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

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IN THE MATTER OF THE DETERMINATION OF)
THE RELATIVE RIGHTS OF CLAIMANTS AND (
APPROPRIATORS OF THE WATERS OF THE SIX)
MILE CREEK STREAM SYSTEM AND ITS TRIBU- (
TARIES IN ELKO COUNTY, STATE OF NEVADA.)
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D E C R E E

This matter came on regularly for hearing the 9th day of June, 1925, and the court having duly considered the matter as above entitled and being fully advised in the premises and the court's decision having been heretofore filed, it is

ORDERED, ADJUDGED AND DECREED:

1. That the extent and relative rights of parties in and to the waters of Six Mile Creek Stream System in Elko County, State of Nevada, are defined as follows:

2. That the relative priority or rank of the said several rights of J.E. Jack and John Taylor in and to the waters of Six Mile Creek and its tributaries, as listed in paragraph one, is and shall be recognized as being in the order of the dates of the several appropriations and no one holding a subsequent appropriation shall be entitled to receive any water until all prior appropriations have been fully satisfied.

3. That each of the parties hereto, together with their agents, servants and employees, and those claiming by, through or under it, are perpetually enjoined from using any of the waters of said stream system in excess of its several rights as the same are herein defined and from using the water at such time, or in such manner, or in such amount as will infringe upon any rights of another party as such right is herein defined..

4. That all water diverted from said Six Mile Creek be measured at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location of the point of measurement to be selected, or, if not selected, to be approved by the State Engineer.

5. That each water user shall install and maintain substantial headgates, works of control and weirs in his ditch or ditches, of such construction as will be approved by the State Engineer.

6. That in addition to water used during the irrigating season each user, provided water flowing on the surface will reach the Taylor lands, shall be entitled to divert sufficient water for stock and domestic purposes, the amount diverted not to exceed 0.025 c.f.s., such diversion to be made during the non-irrigating season and subject to the provisions of paragraph 2. The point of measurement of stock water shall be at the same point as selected

by the State Engineer for the measurement of irrigation water.

7. That the parties as listed in paragraph one, or their successors in interest, shall not be required to take or use the amount of water allotted to them in a continuous flow but may accumulate same within the seasonal limits, with the approval of the water commissioner, subject to the control and direction of the State Engineer.

8. That the State Engineer, or any party or adjudicated claimant upon Six Mile Creek or its tributaries may, at any time within three years from the filing thereof, apply to this court for a modification of this decree insofar only as this decree fixes the duty of water, and, upon the hearing of such motion, this court may modify its decree, increasing or decreasing the duty of water, consistent with good husbandry and consistent with the principle that actual and beneficial use shall be the measure and limit of the right.

9. That the beginning and end of the irrigation season shall be as defined in this decree except when climatic conditions are such that irrigation is not in accordance with good husbandry and actual beneficial use of water; the State Engineer shall then determine by examination the beginning of the irrigation season and shall set the date giving notice to all parties concerned; the setting of this date shall be for the sole purpose of distributing the water of Six Mile Creek and its tributaries in accordance with this decree.

10. That when there is only sufficient water to satisfy the 1885 rights of J.E. Jack and John Taylor, as listed in paragraph 1, diversions shall be made by proportion that Jack may take 70.42% less the amount necessary to permit 29.58% to pass the Taylor fence

or point of measurements in accordance with paragraph 4 and 12, it being understood that seepage and return flow be taken into consideration and included in the measurement of water from the Taylor proportion, regardless of the channel or channels, ditch or ditches that convey same to his lands.

11. That a weir be placed in Six Mile Creek above all present points of diversion where same will act as a true measuring device for such waters of Six Mile Creek and its tributaries as are available for irrigation, the location of this weir to be approved by the State Engineer, the cost of construction and upkeep to be equally divided and paid by John Taylor and J.E. Jack.

12. That in addition to weirs placed in ditches diverting water from Six Mile Creek, in accordance with paragraph 5, John Taylor shall place in the channels, ditches or swales leading from the lower portion of Jack's field and near the Taylor fence adjoining, such weirs and measuring devices which will exactly determine the amount of water entering the Taylor field; such construction to be made by Taylor at his expense and of such a type as will meet the approval of the State Engineer.

13. That when the waters of Six Mile Creek reach the stage that water, properly allotted, according to paragraph 10, to John Taylor will not reach his lands, same may be diverted from Six Mile Creek and used by J.E. Jack; it being understood that a determination of whether or not water will reach lands lower down being the property of John Taylor must be made when the flow is unobstructed except by proper diversions in accordance with paragraphs 1 and 2.

DISTRICT JUDGE.

PRIORITY	CULTURE ACRES: Harvest	Meadow Pasture	Willow and Sage Pasture	Swamp and Overflow	LOCATION: Subdivision	Section	Township	Range	LENGTH OF SEASON	C. F. S.	ACRE-FEET
					JOHN TAYLOR - PROOF NO. 01688						
1885	15.00				NE¼NE¼	31	40	52	Mar.15-Jul.15	.188	45.9
1885	5.21				NW¼NW¼	32	40	52	Mar.15-Jul.15	.065	15.[illegible]
1885	11.00				NW¼NW¼	32	40	52	Mar.15-Jul.15	.137	32.[illegible]
1885	15.76				NE¼NE¼	31	40	52	Mar.15-Jul.15	.196	47.[illegible]
1905	8.00				NW¼NE¼	32	40	52	Mar.15-Jul.15	.099	24.[illegible]
1905	5.00	Ditch #1			NE¼NW¼	32	40	52	Mar.15-Jul.15	.062	15.[illegible]
1905	15.20				NW¼NW¼	32	40	52	Mar.15-Jul.15	.189	45.[illegible]
1905	7.57				NW¼NE¼	32	40	52	Mar.15-Jul.15	.094	22.[illegible]
1905	8.64				SE¼NW¼	32	40	52	Mar.15-Jul.15	.107	25.[illegible]
1905	5.84				NE¼NW¼	32	40	52	Mar.15-Jul.15	.073	17.[illegible]
1904	4.22				NE¼NE¼	31	40	52	Mar.15-Jul.15	.052	12.66
1904	5.00	Ditch #2			SE¼NE¼	31	40	52	Mar.15-Jul.15	.062	15.00
1905	10.58				SE¼NE¼	31	40	52	Mar.15-Jul.15	.131	31.74
1905	4.73				NE¼SE¼	31	40	52	Mar.15-Jul.15	.059	14.19
1885	4.20				NE¼NE¼	31	40	52	Mar.15-Jul.15	.052	12.60
1885	4.24				SE¼NE¼	32	40	52	Mar.15-Jul.15	.053	12.72
1885	4.59				NW¼NW¼	32	40	52	Mar.15-Jul.15	.057	13.77
1904	4.00				NW¼NW¼	32	40	52	Mar.15-Jul.15	.050	12.00
1904	11.00	Ditch #3			SW¼NW¼	32	40	52	Mar.15-Jul.15	.137	33.00
1904	0.73				NE¼NW¼	32	40	52	Mar.15-Jul.15	.009	2.19
1904	5.00				SW¼NW¼	32	40	52	Mar.15-Jul.15	.057	12.00
1905	10.20				SE¼NE¼	32	40	52	Mar.15-Jul.15	.176	50.40
1905	26.00				SW¼NW¼	32	40	52	Mar.15-Jul.15	.323	78.00
1905	27.00				SE¼NW¼	32	40	52	Mar.15-Jul.15	.335	81.00
1905	2.98				SE¼NW¼	32	40	52	Mar.15-Jul.15	.037	8.9[illegible]
1905	3.46				NE¼SE¼	31	40	52	Mar.15-Jul.15	.043	10.38
					JOHN E. JACK - PROOF NO. 01700						
1905			1.70	Ditch #1	NE¼NE¼	25	40	51	Mar.15-Apr.15	.021	1.28
1905	3.6				NE¼NE¼	25	40	51	Mar.15-Jul.15	.046	10.80
1905			7.03	Ditch #2	NE¼NE¼	25	40	51	Mar.15-Apr.15	.087	5.27
1905			12.00		SW¼NW¼	30	40	52	Mar.15-Apr.15	.149	9.00
1885	4.65				NE¼NE¼	25	40	51	Mar.15-Jul.15	.058	13.95
1885	7.10				SE¼NE¼	25	40	51	Mar.15-Jul.15	.088	21.30
1901	10.00				NW¼SW¼	30	40	52	Mar.15-Jul.15	.124	30.00
1905	4.22	Ditch #3			NW¼SW¼	30	40	52	Mar.15-Jul.15	.052	12.66
1902	.88				SW¼NW¼	30	40	52	Mar.15-Jul.15	.011	2.64
1905	4.73				SW¼SW¼	30	40	52	Mar.15-Jul.15	.059	14.19
1905	7.97				SE¼SW¼	30	40	52	Mar.15-Jul.15	.099	23.91
1885	3.84				NE¼NE¼	25	40	51	Mar.15-Jul.15	.048	11.52
1885	3.50				SE¼NE¼	25	40	51	Mar.15-Jul.15	.043	10.50
1885	9.87				SW¼NW¼	30	40	52	Mar.15-Jul.15	.123	29.61
1885	9.69	Ditch #4			NW¼SW¼	30	40	52	Mar.15-Jul.15	.120	29.07
1885	1.61				NE¼SW¼	30	40	52	Mar.15-Jul.15	.020	4.83
1885	15.63				SE¼SW¼	30	40	52	Mar.15-Jul.15	.194	46.89
1885	1.33				SW¼SE¼	30	40	52	Mar.15-Jul.15	.017	3.99
1885	9.46				NW¼NE¼	31	40	52	Mar.15-Jul.15	.117	28.38
1885	0.53				NE¼NW¼	31	40	52	Mar.15-Jul.15	.007	1.59
1885	0.05				SW¼SW¼	30	40	52	Mar.15-Jul.15	.001	0.15
1885	0.67				SW¼NW¼	30	40	52	Mar.15-Jul.15	.008	2.01
1885	1.96				SW¼NW¼	30	40	52	Mar.15-Jul.15	.024	5.88
1885	6.92				NW¼SW¼	30	40	52	Mar.15-Jul.15	.086	20.76
1885	0.50				SE¼NW¼	30	40	52	Mar.15-Jul.15	.006	1.50
1885	23.43	Ditch #5(#6 on map)			NE¼SW¼	30	40	52	Mar.15-Jul.15	.291	70.29
1885	12.11				SE¼SW¼	30	40	52	Mar.15-Jul.15	.150	36.33
1885	20.97				SW¼SE¼	30	40	52	Mar.15-Jul.15	.260	62.91
1885	9.00				NW¼NE¼	31	40	52	Mar.15-Jul.15	.112	27.00

STATE OF NEVADA
COUNTY OF ELKO } ss.

I, M. J. Keith, County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed is a full, true and correct copy of Decree. In the matter of the determination of the relative rights of claimants and appropriators of the waters of the Six Mile Creek Drainage System and its tributaries in Elko County, State of Nevada as the same appears on file and of record in my office.

WITNESS my hand and the seal of said Court affixed, this 17 day of December A. D., 1975

M. J. Keith Clerk

By ..... Deputy Clerk.