities of  
24 such users and limited to the quantity of water reasonably neces-  
25 sary for such use.

26 That the amount of water diverted for irrigation purposes  
27 shall not be increased by any amount to be used for stockwatering  
28 and domestic purposes but the quantity allowed and diverted for  
29 irrigation during the irrigation season shall include water for  
30 stockwatering purposes and domestic use.



XIII.

1  
2 That the Decree to be hereinafter entered should provide  
3 that each and every water user of the Ophir Creek stream system and  
4 its tributaries and each of their agents, attorneys, servants, and  
5 employees, and their successors in interest, and all and every  
6 person or persons acting in aid or assistance of the said parties  
7 or either of or any of them be, and that each of them is, hereby  
8 perpetually enjoined and restrained as follows to wit:

9 From at any time diverting or using the flow in whole or  
10 in part of any of the water of the Ophir Creek stream system and  
11 its tributaries hereinabove mentioned except to the extent and in  
12 the amount and in the manner and at the time or times set by this  
13 Decree to such respective party hereto allotted, allowed, pre-  
14 scribed and determined or allowed by permits which have been or may  
15 hereafter be granted by the State Engineer of the State of Nevada.

16 From diverting from the natural channel and from using  
17 any of the said water for irrigation or for any other purpose in  
18 excess of the specific allotment herein set by this decree or in  
19 excess of the specific allotment under a permit granted or that  
20 may hereafter be granted by the State Engineer of the State of  
21 Nevada.

22 From diverting from the natural channel and from using  
23 any of the said water in any other manner or for any other purpose  
24 or purposes or upon any other land or lands than as provided and  
25 prescribed by the terms of this Decree or by a permit granted or  
26 that may hereafter be granted by the State Engineer of the State  
27 Nevada.

28 From diverting from the natural channel and from using  
29 any of the said water at any other time or times than as specified  
30 and provided by the terms of this Decree or by a permit granted or

1 that may hereafter be granted by the State Engineer of the State of  
2 Nevada.

3 From in any manner meddling with, opening, closing,  
4 changing, injuring or interfering with any dams, headgates, weirs,  
5 water box, flume or measuring device placed, installed or esta-  
6 blished by the State Engineer or by his authority or direction  
7 unless such act be done by the permission or authority of the Water  
8 Commissioner if during the period of his regulation or control of  
9 said water or if not done during such period, then by virtue of the  
10 allowances, authority, terms and provisions of this Decree or by a  
11 permit granted or that may hereafter be granted by the State Engi-  
12 neer of the State of Nevada.

13 JUDGMENT AND DECREE

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

17 I.

18 That the State Engineer made all necessary and proper  
19 orders required by law and that each and every notice required by  
20 law was duly given to the claimants and appropriators; that the  
21 claimants and appropriators had full opportunity to appear and be  
22 heard in objection to and file exceptions to the Order of Determini-  
23 nation; that such objections and exceptions were heard and properly  
24 resolved; that the claimants set forth hereinafter in Section X  
25 hereof are the only claimants of vested water rights recognized in  
26 this Decree as appropriators of the waters of Ophir Creek and its  
27 tributaries and that this Decree determines the limit and extent of  
28 all vested water rights on the source.

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

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II.

That the waters of Ophir Creek and its tributaries are being placed to beneficial use by the claimants set forth herein-after in Section X for irrigation, stockwatering, domestic, recreation, propagation of fish and wildlife purposes.

III.

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

IV.

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

Class A. . .Harvest Crop . . . . .	4.5 ac.ft./ac./season
Class B. . .Meadow Pasture . . . . .	4.0 ac.ft./ac./season
Class C. . .Diversified Pasture. . . . .	3.5 ac.ft./ac./season

Vested rights have been granted herein to the claimant of waters from Ophir Creek to compensate for evaporation losses of Fish Pond under Amended Proof 02713. The mean annual evaporation for the area has been determined by the Soil Conservation Service Central Lahontan Basin Report of June, 1969, to be 48 inches.

Evaporation loss. . . . .	4.0 ac.ft./ac./season
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V.

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 in acre-feet as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water allotted to them in a continuous flow but may accumulate the same or any part

1 thereof in rotation or periodic turn within the annual limits with  
2 the approval of the Water Commissioner and subject to the control  
3 and direction of the State Engineer.

4 VI.

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

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

17 VII.

18 That the right to the diversion and use of water for  
19 stockwatering, domestic, recreation, propagation of fish and wild-  
20 life purposes shall be continued by the claimants named herein or  
21 their successors in interest at any time during the year, except as  
22 otherwise specified under stockwatering rights of appropriation,  
23 and such diversions shall be according to the dates of priorities  
24 of such users and limited to the quantity of water reasonably  
25 necessary for such use.

26 That the amount of water diverted for irrigation purposes  
27 shall not be increased by any amount to be used for stockwatering  
28 and domestic purposes but the quantity allowed and diverted for  
29 irrigation during the irrigation season shall include water for  
30 these uses.

1 That the amount of water diverted and used for stock-  
2 watering purposes shall not exceed 0.0000625 c.f.s. per head of  
3 sheep or 0.0003125 c.f.s. per head of cattle or horses - said  
4 quantity being delivered to the place of use when necessary for  
5 this purpose.

6 VIII.

7 That all water allotted under this Order shall be appur-  
8 tenant to the place of use designated herein. That any water user  
9 desiring to change the point of diversion, manner of use or place  
10 of use of the waters allotted herein must make application to the  
11 State Engineer for permission to make the change pursuant to  
12 NRS 533.345.

13 IX.

14 That the waters of Ophir Creek and its tributaries are  
15 fully appropriated for irrigation purposes.

16 X.

17 That the following tabulation lists the rights as deter-  
18 mined by this Decree:

19 \* SEE APPLIC. 11624 (FRANK TOWNSEND OR DIVISION) ATTACHED THERE-TO  
PROOF NO.: Second Amended 02441  
20 CLAIMANT: John Jay Casey  
21 SOURCE: Ophir Creek and Tributaries  
22 USE: Irrigation, Domestic and Stockwatering  
23 MEANS OF DIVERSION: Dams and Ditches  
24 POINTS OF DIVERSION: 1. SE1/4 SE1/4 Section 34, T.17N.,  
25 R.19E., M.D.B.&M., or at a point  
26 from which the S1/4 Corner of said  
Section 34 bears S. 56°07' W., a  
27 distance of 1,786 feet.  
28 2. NE1/4 SW1/4 Section 34, T.17N.,  
29 R.19E., M.D.B.&M., or at a point  
30 from which the S1/4 Corner of said  
Section 34 bears S. 6°55' E., a  
distance of 2,070 feet.

1 PROOF NO.: Second Amended 02441 (Continued)

2 POINTS OF DIVERSION: (Continued)

- 3 3. SW1/4 SW1/4 Section 35, T.17N.,  
4 R.19E., M.D.B.&M., or at a point  
5 from which the SW Corner of said  
6 Section 35 bears S. 15°50' W., a  
7 distance of 665 feet.
- 8 4. SW1/4 SW1/4 Section 35, T.17N.,  
9 R.19E., M.D.B.&M., or at a point from  
10 which the SW corner of said Section  
11 35 bears S. 31°48' W., a distance  
12 of 670 feet.

PRIORITY:	CULTURAL ACREAGE		LOCATION				DUTY OF WATER	
	BAR-VEST:	DIVERSIFIED PASTURE:	SUBD.:	SEC.:	TWP.:	RGE.:	C.F.S.:	AC.FT.:
11	1859	4.1	SW1/4SE1/4	35	17	19	0.103	18.47
12	1859	27.7	SE1/4SW1/4	35	17	19	0.692	124.68
13	1859	29.5	SW1/4SW1/4	35	17	19	0.738	132.75
14	1859	14.1	SE1/4SE1/4	34	17	19	0.352	63.48
15	1859	7.5	SW1/4SE1/4	34	17	19	0.187	33.75
16	1859	37.8	NW1/4NW1/4	2	16	19	0.945	170.10
17	1859	18.0	SW1/4NW1/4	2	16	19	0.450	81.00
18	1859	37.9	NE1/4NE1/4	3	16	19	0.948	170.58
19	1859	38.1	NW1/4NE1/4	3	16	19	0.952	171.48
20	1859	12.7	NE1/4NW1/4	3	16	19	0.318	57.18
21	1859	3.5	SE1/4NW1/4	3	16	19	0.087	15.75
22	1859	18.4	SW1/4NE1/4	3	16	19	0.460	82.80
23	1859	20.0	SE1/4NE1/4	3	16	19	0.500	90.00
24	1862	5.7	SW1/4SE1/4	35	17	19	0.143	25.65
25	1862	12.3	SE1/4SW1/4	35	17	19	0.307	55.35
26	1862	2.7	SW1/4SW1/4	35	17	19	0.068	12.15
27	1862	29.9	NW1/4SW1/4	35	17	19	0.747	134.55
28	1862	40.0	NE1/4SW1/4	35	17	19	1.000	180.00
29	1862	25.0	NW1/4SE1/4	35	17	19	0.625	112.50
30	1862	40.0	SE1/4NW1/4	35	17	19	1.000	180.00

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PROOF NO.: Second Amended 02441 (Continued)

PRIORITY:	CULTURAL ACREAGE		LOCATION				DUTY OF WATER	
	HARVEST:	DIVERSIFIED PASTURE:	SUBD.:	SEC.:	TWP. RGE. N. E.:	C.F.S.:	AC.FT.:	
1862	30.2		SW1/4NW1/4	35	17 19	0.756	135.90	
1862	12.8		SE1/4NE1/4	34	17 19	0.320	57.60	
1862	19.5		NE1/4NE1/4	34	17 19	0.487	87.75	
1862	32.2		NW1/4NW1/4	35	17 19	0.805	144.90	
1862	27.7		SW1/4NE1/4	35	17 19	0.692	124.65	
1862	38.3		NE1/4NW1/4	35	17 19	0.958	172.35	
1862	28.8		NW1/4NE1/4	35	17 19	0.720	129.60	
1862		5.4	SE1/4SE1/4	26	17 19	0.135	18.90	
1862	10.0	23.6	SW1/4SE1/4	26	17 19	0.840	127.60	
1862	34.2	1.4	SE1/4SW1/4	26	17 19	0.890	158.80	
1862	31.9		SW1/4SW1/4	26	17 19	0.798	143.55	
1862	5.4		SE1/4SE1/4	27	17 19	0.135	24.30	
1862	9.9		NW1/4SW1/4	25	17 19	0.247	44.55	
1862	38.4		NE1/4SW1/4	26	17 19	0.960	172.80	
1862	13.6	26.4	NW1/4SE1/4	26	17 19	1.000	153.60	
1862		30.1	NE1/4SE1/4	26	17 19	0.752	105.30	
1862		8.3	NW1/4SW1/4	25	17 19	0.208	29.05	
1862		2.1	NE1/4SW1/4	25	17 19	0.052	7.35	
1862		17.1	SE1/4NW1/4	25	17 19	0.428	59.85	
1862		1.8	NE1/4NW1/4	25	17 19	0.045	6.30	
1862		7.6	SW1/4NW1/4	25	17 19	0.190	26.60	
1862		3.5	SE1/4NE1/4	26	17 19	0.087	12.25	
1362	2.5	6.9	SW1/4NE1/4	26	17 19	0.235	35.40	
1862	4.1		SE1/4NW1/4	26	17 19	0.103	18.45	
TOTAL	764.4	134.2				22.465	*3909.50	

\*Some of the lands listed above also receive water from sources

STATE OF NEVADA  
DEPARTMENT OF  
CONSERVATION AND  
NATURAL RESOURCES  
CAPITOL COMPLEX  
NVE BUILDING  
201 N. FALL STREET  
CARSON CITY, NEVADA  
89710  
2801A

1 other than Ophir Creek. The total quantity of water placed on  
2 these lands from all sources shall not exceed the quantity in acre-  
3 feet tabulated above for each parcel.

4 PROOF NO.: Amended 02713  
5 CLAIMANT: County of Washoe  
6 SOURCE: Ophir Creek and Tributaries  
7 USE: Recreation, propagation of Fish and  
8 Wildlife  
9 MEANS OF DIVERSION: Dam and Ditches  
10 POINT OF DIVERSION: NE1/4 SW1/4 Section 34, T.17N., R.19E.,  
11 M.D.B.&M., or at a point from which the  
12 S1/4 corner of said Section 34 bears  
13 S. 6°52' E., a distance of 2,068.5 feet.  
14 PLACE OF USE: NW1/4 NE1/4 Section 34, and SW1/4 SE1/4  
15 Section 27, T.17N., R.19E., M.D.B.&M.  
16 PRIORITY: 1862

17 The water claim (F/280) of Theodore Winters filed in Washoe  
18 County records in 1889 has an accompanying sketch indicating Fish  
19 Pond was in existence at that time. The claim also describes Fish  
20 Pond Ditch and its capacity of 7,965 c.f.m. and the date of appro-  
21 priation as "May 1862".

22 The rate of evaporation for Fish Pond is 48 inches per year  
23 as determined from the Soil Conservation Service Central Sahontar  
24 Basin Report of June, 1969.

25 The surface area of Fish Pond is 3.65 acres. A vested right  
26 of 15.40 acre-feet per year is hereby determined for Fish Pond,  
27 now known as Davis Park Lake, with a priority of 1862.

28 The diversion rate to Davis Park Lake from Ophir Creek as  
29 determined from flow records of Fish Pond Ditch, the ditch convey-  
30 ing said water, is 0.994 c.f.s.

1 PROOF NO.: 02745  
 2 CLAIMANTS: Joe N. and Violet K. Bone  
 3 SOURCE: Ophir Creek and Tributaries  
 4 USE: Irrigation and Domestic  
 5 MEANS OF DIVERSION: Rock Dam and Ditch  
 6 POINT OF DIVERSION: NW1/4 SE1/4 Section 34, T.17N., R.19E.,  
 7 M.D.B.&M., or at a point from which the  
 8 E1/4 corner of said Section 34 bears  
 N. 73°07' E., a distance of 2,323 feet.

PRIOR- ITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER			
		TWP.	RGE.	SEC.	N.	E.	C.F.S.:	AC.FT.
	MEADOW PASTURE:			SUED.:				
1862	0.63	NE1/4SE1/4	34	17	19	0.016	2.5:	

13 PROOF NO.: 02746  
 14 CLAIMANT: Richard L. Hood and Betty J. Hood  
 15 SOURCE: Ophir Creek and Tributaries  
 16 USE: Irrigation and Stockwatering  
 17 MEANS OF DIVERSION: Headgate and Ditch  
 18 POINT OF DIVERSION: NE1/4 SW1/4 Section 34, T.17N., R.19E.,  
 19 M.D.B.&M., or at a point from which the  
 20 E1/4 corner of said Section 34 bears  
 N. 82°38'33" E., a distance of 3,180.2  
 feet.

PRIOR- ITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER			
		TWP.	RGE.	SEC.	N.	E.	C.F.S.:	AC.FT.
	MEADOW PASTURE:			SUED.:				
1862	6.70	SE1/4NE1/4	34	17	19	0.163	26.8	

26 PROOF NO.: 02749  
 27 CLAIMANT: Justin W. Livingston and Stanley E. Bailey  
 28 SOURCE: Ophir Creek and Tributaries  
 29 USE: Irrigation, Domestic and Stockwatering  
 30 MEANS OF DIVERSION: Dam and Ditch

1 PROOF NO.: 02749 (Continued)  
 2 POINT OF DIVERSION: NW1/4 SE1/4 Section 34, T.17N., R.19E.,  
 3 M.D.B.&M., or at a point from which the  
 4 S1/4 corner of said Section 34 bears  
 S. 3°14'55" W., a distance of 1,951.29  
 feet.

PRIOR- ITY:	CULTURAL ACREAGE	HARVEST:	SUBD.:	LOCATION			DUTY OF WATER	
				SEC.:	TWP.	RGE.	C.F.S.:	AC.FT.
7	1856	9.9	SW1/4NW1/4	3	16	19	0.247	44.50
8	1856	18.6	SE1/4NW1/4	3	16	19	0.465	83.70
9	1856	8.3	NW1/4SW1/4	3	16	19	0.207	37.30
10	1856	17.8	NE1/4SW1/4	3	16	19	0.445	80.10
11	1856	18.8	SW1/4NE1/4	3	16	19	0.470	84.60
12	1856	20.8	SE1/4NE1/4	3	16	19	0.520	93.60
13	1856	19.2	NE1/4SE1/4	3	16	19	0.480	86.40
14	1856	18.4	NW1/4SE1/4	3	16	19	0.460	82.80
15	1856	12.9	SW1/4NW1/4	2	16	19	0.323	58.00
16	1856	13.4	NW1/4SW1/4	2	16	19	0.335	60.30
17	TOTAL	158.1					3.952	711.45

18  
 19 PROOF NO.: 02761  
 20 CLAIMANT: Roger Gash  
 21 SOURCE: Ophir Creek and Tributaries  
 22 USE: Irrigation, Domestic, Recreation and Fish  
 23 and Game Propagation  
 24 MEANS OF DIVERSION: Headgate and Ditches  
 25 POINT OF DIVERSION: NE1/4 SW1/4 Section 34, T.17N., R.19E.,  
 26 M.D.B.&M., or at a point from which the  
 E1/4 corner of said Section 34 bears  
 N. 83°15'30" E., a distance of 3179.5 feet

PRIOR- ITY:	CULTURAL ACREAGE	MEADOW PASTURE:	SUBD.:	LOCATION			DUTY OF WATER	
				SEC.:	TWP.	RGE.	C.F.S.:	AC.FT.:
29	1862	1.0	SE1/4NE1/4	34	17	19	0.0063	4.00

1 PROOF NO.: Amended 02769  
 2 CLAIMANT: State of Nevada, Department of Wildlife  
 3 SOURCE: Ophir Creek and Tributaries  
 4 USE: Irrigation  
 5 MEANS OF DIVERSION: Dams and Ditches  
 6 POINTS OF DIVERSION: 1. SE1/4 SE1/4 Section 34, T.17N.,  
 7 R.19E., M.D.B.&M., or at a point  
 8 from which the S1/4 corner of said  
 9 Section 34 bears S. 56°07' W., a  
 10 distance of 1,786.0 feet.  
 11 2. NE1/4 SW1/4 Section 34, T.17N.,  
 12 R.19E., M.D.B.&M., or at a point  
 13 from which the S1/4 corner of said  
 14 Section 34 bears S. 6°55' E., a  
 15 distance of 2,070.0 feet.  
 16 3. SW1/4 SW1/4 Section 35, T.17N.,  
 17 R.19E., M.D.B.&M., or at a point  
 18 from which the SW section corner of  
 19 said Section 35 bears S. 15°50' W.,  
 20 a distance of 665.0 feet.  
 21 4. SW1/4 SW1/4 Section 35, T.17N.,  
 22 R.19E., M.D.B.&M., or at a point  
 23 from which the SW section corner of  
 24 said Section 35 bears S. 31°48' W.,  
 25 a distance of 670.0 feet.

PRIOR- ITY:	CULTURAL ACREAGE DIVERSIFIED PASTURE:	LOCATION				DUTY OF WATER		
		TWP. RGE.		SUBD.: SEC.: N. E.:		C.F.S.:	AD. FT.:	
21	1859	8.8	NW1/4NE1/4	2	16	19	0.220	30.80
22	1859	34.0	NE1/4NW1/4	2	16	19	0.850	119.00
23	1859	4.4	SW1/4SE1/4	35	17	19	0.110	15.40
24	1859	2.5	SE1/4SW1/4	2	16	19	0.063	8.75
25	1859	10.1	NE1/4SW1/4	2	16	19	0.252	35.35
26	1859	2.5	SE1/4NW1/4	2	16	19	0.063	8.75
27	1859	1.7	NW1/4NE1/4	2	16	19	0.042	5.95
28	1862	3.5	SW1/4SE1/4	35	17	19	0.088	12.25
29	1862	5.8	NW1/4SE1/4	35	17	19	0.145	20.30
30	1862	3.6	SW1/4NE1/4	35	17	19	0.090	12.60



1 PROOF NO.: 02769A (Continued)

2 POINTS OF DIVERSION: 1. NW1/4 SE1/4 Section 34, T.17N.,  
 3 R.19E., M.D.B.&M., or at a point  
 4 from which the S1/4 corner of said  
 5 Section 34 bears S. 3°14'55" W., a  
 6 distance of 1,951.29 feet.

7 2. SE1/4 SE1/4 Section 34, T.17N.,  
 8 R.19E., M.D.B.&M., or at a point  
 9 from which the S1/4 corner of said  
 10 Section 34 bears S. 56°07' W., a  
 11 distance of 1,786.0 feet.

PRIOR- ITY:	CULTURAL ACREAGE	LOCATION				DUTY OF WATER	
		MEADOW PASTURE:		TWP. RGE.		C.F.S.:	AC.FT.:
		SUBD.:	SEC.:	N.	R.:		
10	1856 * 4.3	NE1/4SW1/4	2	16	19	0.108	17.20
11	1856 * 7.2	NW1/4SW1/4	2	16	19	0.180	28.80
12	1856 * 7.6	SW1/4NW1/4	2	16	19	0.190	30.40
13	1856 * 2.3	SE1/4NW1/4	2	16	19	0.057	9.20
14	TOTAL *21.4					0.535	85.60

15 \*The determination of the acreage and the type and location of the  
 16 culture tabulated above was made by the State Engineer in the  
 17 absence of a proof having been filed by the vestee.

18 PROOF NO.: Amended 02814

19 CLAIMANT: State of Nevada, Dept. of Transportation

20 SOURCE: Ophir Creek and Tributaries

21 USE: Irrigation and Stockwatering

22 MEANS OF DIVERSION: Dams and Ditches

23 POINTS OF DIVERSION: 1. NE1/4 SW1/4 Section 34, T.17N.,  
 24 R.19E., M.D.B.&M., or at a point  
 25 from which the S1/4 corner of said  
 26 Section 34 bears S. 6°55' E., a  
 27 distance of 2,070.0 feet.

28 2. SE1/4 SE1/4 Section 34, T.17N.,  
 29 R.19E., M.D.B.&M., or at a point  
 30 from which the S1/4 corner of said  
 Section 34 bears S. 56°07' W., a  
 distance of 1,786.0 feet.

1 PROOF NO.: Amended 02814 (Continued)  
 2 POINTS OF DIVERSION: (Continued)  
 3  
 4 3. SW1/4 SW1/4 Section 35, T.17N.,  
 5 R.19E., M.D.B.&M., or at a point  
 6 from which the SW corner of said  
 7 Section 35 bears S. 15°50' W., a  
 8 distance of 665.0 feet.  
 9 4. SW1/4 SW1/4 Section 35, T.17N.,  
 10 R.19E., M.D.B.&M., or at a point  
 11 from which the SW corner of said  
 12 Section 35 bears S. 31°48' W., a  
 13 distance of 670.0 feet.

PRIOR- ITY:	CULTURAL ACREAGE		LOCATION			DUTY OF WATER	
	MEADOW	PASTURE:	SUED.:	SEC.:	TWP. RGE. N. E.:	C.F.S.:	AC.FT.
11	1859	6.43	SW1/4SW1/4	35	17 19	0.161	25.7
12	1862	1.33	SW1/4SW1/4	35	17 19	0.033	5.3
13	1862	7.76	NW1/4SW1/4	35	17 19	0.194	31.0
14	1862	7.76	SW1/4NW1/4	35	17 19	0.194	31.0
15	1862	7.78	NW1/4NW1/4	35	17 19	0.194	31.1
16	1862	6.35	SW1/4SW1/4	26	17 19	0.159	25.4
17	1862	<u>1.70</u>	NW1/4SW1/4	26	17 19	<u>0.043</u>	<u>6.8</u>
18	TOTAL	39.11				0.978	156.4

19 \*Some of the lands listed above receive water from sources other  
 20 than Ophir Creek. The total quantity of water placed on the  
 21 lands from all sources shall not exceed the quantity in acre-feet  
 22 tabulated above for each parcel.

23 PROOF NO.: 02831  
 24 CLAIMANT: Angelo Pecorilla  
 25 SOURCE: Ophir Creek and Tributaries  
 26 USE: Irrigation, Fish and Game Propagation  
 27 MEANS OF DIVERSION: Dam and Ditches  
 28 POINT OF DIVERSION: NE1/4 SW1/4 Section 34, T.17N., R.19E.,  
 29 M.D.B.&M., or at a point from which the  
 30 E1/4 corner of said Section 34 bears  
 N. 83°15'35" E., a distance of 3,179.0  
 feet.

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PROOF NO.: 02831 (Continued)

PRIORITY:	CULTURAL ACREAGE	LOCATION			DUTY OF WATER		
		SUBD.:	SEC.:	TWP. RGE.:	N.:	E.:	C.F.S.:
MEADOW PASTURE:							
1862	0.71	SE1/4NE1/4	34	17	19	.018	2.84

PROOF NO.: Amended 02727

CLAIMANTS: Richard L. Hood and Betty J. Hood

SOURCE: Ophir Creek and Tributaries

USE: Stockwatering

MEANS OF DIVERSION: Douglass Ditch

POINT OF DIVERSION: NE1/4 SW1/4 Section 34, T.17N., R.19E., M.D.B.&M., or at a point from which the E1/4 corner of said Section 34 bears N. 82°38'33" E., a distance of 3,180.21 feet.

PERIOD OF USE: January 1st through December 31st of each year.

PRIORITY: 1862

AMOUNT OF APPROPRIATION: 0.00040 c.f.s. or sufficient to water 10 cattle, 2 horses and 4 hogs.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE: Stock are watered from the Douglass Ditch traversing a portion of SE1/4 NE1/4 Section 34, T.17N., R.19E., M.D.B.&M.

PROOF NO.: 02740

CLAIMANT: United States of America - Forest Service

SOURCE: Ophir Creek Spring, a tributary of Ophir Creek

USE: Stockwatering

MEANS OF DIVERSION: Headbox

POINT OF DIVERSION: SE1/4 NW1/4 Section 30, T.17N., R.19E., M.D.B.&M., or at a point from which the W1/4 corner of said Section 30 bears S. 67°12' W., a distance of 2,280.25 feet.

1 PROOF NO.: 02740 (Continued)  
 2 PERIOD OF USE: May 1st through November 30th of each  
 3 year.  
 4 PRIORITY: 1880  
 5 AMOUNT OF  
 6 APPROPRIATION: 0.00156 c.f.s. or sufficient to water  
 7 50 cattle.  
 8 DESCRIPTION OF WORKS  
 9 OF DIVERSION, MANNER  
 10 AND PLACE OF USE: Cattle are watered from a recently  
 11 constructed headbox at the spring,  
 12 located as described under the point  
 13 of diversion.

14 PROOF NO.: 02743  
 15 CLAIMANT: United States of America - Forest Service  
 16 SOURCE: Upper Price Lake on Ophir Creek and  
 17 Tributaries  
 18 USE: Stockwatering  
 19 MEANS OF DIVERSION: Natural Lake  
 20 POINT OF DIVERSION: SW1/4 NW1/4 Section 32, T.17N., R.19E.,  
 21 M.D.B.&M., or at a point from which the  
 22 W1/4 corner of said Section 32 bears  
 23 S. 84°00' W., a distance of 1,250.0 feet.  
 24 PERIOD OF USE: May 1st through November 30th of each  
 25 year.  
 26 PRIORITY: 1880  
 27 AMOUNT OF  
 28 APPROPRIATION: 0.00156 c.f.s. or sufficient to water  
 29 50 cattle.  
 30 DESCRIPTION OF WORKS  
 31 OF DIVERSION, MANNER  
 32 AND PLACE OF USE: Cattle are watered from Upper Price  
 33 Lake, a natural lake located as  
 34 described under the point of diversion.

35 PROOF NO.: 02917  
 36 CLAIMANT: Helen T. Alrich  
 37 SOURCE: Ophir Creek and Tributaries

1 PROOF NO.: 02917 (Continued)  
 2 USE: Irrigation, Domestic, Stockwater and  
 3 Fish Propagation.  
 4 MEANS OF DIVERSION: Headgate and Ditch.  
 5 POINT OF DIVERSION: NW1/4 SE1/4 Section 34, T.17N., R.19E.,  
 6 M.D.B.&M., or at a point from which the  
 7 S1/4 corner of said Section 34 bears  
 8 S. 3°14'55" W., a distance of 1,951.29  
 9 feet.

PRIOR- ITY:	CULTURAL ACREAGE		LOCATION				DUTY OF WATER	
	HAR- VEST:	MEADOW PASTURE:	SUBD.:	SEC.:	N. E.:	C.F.S.:	AC.FT.:	
1856	2.40	3.30	SW1/4NW1/4	3	16	19	0.143	24.00

11 USE: Irrigation, Domestic, Stockwatering and  
 12 Fish Propagation from April 16 through  
 13 November 14 of each and every year.

14 MEANS OF DIVERSION: Headgate and Ditch.  
 15 POINT OF DIVERSION: Same as for Cultivated Acreage, above.

PRIOR- ITY:	ACREAGE OF PLACE OF USE	LOCATION				DUTY OF WATER	
		SUBD.:	SEC.:	N. E.:	C.F.S.:	AC.FT.:	
1856	Same 5.7 acres as Cultural Acreage including residence from November 15 until April 15 of each and every year.	SW1/4NW1/4	3	16	19	0.4	

22 The Order of Determination as amended and set forth  
 23 herein is affirmed.

24 Accordingly, it is hereby Ordered, Adjudged, and Decreed  
 25 that the relative rights of the users in and to the waters of Ophir  
 26 Creek and its tributaries be, and the same hereby are, determined  
 27 as stated hereinabove.

28 It is further Ordered, Adjudged, and Decreed that each  
 29 and every water user and claimant to the Ophir Creek stream system  
 30 and its tributaries and each of their agents, attorneys, servants,

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and employees, and their successors in interest and all and every person or persons acting in aid or assistance of the said parties or either of or any of them be, and that each of them is, hereby perpetually enjoined and restrained as follows to wit:

(a) From at any time diverting or using any of the water of the Ophir Creek stream system and its tributaries hereinbefore mentioned except to the extent and in the amount and in the manner and at the time or times set by this Decree to such respective party hereto 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.

(b) From diverting from the natural channel and from using any of the said water for irrigation or for any other purpose in excess of the specific allotment herein set by this Decree or in excess of the specific allotment under a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(c) From diverting from the natural channel and from using any of the said water in any other manner or for any other purpose or purposes or upon any other land or lands than as provided and prescribed by the terms of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(d) From diverting from the natural channel and from using any of the said water at any other time or times than as specified and provided by the terms of this Decree or by a

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permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(e) From in any manner meddling with, opening, closing, changing, injuring or interfering with any dams, headgates, weirs, water box, 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 Water Commissioner 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 or 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 13 day of Feb, 1984.

John W. Barrett  
DISTRICT JUDGE

CERTIFIED COPY  
The document to which this certificate is attached is a full, true and correct copy of the original as it had at the time of my office.  
DATE: February 15, 1984  
JUDI BAKER, Clerk of the District Court of the County of Washoe, State of Nevada.  
By: B. Walker Deputy.