

1 No. 10390

2 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

3 IN AND FOR THE COUNTY OF WHITE PINE

4 * * * *

5 IN THE MATTER OF THE DETERMINATION)
6 OF THE RELATIVE RIGHTS IN AND TO)
7 THE WATERS OF PIERMONT CREEK AND)
8 ITS TRIBUTARIES IN WHITE PINE COUNTY,)
9 STATE OF NEVADA.)

FILED
OCT 17 1976
Time 9:00 AM
Neil B. Jensen Clerk
Deputy

10
11 FINDINGS OF FACT, CONCLUSIONS OF LAW
12 JUDGMENT AND DECREE

13 This matter came on regularly for hearing on the
14 13th day of May, 1976, before the Honorable Merlyn H. Hoyt,
15 District Judge presiding, the portion of Piermont Creek and
16 its tributaries exemplified in these proceedings, being within
17 White Pine County, State of Nevada, and he being the Judge
18 designated by NRS 533.165 to hear and having jurisdiction to
19 hear the above-entitled matter of the State Engineer's deter-
20 mination of the relative rights of the petitioner and claimants
21 to the use of the waters of the stream system of Piermont
22 Creek and its tributaries, which Order of Determination and
23 all related documentary evidence had been previously filed
24 by the State Engineer. There being no exceptions to the
25 Order of Determination filed or otherwise submitted to the
26 Court by the claimants, petitioners, or any other person
27 or persons at least 5 days prior to the date set for hearing
28 as provided for under NRS 533.170, the matter was submitted
29 to the Court for its decision.

30 Harry W. Swainston, Deputy Attorney General,

1 Starr Hill, Jr., Surface Water Engineer, L. Edward Parmenter,
2 Adjudication Engineer and Timothy Holt, Hydraulic Engineer,
3 appeared in the hearing and proceedings on behalf of the
4 State of Nevada and the office of the State Engineer.

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

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

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

18 FINDINGS OF FACT

19 I.

20 That on June 8, 1971, Delbert D. Eldridge submitted
21 a petition on behalf of George Eldridge and Son, Inc., a
22 water user of waters of Piermont Creek, requesting the deter-
23 mination of the relative rights of the petitioner and other
24 claimants to the waters of Piermont Creek and its tributaries,
25 situate in White Pine County, State of Nevada.

26 That the State Engineer's field investigation re-
27 vealed that the waters of Piermont Creek and its tributaries
28 are being placed to beneficial use for irrigation, domestic
29 and stock watering purposes. That the report of the facts
30 and conditions disclosed that a determination of the relative

1 rights was justified, and the State Engineer made and entered
2 his Order on September 20, 1971, granting the petition.

3 That on the 23rd day of September, 1971, and once
4 each week for four succeeding weeks, the State Engineer did
5 cause to be published a Notice of Order and Proceedings to
6 Determine Water Rights in and to the waters of Piermont Creek
7 and its tributaries in White Pine County, State of Nevada,
8 and that notice was duly given to all claimants as required
9 by law. That on the 18th day of November, 1971, there was
10 filed in the Office of the State Engineer an affidavit of the
11 General Manager of The Daily Times, exemplifying the Proof
12 of Publication of Notice of Order and Proceedings to Determine
13 Water Rights.

14 That the State Engineer did cause to be published
15 on the 9th day of November, 1971, and once each week for four
16 succeeding weeks, a Notice of Order for Taking Proofs to
17 Determine Water Rights, in and to the waters of Piermont Creek
18 and its tributaries in White Pine County, State of Nevada, and
19 that notice was duly given to all claimants as required by law.
20 That on the 29th day of December, 1971, there was filed in
21 the Office of the State Engineer an affidavit of the General
22 Manager of The Daily Times, exemplifying the Proof of Publi-
23 cation of the Notice of Order for Taking Proofs to Determine
24 Water Rights.

25 That thereafter, in accordance with NRS 533.125,
26 the State Engineer did file in the records of his office, on
27 May 1, 1972, and on August 31, 1972, requests to extend the
28 time in which proofs may be filed. That he did grant ex-
29 tensions of time to file proofs and that notice thereof was
30 given to all claimants.

1 That the State Engineer, in accordance with NRS
2 533.140, did enter and file in the records of his office, on
3 the 5th day of July, 1973, an Abstract of Claims, a Preliminary
4 Order of Determination and Notice and Order Fixing and Setting
5 Time and Place of Inspection, stating when and where the
6 evidence taken or filed with him and the proofs of claims
7 were open to the inspection of all interested persons; and
8 that notice thereof was duly given to the claimants as re-
9 quired by law.

10 That on September 4, 1973, Objections to the Pre-
11 liminary Order of Determination were filed in the State
12 Engineer's Office by Reed Robison as Executor of the Estate of
13 B. H. Robison.

14 That on December 4, 1973, a Hearing on the Objections
15 to the Preliminary Order of Determination was held before the
16 State Engineer of the State of Nevada pursuant to NRS 533.150.

17 That the State Engineer, in accordance with NRS
18 533.160 entered in the records of his office, on the 11th
19 day of February, 1974, an Order of Determination defining
20 the rights of the claimants and appropriators to the waters
21 of Piermont Creek and its tributaries and reflecting the change
22 in the period of use as presented in the Objections to the
23 Preliminary Order of Determination and that notice thereof
24 was duly given to the claimants as required by law.

25 That upon the filing of the certified copy of the
26 Order of Determination and the original evidence with the
27 Clerk of the Court of White Pine County, State of Nevada,
28 the Court, at the request of the State Engineer, made and
29 entered an Order on the 12th day of February, 1974, setting a
30 time for hearing of any exceptions to the Order of Determination

1 on Tuesday, the 4th day of June, 1974, at 10:00 o'clock in
2 the morning in the courtroom of the Court House in Ely,
3 White Pine County, Nevada; and that the Clerk of said Court
4 did furnish the State Engineer with a certified copy thereof.

5 That the State Engineer, in accordance with NRS
6 533.165, gave notice to the claimants by service of a certi-
7 fied copy of the Court Order Setting Time for Hearing.

8 That on the 15th day of March, 1974, and once each
9 week for four succeeding weeks, the State Engineer did cause
10 to be published the Court Order Setting Time for Hearing, and
11 that thereafter on the 15th day of April, 1974, there was filed
12 in the Office of the State Engineer an affidavit of the Book-
13 keeper of The Daily Times, exemplifying the Proof of Publication
14 of the Court Order Setting Time for Hearing.

15 That on June 6, 1974, a Stipulation for Continuance
16 of Hearing was filed with the Clerk of the Court of White Pine
17 County, and on that date an Order Continuing Hearing was
18 signed by the District Judge.

19 That on March 26, 1976, the Court, at the request of
20 the State Engineer, made and entered an Order setting a time for
21 hearing of any exceptions to the Order of Determination for
22 Thursday, the 13th day of May, 1976, at 9:30 o'clock in the
23 morning.

24 That the State Engineer gave notice to the claimants
25 by service of a certified letter directing attention to the
26 new date set for hearing of the Order of Determination.

27 That the Court finds that all and singular, the Pro-
28 ceedings, Orders, and Notices required by Chapter 533 of NRS
29 were duly had, made, and given as required by law, and that all
30 and singular, the matters and things contained in the record

1 were done, performed, given and made in strict compliance with
2 the statutes, and that this Court had and has jurisdiction to
3 hear and determine this matter.

4 II.

5 The Court Further Finds: That the portion of Piermont
6 Creek and its tributaries exemplified in these proceedings, is
7 situated wholly within White Pine County, State of Nevada.

8 III.

9 The Court Further Finds: That the name of the
10 claimants and appropriators, the source of water supply, the
11 period of use, the duty of water, the diversion of water and
12 method of use, the measurement of water, the domestic and stock
13 watering use, change of place of use, and the rights of approp-
14 riation of the water all as set forth in the Order of Deter-
15 mination are true, proper and correct, and all and singular,
16 the same should be approved and confirmed, as follows:

17 I. PREFACE

18 On September 20, 1971 the State Engineer entered
19 an Order granting the petition and made proper arrangements
20 to proceed with the determination of the relative rights of
21 the water users in accordance with NRS 533.090.

22 On October 29, 1971, the State Engineer entered a
23 Notice of Order for Taking Proofs to Determine Water Rights.

24 II. CLAIMANTS

25 The investigation disclosed that the waters of
26 Piermont Creek and its tributaries were being placed to bene-
27 ficial use on the lands of B. H. Robison for irrigation,
28 domestic and stock watering purposes. Evidence contained in
29 title documents, affidavits and proofs of appropriation sub-
30 mitted by B. H. Robison indicate that he is the successor in

1 interest to vested rights initiated by his predecessors.

2 The United States of America, Forest Service, filed
3 proofs of appropriation claiming vested rights for stock
4 watering purposes from Piermont Creek and Piermont Springs.

5 III. SOURCE

6 The headwaters of Piermont Creek originate at an ele-
7 vation of 9,800 feet on the eastern slopes of the Schell Creek
8 Range, two and one half miles north of North Schell Peak and 22
9 miles northeasterly of Ely. From the headwaters the stream flows
10 northerly, northeasterly and easterly for a distance of seven
11 miles to the Robison Ranch. Piermont Creek is fed by melting
12 snow and springs, having a relatively high spring runoff which
13 later recedes to a minimum flow for the remainder of the year.

14 IV. PERIOD OF USE

15 It has been the custom of ranchers in the area to
16 irrigate crops other than alfalfa during the winter months
17 when water was available.

18 The claimant shall be permitted to irrigate all
19 meadow pasture acreages listed herein for the entire year.

20 The irrigation season for acreages classified as
21 diversified pasture herein, shall begin on April 1st and ex-
22 tend to October 1st of each year.

23 V. DUTY OF WATER

24 The lands irrigated from Piermont Creek are situated
25 adjacent to the Schell Creek Range, the soils being gravelly
26 and pervious in nature, require a higher duty of water. The
27 seasonal duty of water from Piermont Creek and its tributaries
28 is herein fixed and shall not exceed:

29 Class B - - Meadow Pasture - - - 3.0 ac.ft./ac./season

30 Class C - - Diversified Pasture - 1.5 ac.ft./ac./season

1 VI. DIVERSION OF WATER AND METHOD OF USE

2 The claimant shall have the right to divert 2.5
3 cubic feet per second of water per 100 acres of land irrigated
4 but not to exceed the annual duty as established herein.

5 The claimant or his successors in interest will not
6 be required to take or use the amount of water allotted to
7 him in a continuous flow, but may cumulate the same or any
8 part thereof in rotation or periodic turn within the annual
9 limits, with the approval of the water commissioner and sub-
10 ject to the control and direction of the State Engineer.

11 VII. MEASUREMENT OF WATER

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

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

23 VIII. DOMESTIC AND STOCK WATERING

24 The right to the diversion and use of water for
25 domestic and stock watering purposes shall be continued by
26 the claimants named herein or their successors in interest
27 at any time during the year that stock are grazing on the
28 range except as otherwise specified under stock watering
29 rights of appropriation, and such diversion shall be according
30 to the dates of priorities of such users and limited to the

1 quantity of water reasonably necessary for such use.

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

7 IX. CHANGE OF PLACE OF USE

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

14 X. RIGHTS OF APPROPRIATION

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

24 CONCLUSIONS OF LAW

25 From the evidence presented and received in this
26 matter, and from the foregoing FINDINGS OF FACT, the Court
27 makes the following CONCLUSIONS OF LAW.

28 I.

29 That the State Engineer has the right, authority,
30 and jurisdiction pursuant to Chapter 533 of NRS to make the

1 investigation made by him, receive the proofs and maps, enter
2 and file in his office the original Order of Determination
3 and file a certified copy thereof in this Court, and to
4 determine the relative rights of the claimants and appropriators
5 in and to the waters of Piermont Creek and its tributaries
6 in White Pine County, State of Nevada; that the State Engineer
7 duly made all orders necessary and proper in connection there-
8 with and entered the same in his office as required by
9 Chapter 533 of NRS; that each and every notice required by
10 law to be given herein to the claimants and appropriators
11 was duly served by the State Engineer in the manner and within
12 the time required by Statute, and that the notices contained
13 all of the statements required by law, and that the claimants
14 and appropriators of the waters of the above-named stream
15 system and its tributaries duly received the information and
16 notices, as required by law.

17 II.

18 That the Seventh Judicial District Court of the
19 State of Nevada, in and for the County of White Pine, had and
20 has jurisdiction to hear and try this matter, and has juris-
21 diction to find, make and enter the foregoing Findings of Fact
22 and these Conclusions of Law and enter its Decree herein.

23 III.

24 That B. H. Robison and the United States of America,
25 Forest Service are the only claimants of vested rights rec-
26 ognized in this Decree who were and are now appropriators
27 and users of the waters of Piermont Creek and its tributaries
28 on the date the Order of Determination was filed with the
29 Clerk of the Court, and on the date of the trial and hearing
30 of this matter.

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IV.

That it has been the custom of ranchers in the area to irrigate crops other than alfalfa during the winter months when water was available.

That the claimant shall be permitted to irrigate all meadow pasture acreages listed herein, for the entire year.

That the irrigation season for acreages classified as diversified pasture herein, shall begin on April 1st and extend to October 1st of each year.

V.

That the lands irrigated from Piermont Creek are situated adjacent to the Schell Creek Range, the soils being gravelly and pervious in nature require a higher duty of water. That the seasonal duty of water from Piermont Creek and its tributaries is herein fixed and shall not exceed:

- Class B --- Meadow Pasture --- 3.0 ac.ft./ac./season
- Class C --- Diversified Pasture -- 1.5 ac.ft./ac./season

VI.

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

That the claimant or his successors in interest will not be required to take or use the amount of water allotted to him in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn within the annual limits, with the approval of the water commissioner and subject to the control and direction of the State Engineer.

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VII.

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

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

VIII.

That the right to the diversion and use of water for domestic and stock watering purposes shall be continued by the claimants named herein or their successors in interest at any time during the year that stock are grazing on the range except as otherwise specified under stock watering rights of appropriation, and such diversions shall be according to the dates of priorities of such users and limited to the quantity of water reasonably necessary for such use.

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

IX.

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

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

5 X.

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

15 XI.

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

19 JUDGMENT AND DECREE

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

23 I.

24 That the State Engineer made all necessary and proper
25 orders as required by law, and that each and every notice
26 required by law was duly given to the claimants and appropri-
27 rators; that the claimants and appropriators had full
28 opportunity to appear and be heard in objection to and file
29 exceptions to the Order of Determination; that B. H. Robison
30 and the United States of America, Forest Service are the only

1 claimants of vested rights recognized in this Decree as
2 appropriators of the waters of Piermont Creek and its tribu-
3 taries and this Decree determines the limit and extent of all
4 vested water rights on the source.

5 That the Court has full and complete jurisdiction
6 to hear, try and determine this matter and to make and
7 enter herein, this Decree.

8 II.

9 That the flow of water from Piermont Creek and
10 its tributaries is being placed to beneficial use by B. H.
11 Robison and the United States of America, Forest Service for
12 irrigation, domestic and stock watering purposes.

13 III.

14 That it has been the custom of ranchers in the area
15 to irrigate crops other than alfalfa during the winter months
16 when water was available.

17 That the claimant shall be permitted to irrigate all
18 meadow pasture acreages listed herein, for the entire year.

19 That the irrigation season for acreages classified
20 as diversified pasture herein shall begin on April 1st and
21 extend to October 1st of each year.

22 IV.

23 That the lands irrigated from Piermont Creek are
24 situated adjacent to the Schell Creek Range, the soils being
25 gravelly and pervious in nature, require a higher duty of
26 water. That the seasonal duty of water from Piermont Creek
27 and its tributaries is herein fixed and shall not exceed:

28 Class B --- Meadow Pasture --- 3.0 ac.ft./ac./season
29 Class C --- Diversified Pasture -- 1.5 ac.ft./ac./season
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V.

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

That the claimant or his successors in interest will not be required to take or use the amount of water allotted to him in a continuous flow, but may cumulate the same or any part thereof in rotation or periodic turn within the annual limits, with the approval of the water commissioner and subject to the control and direction of the State Engineer.

VI.

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

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

VII.

That the right to the diversion and use of water for domestic and stock watering purposes shall be continued by the claimants named herein or their successors in interest at any time during the year that stock are grazing on the range except as otherwise specified under stock watering

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

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

9 VIII.

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

16 IX.

17 That the name of the claimants and appropriators
18 of the waters of Piermont Creek and its tributaries, the source
19 of the water supply, the means of diversion, the points of
20 diversion for beneficial use, the period of use, the years of
21 priority, the cultural acreages, the places of use, the legal
22 subdivisions, sections, township, ranges, and duty of water
23 are hereby adjudged as follows:

24 PROOF NO.: 02805
25 CLAIMANT: B. H. Robison
26 SOURCE: Piermont Creek and Tributaries
27 USE: Irrigation, Stock Watering and Domestic
28 MEANS OF DIVERSION: Dam and Ditches
29 POINT OF DIVERSION: NE¹/₄NE¹/₄ Section 26, T.19N., R.66E.,
30 M.D.B. & M. or at a point from which the
NE corner of said Section 26 bears N.
36° 23' E., a distance of 1100 feet.

1 PROOF NO. 02805 (continued):

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PRIORITY	CULTURAL ACREAGE		LOCATION				DUTY OF WATER		
	MEADOW PASTURE	DIVERS. PASTURE	SUBD.:	SEC.:	TWP.:	RGE.:	C.F.S.:	AC.FT.	
4									
5	1872	31.03	--	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25	19	66	0.776	93.09
6	1872	38.06	--	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	19	66	0.952	114.18
7	1872	40.00	--	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25	19	66	1.000	120.00
8	1872	29.42	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	19	66	0.735	88.26
9	1872	--	35.41	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	19	66	0.885	53.12
10	1872	--	15.14	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	19	66	0.378	22.71
11	1872	--	31.43	SW $\frac{1}{4}$ SE $\frac{1}{4}$	25	19	66	0.786	47.14
12	1872	--	31.44	SE $\frac{1}{4}$ SE $\frac{1}{4}$	25	19	66	0.786	47.16
13	1872	8.94	--	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	19	66	0.223	26.82
14	1872	5.79	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	19	66	0.145	17.37
15	TOTAL	153.24	113.42					6.666	629.85

16

17 PROOF NO.: 02808

18 CLAIMANT: United States of America, Forest Service

19 SOURCE: Piermont Creek and Tributaries

20 USE: Stock Watering

21 MEANS OF DIVERSION: Natural Channel

22 POINT OF DIVERSION: The natural channel of Piermont Creek

23 between a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1,

24 T.18N., R.65E., M.D.B. & M., (Unsurveyed),

25 from which the SW corner of Section 35,

26 T.19N., R.66E., M.D.B. & M. bears S. 89°

27 15' E., a distance of 22,372 feet, and

28 a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.19N.,

29 R.66E., M.D.B. & M., from which the NW

30 corner of Section 35, T.19N., R.66E., bears

S. 50° 27' E., a distance of 6,881 feet.

PERIOD OF USE: June 1 through October 31st of each year.

PRIORITY: 1878

AMOUNT OF APPROPRIATION: 0.00519 c.f.s. or sufficient to water 3 horses and 816 sheep.

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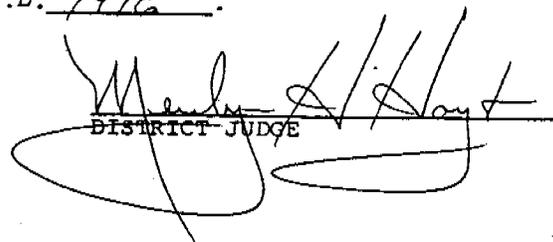
PROOF NO. 02808 (continued):

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
Livestock are watered in the reach of the natural channel of Piermont Creek and tributaries situated between the points previously described, traversing through portions of Section 1, T.18N., R.65E., (unsurveyed), Section 36, T.19N., R.65E., (unsurveyed), Sections 31, 30, 29, and 28, T.19N., R.66E., M.D.B. & M., (unsurveyed).

PROOF NO.: 02809
CLAIMANT: United States of America, Forest Service
SOURCE: Piermont Spring, a Tributary of Piermont Creek.
USE: Stock Watering
MEANS OF DIVERSION: Natural Spring Area
POINT OF DIVERSION: The NW ¹/₄ Section 28, T.19N., R.66E., M.D.B. & M., (unsurveyed), or at a point from which the NW corner of Section 35, T.19N., R.66E., M.D.B. & M. bears S. 55° 35' E., a distance of 8,018 feet.
PERIOD OF USE: June 1 through October 30, of each year
PRIORITY: 1878
AMOUNT OF APPROPRIATION: 0.00519 c.f.s. or sufficient to water 3 horses and 816 sheep.
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
Livestock water directly from the spring located as described under point of diversion.

DONE IN OPEN COURT THIS 7th DAY OF

October, A.D. 1976.


DISTRICT JUDGE