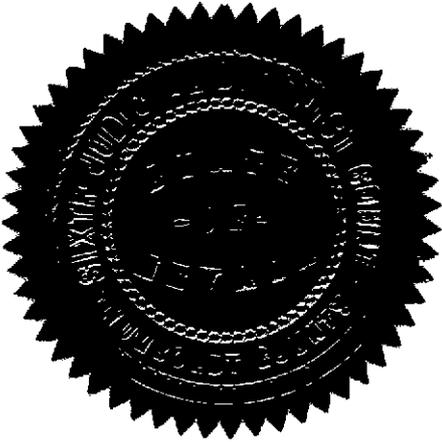


STATE OF NEVADA }
County of Humboldt } ss.

I, Grace W. Bell, County Clerk of said County and State, and ex-officio Clerk of the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, do hereby certify the hereunto attached to be a full, true and correct copy of FINDINGS OF FACT, CONCLUSIONS OF LAW JUDGMENT AND DECREE IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF REBEL CREEK AND ITS TRIBUTARIES IN HUMBOLDT COUNTY, STATE OF NEVADA and includes all endorsements that appear upon the original F I N D I N G S A N D D E C R E E on file and of record in my said office and in said Civil Action No. 7583.....



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court on this 13th day of November D. 1973.....
..... Clerk
..... Deputy

1 IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
2 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF HUMBOLDT

3 *****

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

No. 7583
FILED

NOV 12 1973

GRACE W. BELL
CLERK OF DIST. COURT

BY _____

9 FINDINGS OF FACT, CONCLUSIONS OF LAW

10 JUDGMENT AND DECREE

11 This matter came on regularly for hearing on the 10th day of
12 July, 1973, before the Honorable Llewellyn A. Young, District
13 Judge presiding. The portion of Rebel Creek and its tributaries
14 exemplified in these proceedings, being within Humboldt County,
15 State of Nevada, and he being the Judge designated by
16 NRS 533.165 to hear and having jurisdiction to hear the above
17 entitled matter, upon the State Engineer's determination of the
18 relative rights of the petitioners and claimants to the use of the
19 waters of the stream system of Rebel Creek and its tributaries,
20 which Order of Determination and all related documentary evidence
21 had been filed by the State Engineer. There being exceptions
22 filed to the Order of Determination pursuant to NRS 533.170, the
23 matter was submitted to the Court for its decision.

24 Ross de Lipkau, Deputy Attorney General, Starr Hill, Jr.,
25 Surface Water Engineer, and L. Edward Parmenter, Adjudication
26 Engineer, appeared in the hearing and proceedings on behalf of the
27 State of Nevada and the office of the State Engineer. Stewart
28 R. Wilson and Gene R. Barbagelata, Esquires, appeared on behalf of
29 Western States Cattle Co., James A. Callahan, Esquire appeared on
30 behalf of Willow Creek Ranch, Inc., and John Squire Drendel
appeared on behalf of N. J. Ranches.

1 its tributaries.

2 That as a result of the State Engineer's investigation
3 report, it was found that the waters of Rebel Creek and its
4 tributaries are being placed to beneficial use for irrigation,
5 stock watering, and domestic purposes as affirmed by Proof of
6 Appropriation 02662 (Ditch No. 1), Proof of Appropriation 02662
7 (Ditch No. 2), Amended Proof of Appropriation 02664, Amended
8 Proof of Appropriation 02665, Amended Proof of Appropriation
9 02666, Amended Proof of Appropriation 02667, and Amended Proof of
10 Appropriation 02668, filed in the Office of the State Engineer.
11 Evidence contained in the title documents submitted by the claim-
12 ants, relative to the land, indicates the present claimants and
13 appropriators, N. J. Ranches, Inc., Western States Cattle Co., and
14 Willow Creek Ranch, Inc., are the successors in interest to vested
15 rights initiated by their predecessors.

16 That on June 4, 1969, and once each week for four succeed-
17 ing weeks, the State Engineer did cause to be published a Notice
18 of Order and Proceedings to Determine Water Rights in and to the
19 waters of Rebel Creek and its tributaries in Humboldt County,
20 State of Nevada, and that notice was duly given to all claimants
21 as required by law. That on July 7, 1969, there was filed in the
22 Office of the State Engineer an affidavit of the publisher of the
23 Territorial Enterprise, exemplifying the Proof of Publication of
24 Notice of Order and Proceedings.

25 That the State Engineer did cause to be published on
26 July 30, 1969, and once each week for four succeeding weeks, a
27 Notice of Order for Taking Proofs to Determine Water Rights, in
28 and to the waters of Rebel Creek and its tributaries in Humboldt
29 County, State of Nevada, and that notice was duly given to all
30 claimants as required by law. That on September 8, 1969, there

1 was filed in the Office of the State Engineer an affidavit of the
2 publisher of the Territorial Enterprise, exemplifying the Proof
3 of Publication of the Notice of Order for Taking Proofs.

4 That thereafter, in accordance with NRS 533.125, the State
5 Engineer did file in the records of his office on November 24,
6 1969, and November 26, 1969, requests to extend the time in which
7 proofs may be filed. That he did grant extensions and that notice
8 thereof was duly given to all claimants.

9 That the State Engineer, in accordance with NRS 533.140,
10 did file in the records of his office on July 26, 1971, an
11 Abstract of Claims, a Preliminary Order of Determination, and a
12 Notice and Order Fixing and Setting Time and Place of Inspection,
13 stating when and where the evidence taken or filed with him and
14 the proofs of claims were open to the inspection of all interest-
15 ed persons; and that notice thereof was duly given to all
16 claimants as required by law.

17 That on September 17, 1971, and September 23, 1971,
18 Objections to the Preliminary Order of Determination were filed
19 by Willow Creek Ranch, Inc., and Western States Cattle Co.,
20 respectively.

21 That on December 15, 1971, a Hearing on the Objections to
22 the Preliminary Order of Determination was held before the State
23 Engineer of the State of Nevada.

24 That the State Engineer, in accordance with NRS 533.160
25 entered in the records of his office, on May 24, 1972, an Order
26 of Determination defining the rights of the claimants and appro-
27 priators to the waters of Rebel Creek and its tributaries and that
28 notice thereof was duly given to all claimants as required by law.

29 That Exceptions to the Order of Determination were filed
30 in the Office of the State Engineer on July 19, 1972, by Willow

1 Creek Ranch, Inc.; on March 5, 1973, by Western States Cattle Co.;
2 and that on March 5, 1973, an Amended Notice of Exceptions to the
3 Order of Determination was filed by Willow Creek Ranch, Inc.; and
4 that on April 12, 1973, a Supplementary Notice of Exceptions to
5 the Order of Determination was filed by Western States Cattle Co.

6 That upon the filing of the certified copy of the Order
7 of Determination and the original evidence with the Clerk of the
8 Court of Humboldt County, State of Nevada, the Court, at the
9 request of the State Engineer, made and entered an Order on April
10 26, 1973, setting a time for hearing on the exceptions to the
11 Order of Determination on Tuesday, the 10th day of July, 1973, at
12 10:00 o'clock in the forenoon in the courtroom of the Court House
13 in Winnemucca, Humboldt County, Nevada; and that the Clerk of
14 said Court did furnish the State Engineer with a certified copy
15 thereof.

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

19 That on May 9, 1973, and once each week for four succeed-
20 ing weeks, the State Engineer did cause to be published the
21 Court Order Setting Time for Hearing, and that thereafter on June
22 8, 1973, there was filed in the Office of the State Engineer an
23 affidavit of the publisher of the Humboldt Sun, exemplifying the
24 Proof of Publication of the Court Order Setting Time for Hearing.

25 That the Court finds that all and singular, the Pro-
26 ceedings, Orders and Notices required by Chapter 533 of NRS were
27 duly had, made and given as required by law, and that all and
28 singular, the matters and things contained in the record were
29 done, performed, given and made in strict compliance with the
30 statutes, and that this Court had and has jurisdiction to hear

1 and determine this matter.

2 II

3 The Court Further Finds: That Rebel Creek and its tribu-
4 taries exemplified in these proceedings is situated wholly within
5 Humboldt County, State of Nevada.

6 III

7 The Court Further Finds: That the names of the claimants
8 and appropriators, the source of water supply, the period of use,
9 the duty of water, the diversion of water and method of use,
10 measurement of water, stock water and domestic use, change of
11 place of use, and the rights of appropriation of the water, all
12 as set forth in the Order of Determination as amended by the
13 stipulation introduced at the Hearing of July 10, 1973, and
14 affirmed by the Court Decision of July 13, 1973, are true, proper
15 and correct, and all and singular, the same should be approved
16 and confirmed.

17 I. SOURCE

18 The headwaters of Rebel Creek and its tributaries are
19 located on the west slope of the Santa Rosa Range, North of Santa
20 Rosa Peak and Sawtooth Mountain in Humboldt County. The creek
21 flows west approximately 9 miles, crossing U. S. Highway 95, 3
22 miles north of Orovada and terminates on the floor of the Quinn
23 River Valley. The drainage basin of Rebel Creek is approximately
24 20 square miles in area and the creek has a high spring runoff
25 from melting snows and a receding flow from springs the remainder
26 of the year.

27 II. PERIOD OF USE

28 The irrigation season shall begin on March 15th and end
29 on November 1st of each year.

30

1 VI. STOCK WATERING AND DOMESTIC

2 The right to the diversion and use of the water for
3 stock watering and domestic purposes shall be combined by the
4 claimants named herein or their successors in interest at any time
5 during the irrigation season and such diversions shall be accord-
6 ing to the dates of priorities of such users and limited to the
7 quantity of water reasonably necessary for such use. If a
8 claimant is not in priority for irrigation water, then the
9 claimant is not in priority for stock water and domestic water.

10 The amount of water diverted for irrigation purposes shall
11 not be increased by any amount to be used for stock watering and
12 domestic purposes, but the quantity allowed and diverted for irri-
13 gation during the irrigation season shall include water for stock
14 watering and domestic purposes.

15 VII. CHANGE OF PLACE OF USE

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

22 VIII. RIGHTS OF APPROPRIATION

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

CONCLUSIONS OF LAW

1 From the evidence presented and received in this matter,
2 and from the foregoing FINDINGS OF FACT, the Court makes the
3 following CONCLUSIONS OF LAW.

I.

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

II.

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

III.

28
29 That N. J. Ranches, Inc., Western States Cattle Co., and
30 Willow Creek Ranch, Inc. are the claimants of vested rights

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recognized in this Decree and were and are now appropriators and users of the waters of Rebel Creek and its tributaries on the date the Order of Determination was filed with the Clerk of the Court, and on the date of the trial and hearing of this matter.

IV.

That the irrigation season shall begin on March 15th and extend through November 1st of each year.

V.

That the seasonal duty of water on land irrigated from Rebel Creek and its tributaries is herein fixed as follows:

- Class A -- Harvest Crop --- 4.0 ac.ft./ac./Season
- Class B -- Meadow Pasture --- 2.0 ac.ft./ac./Season
- Class C -- Diversified Pasture --- 1.0 ac.ft./ac./Season

VI

That the claimants shall have the right to divert 2.5 cubic feet of water per second per 100 acres of land irrigated, but this amount may be increased when rotation is used pursuant to NRS 533.075. The seasonal duty as established herein is not to be exceeded.

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 cumulate the same or any part thereof in rotation or periodic turn within the seasonal limits, with the approval of the Water Commissioner and subject to the control and direction of the State Engineer.

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

1 the location, if not selected by the State Engineer, to be
2 approved by him. That the water users shall install and maintain
3 at their own expense, substantial and easily operated regulating
4 headgates and measuring devices in their ditch or ditches or
5 channel. That due allowance for losses in ditches will be made
6 by the State Engineer in the event it becomes necessary.

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

9 VIII.

10 That the right to the diversion and use of the water for
11 stock watering and domestic purposes shall be continued by the
12 claimants herein or their successors in interest at any time
13 during the irrigation season and such diversions shall be accord-
14 ing to the dates of priorities of such users and limited to the
15 quantity of water reasonably necessary for such use. That, if a
16 claimant is not in priority for irrigation water then the claimant
17 is not in priority for stock water and domestic water.

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

23 IX.

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

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X.

That from the Order of Determination and the documentary and oral evidence presented at the hearing in support thereof, the Court finds that the names of the claimants and appropriators of the waters of Rebel Creek and its tributaries, the source of the water supply, the means of diversion, the points of diversion for beneficial use, the periods of use, the years of priority, the cultural acreages and places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are as listed, stated and set forth.

XI.

That the Order of Determination, filed and caused to be entered of record in this matter by the State Engineer, should be affirmed as amended by the Court Decision dated July 13, 1973.

JUDGMENT AND DECREE

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

I.

That the State Engineer made all necessary and proper orders as required by law, and that each and every notice required by law was duly given to the claimants and appropriators; that the claimants and appropriators had full opportunity to appear and be heard in objection to and file exceptions to the Order of Determination; that N. J. Ranches, Inc., Western States Cattle Co., and Willow Creek Ranch, Inc. are the claimants of vested rights recognized in this Decree as appropriators of the waters of Rebel Creek and its tributaries and this Decree determines the limit and extent of all vested water rights on the source.



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

II.

That the flow of water from Rebel Creek and its tributaries is being placed to beneficial use by N. J. Ranches, Inc., Western States Cattle Company, and Willow Creek Ranch, Inc., for irrigation, stock watering, and domestic purposes.

III.

That the irrigation season shall begin on March 15th and extend through November 1st of each year.

IV.

That the seasonal duty of water on land irrigated from Rebel Creek and its tributaries is herein fixed as follows:

- Class A -- Harvest Crop ----- 4.0 ac.ft./ac./Season
- Class B -- Meadow Pasture ----- 2.0 ac.ft./ac./Season
- Class C -- Diversified Pasture -- 1.0 ac.ft./ac./Season

V.

That the claimants shall have the right to divert 2.5 cubic feet of water per second per 100 acres of land irrigated, but this amount may be increased when rotation is used pursuant to NRS 533.075. The seasonal duty as established herein is not to be exceeded.

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 cumulate the same or any part thereof in rotation or periodic turn within the seasonal limits, with the approval of the Water Commissioner and subject to the control and direction of the State Engineer.

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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 water users shall install and maintain at their own expense substantial and easily operated regulatory headgates and measuring devices in their 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 the water for stock watering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year 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 if a claimant is not in priority for irrigation water, then the claimant is not in priority for stock water and domestic water.

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

VIII.

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

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

5 IX.

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

13 PROOF NO.: 02662 (Ditch No. 1)
 14 CLAIMANT: N. J. Ranches, Inc.
 15 SOURCE: Rebel Creek and Tributaries
 16 USE: Irrigation, Stock Watering and Domestic
 17 MEANS OF DIVERSION: Dam and Ditch
 18 POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T.43N., R.38E.,
 19 M.D.B.&M., or at a point from which
 20 the W. quarter corner of said Section 18,
 21 bears S. 49° 47' W., a distance of
 22 394 feet.

23	PRIOR--: CULTURAL ACREAGE				LOCATION		DUTY OF WATER			
	ITY	: HARV.:	MEA:	DIV.						
24	PAST.:				SUBD.:	SEC.:	T.N.,	R.E.:	CFS	AC.FT.
25	1865	6.90	--	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	13	43	37	0.173	27.60
26	1865	0.92	--	--	NW $\frac{1}{4}$ SE $\frac{1}{4}$	13	43	37	0.023	3.68
27	1865	21.18	--	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13	43	37	0.530	84.72
28	1865	9.70	--	--	NE $\frac{1}{4}$ SW $\frac{1}{4}$	13	43	37	0.242	38.80
29	1865	1.86	--	--	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13	43	37	0.046	7.44
30	1865	6.72	--	--	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	43	37	0.168	26.88

1 PROOF NO.: 02662 (Continued)

2	PRIOR--: CULTURAL ACREAGE			LOCATION				DUTY OF WATER		
3	ITY	: HARV.:	MEA. :DIV.	PAST.:	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC.FT.
4	1865	1.15	--	--	NE $\frac{1}{2}$ SE $\frac{1}{2}$	14	43	37	0.029	4.60
5	1865	16.88	--	--	SE $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.422	67.52
6	1865	6.63	--	--	SW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.166	26.52
7	1865	--	--	2.21	SW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.055	2.21
8	1871	--	2.30	--	NW $\frac{1}{2}$ SW $\frac{1}{2}$	13	43	37	0.058	4.60
9	1871	--	18.21	--	SW $\frac{1}{2}$ NW $\frac{1}{2}$	13	43	37	0.455	36.42
10	1871	--	18.96	--	SE $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.474	37.92
11	1871	--	10.00	--	SW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.250	20.00
12	1871	--	--	8.05	SW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.201	8.05
13	1871	--	--	8.63	SE $\frac{1}{2}$ NW $\frac{1}{2}$	14	43	37	0.216	8.63
14	1871	--	--	0.63	NE $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.016	0.63
15	1871	--	--	4.37	NW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	0.109	4.37
16	1871	--	--	2.61	NE $\frac{1}{2}$ NW $\frac{1}{2}$	14	43	37	0.065	2.61
17	Total	71.94	49.47	26.50					3.698	415.20

18

19 PROOF NO.: 02662 (Ditch No. 2)

20 CLAIMANT: N. J. Ranches, Inc.

21 SOURCE: Rebel Creek and Tributaries

22 USE: Irrigation, Stock Watering and Domestic

23 MEANS OF DIVERSION: Dam and Ditch

24 POINT OF DIVERSION: NW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 13, T.43N., R.37E.,
25 M.D.B.&M., or at a point from which
26 the SW corner of said Section 13, bears
27 S. 4° 32' W., a distance of 2347 feet.

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415.20 AC. FT.
IS A MATHEMATICAL
OR TYPOGRAPHICAL
ERROR. SHOULD
READ 413.20

1 PROOF NO.: 02662 (Continued)

2	PRIOR--: CULTURAL ACREAGE			LOCATION			DUTY OF WATER			
	ITY	: HARV.:	MEA. :DIV.	PAST.:	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC.FT.
4	1865	1.15	--	--	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14	43	37	0.029	4.60
5	1865	16.88	--	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.422	67.52
6	1865	6.63	--	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.166	26.52
7	1865	--	--	2.21	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.055	2.21
8	1871	--	2.30	--	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13	43	37	0.058	4.60
9	1871	--	18.21	--	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	43	37	0.455	36.42
10	1871	--	18.96	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.474	37.92
11	1871	--	10.00	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.250	20.00
12	1871	--	--	8.05	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.201	8.05
13	1871	--	--	8.63	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14	43	37	0.216	8.63
14	1871	--	--	0.63	NE $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.016	0.63
15	1871	--	--	4.37	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14	43	37	0.109	4.37
16	1871	--	--	2.61	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14	43	37	0.065	2.61
17	Total	71.94	49.47	26.50					3.698	*415.20

413.20

19 PROOF NO.: 02662 (Ditch No. 2)
20 CLAIMANT: N. J. Ranches, Inc.
21 SOURCE: Rebel Creek and Tributaries
22 USE: Irrigation, Stock Watering and Domestic
23 MEANS OF DIVERSION: Dam and Ditch
24 POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.43N., R.37E.,
25 M.D.B.&M., or at a point from which
26 the SW corner of said Section 13, bears
27 S. 4° 32' W., a distance of 2347 feet.

28 **COPY**

29 * THE TOTAL DUTY OF DITCH NO. 1
30 SHOULD READ 413.20 AC. FT. 16
415.2 IS A TYPO AS THE
INDIVIDUAL ADDITIVE DUTIES
IS INDEED 413.20 AC. FT.
SAC 6/1/2000

1	PRIOR- ITY: HARV.:	CULTURAL HARV.:	ACREAGE		DUTY OF WATER						
			MEAS.:	DIV.	PAST.	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC. FT.
2											
3	1865	10.86	--	--	NE $\frac{1}{2}$ SE $\frac{1}{2}$	14	43	37	0.272	43.44	
4	1865	12.00	--	--	NW $\frac{1}{2}$ SE $\frac{1}{2}$	14	43	37	0.300	48.00	
5	1865	--	--	11.31	NW $\frac{1}{2}$ SE $\frac{1}{2}$	14	43	37	0.283	11.31	
6	1865	--	--	6.73	NE $\frac{1}{2}$ SW $\frac{1}{2}$	14	43	37	0.168	6.73	
7	1865	--	--	0.57	SE $\frac{1}{2}$ NW $\frac{1}{2}$	14	43	37	0.014	0.57	
8	1865	--	--	<u>1.38</u>	SW $\frac{1}{2}$ NE $\frac{1}{2}$	14	43	37	<u>0.034</u>	<u>1.38</u>	
9	Total:	22.86		19.99					1.071	111.43	

10 Note: It was stipulated and agreed by and between N-J Ran-
11 ches, Inc., Western States Cattle Co., and the Willow Creek Ranch,
12 Inc. that N-J Ranches, Inc., its successors and assigns, shall con-
13 struct and maintain an adequate ditch for the purpose of conveying
14 surplus water from the NW $\frac{1}{2}$ SE $\frac{1}{2}$ and NE $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec. 14, T. 43 N., R. 37 E.,
15 M.D.B. & M. in a Northwesterly direction to the channel of Rebel
16 Creek. This ditch shall be constructed on land owned by N-J Ran-
17 ches, Inc. Compliance by N-J Ranches, Inc., its successors and
18 assigns, with this Stipulation and Agreement shall not be the
19 responsibility of the State Engineer but shall be the responsibil-
20 ity of Willow Creek Ranch, Inc., or Western States Cattle Co.,
21 their successors and assigns.

17 PROOF NO.: Amended 02664
18 CLAIMANT: Western States Cattle Co.
19 SOURCE: Rebel Creek and Tributaries
20 USE: Irrigation and Stock Watering
21 MEANS OF DIVERSION: Concrete Box and Ditch
22 POINT OF DIVERSION: SE $\frac{1}{2}$ NE $\frac{1}{2}$ Section 8, T. 43 N., R. 37 E.,
23 M.D.B. & M., or at a point from which
24 the NE corner of said Section 8, bears
N 2° 46' East, a distance of 1515 feet.

25	PRIOR- ITY: HARV.:	CULTURAL HARV.:	ACREAGE		DUTY OF WATER					
			MEAS.:	DIV.	PAST.	SUBD.:	SEC.:	T.N.:	R.E.:	CFS
26										
27	1866	- -	7.0		SE $\frac{1}{2}$ NE $\frac{1}{2}$	8	43	37	0.175	7.00
28	1866	- -	3.0		NE $\frac{1}{2}$ NE $\frac{1}{2}$	8	43	37	0.076	3.00
29										
30	Total:		10.00						0.251	10.00

1 PROOF NO.: Amended 02665
 2 CLAIMANT: Western States Cattle Co.
 3 SOURCE: Rebel Creek and Tributaries
 4 USE: Irrigation and Stock Watering
 5 MEANS OF DIVERSION: Concrete Box and Ditch
 6 POINT OF DIVERSION: SE $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, T.43N.,R.37E.,
 7 M.D.B.&M., or at a point from which
 8 the NE corner of said Section 8, bears
 9 N. 2° 46' E., a distance of 1515 feet.

10	PRIOR- ITY	:CULTURAL :HARVEST	ACREAGE :DIV. :PAST.:	11			LOCATION		DUTY OF WATER	
				SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC.FT.	
12	1866	--	1.5	NW $\frac{1}{2}$ NE $\frac{1}{4}$	8	43	37	0.038	1.50	
13	1866	--	30.3	NE $\frac{1}{2}$ NE $\frac{1}{4}$	8	43	37	0.757	30.30	
14										
15	TOTAL	--	31.8					0.795	31.80	

16
 17 PROOF NO.: Amended 02666
 18 CLAIMANT: Western States Cattle Co.
 19 SOURCE: Rebel Creek and Tributaries
 20 USE: Irrigation and Stock Watering
 21 MEANS OF DIVERSION: Concrete Box and Ditch
 22 POINT OF DIVERSION: NE $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, T.43N.,R.37E.,
 23 M.D.B.&M., or at a point from which
 24 the NE corner of said Section 8
 25 bears N. 31° 00' E., a distance of
 26 1195 feet.
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1 PROOF NO.: Amended 02666 (Continued)

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PRIOR- ITY	CULTURAL ACREAGE:		LOCATION				:DUTY OF WATER	
	:HARV.:	:DIV.PAST.:	SUBD.:	SEC.:	T.N.,	R.E.:	CFS	AC. FT.
1866	6.7	--	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8	43	37	0.169	26.80
1866	1.3	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$	8	43	37	0.032	5.20
1866	38.5	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8	43	37	0.962	154.00
1866	12.0	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8	43	37	0.300	48.00
1866	39.2	0.8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8	43	37	1.000	157.60
1866	--	32.5	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8	43	37	0.812	32.50
1866	6.8	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8	43	37	0.170	27.20
1866	--	40.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8	43	37	1.000	40.00
1866	--	36.3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	7	43	37	0.907	36.30
1866	--	33.4	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7	43	37	0.835	33.40
1866	--	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7	43	37	1.000	40.00
TOTAL	104.5	183.0					*7.187	*601.00

*Some acreages listed in Amended Proof 02666 above, are the same acreages as listed under Amended Proof 02667. The total diversion and total acre-foot duty for each parcel are as listed under Article V and Article VI of this Order.

PROOF NO.: Amended 02667
 CLAIMANT: Western States Cattle Co.
 SOURCE: Rebel Creek and Tributaries
 USE: Irrigation and Stock Watering
 MEANS OF DIVERSION: Concrete Box and Ditch
 POINT OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.43N.,R.37E., M.D.B.&M., or at a point from which the NE corner of said Section 8 bears N. 75° 00' E. a distance of 1320 feet.

1 PROOF NO.: Amended 02667 (Continued)

2

	PRIOR-	CULTURAL	ACREAGE:	LOCATION	DUTY OF WATER					
	ITY	: HARV.:	DIV.:	PAST.:	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC. FT.
4	1866	38.5	---	NW $\frac{1}{2}$ NE $\frac{1}{4}$	8	43	37	0.963	154.00	
5	1866	39.2	0.8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8	43	37	1.000	157.60	
6	1866	---	40.0	NW $\frac{1}{2}$ NW $\frac{1}{4}$	8	43	37	1.000	40.00	
7	1866	---	36.3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	7	43	37	0.907	36.30	
8	1866	11.6	---	NW $\frac{1}{2}$ SW $\frac{1}{4}$	5	43	37	0.290	46.40	
9	1866	28.4	11.6	SW $\frac{1}{2}$ SW $\frac{1}{4}$	5	43	37	1.000	125.20	
10	1866	37.1	2.9	SE $\frac{1}{2}$ SW $\frac{1}{4}$	5	43	37	1.000	151.30	
11	1866	3.1	---	NE $\frac{1}{2}$ SW $\frac{1}{4}$	5	43	37	0.078	12.40	
12	1866	<u>18.6</u>	<u>---</u>	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5	43	37	<u>0.465</u>	<u>74.40</u>	

13

Total 176.5 91.6 *6.703 *797.60

14

*Some acreages listed in Amended Proof 02667 above, are the same acreages as listed under Amended Proof 02666. The total diversion and total acre-foot duty for each parcel are as listed under Article V and Article VI of this Order.

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PROOF NO.: Amended 02668 and Second Amended 02668

20

CLAIMANT: Willow Creek Ranch, Inc.

21

*SOURCE: Rebel Creek and Tributaries

22

USE: Irrigation and Stock Watering

23

MEANS OF DIVERSION: Concrete Boxes, Earthen Dam and Ditches

24

POINTS OF DIVERSION:

25

1. Ditch No. 1 and Ditch No. 2. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.43N., R.37E., M.D.B.&M., or at a point from which the NE corner of Section 5, T.43N., R.37E., M.D.B.&M., bears N. 1° 27' 55" E., a distance of 6784.0 feet.

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1 PROOF NO.: Amended 02668 and Second Amended 02668 (Continued)

- 2 2. Ditch No. 3 and Ditch No. 4. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8,
 3 T.43N.,R.37E., M.D.B.&M., or at a point from which
 4 the NE corner of Section 5, T.43N.,R.37E., M.D.B.&M.
 bears N. 6° 22' 52" E., a distance of 6192.8 feet.
- 5 3. Ditch No. 5. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.43N.,R.37E.,
 6 M.D.B.&M., or at a point from which the NE corner
 7 of Section 5, T.43N.,R.37E., M.D.B.&M., bears N. 12°
 05° 35" E., a distance of 5677.3 feet.
- 8 4. Ditch No. 6. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T.43N.,R.37E.,
 9 M.D.B.&M., or at a point from which the NE corner
 of said Section 5, bears N. 17° 14' 51" E., a
 distance of 5480.9 feet.

	PRIOR-; CULTURAL ACREAGE				LOCATION			DUTY OF WATER				
	ITY	: HARV.:	MEA. :	DIV.	PAST. :	PAST.:	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	AC.FT.
											CFS	AC.FT.
13	1873	34.7	---	---	---	---	SW $\frac{1}{4}$ SE $\frac{1}{4}$	*6	43	37	0.868	138.80
14	1873	20.1	---	---	14.2	---	SE $\frac{1}{4}$ SE $\frac{1}{4}$	*6	43	37	0.857	94.60
15	1878	34.5	---	---	5.5	---	NW $\frac{1}{4}$ NE $\frac{1}{4}$	*7	43	37	1.000	143.50
16	1878	21.3	---	---	---	---	SE $\frac{1}{4}$ NE $\frac{1}{4}$	*12	43	36	0.532	85.20
17	1878	36.5	---	---	3.5	---	NE $\frac{1}{4}$ SE $\frac{1}{4}$	*12	43	36	1.000	149.50
18	1878	29.5	---	---	3.5	---	NW $\frac{1}{4}$ SE $\frac{1}{4}$	*12	43	36	0.825	121.50
19	1878	---	---	---	40.0	---	SW $\frac{1}{4}$ SE $\frac{1}{4}$	*12	43	36	1.000	40.00
20	1878	---	---	---	40.0	---	SE $\frac{1}{4}$ SE $\frac{1}{4}$	*12	43	36	1.000	40.00
21	1879	4.9	---	---	---	---	SW $\frac{1}{4}$ SW $\frac{1}{4}$	* 6	43	37	0.122	19.60
22	1879	36.0	---	---	---	---	SE $\frac{1}{4}$ SW $\frac{1}{4}$	* 6	43	37	0.900	144.00
23	1879	34.7	---	---	---	---	NW $\frac{1}{4}$ NW $\frac{1}{4}$	* 7	43	37	0.868	138.80
24	1879	38.4	---	---	1.6	---	NE $\frac{1}{4}$ NW $\frac{1}{4}$	* 7	43	37	1.000	155.20
25	1883	41.6	---	---	2.2	---	SW $\frac{1}{4}$ NW $\frac{1}{4}$	* 7	43	37	1.095	168.60
26	1883	6.2	9.5	---	24.3	---	SE $\frac{1}{4}$ NW $\frac{1}{4}$	* 7	43	37	1.000	68.10
27	1883	---	14.1	---	25.9	---	SW $\frac{1}{4}$ NE $\frac{1}{4}$	* 7	43	37	1.000	54.10
28	1883	---	26.9	---	13.1	---	NW $\frac{1}{4}$ SE $\frac{1}{4}$	7	43	37	1.000	66.90
29	1883	---	40.0	---	---	---	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7	43	37	1.000	80.00
30	1883	20.9	17.1	---	5.8	---	NW $\frac{1}{4}$ SW $\frac{1}{4}$	* 7	43	37	1.095	123.60

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PROOF NO.: Amended 02668 and Second Amended 02668 (Continued)

	PRIOR--:CULTURAL ACREAGE				LOCATION			DUTY OF WATER				
	ITY	: HARV.:	MEA. :	DIV.	PAST. :	PAST.:	SUBD.:	SEC.:	T.N.:	R.E.:	CFS	'AC. FT.
1883	---	7.6	36.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	7	43	37	1.093	51.30			
1883	---	26.6	13.4	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7	43	37	1.000	66.60			
1883	---	13.5	26.5	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7	43	37	1.000	53.50			
1884	0.6	---	---	NW $\frac{1}{4}$ SE $\frac{1}{4}$ *	6	43	37	0.015	2.40			
1884	19.3	---	1.9	NE $\frac{1}{4}$ SE $\frac{1}{4}$ *	6	43	37	0.530	79.10			
1899	---	---	40.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	40.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	11.9	NW $\frac{1}{4}$ NE $\frac{1}{4}$	18	43	37	0.298	11.90			
1899	---	---	40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	40.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	5.7	SW $\frac{1}{4}$ NE $\frac{1}{4}$	18	43	37	0.143	5.70			
1899	---	---	40.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	11.7	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18	43	37	0.292	11.70			
1899	---	---	40.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	18	43	37	1.000	40.00			
1899	---	---	33.1	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18	43	37	0.827	33.10			
1902	---	---	40.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$ *13	43	36	1.000	40.00				
1902	---	---	40.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$ *13	43	36	1.000	40.00				
1902	---	---	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	13	43	36	1.000	40.00			
1902	---	---	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$ *13	43	36	1.000	40.00				
1902	---	---	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	13	43	36	1.000	40.00			
1902	---	---	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$ *13	43	36	1.000	40.00				
Total	379.2	155.3	839.9					34.360	2667.30			

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* A portion of the sections indicated with an asterisk are also irrigated from Willow Creek as set forth in Certificate of Appropriation 389 issued under the Willow Creek State Decree. The aggregate amount of water diverted from both Rebel Creek and Willow Creek shall not exceed the total duty of water nor the total diversion of water herein fixed for the land served by both streams.

DONE IN OPEN COURT THIS
13th DAY OF
November A.D. 1973

Llewellyn A. Young
LLEWELLYN A. YOUNG
DISTRICT JUDGE