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FILED
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STATE ENGINEER'S OFFICE

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Overland Creek Stream System and Its Tributaries.

ORDER OF DETERMINATION

Made, filed and caused to be entered of record in the office of the State Engineer, this 13th day of February, 1925.

ROBERT A. ALLEN, State Engineer

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

Filed this _____day of _____, 1925.

_____
Clerk of Said District Court

THE STATE OF NEVADA

IN THE OFFICE OF THE STATE ENGINEER

In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of Waters of Overland Creek Stream-System.	ORDER OF DETERMINATION

The State Engineer of the State of Nevada having heretofore and under and pursuant to Section 18 of Chapter 140 of the Statutes of Nevada, 1913 and Acts amendatory and supplemental thereto, received from users on the Overland Creek Stream-System a petition praying that the relative rights of all claimants and appropriators on that Stream-System be adjudicated, and the State Engineer having duly given, published and served notices or received the necessary waivers thereof and having duly filed and made his orders as required by the provisions of each and all of Sections 18 to 27 of said Chapter 140 of the Statutes of Nevada, 1913, and Acts amendatory and supplemental thereto, and having made the investigations, prepared the maps, and having reduced his observations and other data to writing as required by said Sections of said Act and having received and there having been filed with the State Engineer the proofs and statements of claims to the use of water from said Stream-System and all said proofs and evidence taken or given before the State Engineer or obtained by the State Engineer having been duly considered, and the State Engineer having heretofore assembled all of the proofs which have been filed with him, and having prepared and certified an abstract

of said proofs and the State Engineer from the proofs and evidence taken or given before him or obtained by him, having made a Preliminary Order of Determination establishing the several rights of Claimants and appropriators to the waters of said Overland Creek Stream-System, and said State Engineer after said abstracts of proofs and said Preliminary Order of Determination were completed, , having given due and proper notice fixing and setting a time and place when and where evidence taken by or filed with him and the proofs of claims shall be open to the inspection of all interested parties, and Said State Engineer, pursuant to said notice, having duly opened to inspection of all interested parties, the evidence taken by or filed with him, and the proofs of claims of the various claimants to waters of said stream-system, and a copy of the notice fixing and setting the time and place for inspectionof the evidence aforesaid, together with a copy of the Preliminary Order of Determination and a copy of said abstract of proofs having been sent by registered mail at least thirty days prior to the first day of such period of inspection to each person who had appeared and filed proofs of claims to the right to use water of the Overland Creek Stream-System, and the State Engineer having been present at the time and place designated in said notices and having allowed during said period any and all persons interested to inspect such evidence and proofs as filed or taken by him in accordance with the provisions of Chapter 140, Statutes of 1913, and Acts amendatory and supplemental thereto;

And certain persons claiming interests in the water of the Overland Creek Stream-System having duly filed objections to certain findings, parts or portions of the Preliminary Order of Determination,

and said objections having been duly and regularly considered after hearing, upon due notice served upon each and every claimant upon said stream-system, as required by the provisions of said Chapter 140, Statutes of 1913, and Acts Amendatory and supplemental thereto;

Now, therefore, and pursuant thereto, the State Engineer of the State of Nevada hereby makes and files in the office of the State Engineer and causes to be entered of record in his office this Order of Determination defining the several rights of the appropriators and claimants to the use of the water of Overland Creek and its tributaries, as follows:

Year of Priority	Dams	Ditches	Harvest Crops	Number Pastures	Diversion Pasture	Acres	Section	Township	Range
1860			5.24			SE¼SE¼	25	20N	58E
1866			36.95			NE¼	33	30N	58E
1870			150.34			SE¼	31	30N	59E
1870			110.27			S½NE¼ SE¼NW¼	31	30N	59E
1878					80.00	N½NW¼	6	29N	59E
1868			140.00			SE¼	26	30N	58E
1870			28.6			NW¼NW¼	31	30	59
			17.7			NE¼NW¼	"	"	"
			28.4			SE¼NW¼	"	"	"

Water right for these lands was transferred from SE¼ Sec. 31, Township 20 N., Range 59 E., M.D.B.&M. to water

Source Overland Creek Ditch 1 and 2 Inspector Date

Year of Priority	Construction First Initiated: Dams	Construction First Initiated: Ditches	Culture—Acres: Harvest Crops	Culture—Acres: Meadow Pasture	Culture—Acres: Diversified Pasture	Location: Sub-division	Location: Section	Location: Township	Location: Range	Measure of Use: Crops per year	Measure of Use: Tons or Pounds per Acre	Measure of Use: No. stock Pastured	Length of Season	Duty of Water: C.F.S.	Duty of Water: Acre-Feet
1860			5.24			SE¼SW¼	25	30N	58E				Apr.1-Oct.1	0.042	15.72
1865			86.85			NE¼	36	30N	58E				Apr.1-Oct.1	0.712	260.55
1870			150.34			SW¼	31	30N	59E				Apr.1-Oct.1	1.312	480.00
1870			110.27			S½NE¼ SW¼NW¼	31	30N	59E				Apr.1-Oct.1	0.942	344.97
1875					60.00	N½NW¼	6	29N	59E				Apr.1-May15	0.656	60.00
1865			140.00			SE¼	36	30N	58E				Apr.1-Oct.1	1.148	420.00
1870			28.6			NW¼NW¼	31	30	59				Apr.1-Oct.1	0.233	85.2
			17.7			NE¼NW¼	"	"	"				Apr.1-Oct.1	0.145	53.1
			28.4			SE¼NW¼	"						Apr.1-Oct.1	0.235	85.8

Water right for these lands was transferred from SE¼ Sec. 31, depriving lands in SE¼ of a water right.

Source Overland Creek Ditch 3 and 4 Inspector Date

Year of Priority	Construction First Initiated		Culture—Acres			Location				Measure of Use			Length of Season	Duty of Water	
	Dams	Ditches	Harvest Crops	Meadow Pasture	Diversified Pasture	Sub-division	Section	Township	Range	Crops per year	Tons or Pounds per Acre	No. stock Pastured		C.F.S.	Acre-Feet
1860			2.92			W½SW¼	25	30N	58E				Apr.1-Oct.1	0.023	8.76
1860					22.44	W½SW¼	25	30N	58E				Apr.1-May15	0.184	16.83
1870			100.00			SW¼	36	30N	58E				Apr.1-Oct.1	0.820	300.00
1870			151.76			NW¼	36	30N	58E				Apr.1-Oct.1	1.244	455.28
1870					8.10	NW¼	36	30N	58E				Apr.1-May 15	0.066	6.07

Source Overland Creek Ditch Old Indian Ditch Inspector Date

Year of Priority	Construction First Initiated		Culture—Acres			Location				Measure of Use			Length of Season	Duty of Water	
	Dams	Ditches	Harvest Crops	Meadow Pasture	Diversified Pasture	Sub-division	Section	Township	Range	Crops per year	Tons or Pounds per Acre	No. stock Pastured		C.F.S.	Acre-Feet
1880			33.68			NE¼NE¼	25	30	58				Apr.1-Oct.1	.2760	101.04
1880					4.02	NE¼NE¼	25	30	58						

Source Overland Creek Ditch Snow Ditch Inspector Date

Year of Priority	Construction First Initiated		Culture—Acres			Location				Measure of Use			Length of Season	Duty of Water	
	Dams	Ditches	Harvest Crops	Meadow Pasture	Diversified Pasture	Sub-division	Section	Township	Range	Crops per year	Tons or Pounds per Acre	No. stock Pastured		C.F.S.	Acre-Feet
~~1880~~			3.70			E½SW¼	12	30	59				Apr.1-Oct.1	0.030	11.10
~~1880~~				15.00		E½SW¼	12	30	59				Apr.1 July1	0.123	22.50
~~1880~~			~~29.00~~			NE¼SW¼ and NW¼SE¼	12	30	59				Apr.1-Oct.1	0.238	87.00

Source Overland Creek Ditch Short Ditches Inspector Date

Year of Priority	Construction First Initiated: Dams	Construction First Initiated: Ditches	Culture—Acres: Harvest Crops	Culture—Acres: Meadow Pasture	Culture—Acres: Diversified Pasture	Location: Sub-division	Location: Section	Location: Township N	Location: Range E	Measure of Use: Crops per year	Measure of Use: Tons or Pounds per Acre	Measure of Use: No. stock Pastured	Length of Season	Duty of Water: C.F.S.	Duty of Water: Acre-Feet
1881			3.30			NE¼NE¼	35	30	58				Apr.1-Oct.1	0.027	9.90
1865			6.00			NE¼NE¼	35	30	58				"	0.049	18.00
1893			1.00			SE¼NE¼	35	30	58				"	0.008	3.00
1865			39.00			SE¼NE¼	35	30	58				"	0.320	117.00
1893			1.25			SW¼NE¼	35	30	58				"	0.010	3.75
1865			5.50			SW¼NE¼	35	30	58				"	0.045	16.50
1865			5.00			NW¼SE¼	35	30	58				"	0.041	15.00
1865			40.00			NE¼SE¼	35	30	58				"	0.328	120.00
1865			2.00			SW¼SE¼	35	30	58				"	0.016	6.00
1865			18.00			SE¼SE¼	35	30	58				"	0.147	54.00
1865				18.00		SE¼SE¼	35	30	58				Apr.1-July1	0.147	27.00
1865			32.00			SW¼SW¼	36	30	58				Apr.1-Oct.1	0.262	96.00
1865					3.25	SW¼SE¼	36	30	58				Apr.1May15	0.026	2.43
1865			14.50			SE¼SW¼	36	30	58				Apr.1-Oct.1	0.119	43.50
1865			°8.00			SE¼SW¼	36	30	58				"	0.065	24.00
1865					0.50	SE¼SW¼	36	30	58				Apr.1-May15	0.004	0.37
1865					°1.50	SW¼SW¼	36	30	58				"	0.004	1.12
1865					°4.00	SW¼SE¼	36	30	58				"	0.033	3.00
1865			°10.00			SW¼SE¼	36	30	58				Apr.1-Oct.1	0.082	30.00
1865			° 5.00			SE¼SE¼	36	30	58				"	0.041	15.00

Source: Overland Creek Ditch: Short Ditches Inspector: ____ Date: ____

Year of Priority	Construction First Initiated: Dams	Construction First Initiated: Ditches	Culture—Acres: Harvest Crops	Culture—Acres: Meadow Pasture	Culture—Acres: Diversified Pasture	Location: Sub-division	Location: Section	Location: Township N	Location: Range E	Measure of Use: Crops per year	Measure of Use: Tons or Pounds per Acre	Measure of Use: No. stock Pastured	Length of Season	Duty of Water: C.F.S.	Duty of Water: Acre-Feet
1865			19.50			NW¼NW¼	1	29	58				Apr.1-Oct.1	0.160	58.50
1865			31.00			NE¼NW¼	1	29	58				"	0.254	93.00
1865					9.00	NE¼NW¼	1	29	58				Apr.1-May15	0.074	6.75
1865			21.50			SE¼NW¼	1	29	58				Apr. Oct 1	0.176	64.50
1865					6.00	SE¼NW¼	1	29	58				Apr.1-May15	0.049	4.50
1865					8.00	NW¼NE¼	1	29	58				"	0.066	6.00
1865			10.00			NW¼NE¼	1	29	58				Apr.1-Oct.1	0.082	30.00
1865			°22.00			NW¼NE¼	1	29	58				"	0.180	66.00
1865			°39.60			NE¼NE¼	1	29	58				"	0.325	118.80
1865					0.40	NE¼NE¼	1	29	58				Apr.1-May15	0.003	0.30
1865			8.00			SW¼NE¼	1	29	58				Apr.1-Oct.1	0.066	24.00
1865			°3.00			SW¼NE¼	1	29	58				"	0.025	9.00
1865					°29.00	SW¼NE¼	1	29	58				Apr.1-May15	0.238	21.75
1865					°32.50	SE¼NE¼	1	29	58				"	0.266	24.37
1865			°7.00			SE¼NE¼	1	29	58				Apr.1-Oct.1	0.057	21.00
1865			0.50			SE¼NE¼	1	29	58				"	0.004	1.50
1865					°1.00	Lot 3	6	29	58				Apr.1-May15	0.008	0.750
1865			°39.00			Lot 3	6	29	58				Apr.1-Oct.1	0.320	117.00
1865			°21.00			Lot 5	6	29	58				"	0.172	63.00

° Irrigated by overflow and drainage from Wines' field and ditches.

Source Overland Creek Ditch Short Inspector Date

Year of Priority	Construction First Initiated		Culture—Acres			Location				Measure of Use			Length of Season	Duty of Water	
	Dams	Ditches	Harvest Crops	Meadow Pasture	Diversified Pasture	Sub-division	Section	Township	Range	Crops per year	Tons or Pounds per Acre	No. stock Pastured		C.F.S.	Acre-Feet
1865			40.00			NW¼SE¼	1	29	58				Apr.1-May15	.3279	30.0
"			40.00			SW¼SE¼	1	29	58				Apr.1-May15	.3279	30.0
"			40.0			NE¼SE¼	1	29	58				Apr.1-May15	.3279	30.0
"			28.0			Lot 5	1	29	58				" "	.2295	21.0
"			27.0			" 4	6	29	58				" "	.2213	20.25

Except as herein stated, it is recommended that the duty of water on the lands irrigated by the water of Overland Creek Stream-System should be as follows:

Harvest Crops,--3 acre-feet per acre.
Meadow Pasture--1½ acre-feet per acre.
Diversified Pasture--3/4 acre-foot per acre.

The parties named in this Order of Determination, or their successors in interest shall not be required to take or use the amount of water allotted to them in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn, within the season limits, with the approval of the Water Commissioners, and subject to the control and direction of the State Engineer.

The Overland Creek Stream-System being a stream fed by melting snow, the season fixed for irrigation cannot be considered as absolute. The season is and must of necessity be flexible and vary as to the beginning and end.

In addition to water used during the irrigating season as so fixed in this Order each user shall be entitled to divert sufficient water for stock and domestic purposes the amount diverted for these purposes shall not exceed a flow of 0.025 c.f.s. At any time during the non-irrigating season.

In case any water user is dissatisfied with the duty of water as recommended in this Order of Determination, he may, at any time not later than three years from date of issuance of the court decree, submit to the State Engineer such authenicated measurements as may be necessary to prove the actual and beneficial use of water on his lands. Upon approval of the proof submitted, the State Engineer will accordingly apply to the Court for a modification of the duty of water allotment in conformity of the proof submitte

All measurements of amounts diverted are to be made at the point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable, the location if not selected by the State Engineer to be approved by him.

Each water user shall install and maintain substantial headgates and weirs in his ditch or ditches.

Made and filed in this office this 13th day of February, 1925.

Robert Allen

State Engineer