

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

3 *****

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

5950
Feb. 13 74
BY *Barbara Stuart*

9 FINDINGS OF FACT, CONCLUSIONS OF LAW

10 JUDGMENT AND DECREE

11 This matter came on regularly for hearing on the 12th day
12 of October, 1973, before the Honorable Richard L. Waters, Jr.,
13 District Judge presiding. The portion of Pine Nut Creek and its
14 tributaries exemplified in these proceedings, being within
15 Douglas County, State of Nevada, and he being the Judge desig-
16 nated by NRS 533.165 to hear and having jurisdiction to hear
17 the above entitled matter, upon the State Engineer's determination
18 of the relative rights of the petitioners and claimants to the
19 use of the waters of the stream system of Pine Nut Creek and
20 its tributaries, which Order of Determination and all related
21 documentary evidence had been filed by the State Engineer.

22 Ross de Lipkau, Deputy Attorney General, Starr Hill, Jr.,
23 Surface Water Engineer, and L. Edward Parmenter, Adjudication
24 Engineer, appeared in the hearing and proceedings on behalf
25 of the State of Nevada and the office of the State Engineer.

26 The record disclosed that the claimants had received a
27 certified copy of the Court Order Setting Time for Hearing
28 on the Order of Determination.

29 Ross de Lipkau, thereupon, at the hearing, offered
30 verified affidavits, files, and records of the State Engineer's

1 Office, all contained in support of the rights of the claimants
2 in and to the above-named stream system.

3 On October 12, 1973, the Court, having considered the
4 entire record and the evidence introduced and received, directed
5 the State Engineer to prepare the Findings of Fact, Conclusions
6 of Law, and Judgment and Decree in accordance with the Order
7 of Determination.

8 FINDINGS OF FACT

9 That on April 10, 1939 George G. Hussman, a water user
10 on Pine Nut Creek and its tributaries, filed with the State
11 Engineer of the State of Nevada, a petition requesting the
12 determination of the relative rights of the claimants and
13 appropriators of the waters of Pine Nut Creek and its tributaries,
14 situate in Douglas County, State of Nevada.

15 That the State Engineer, thereupon and in accordance with
16 the provisions of NRS 533.090, made an investigation of all the
17 facts and conditions concerning the above-named stream system
18 and its tributaries for the purpose of disclosing whether the
19 determination of such rights was justified and filed his report
20 in the Office of the State Engineer of the State of Nevada.
21 The report of the facts and conditions disclosed that a
22 determination of the relative rights was justified, and the
23 State Engineer made his Order on January 9, 1941, granting
24 the petition for the determination of such relative rights in
25 and to the waters of Pine Nut Creek and its tributaries.

26 That as a result of the State Engineer's investigation
27 report, it was found that the waters of Pine Nut Creek and its
28 tributaries are being placed to beneficial use for irrigation,
9 stock watering, and domestic purposes as affirmed by Proof of
30 Appropriation 0803, for irrigation and stock watering by Amended

1 Proof of Appropriation 02714, for irrigation and stock watering
2 by Proof of Appropriation 02715, for irrigation and stock watering
3 by Proof of Appropriation 02716, for irrigation and stock watering
4 by Proof of Appropriation 02717, for irrigation and stock watering
5 by Proof of Appropriation 02718, for stock watering by Amended
6 Proof of Appropriation 0770, and for stock watering by Proofs of
7 Appropriation 02719, 02720, 02721, 02722, 02723, 02724, 02728,
8 02729, and 02730. Evidence contained in the title documents
9 submitted by the claimants, relative to the land, indicates the
10 present claimants and appropriators, H. F. Dangberg Land and
11 Livestock Company, and Stoddard Jacobsen and Jewel Jacobsen are
12 the successors in interest to vested rights initiated by their
13 predecessors.

14 That on January 17, 1941, and once each week for four
15 succeeding weeks, the State Engineer did cause to be published
16 a Notice of Order and Proceedings to Determine Water Rights in
17 and to the waters of Pine Nut Creek and its tributaries in
18 Douglas County, State of Nevada, and that notice was duly given
19 to all claimants as required by law. That on February 17, 1941,
20 there was filed in the Office of the State Engineer an affidavit
21 of the publisher of the Record-Courier, exemplifying the Proof of
22 Publication of Notice of Order and Proceedings.

23 That the State Engineer did cause to be published on April 11,
24 1941, and once each week for four succeeding weeks, a Notice of
25 Order for Taking Proofs to Determine Water Rights, in and to the
26 waters of Pine Nut Creek and its tributaries in Douglas County,
27 State of Nevada, and that notice was duly given to all claimants
28 as required by law. That on May 18, 1941, there was filed in the
29 Office of the State Engineer an affidavit of the publisher of the
30 Record-Courier, exemplifying the Proof of Publication of the

1 Notice of Order for Taking Proofs.

2 That thereafter, in accordance with NRS 533.125, the State
3 Engineer did file in the records of his office on July 9, 1941,
4 September 9, 1941, December 10, 1941, October 5, 1971, and
5 December 22, 1971, requests to extend the time in which proofs
6 may be filed. That he did grant extensions and that notices
7 thereof were duly given to all claimants.

8 That the State Engineer, in accordance with NRS 533.140, did
9 file in the records of his office on November 15, 1972, an
10 Abstract of Claims, a Preliminary Order of Determination, and a
11 Notice and Order Fixing and Setting Time and Place of Inspection,
12 stating when and where the evidence taken by or filed with him
13 and the proofs of claims were open to the inspection of all
14 interested persons; and that notice thereof was duly given to
15 all claimants as required by law.

16 That the State Engineer, in accordance with NRS 533.160,
17 entered in the records of his office, on February 23, 1973, an
18 Order of Determination defining the rights of the claimants and
19 appropriators to the waters of Pine Nut Creek and its tributaries
20 and that notice thereof was duly given to all claimants as
21 required by law.

22 That upon the filing of the certified copy of the Order of
23 Determination and the original evidence with the Clerk of the
24 Court of Douglas County, State of Nevada, the Court, at the re-
25 quest of the State Engineer, made and entered an Order on July 27,
26 1973, setting a time for hearing to the Order of Determination
27 on Friday the 12th day of October, 1973, at 9:00 o'clock in the
28 forenoon in the courtroom of the Court House in Minden, Douglas
29 County, Nevada; and that the Clerk of said Court did furnish
30 the State Engineer with a certified copy thereof.

1 That the State Engineer, in accordance with NRS 533.165, gave
2 notice to the claimants by service of a certified copy of the
3 Court Order Setting Time for Hearing.

4 That on August 2, 1973, and once each week for four suc-
5 ceeding weeks, the State Engineer did cause to be published the
6 Court Order Setting Time for Hearing, and that thereafter on
7 September 5, 1973, there was filed in the Office of the State
8 Engineer an affidavit of the publisher of the Record-Courier,
9 exemplifying the Proof of Publication of the Court Order Setting
10 Time for Hearing.

11 That the Court finds that all and singular, the Proceedings,
12 Orders, and Notices required by Chapter 533 of NRS were duly had,
13 made, and given as required by law, and that all and singular,
14 the matters and things contained in the record were done, per-
15 formed, given, and made in strict compliance with the statutes,
16 and that this Court had and has jurisdiction to hear and
17 determine this matter.

18 II.

19 The Court Further Finds: That Pine Nut Creek and its
20 tributaries exemplified in these proceedings is situated wholly
21 within Douglas County, State of Nevada.

22 III.

23 The Court Further Finds: That the names of the claimants
24 and appropriators of the waters of Pine Nut Creek and its tribu-
25 taries, the source of water supply, the period of use, the duty
26 of water, the diversion of water and method of use, measurement
27 of water, stock watering and domestic use, change of place of
28 use, and the rights of appropriation of the water, all as set
29 forth in the Order of Determination, are true, proper and cor-
30 rect, and all and singular, the same should be approved and

1 confirmed.

2 I. SOURCE

3 The two main tributary forks of Pine Nut Creek, namely,
4 Thompson Canyon Creek and Blossom Canyon Creek, rise on the west
5 slope of the Pine Nut Mountains near the summit of Bald Mountain,
6 which is about 9300 feet in elevation and located near the center
7 of Township 11 North, Range 21 East, M.D.B. & M. Mill Creek, Dutch
8 Canyon Creek and Lone Pine Creek also are tributaries to Pine
9 Nut Creek and rise in this general area. Pine Nut Creek and its
10 tributaries flow north and northwest.

11 The drainage basin in Pine Nut Creek and its tributaries
12 comprises an area of approximately 50 square miles, ranging in
13 elevation from 5,000 to 9,000 feet.

14 Vegetation consists principally of sagebrush on the lower
15 elevations and pinon pines and juniper trees on the higher
16 slopes. An abundant growth of natural grasses flourishes in this
17 area and provides excellent range conditions for livestock.

18 Pine Nut Creek and its tributaries have a high runoff in
19 the spring due to melting snow and then recede to a minimum flow
20 from springs for the remainder of the year.

21 II. PERIOD OF USE

22 The irrigation season shall begin on March 1st and extend
23 to November 1st of each year.

24 III. DUTY OF WATER

25 The lands irrigated by Pine Nut Creek and its tributaries
26 have gravelly soils, pervious in nature, causing a more rapid
27 dissipation of water than lands on the valley floor. This
28 condition has been taken into consideration in establishing
29 the duty of water.
30

1 The seasonal duty of water from Pine Nut Creek is herein
2 fixed and shall not exceed:

3 Class A -- Harvest Crop ----- 5.0 ac.ft./ac./season

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

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

6 IV. DIVERSION OF WATER AND METHOD OF USE

7 The claimants shall have the right to divert 2.5 cubic
8 feet per second of water per 100 acres of land irrigated, but
9 not to exceed the seasonal duty as established herein.

10 The claimants or their successors in interest will not be
11 required to take or use the amount of water allotted to them in
12 a continuous flow, but may cumulate the same or any part thereof
13 in rotation or periodic turn within the seasonal limits, with the
14 approval of the Water Commissioner and subject to the control and
15 direction of the State Engineer.

16 V. MEASUREMENT OF WATER

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

26 Priorities are fixed by years and where the years are the
27 same, the priorities are equal.

28 VI. STOCK WATERING AND DOMESTIC

29 The right to the diversion and use of water for stock
30 watering and domestic purposes shall be continued by the claim-

1 ants named herein or their successors in interest at any time
2 during the year, except as otherwise specified under stock
3 watering rights of appropriation, and such diversions shall be
4 according to the dates of priorities of such users and limited
5 to the quantity of water reasonably necessary for such use.

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

11 VII. CHANGE OF PLACE OF USE

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

18 VIII. RIGHTS OF APPROPRIATION

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

28 CONCLUSIONS OF LAW

29 From the evidence presented and received in this matter,
30 and from the foregoing FINDINGS OF FACT, the Court makes the

1 following CONCLUSIONS OF LAW.

2 I.

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

20 II.

21 That the First Judicial District Court of the State of
22 Nevada, in and for the County of Douglas, had and has juris-
23 diction to hear and try this matter, and has jurisdiction to
24 find, make and enter the foregoing Findings of Fact and these
25 Conclusions of Law and enter its Decree herein.

26 III.

27 That H. F. Dangberg Land & Livestock Company, and Stoddard
28 Jacobsen and Jewel Jacobsen are the only claimants of vested
29 rights recognized in this Decree who were and are now appropri-
30 ators and users of the waters of Pine Nut Creek and its

1 tributaries on the date the Order of Determination was filed
2 with the Clerk of the Court, and on the date of the trial and
3 hearing on this matter.

4 IV.

5 That the irrigation season shall begin on March 1st and
6 extend to November 1st of each year.

7 V.

8 That the lands irrigated by Pine Nut Creek and its
9 tributaries have gravelly soils, pervious in nature, causing
10 a more rapid dissipation of water than lands on the valley
11 floor. That this condition has been taken into consideration in
12 establishing the duty of water.

13 That the seasonal duty of water from Pine Nut Creek and its
14 tributaries is herein fixed and shall not exceed:

15 Class A -- Harvest Crop -----5.0 ac.ft./ac./season

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

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

18 VI.

19 That the claimants shall have the right to divert 2.5
20 cubic feet per second of water per 100 acres of land irri-
21 gated, but not to exceed the seasonal duty as established herein.

22 That the claimants or their successors in interest will
23 not be required to take or use the amount of water allotted
24 to them in a continuous flow, but may cumulate the same or any
25 part thereof in rotation or periodic turn within the seasonal
26 limits, with the approval of the Water Commissioner and subject
27 to the control and direction of the State Engineer.

28 VII.

29 That all measurements of water diverted are to be made
30 at a point where the main ditch enters or becomes adjacent to

1 the land to be irrigated or as near thereto as is practicable;
2 that the location, if not selected by the State Engineer, is to
3 be approved by him. That the claimants shall install and main-
4 tain at their own expense, substantial and easily operated
5 regulating headgates and measuring devices in their ditch or
6 ditches or channel. That due allowance for losses in ditches
7 will be made by the State Engineer in the event it becomes
8 necessary.

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

11 VIII.

12 That the right to the diversion and use of water for stock
13 watering and domestic purposes shall be continued by the claim-
14 ants named herein or their successors in interest at any time
15 during the year, except as otherwise specified under stock
16 watering rights of appropriation, and such diversions shall be
17 according to the dates of priorities of such users and limited
18 to the quantity of water reasonably necessary for such use.

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

24 IX.

25 That all water allotted in the Decree shall be appurtenant
26 to the place of use designated herein. That any water user
27 desiring to change the point of diversion, manner of use, or
28 place of use of the waters allotted herein, must make appli-
29 cation to the State Engineer for permission to make the change
30 pursuant to NRS 533.345.

1 That the Court has full and complete jurisdiction to hear,
2 try and determine this matter and to make and enter herein,
3 this Decree.

4 II.

5 That the flow of water from Pine Nut Creek and its tribu-
6 taries is being placed to beneficial use by H. F. Dangberg
7 Land & Livestock Company, and Stoddard Jacobsen and Jewel
8 Jacobsen, for irrigation, stock watering, and domestic purposes.

9 III.

10 That the irrigation season shall begin on March 1st and
11 extend to November 1st of each year.

12 IV.

13 That the lands irrigated by Pine Nut Creek and its tribu-
14 taries have gravelly soils, pervious in nature, causing a more
15 rapid dissipation of water than lands on the valley floor. That
16 this condition has been taken into consideration in establishing
17 the duty of water.

18 That the seasonal duty of water from Pine Nut Creek and its
19 tributaries is herein fixed and shall not exceed:

- 20 Class A -- Harvest Crop-----5.0 ac.ft./ac./season
21 Class B -- Meadow Pasture-----3.0 ac.ft./ac./season
22 Class C -- Diversified Pasture ---1.5 ac.ft./ac./season

23 V.

24 That the claimants shall have the right to divert 2.5
25 cubic feet per second of water per 100 acres of land irrigated,
26 but not to exceed the seasonal duty as established herein.

27 That the claimants or their successors in interest will
28 not be required to take or use the amount of water allotted
29 to them in a continuous flow, but may cumulate the same or
30 any part thereof in rotation or periodic turn within the seasonal

1 limits, with the approval of the Water Commissioner and subject
2 to the control and direction of the State Engineer.

3 VI.

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

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

16 VII.

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

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

29 VIII.

30 That all water allotted in this Decree shall be appurtenant

1 to the place of use designated herein. That any water user
2 desiring to change the point of diversion, manner of use, or
3 place of use of the waters allotted herein, must make appli-
4 cation to the State Engineer for permission to make the change
5 pursuant to NRS 533.345.

6 IX.

7 That the names of the claimants and appropriators of the
8 waters of Pine Nut Creek and its tributaries, the source of the
9 water supply, the manner of use of the water, the means of
10 diversion, the points of diversion for beneficial use, the
11 periods of use, the years of priority, the cultural acreages
12 and places of use, the legal subdivisions, sections, townships,
13 ranges, and duty of water are hereby adjudged as follows:

14 PROOF NO.: Amended 0803
15 CLAIMANTS: Stoddard Jacobsen & Jewel Jacobsen
16 SOURCE: Pine Nut Creek & Tributaries
17 USE: Irrigation, Stock Watering & Domestic
18 MEANS OF DIVERSION: Dams and Ditches
19 POINTS OF DIVERSION: 1. Ott Ditch No. 1; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10,
20 T.12N., R.21E., M.D.B.&M., or at a
21 point from which the West Quarter
22 corner of said Section 10, bears N.
74° 01' W., a distance of 3,574.00
23 feet.
24 2. Ott Ditch No. 2; NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10,
25 T.12N., R.21E., M.D.B.&M., or at a
26 point from which the West Quarter
27 corner of said Section 10, bears N.
28 74° 38' W., a distance of 1,722.00
29 feet.
30

1 PROOF NO.: Amended 0803 (continued)

PRIORITY:	CULTURAL ACREAGE: HARVEST	LOCATION				DUTY OF WATER		
		SUBD.:	SEC.:	TWP.:	RGE.:	C.F.S.:	AC.FT.:	
				N.	E.			
5	1872	8.50	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10	12	21	0.213	42.50
6	1872	1.80	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12	21	0.045	9.00
7	1890	5.01	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12	21	0.125	25.05
8	1890	0.44	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10	12	21	0.011	2.20
9	1890	9.20	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	12	21	0.230	46.00
10	1890	<u>9.57</u>	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9	12	21	<u>0.239</u>	<u>47.85</u>
11	TOTAL	34.52					0.863	172.60

13 PROOF NO.: Amended 02714

14 CLAIMANTS: H. F. Dangberg Land & Livestock Company

15 SOURCE: Pine Nut Creek & Tributaries

16 USE: Irrigation and Stock Watering

17 MEANS OF DIVERSION: Dams and Ditches

- 18 POINTS OF DIVERSION: 1. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.11N.,R.22E.,
19 M.D.B.&M., or at a point from which
20 the NE Corner of said Section 7
bears N. 43° 29' E., a distance of
2,555 feet.
- 21 2. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.11N.,R.22E.,
22 M.D.B.&M., or at a point from which
23 the NE corner of said Section 7 bears
N. 62° 05' E., a distance of 1,830 feet.
- 24 3. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.11N.,R.22E.,
25 M.D.B.&M., or at a point from which
26 the NE corner of said Section 7 bears
N. 68° 12' E., a distance of 1,545 feet.
- 27 4. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.11N.,R.22E.,
28 M.D.B.&M., or at a point from which
29 the E $\frac{1}{4}$ corner of Section 36, T.12N.,
R.21E., M.D.B.&M., bears N. 24° 50' W.,
30 a distance of 6,455 feet.

1 PROOF NO.:

Amended 02714 (continued)

2 POINTS OF DIVERSION: (continued)

- 3 5. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.11N.,R.22E.,
4 M.D.B.&M., or at a point from which
5 the E $\frac{1}{4}$ corner of Section 36, T.12N.,
6 R.21E., M.D.B.&M., bears N. 26° 02' W.,
7 a distance of 6,096 feet.
- 8 6. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
9 M.D.B.&M., or at a point from which
10 the E $\frac{1}{4}$ corner of said Section 36 bears
11 N. 13° 15' E., a distance of 460 feet.
- 12 7. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
13 M.D.B.&M., or at a point from which
14 the E $\frac{1}{4}$ corner of said Section 36
15 bears N. 46° 08' E., a distance of
16 315 feet.
- 17 8. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
18 M.D.B.&M., or at a point from which
19 the E $\frac{1}{4}$ corner of said Section 36
20 bears N. 65° 00' E., a distance of
21 376 feet.
- 22 9. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
23 M.D.B.&M., or at a point from which
24 the E $\frac{1}{4}$ corner of said Section 36 bears
25 S. 58° 00' E., a distance of 718 feet.
- 26 10. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
27 M.D.B.&M., or at a point from which
28 the E $\frac{1}{4}$ corner of said Section 36 bears
29 S. 50° 45' E., a distance of 1,540
30 feet.
11. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
M.D.B.&M., or at a point from which
the E $\frac{1}{4}$ corner of said Section 36 bears
S. 42° 30' E., a distance of 2,015 feet.
12. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
M.D.B.&M., or at a point from which
the E $\frac{1}{4}$ corner of said Section 36 bears
S. 39° 15' E., a distance of 2,278 feet.
13. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N.,R.21E.,
M.D.B.&M., or at a point from which
the E $\frac{1}{4}$ corner of said Section 36 bears
S. 36° 30' E., a distance of 2,730
feet.

PROOF NO.: Amended 02714 (continued)

PRIORITY:	CULTURAL ACREAGE:		LOCATION:			DUTY OF WATER		
	MEADOW PAST.:	DIV. PAST.:	SUBD.:	SEC.:	TWP.:	RNGE.:	C.F.S.	AC.FT.
				N.	E.			
1865	--	1.56	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6	11	22	0.039	2.340
1865	--	0.67	NW $\frac{1}{4}$ SE $\frac{1}{4}$	6	11	22	0.017	1.005
1865	--	1.25	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6	11	22	0.031	1.875
1865	--	10.82	SE $\frac{1}{4}$ NW $\frac{1}{4}$	6	11	22	0.270	16.230
1865	--	1.70	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6	11	22	0.043	2.550
1868	7.42	--	SW $\frac{1}{4}$ SE $\frac{1}{4}$	25	12	21	0.185	22.260
1868	14.15	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$	36	12	21	0.354	42.450
1868	0.94	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	36	12	21	0.024	2.820
1868	1.26	--	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36	12	21	0.032	3.780
1868	12.45	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	36	12	21	0.311	37.350
1868	2.20	--	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36	12	21	0.055	6.600
1869	4.85	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$	7	11	22	0.121	14.550
1869	<u>0.85</u>	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7	11	22	<u>0.021</u>	<u>2.550</u>
TOTAL	44.12	16.00					1.503	156.360

PROOF NO.: 02715

CLAIMANTS: H. F. Dangberg Land & Livestock Company

SOURCE: Mill Creek, a Tributary of Pine Nut Creek

USE: Irrigation and Stock Watering

MEANS OF DIVERSION: Dams and Ditches

- POINTS OF DIVERSION:
- NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.11N.,R.22E., M.D.B.&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 8 bears N. 48° 04' W., a distance of 642 feet.
 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.11N.,R.22E., M.D.B.&M., or at a point from which the SE corner of said Section 6 bears S. 48° 31' E., a distance of 1,578 feet.

1 PROOF NO.: 02715 (continued)

2 POINTS OF DIVERSION: (continued)

3 3. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.11N.,R.22E.,
4 M.D.B.&M., or at a point from which
5 the SE corner of said Section 6 bears
6 S. 51° 26' E., a distance of 1,815
7 feet.

PRIORITY:	CULTURAL ACREAGE:	LOCATION			:DUTY OF WATER		
		MEADOW	SUBD.:	SEC.:TWP.:RGE.:	N.	E.	C.F.S.:
	PASTURE						
1867	1.10	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6	11	22	0.028	3.300
1867	0.30	SE $\frac{1}{4}$ SE $\frac{1}{4}$	6	11	22	0.007	0.900
1879	<u>2.20</u>	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8	11	22	<u>0.055</u>	<u>6.600</u>
TOTAL	3.60					0.090	10.800

14 PROOF NO.: 02716

15 CLAIMANTS: H. F. Dangberg Land & Livestock Company

16 SOURCE: Thompson Creek, a Tributary of Pine Nut
17 USE: Creek
Irrigation and Stock Watering

18 MEANS OF DIVERSION: Dams and Ditches

19 POINTS OF DIVERSION: 1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T.11N.,R.22E.,
20 M.D.B.&M., or at a point from which
21 the NW corner of said Section 5 bears
22 N. 68° 36' W., a distance of 2,796
23 feet.

24 2. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T.11N.,R.22E.,
25 M.D.B.&M., or at a point from which
the NE corner of said Section 6 bears
N. 75° 33' E., a distance of 1,104
feet.

PRIORITY:	CULTURAL ACREAGE:	LOCATION			:DUTY OF WATER		
		MEADOW	SUBD.:	SEC.:TWP.:RGE.:	N.	E.	C.F.S.:
	PASTURE						
1867	1.30	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6	11	22	0.033	3.900
1879	<u>2.60</u>	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5	11	22	<u>0.065</u>	<u>7.800</u>
TOTAL	3.90					0.098	11.700

1 PROOF NO.: 02717
 2 CLAIMANTS: H. F. Dangberg Land & Livestock Company
 3 SOURCE: Dutch Canyon Creek, a Tributary of Pine
 4 USE: Irrigation and Stock Watering
 5 MEANS OF DIVERSION: Dams and Ditches
 6 POINTS OF DIVERSION: 1. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.12N.,R.22E.,
 7 M.D.B.&M., or at a point from which
 8 the NE corner of said Section 32 bears
 9 N. 40° 35' E., a distance of 1,170
 10 feet.
 11 2. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.12N., R.22E.,
 12 M.D.B.&M., or at a point from which
 13 the NE corner of said Section 32 bears
 14 N. 55° 27' E., a distance of 1,672
 15 feet.
 16 3. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.12N.,R.22E.,
 17 M.D.B.&M., or at a point from which
 18 the NE corner of said Section 32 bears
 19 N. 78° 55' E., a distance of 1,944 feet.
 20 4. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.12N.,R.22E.,
 21 M.D.B.&M., or at a point from which
 22 the NE corner of said Section 32 bears
 23 N. 83° 09' E., a distance of 2,228 feet.
 24 5. SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T.12N.,R.22E.,
 25 M.D.B.&M., or at a point from which
 26 the SE corner of said Section 29 bears
 27 S. 89° 23' E. a distance of 2,665 feet.

PRIORITY:	CULTURAL ACREAGE:		LOCATION:			DUTY OF WATER		
	MEADOW	PASTURE	SUBD.:	SEC.:	TWP.:	RGE.:	C.F.S.:	AC.FT.
			N.	E.				
1867	2.10		SE $\frac{1}{4}$ SW $\frac{1}{4}$	29	12	22	0.053	6.300
1867	0.50		SW $\frac{1}{4}$ SE $\frac{1}{4}$	29	12	22	0.012	1.500
1867	3.50		NW $\frac{1}{4}$ NE $\frac{1}{4}$	32	12	22	0.088	10.500
1867	<u>2.90</u>		NE $\frac{1}{4}$ NE $\frac{1}{4}$	32	12	22	<u>0.072</u>	<u>8.700</u>
TOTAL	9.00						0.225	27.000

1 PROOF NO.: 02718
 2 CLAIMANTS: H. F. Dangberg Land & Livestock Company
 3 SOURCE: Lone Pine Canyon Creek, a Tributary of
 4 USE: Pine Nut Creek
 5 MEANS OF DIVERSION: Irrigation and Stock Watering
 6 POINTS OF DIVERSION: Dam and Ditches
 7 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.12N.,R.22E., M.D.B.&M.,
 8 or at a point from which the NE Corner of
 said Section 29 bears N. 71° 14' E., a
 distance of 362 feet.

PRIORITY:	CULTURAL ACREAGE:		LOCATION:			:DUTY OF WATER	
	MEADOW	PASTURE	:SUBD.:	SEC.:	TWP.:	RGE.:	
			N.	E.	C.F.S.:	AC.	FT.
1867	1.50		NE $\frac{1}{4}$ NE $\frac{1}{4}$	29	12	22	0.038 4.500

13 PROOF NO.: Amended 0770
 14 CLAIMANTS: Stoddard Jacobsen & Jewel Jacobsen
 15 SOURCE: Pine Nut Creek & Tributaries
 16 USE: Stock Watering
 17 MEANS OF DIVERSION: Dam, Natural Channel and Pools
 18 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.12N.,R.21E., M.D.B.&M.
 19 or at a point from which the S. Quarter
 20 corner of said Section 4 bears S. 30° 00' W.
 a distance of 1,055 feet.

21 PERIOD OF USE: January 1 to December 31 of each year.

22 PRIORITY: 1896

23 AMOUNT OF APPROPRIATION: 0.0125 c.f.s., or sufficient to water
 2,000 sheep

24 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

25 Livestock are watered from pools in the
 26 natural channel of Pine Nut Creek, sit-
 27 uated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.12N.,
 R.21E., M.D.B.&M.

1 PROOF NO.: 02719
2 CLAIMANTS: H. F. Dangberg Land & Livestock Company
3 SOURCE: Pine Nut Creek & Tributaries
4 USE: Stock Watering
5 MEANS OF DIVERSION: Dam, Natural Channel and Pools
6 POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.12N.,R.21E., M.D.B.&M.
7 PERIOD OF USE: March 1 to November 1 of each year
8 PRIORITY: 1892 - 2,000 cattle
9 1900 - 8,000 sheep
10 AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
11 0.0500 c.f.s. to water 8,000 sheep

12 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

13 Livestock are watered from pools in the
14 natural channel of Pine Nut Creek, sit-
uated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.12N.,
R.21E., M.D.B.&M.

16 PROOF NO.: 02720
17 CLAIMANTS: H. F. Dangberg Land & Livestock Company
18 SOURCE: Mill Creek, a Tributary of Pine Nut Creek
19 USE: Stock Watering
20 MEANS OF DIVERSION: Dam, Natural Channel and Pools
21 POINT OF DIVERSION: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T.11N.,R.22E., M.D.B.&M.
22 PERIOD OF USE: March 1 to November 1 of each year
23 PRIORITY: 1892 - 2,000 cattle
24 1900 - 8,000 sheep
25 AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
26 0.0500 c.f.s. to water 8,000 sheep

27 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

28 Livestock are watered from pools in the
29 natural channel of Mill Creek and Trib-
utaries, situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5,
T.11N.,R.22E., M.D.B.&M.

2 PROOF NO.: 02721
3 CLAIMANTS: H. F. Dangberg Land & Livestock Company
4 SOURCE: Thompson Creek, a Tributary of Pine Nut
5 Creek
6 USE: Stock Watering
7 MEANS OF DIVERSION: Dam, Natural Channel and Pools
8 POINT OF DIVERSION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.12N.,R.22E., M.D.B.&M.
9 PERIOD OF USE: March 1 to November 1 of each year
10 PRIORITY: 1892 - 2,000 cattle
11 1900 - 8,000 sheep
12 AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
13 0.0500 c.f.s. to water 8,000 sheep
14 DESCRIPTION OF WORKS, MANNER AND PLACE OF USE:
15 Livestock are watered from pools in the
16 natural channel of Thompson Creek and Trib-
17 utaries, situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31,
18 T.12N.,R.22E., M.D.B.&M.

19 PROOF NO.: 02722
20 CLAIMANTS: H. F. Dangberg Land & Livestock Company
21 SOURCE: Dutch Canyon Creek, a Tributary of Pine
22 Nut Creek
23 USE: Stock Watering
24 MEANS OF DIVERSION: Dam, Natural Channel and Pools
25 POINT OF DIVERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T.12N.,R.22E., M.D.B.&M.
26 PERIOD OF USE: March 1 to November 1 of each year
27 PRIORITY: 1892 - 2,000 cattle
28 1900 - 8,000 sheep
29 AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
30 0.0500 c.f.s. to water 8,000 sheep
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
Livestock are watered from pools in the
natural channel of Dutch Canyon Creek and
Tributaries, situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section
30, T.12N.,R.22E., M.D.B.&M.

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PROOF NO.: 02723
CLAIMANTS: H. F. Dangberg Land & Livestock Company
SOURCE: Lone Pine Canyon Creek, a Tributary of
Pine Nut Creek
USE: Stock Watering
MEANS OF DIVERSION: Dam, Natural Channel and Pools
POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T.12N.,R.22E., M.D.B.&M.
PERIOD OF USE: March 1 to November 1 of each year
PRIORITY: 1892 - 2,000 cattle
1900 - 8,000 sheep
AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
0.0500 c.f.s. to water 8,000 sheep
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
Livestock are watered from pools in the natural channel of Lone Pine Canyon Creek and Tributaries situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T.12N.,R.22E., M.D.B.&M.

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PROOF NO.: 02724
CLAIMANTS: H. F. Dangberg Land & Livestock Company
SOURCE: Bill Johnson Spring, a Tributary of Pine Nut Creek
USE: Stock Watering
MEANS OF DIVERSION: Natural Channel and Spring
POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.12N.,R.22E., M.D.B.&M.
PERIOD OF USE: March 1 to November 1 of each year
PRIORITY: 1892 - 2,000 cattle
1900 - 8,000 sheep
AMOUNT OF APPROPRIATION: 0.0625 c.f.s. to water 2,000 cattle
0.0500 c.f.s. to water 8,000 sheep
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
Livestock are watered in the natural spring area and channel situated in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.12N.,R.22E., M.D.B.&M.

1 PROOF NO.: 02728
2 CLAIMANTS: Stoddard Jacobsen and Jewel Jacobsen
3 SOURCE: Pine Nut Creek and Tributaries
4 USE: Stock Watering
5 MEANS OF DIVERSION: Dam, Natural Channel and Pools
6 POINT OF DIVERSION: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T.12N.,R.21E.,
7 M.D.B.&M., or at a point from which
8 the E. Quarter Corner of said Section 25
9 bears N. 78° 39' E., a distance of
10 1,878 feet.
11 PERIOD OF USE: January 1 to December 31 of each year
12 PRIORITY: 1885
13 AMOUNT OF APPROPRIATION: 0.01875 c.f.s. or sufficient to water
14 2,000 sheep and 200 cattle.
15 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
16 Livestock are watered from pools in the
17 natural channel of Pine Nut Creek and
18 Tributaries, situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
19 Section 25, T.12N.,R.21E., M.D.B.&M.

18 PROOF NO.: 02729
19 CLAIMANTS: Stoddard Jacobsen and Jewel Jacobsen
20 SOURCE: Pine Nut Creek and Tributaries
21 USE: Stock Watering
22 MEANS OF DIVERSION: Dam, Natural Channel and Pools
23 POINT OF DIVERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T.12N.,R.21E., M.D.B.&M.,
24 or at a point from which the SE corner
25 of said Section 14 bears S. 9° 30' E.,
26 a distance of 1,485 feet.
27 PERIOD OF USE: January 1 to December 31 of each year
28 PRIORITY: 1885
29 AMOUNT OF APPROPRIATION: 0.01875 c.f.s. or sufficient to water
30 2,000 sheep and 200 cattle.

1 PROOF NO.: 02729 (Continued)

2 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

3 Livestock are watered from pools in the
4 natural channel of Pine Nut Creek and
5 Tributaries, situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
6 Section 14, T.12N.,R.21E., M.D.B.&M.

7 PROOF NO.: 02730

8 CLAIMANTS: Stoddard Jacobsen and Jewel Jacobsen

9 SOURCE: Pine Nut Creek and Tributaries

10 USE: Stock Watering

11 MEANS OF DIVERSION: Dam, Natural Channel and Pools

12 POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.12N.,R.21E., M.D.B.&M.,
13 or at a point from which the SE corner
14 of said Section 14 bears S. 33° 10' E., a
15 distance of 5,170 feet.

16 PERIOD OF USE: January 1 to December 31 of each year

17 PRIORITY: 1885

18 AMOUNT OF APPROPRIATION: 0.01875 c.f.s., or sufficient to water
19 2,000 sheep and 200 cattle.

20 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

21 Livestock are watered from pools in the
22 natural channel of Pine Nut Creek and
23 Tributaries, situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
24 Section 14, T.12N.,R.21E., M.D.B.&M.

25 DONE IN OPEN COURT THIS

26 8th DAY OF
27 February A.D., 1974

Noel E. Manoukian

28 NOEL E. MANOUKIAN
29 District Judge

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: February 13, 1974
EARNHART W. BOAN, Clerk of the First Judicial District Court of the State of Nevada, in and for the County of Douglas.