

1 IN THE FOURTH JUDICIAL DISTRICT COURT
2 OF THE STATE OF NEVADA
3 IN AND FOR THE COUNTY OF ELKO
4

5 IN THE MATTER OF THE DETERMINATION)
6 OF THE RELATIVE RIGHTS IN AND TO THE)
7 WATERS OF THOUSAND SPRINGS CREEK AND)
8 ITS TRIBUTARIES IN ELKO COUNTY, STATE)
9 OF NEVADA)

DE C R E E

*Filed December 6, 1929
Mae E. Cairns
clerk*

9 This proceeding coming on for hearing on the 9th day
10 of September, 1929, at 10:00 o'clock, in the Court Room of the
11 Court House at Elko, Elko County, Nevada, before
12 Honorable E. P. Carville, Judge of the above-entitled Court, and
13 claimant, the Utah Construction Company, being represented by
14 H. B. Way, Assistant Secretary-Treasurer of said Company and
15 H. U. Castle, his counsel, and the State Engineer being repre-
16 sented by Deputy State Engineer G. F. Engle, and it appearing to
17 the Court:

18 That on March 24, 1928, the Utah Construction Company,
19 a water user claiming a vested right to the use of water from
20 Thousand Springs Creek and its tributaries, made formal petition
21 to the State Engineer for a determination of the relative rights
22 in and to the waters of Thousand Springs Creek and its tributaries
23 in Elko County, Nevada.

24 That the State Engineer, through his deputy, G. F. Engle,
25 thereupon and in accordance with the provisions of section 18,
26 chapter 140, Nevada Statutes of 1913, made an investigation to
27 disclose whether facts and conditions justified such determina-
28 tion of the relative rights involved.

29 That as a result of such investigation he was convinced
30 that facts and conditions did justify a determination of relative
31 rights on the stream system in question, and he therefore made
32 and entered on his records, under date of April 12, 1928, an

1 Order granting the petition for a determination of the relative
2 rights in and to the waters of Thousand Springs Creek and its
3 tributaries.

4 That having found during his investigation that there
5 were ten or less appropriators or claimants upon the stream
6 system, all of whom were willing to and did waive the pro-
7 visions of the Water Code with reference to notice and service
8 and publication thereof, the State Engineer proceeded to make
9 an Order of Determination without giving, serving or publishing
10 any notice required in the Water Code, and in the process of
11 making said Order of Determination did follow the same steps and
12 proceedings as if all the preliminary notices had been given
13 prior to the making, entering and filing of said Order of Deter-
14 mination.

15 That prior to the initiation of the proceedings in
16 question, all claimants on the stream system had filed with the
17 State Engineer proofs of appropriation and cultural maps in sup-
18 port thereof, thus making it unnecessary for the State Engineer
19 to request the submission of other proofs or cultural maps sub-
20 sequent to the initiation of the proceedings.

21 That the State Engineer did thereupon, at the earliest
22 practicable time, proceed to make an investigation of the flow
23 of said Thousand Springs Creek and its tributaries and of the
24 ditches diverting water and of the lands irrigated therefrom,
25 and did proceed with such investigation by gathering all data
26 and information as was essential to a proper determination of
27 the water rights in the said Thousand Springs Creek and its
28 tributaries.

29 That he did thereafter reduce his observations and
30 measurements to writing and did cause to be executed surveys,
31 and did cause to be prepared maps from the observations of said
32 surveys, in accordance with the uniform rules and regulations

1 heretofore adopted by him, which surveys and maps did, and do now
2 show, with substantial accuracy, the location and course of said
3 stream and its tributaries, the location of each ditch diverting
4 water therefrom, together with the points of diversion thereof,
5 the area and outline of each parcel of land upon which the
6 waters of said stream or tributaries had heretofore been employed
7 for the irrigation of crops and pastures, and indicating the
8 kind of culture upon each of said parcels of land, and which
9 said maps, when completed, were filed and made a record in his
10 office, and that the maps for original filings in said office
11 were made upon tracing linen to a scale of not less than one
12 thousand feet to one inch.

13 That as soon as practicable thereafter, the State
14 Engineer did proceed to prepare and certify an Abstract of
15 Claims, dated August 16, 1928, as provided in section 28, chap-
16 ter 106, Statutes of 1921, and caused the same to be typed in
17 his office.

18 That immediately after preparing, certifying and caus-
19 ing said Abstract of Claims to be typed in his office the State
20 Engineer did also prepare, from proofs and evidence taken or
21 given before him, a Preliminary Order of Determination, dated
22 May 15, 1929, establishing the several rights of claimants or
23 appropriators to the waters of said stream system.

24 That upon completion of the said Abstract of Claims
25 and the Preliminary Order of Determination, he did thereupon
26 serve copies thereof, by registered mail, on all claimants and
27 appropriators using water from Thousand Springs Creek and its
28 tributaries, at the same time addressing a letter to each, which
29 in substance requested any one having any objection to offer
30 to such Abstract of Claims or Preliminary Order of Determination
31 to notify him as soon as practicable, so that he might hold
32 informal hearings for the purpose of disposing of any such ob-

1 jections which might arise.

2 That all claimants and appropriators notified the State
3 Engineer that they were satisfied with the Abstract of Claims
4 and Preliminary Order of Determination as prepared by him, and
5 that in consequence they had no objections to offer.

6 That the said State Engineer did thereafter proceed to
7 prepare a Final Order of Determination, which he caused to be
8 served on all claimants or interested parties, with the request
9 that they examine the same carefully and notify him, as soon as
10 practicable, whether they had any exceptions to the determination
11 of relative rights set forth therein. Upon being informed by
12 all claimants and appropriators that the Final Order of Deter-
13 mination met with their unqualified approval and that in con-
14 sequence they had no intention of filing any exceptions, the
15 State Engineer did proceed to file with the Clerk of the Fourth
16 Judicial District Court at Elko, Nevada, the Final Order of
17 Determination, together with all of the original evidence and
18 transcript of testimony filed with or taken before the State
19 Engineer as aforesaid and duly certified by him.

20 That upon the filing of such certified copies of said
21 Order, evidence and transcripts with the Clerk of said Court,
22 the State Engineer did request an Order from said Court setting
23 the time for hearing on the Order of Determination, which Order
24 is contained in the minutes of this Court. The Clerk of the
25 Court thereupon immediately furnished a certified copy thereof
26 to the State Engineer, who mailed a copy of such certified
27 Order of the Court, by registered mail, addressed to each
28 party in interest at his last known place of residence. Proof
29 of such service was transmitted by registered mail to the Clerk
30 of the Court, and is now contained in the records of the Clerk
31 of the Court in this proceeding.

32 That the State Engineer did also cause the Order of

1 the Court setting time for hearing on Monday, the 9th day of
2 September, 1929, at ten o'clock, in the Court Room of the Court
3 House at Elko, Elko County, Nevada, to be published at least once
4 a week in the Elko Free Press, a daily newspaper of general
5 circulation within the boundaries of the Thousand Springs Creek
6 stream system.

7 That at least five days prior to the date set for
8 hearing no exceptions to said Final Order of Determination were
9 filed with the Clerk of the Court.

10 That said cause was, on the 9th day of September, 1929,
11 heard before this Court, and the cause having been submitted to
12 the Court for a decision, and the Court having rendered its
13 ~~written~~ decision thereon and having made and filed its Findings
14 of Fact and Conclusions of Law,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED
16 as follows, to-wit:

17
18 I

19 That except such parties as may have acquired rights
20 to the use of water of the Thousand Springs Creek stream system
21 by permits granted under applications to the State Engineer
22 under and by virtue of Statutes of Nevada, 1907, chapter 30, or
23 Statutes of 1913, chapter 140 as amended, each and all parties
24 having any interest in or to the waters of Thousand Springs
25 Creek stream system or in or to the use of any of said waters
26 are now before the Court in this proceeding and duly represented
27 by their attorneys. That there are no persons other than the
28 above-named who have or claim any interest in or to said waters
29 or in or to the use of said waters or any part thereof.

30 II

31 That the claimant, the Utah Construction Company, has
32 and is hereby awarded the right to divert and put to beneficial

1 use a portion of the waters of Thousand Springs Creek and its
 2 tributaries at the following times, in the following amounts,
 3 upon the following described lands, and with the following de-
 4 scribed priorities of appropriation:

Date	Harvest	Pasture	Location			
of	Crops	Lands	Subdivision	Sec.	Tp. N.	Range E.

5
 6
 7
 8 Claimant: Utah Construction Co. (Eccles Ranch)
 Source: Thousand Springs Creek
 Proof: 01862

10	1873	2.1	11.7	SW $\frac{1}{4}$	SW $\frac{1}{4}$	25	43	66
11	"	0.5		NE $\frac{1}{4}$	SW $\frac{1}{4}$	25	43	66
11	"	24.6	6.1	SE $\frac{1}{4}$	SW $\frac{1}{4}$	25	43	66
12	"	2.4		NW $\frac{1}{4}$	SE $\frac{1}{4}$	25	43	66
12	"	0.2		NE $\frac{1}{4}$	SE $\frac{1}{4}$	25	43	66
13	"	40.0		SW $\frac{1}{4}$	SE $\frac{1}{4}$	25	43	66
13	"	33.9		SE $\frac{1}{4}$	SE $\frac{1}{4}$	25	43	66
14	"		10.2	NE $\frac{1}{4}$	NE $\frac{1}{4}$	35	43	66
14	"		32.8	NW $\frac{1}{4}$	NW $\frac{1}{4}$	36	43	66
15	"	26.8	9.6	NE $\frac{1}{4}$	NW $\frac{1}{4}$	36	43	66
15	"	30.4		NW $\frac{1}{4}$	NE $\frac{1}{4}$	36	43	66
16	"	40.0		NE $\frac{1}{4}$	NE $\frac{1}{4}$	36	43	66
16	"	0.2		SE $\frac{1}{4}$	NE $\frac{1}{4}$	36	43	66
17	"	7.0	15.8	SW $\frac{1}{4}$	SW $\frac{1}{4}$	30	43	67
17	"	27.1	7.8	NW $\frac{1}{4}$	NW $\frac{1}{4}$	31	43	67
18	"		1.3	NE $\frac{1}{4}$	NW $\frac{1}{4}$	31	43	67
18	"	0.4		SW $\frac{1}{4}$	NW $\frac{1}{4}$	31	43	67
19	Totals	235.6	95.3					

20 Claimant: Utah Construction Co. (H-D) Ranch
 21 Source: Thousand Springs Creek
 Proof: 01863

22	1873	2.6		SW $\frac{1}{4}$	SE $\frac{1}{4}$	24	41	64
23	"	14.4		SE $\frac{1}{4}$	SE $\frac{1}{4}$	24	41	64
23	"	10.5	28.1	NW $\frac{1}{4}$	NW $\frac{1}{4}$	25	41	64
24	"	37.3	2.6	NE $\frac{1}{4}$	NW $\frac{1}{4}$	25	41	64
24	"	40.0		SW $\frac{1}{4}$	NW $\frac{1}{4}$	25	41	64
25	"	40.0		SE $\frac{1}{4}$	NW $\frac{1}{4}$	25	41	64
25	"	40.0		NW $\frac{1}{4}$	NE $\frac{1}{4}$	25	41	64
26	"	30.0	7.1	NE $\frac{1}{4}$	NE $\frac{1}{4}$	25	41	64
26	"	13.7	14.0	SW $\frac{1}{4}$	NE $\frac{1}{4}$	25	41	64
27	"		3.7	SE $\frac{1}{4}$	NE $\frac{1}{4}$	25	41	64
27	"	34.5		NW $\frac{1}{4}$	SW $\frac{1}{4}$	25	41	64
28	"	12.4		NE $\frac{1}{4}$	SW $\frac{1}{4}$	25	41	64
28	"	1.0		SW $\frac{1}{4}$	SW $\frac{1}{4}$	25	41	64
29	"	23.4	16.4	SW $\frac{1}{4}$	NW $\frac{1}{4}$	26	41	64
29	"	29.1	10.9	SE $\frac{1}{4}$	NW $\frac{1}{4}$	26	41	64
30	"	37.1	2.9	SW $\frac{1}{4}$	NE $\frac{1}{4}$	26	41	64
30	"	40.0		SE $\frac{1}{4}$	NE $\frac{1}{4}$	26	41	64
31	"	33.6	6.4	NW $\frac{1}{4}$	SW $\frac{1}{4}$	26	41	64
31	"	30.2	9.8	NE $\frac{1}{4}$	SW $\frac{1}{4}$	26	41	64
32	"	0.7	31.5	SW $\frac{1}{4}$	SW $\frac{1}{4}$	26	41	64
32	"	1.7	34.5	SE $\frac{1}{4}$	SW $\frac{1}{4}$	26	41	64

1	Date	Harvest	Pasture	Location				
2	Priority	Crops	Lands	Subdivision	Sec.	Tp. N.	Range E.	
3	1873	34.5	5.4	NW $\frac{1}{4}$	SE $\frac{1}{4}$	26	41	64
4	"	40.0		NE $\frac{1}{4}$	SE $\frac{1}{4}$	26	41	64
5	"	1.7	9.5	SW $\frac{1}{4}$	SE $\frac{1}{4}$	26	41	64
6	"	11.8		SE $\frac{1}{4}$	SE $\frac{1}{4}$	26	41	64
7	"	30.4	1.5	NW $\frac{1}{4}$	NW $\frac{1}{4}$	27	41	64
8	"	2.4	34.2	NE $\frac{1}{4}$	NW $\frac{1}{4}$	27	41	64
9	"	25.1	1.7	SW $\frac{1}{4}$	NW $\frac{1}{4}$	27	41	64
10	"		24.5	SE $\frac{1}{4}$	NW $\frac{1}{4}$	27	41	64
11	"		27.4	NW $\frac{1}{4}$	NE $\frac{1}{4}$	27	41	64
12	"		25.1	NE $\frac{1}{4}$	NE $\frac{1}{4}$	27	41	64
13	"	7.1	31.8	SW $\frac{1}{4}$	NE $\frac{1}{4}$	27	41	64
14	"	9.1	30.7	SE $\frac{1}{4}$	NW $\frac{1}{4}$	27	41	64
15	"	9.3	1.5	NW $\frac{1}{4}$	SE $\frac{1}{4}$	27	41	64
16	"	26.5	11.0	NE $\frac{1}{4}$	SE $\frac{1}{4}$	27	41	64
17	"		4.4	SE $\frac{1}{4}$	SE $\frac{1}{4}$	27	41	64
18	"	5.4		NW $\frac{1}{4}$	NW $\frac{1}{4}$	28	41	64
19	"	25.4		NE $\frac{1}{4}$	NW $\frac{1}{4}$	28	41	64
20	"	37.7		NW $\frac{1}{4}$	NE $\frac{1}{4}$	28	41	64
21	"	38.9		NE $\frac{1}{4}$	NE $\frac{1}{4}$	28	41	64
22	"	4.4		SW $\frac{1}{4}$	NE $\frac{1}{4}$	28	41	64
23	"	23.3		SE $\frac{1}{4}$	NE $\frac{1}{4}$	28	41	64
24	"		6.5	NE $\frac{1}{4}$	NE $\frac{1}{4}$	34	41	64
25	"		38.8	SE $\frac{1}{4}$	NE $\frac{1}{4}$	34	41	64
26	"		40.0	NE $\frac{1}{4}$	SE $\frac{1}{4}$	34	41	64
27	"		31.9	NW $\frac{1}{4}$	NW $\frac{1}{4}$	35	41	64
28	"		13.8	NE $\frac{1}{4}$	NW $\frac{1}{4}$	35	41	64
29	"		24.2	SW $\frac{1}{4}$	NW $\frac{1}{4}$	35	41	64
30	"		0.3	SE $\frac{1}{4}$	NW $\frac{1}{4}$	35	41	64
31	"		17.1	NE $\frac{1}{4}$	NE $\frac{1}{4}$	2	41	65
32	"		16.2	SE $\frac{1}{4}$	NE $\frac{1}{4}$	2	41	65
33	"		0.6	SW $\frac{1}{4}$	NE $\frac{1}{4}$	2	41	65
34	"	2.3	11.3	SE $\frac{1}{4}$	SW $\frac{1}{4}$	2	41	65
35	"		30.8	NW $\frac{1}{4}$	SE $\frac{1}{4}$	2	41	65
36	"		17.6	NE $\frac{1}{4}$	SE $\frac{1}{4}$	2	41	65
37	"		19.9	SW $\frac{1}{4}$	SE $\frac{1}{4}$	2	41	65
38	"	5.3		SE $\frac{1}{4}$	NW $\frac{1}{4}$	10	41	65
39	"	7.6	1.5	NE $\frac{1}{4}$	NE $\frac{1}{4}$	10	41	65
40	"	31.7		SW $\frac{1}{4}$	NE $\frac{1}{4}$	10	41	65
41	"	40.0		SE $\frac{1}{4}$	NE $\frac{1}{4}$	10	41	65
42	"	25.3		NW $\frac{1}{4}$	SW $\frac{1}{4}$	10	41	65
43	"	37.6	1.3	NE $\frac{1}{4}$	SW $\frac{1}{4}$	10	41	65
44	"	10.6	19.1	SW $\frac{1}{4}$	SW $\frac{1}{4}$	10	41	65
45	"	2.3	14.4	SE $\frac{1}{4}$	SW $\frac{1}{4}$	10	41	65
46	"	28.4	11.6	NW $\frac{1}{4}$	SE $\frac{1}{4}$	10	41	65
47	"	23.9	5.4	NE $\frac{1}{4}$	SE $\frac{1}{4}$	10	41	65
48	"		9.3	SW $\frac{1}{4}$	SE $\frac{1}{4}$	10	41	65
49	"	22.5	6.5	NW $\frac{1}{4}$	NW $\frac{1}{4}$	16	41	65
50	"	30.6	9.4	NE $\frac{1}{4}$	NW $\frac{1}{4}$	16	41	65
51	"	31.9	5.4	SW $\frac{1}{4}$	NW $\frac{1}{4}$	16	41	65
52	"	2.3	14.6	SE $\frac{1}{4}$	NW $\frac{1}{4}$	16	41	65
53	"	1.1	32.7	NW $\frac{1}{4}$	NE $\frac{1}{4}$	16	41	65
54	"		10.9	NE $\frac{1}{4}$	NE $\frac{1}{4}$	16	41	65
55	"		1.1	SW $\frac{1}{4}$	NE $\frac{1}{4}$	16	41	65
56	"		0.9	SE $\frac{1}{4}$	NW $\frac{1}{4}$	17	41	65
57	"	1.1	4.0	NE $\frac{1}{4}$	NE $\frac{1}{4}$	17	41	65
58	"	13.1	4.8	SW $\frac{1}{4}$	NE $\frac{1}{4}$	17	41	65
59	"	32.3	6.8	SE $\frac{1}{4}$	NE $\frac{1}{4}$	17	41	65
60	"	9.4		NW $\frac{1}{4}$	SW $\frac{1}{4}$	17	41	65
61	"	21.9	10.6	NE $\frac{1}{4}$	SW $\frac{1}{4}$	17	41	65

Date of Priority	Harvest Crops	Pasture Lands	Location		
			Subdivision	Sec.	Tp. N. : Range E.
1873	40.0		SW 1/4	SW 1/4	17 : 41 : 65
"	37.6	2.4	SE 1/4	SW 1/4	17 : 41 : 65
"	35.4	4.5	NW 1/4	SE 1/4	17 : 41 : 65
"	38.5		NE 1/4	SE 1/4	17 : 41 : 65
"	32.3	6.9	SW 1/4	SE 1/4	17 : 41 : 65
"	10.2		SE 1/4	SE 1/4	17 : 41 : 65
"	12.3		SE 1/4	SE 1/4	18 : 41 : 65
"		3.0	NE 1/4	NW 1/4	19 : 41 : 65
"	7.1	20.5	SE 1/4	NW 1/4	19 : 41 : 65
"	6.1	3.7	NW 1/4	NE 1/4	19 : 41 : 65
"	35.0		NE 1/4	NE 1/4	19 : 41 : 65
"	26.8	13.2	SW 1/4	NE 1/4	19 : 41 : 65
"	35.3	4.7	SE 1/4	NE 1/4	19 : 41 : 65
"	5.1	10.8	NW 1/4	SW 1/4	19 : 41 : 65
"	16.6	23.4	NE 1/4	SW 1/4	19 : 41 : 65
"	27.0	13.0	SW 1/4	SW 1/4	19 : 41 : 65
"		22.9	SE 1/4	SW 1/4	19 : 41 : 65
"	1.2	32.6	NW 1/4	SE 1/4	19 : 41 : 65
"		14.2	NE 1/4	SE 1/4	19 : 41 : 65
"		2.9	SW 1/4	SE 1/4	19 : 41 : 65
"	40.0		NW 1/4	NW 1/4	20 : 41 : 65
"	36.8	3.2	NE 1/4	NW 1/4	20 : 41 : 65
"	38.6		SW 1/4	NW 1/4	20 : 41 : 65
"	12.4	5.7	SE 1/4	NW 1/4	20 : 41 : 65
"	16.6	4.0	NW 1/4	NE 1/4	20 : 41 : 65
"		2.8	NW 1/4	SW 1/4	20 : 41 : 65
"	7.5	5.2	NW 1/4	NW 1/4	30 : 41 : 65
"		2.0	SW 1/4	SW 1/4	25 : 42 : 65
"		7.2	SE 1/4	SW 1/4	25 : 42 : 65
"		00.9	NW 1/4	SE 1/4	25 : 42 : 65
"		5.0	NE 1/4	SE 1/4	25 : 42 : 65
"		28.3	SW 1/4	SE 1/4	25 : 42 : 65
"		20.7	SE 1/4	SE 1/4	25 : 42 : 65
"		1.7	NE 1/4	NE 1/4	35 : 42 : 65
"		3.9	SE 1/4	NE 1/4	35 : 42 : 65
"		12.0	NE 1/4	SE 1/4	35 : 42 : 65
"		18.9	SE 1/4	SE 1/4	35 : 42 : 65
"		31.4	NW 1/4	NW 1/4	36 : 42 : 65
"		40.0	NE 1/4	NW 1/4	36 : 42 : 65
"		25.9	SW 1/4	NW 1/4	36 : 42 : 65
"		23.4	SE 1/4	NW 1/4	36 : 42 : 65
"		37.2	NW 1/4	NE 1/4	36 : 42 : 65
"		4.1	NE 1/4	NE 1/4	36 : 42 : 65
"		2.4	SW 1/4	NE 1/4	36 : 42 : 65
Totals	1704.8	1280.5			

Claimant: Utah Construction Co. (Gamble Ranch)
Source: Thousand Springs Creek
Proof: 01864

1873		7.6	NW 1/4	NE 1/4	4 : 40 : 69
"		21.8	NE 1/4	NW 1/4	4 : 40 : 69
"		5.7	SW 1/4	NW 1/4	4 : 40 : 69
"		2.1	NW 1/4	NE 1/4	4 : 40 : 69
"		26.5	NW 1/4	NW 1/4	21 : 40 : 69
"		15.3	NE 1/4	NW 1/4	21 : 40 : 69
"		8.6	SW 1/4	NW 1/4	21 : 40 : 69
"		15.0	NW 1/4	NE 1/4	21 : 40 : 69

	Date	Harvest	Pasture	Location			
	of	Crops	Lands	Subdivision	Sec.	Tp. N.	Range E.
	Priority						
3	1873		24.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	21	40	69
4	"		11.4	SE $\frac{1}{4}$ NE $\frac{1}{4}$	21	40	69
5	"		2.9	NW $\frac{1}{4}$ SE $\frac{1}{4}$	21	40	69
6	"		36.5	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21	40	69
7	"		13.9	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21	40	69
8	"		5.3	SE $\frac{1}{4}$ NW $\frac{1}{4}$	22	40	69
9	"		3.6	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22	40	69
10	"		16.3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	22	40	69
11	"		35.7	SW $\frac{1}{4}$ NE $\frac{1}{4}$	22	40	69
12	"		36.5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22	40	69
13	"		39.6	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22	40	69
14	"		40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	22	40	69
15	"		40.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22	40	69
16	"		40.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	22	40	69
17	"		40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22	40	69
18	"		40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22	40	69
19	"		40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	40	69
20	"		40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22	40	69
21	"		17.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	23	40	69
22	"		2.8	SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	40	69
23	"		0.4	SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	40	69
24	"		40.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	23	40	69
25	"		40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23	40	69
26	"		40.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	23	40	69
27	"		40.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23	40	69
28	"		28.4	NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	40	69
29	"		2.8	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23	40	69
30	"		40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	23	40	69
31	"		37.5	SE $\frac{1}{4}$ SE $\frac{1}{4}$	23	40	69
32	"		40.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	40	69
33	"		40.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	40	39
34	"		40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27	40	69
35	"		40.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27	40	69
36	"		40.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27	40	69
37	"		40.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27	40	69
38	"		40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	27	40	69
39	"		40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27	40	69
40	"		11.1	NW $\frac{1}{4}$ NE $\frac{1}{4}$	28	40	69
41	"		13.5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28	40	69
42	"		34.1	SW $\frac{1}{4}$ NE $\frac{1}{4}$	28	40	69
43	"		38.7	SE $\frac{1}{4}$ NE $\frac{1}{4}$	28	40	69
44	"		15.6	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32	41	69
45	"		14.8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32	41	69
46	"		38.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32	41	69
47	"		9.6	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32	41	69
48	"		37.5	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32	41	69
49	"		2.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32	41	69
50	"		37.5	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32	41	69
51	"		13.1	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32	41	69
52	Totals		1482.7				

Claimant: Utah Construction Co. (18 Mile Ranch)
 Source: Thousand Springs Creek
 Proof: 01865

31	1873		10.9	NE $\frac{1}{4}$ SW $\frac{1}{4}$	27	42	68
32	"		3.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	27	42	68
33	"		2.5	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28	42	68

Date of Priority	Harvest Crops	Pasture Lands	Subdivision	Sec.	Tp. N.	Range E.
1873		5.7	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28	42	68
"		7.2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29	42	68
"		0.2	NW $\frac{1}{4}$ SW $\frac{1}{4}$	29	42	68
"		10.6	NE $\frac{1}{4}$ SW $\frac{1}{4}$	29	42	68
Totals		40.1				

Claimant: Utah Construction Co. (12 Mile Ranch)
 Source: Crittenden Creek and Springs
 Proof: 01866

1873	6.4		SW $\frac{1}{4}$ NW $\frac{1}{4}$	6	41	69
"	34.7		NE $\frac{1}{4}$ SW $\frac{1}{4}$	6	41	69
"	8.1		SE $\frac{1}{4}$ SW $\frac{1}{4}$	6	41	69
"	1.1		NE $\frac{1}{4}$ NE $\frac{1}{4}$	30	42	69
"	16.3		SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	42	69
"	0.3		NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	42	69
"	12.8		NE $\frac{1}{4}$ SE $\frac{1}{4}$	30	42	69
"	0.7		SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	42	69
"	10.1		SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	42	69
Totals	90.5					

SE+NE+
O.L.H.

Claimant: Utah Construction Co. (12 Mile Ranch)
 Source: Thousand Springs Creek
 Proof: 01876

1875	14.3		NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	68
"	7.4		NE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	68
"	7.7		SE $\frac{1}{4}$ NW $\frac{1}{4}$	1	41	68
"	20.7		SW $\frac{1}{4}$ NE $\frac{1}{4}$	1	41	68
"	17.0		SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	41	68
"	13.1		NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	41	68
"	4.0		SW $\frac{1}{4}$ NW $\frac{1}{4}$	6	41	69
"	6.2		NW $\frac{1}{4}$ SW $\frac{1}{4}$	6	41	69
"	1.5		NW $\frac{1}{4}$ NW $\frac{1}{4}$	7	41	69
"	16.6		NE $\frac{1}{4}$ NW $\frac{1}{4}$	7	41	69
"	4.1		SE $\frac{1}{4}$ NW $\frac{1}{4}$	7	41	69
"	33.4		NW $\frac{1}{4}$ SE $\frac{1}{4}$	7	41	69
"	4.1		NW $\frac{1}{4}$ SE $\frac{1}{4}$	35	42	68
"	1.1		NE $\frac{1}{4}$ SE $\frac{1}{4}$	35	42	68
"	1.5		SW $\frac{1}{4}$ SE $\frac{1}{4}$	35	42	68
"	19.1		SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	42	68
"	7.8		SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	42	68
Totals	179.6					

Claimant: Utah Construction Co. (Upper Crittenden Ranch)
 Source: Crittenden Creek and Spring
 Proof: 01877

1875	2.5		NW $\frac{1}{4}$ NE $\frac{1}{4}$	8	42	69
"	14.7		SW $\frac{1}{4}$ NE $\frac{1}{4}$	8	42	69
"	28.0		NW $\frac{1}{4}$ SE $\frac{1}{4}$	8	42	69
"	36.6		SW $\frac{1}{4}$ SE $\frac{1}{4}$	8	42	69
Totals	81.8					

1 IV

2 That the irrigation season shall begin on March 1 and
3 end on September 1 of each year, except when climatic conditions
4 are such that irrigation is not in accordance with good husbandry
5 and actual beneficial use of water, in which event the State
6 Engineer shall determine, by examination, the beginning of the
7 irrigation season and shall set the date, giving due notice to
8 all parties concerned. The setting of this date shall be for
9 the sole purpose of administration and distribution of the
10 waters of Thousand Springs Creek and its tributaries.

11 V

12 That all water diverted from Thousand Springs Creek
13 and its tributaries shall be measured at the point where the
14 main ditch enters or becomes adjacent to the land to be irri-
15 gated, or as near thereto as practicable, the location of the
16 point of measurement to be selected, or if not selected approved
17 by the State Engineer.

18 VI

19 That each water user shall install and maintain sub-
20 stantial headgates, control works and weirs in his ditch or
21 ditches, of such construction as may be approved by the State
22 Engineer, and shall keep his ditches, as well as the main stream
23 channel flowing through the lands, reasonably clean of weeds,
24 vegetation, and deposits of silt, and in all other respects
25 maintain said ditch and channel in a manner conducive to
26 minimum losses of conveyed water by seepage and evaporation
27 or other causes.

28 VII

29 That, in addition to the water used during the irri-
30 gation season, each user herein shall be entitled to divert
31 sufficient water for stock watering and domestic purposes
32 during the non-irrigation season, in an amount not to exceed

1 a continuous flow of 0.025 cubic feet per second. The point of
2 measurement of such stock and domestic water shall be at the
3 same point or points selected or approved by the State Engineer
4 for the measurement of irrigation water, unless the diversion
5 and measurement of such water at these points is not conducive
6 to the most economical and convenient use, in which event the
7 State Engineer may select or designate points of diversion and
8 measurement different from those used for irrigation purposes.
9 In the administration and distribution of stock and domestic
10 water the claimant shall be considered as a separate user of
11 water on the lands listed under each proof number in the tabula-
12 tion of relative rights of appropriators hereinbefore listed.

13 VIII

14 That each and every water user of the Thousand Springs
15 Creek system and each of their agents, attorneys, servants and
16 employees, and their successors in interest, and all and every
17 person or persons acting in aid or assistance of the said parties,
18 or either of or any of them be, and that each of them is hereby
19 perpetually enjoined and restrained as follows, to-wit:

20 (a) From at any time diverting or using or preventing
21 or obstructing the flow in whole or in part in and along its
22 natural channel, or any of the water of the Thousand Springs
23 Creek system hereinbefore mentioned, except to the extent and
24 in the amount, and in the manner and at the time or times set
25 by this Decree, to such respective party hereto allotted, al-
26 lowed, prescribed and determined, or allowed by Permits which
27 have been or may hereafter be granted by the State Engineer of
28 the State of Nevada.

29 (b) From diverting from the natural channel and from
30 using any of the said water for irrigation, or for any other
31 purpose, in excess of the specific allotment herein set by this
32 Decree, or in excess of the specific allotment under a Permit

1 granted or that may hereafter be granted by the State Engineer
2 of the State of Nevada.

3 (c) From diverting from the natural channel and from
4 using any of the said water in any other manner, or for any
5 other purpose or purposes, or upon any other land or lands than
6 as provided and prescribed by the terms of this Decree or by a
7 Permit granted, or that may hereafter be granted by the State
8 Engineer of the State of Nevada.

9 (d) From diverting from the natural channel and from
10 using any of the said water at any other time or times than as
11 specified and provided by the terms of this Decree or by a
12 Permit granted, or that may hereafter be granted by the State
13 Engineer of the State of Nevada.

14 (e) From in any manner meddling with, opening, clos-
15 ing, changing, injuring, or interfering with any headgates, weirs,
16 water box, flume, or measuring device placed, installed or es-
17 tablished by the State Engineer or by his authority or direction,
18 unless such act be done by the permission or authority of direc-
19 tion of the Water Commissioner if during the period of his
20 regulation or control of said water, or if not done during such
21 period, then by virtue of the allowances, authority, terms and

STATE OF NEVADA, }
COUNTY OF ELKO, } ss.

I, MAE E. CAINE, 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 in and to the waters of THOUSAND SPRINGS CREEK 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

6th day of December, A. D., 1929

Ma E. Caine Clerk

By Deputy Clerk.