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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS IN AND TO THE WATERS OF)
TULEDAD CREEK AND ITS TRIBUTARIES IN WASHOE)
COUNTY, STATE OF NEVADA)

FILED
JUN 9 1 30 PM 1971
H. L. BROWN, CLERK

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

This matter came on regularly for hearing on the 4th day of June, 1971, before the Honorable Emile J. Gezelin, District Judge presiding, the portion of Tuledad Creek and its tributaries exemplified in these proceedings, being within Washoe County, State of Nevada, and he being the Judge designated by NRS 533.165 to hear and having jurisdiction to hear the above-entitled matter, upon the State Engineer's determination of the relative rights of the petitioner and claimants to the use of the waters of the stream system of Tuledad Creek and its tributaries, which Order of Determination and all related documentary evidence had been filed by the State Engineer. Exceptions to the Order of Determination were filed by Melvin A. Stevenson, claimant under Proof 02656, in the Office of the State Engineer on January 5, 1970, in accordance with NRS 533.170.

Pursuant to stipulation of the parties, the exceptions filed by Melvin A. Stevenson were dismissed with prejudice and the Order of Determination was approved and confirmed by the Court.

William Paul, Esquire, Deputy Attorney General of the State of Nevada, Roland D. Westergard, State Engineer, and Starr Hill, Jr. Surface Water Engineer, appeared in the hearing and proceedings on

1 behalf of the State of Nevada and the Office of the State Engineer.
2 W. Howard Gray and Earl M. Hill, Esquires of Gray, Horton and Hill,
3 appeared on behalf of exceptor Melvin A. Stevenson. Edward C. Reed,
4 Jr., Esquire, of Adams, Reed, Bowen and Murphy, appeared on behalf
5 of claimants Lewis F. and Ferne E. Cockrell.

6 The record disclosed that all claimants had received a
7 certified copy of the Court Order Setting Forth the Time and Place
8 for Hearing on the Order of Determination.

9 The Deputy Attorney General thereupon, at the hearing,
10 offered and there were received in evidence in support of the
11 rights of the claimant, as set forth in the Order of Determination,
12 verified affidavits, files and records of the State Engineer's
13 Office respecting the rights of the claimants in and to the above-
14 named stream system.

15 The Court, pursuant to stipulation of the parties, as afore-
16 said, approved and confirmed the Order of Determination and
17 directed that Findings of Fact, Conclusions of Law, and Judgment
18 and Decree be entered accordingly.

19 FINDINGS OF FACT

20 I

21 That on February 5, 1968, Lewis F. Cockrell, a water user
22 on Tuledad Creek and its tributaries, filed with the State Engineer
23 of the State of Nevada, a petition requesting the determination of
24 the relative rights of the petitioner and other claimants to the
25 waters of Tuledad Creek, situate in Washoe County, State of
26 Nevada.

27 That the State Engineer thereupon and in accordance with
28 the provisions of NRS 533.090, made an investigation of all facts
29 and conditions concerning the above-named stream system and its
30 tributaries for the purpose of disclosing whether the determination

1 of such rights was justified and filed his report in the Office
2 of the State Engineer of the State of Nevada. The report of the
3 facts and conditions disclosed that a determination of the
4 relative rights was justified, and the State Engineer made and
5 entered his order on April 15, 1968, granting the petition for
6 the determination of such relative rights in and to the waters of
7 Tuledad Creek and its tributaries.

8 That as a result of the State Engineer's investigation
9 report, it was found that the waters of Tuledad Creek and its
10 tributaries are being placed to beneficial use for irrigation and
11 stock watering purposes as affirmed by Proofs of Appropriation
12 02660 and 02661, filed in the Office of the State Engineer.
13 Evidence contained in the title documents submitted by the
14 claimants, relative to the land, indicates the present claimants
15 and appropriators, Lewis F. Cockrell and Ferne E. Cockrell, are
16 the successors in interest to vested rights initiated by their
17 predecessors.

18 That on the 17th day of April, 1968, and once each week for
19 four succeeding weeks, the State Engineer did cause to be published
20 a Notice of Order and Proceedings to Determine Water Rights in and
21 to the waters of Tuledad Creek and its tributaries in Washoe
22 County, State of Nevada, and that notice was duly given to all
23 claimants as required by law. That on the 16th day of May, 1968,
24 there was filed in the Office of the State Engineer, an affidavit
25 of the publisher of the Reno Evening Gazette, exemplifying the
26 Proof of Publication of the Notice of Order and Proceedings.

27 That the State Engineer did cause to be published on the
28 23rd day of July, 1968, and once each week for four succeeding
29 weeks a Notice of Order for Taking Proofs to Determine Water Rights,
30 in and to the waters of Tuledad Creek and its tributaries in

1 Washoe County, State of Nevada, and that notice was duly given
2 to all claimants as required by law. That on the 21st day of
3 August, 1968, there was filed in the Office of the State Engineer
4 an affidavit of the publisher of the Reno Evening Gazette,
5 exemplifying the Proof of Publication of the Notice of Order for
6 Taking Proofs.

7 That thereafter, in accordance with NRS 533.125, the State
8 Engineer did file in the records of his office, on October 18, 1968,
9 and again on January 17, 1969, requests to extend the time in which
10 proofs may be filed. That he did grant extensions and that notice
11 thereof was given to all claimants.

12 That the State Engineer, in accordance with NRS 533.140,
13 did enter and file in the records of his office on the 18th day of
14 December, 1970, an Abstract of Claims, a Preliminary Order of
15 Determination and Notice and Order Fixing and Setting Time and
16 Place of Inspection, stating when and where the evidence taken or
17 filed with him and the proofs of claims were open to the inspection
18 of all interested persons; and that notice thereof was duly given
19 to all claimants as required by law.

20 That the State Engineer, in accordance with NRS 533.160,
21 entered in the records of his office, on the 4th day of March, 1971,
22 an Order of Determination defining the rights of the claimants and
23 appropriators to the waters of Tuledad Creek and its tributaries
24 and that notice thereof was duly given to all claimants as required
25 by law.

26 That upon the filing of the certified copy of the Order of
27 Determination and original evidence with the Clerk of the Court of
28 Washoe County, State of Nevada, the Court, at the request of the
29 State Engineer, made and entered an Order on the 9th day of March,
30 1971, setting a time for hearing of any exceptions to the Order of

1 Determination on Friday, the 23rd day of April, 1971, at 11:00
2 o'clock of the forenoon in the court room of the Court House at
3 Reno, Washoe County, Nevada and that the clerk of said Court did
4 furnish the State Engineer with a certified copy thereof.

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

8 That on the 17th day of March, 1971, and once each week for
9 four succeeding weeks, the State Engineer did cause to be published
10 the Court Order Setting Time for Hearing, and that thereafter on
11 the 15th day of April, 1971, there was filed in the Office of the
12 State Engineer an affidavit of the publisher of the Reno Evening
13 Gazette, exemplifying the Proof of Publication of the Court Order
14 Setting Time for Hearing.

15 That the Court finds that all and singular, the Proceedings,
16 Orders and Notices required by Chapter 533 of NRS were duly had,
17 made and given as required by law, and that all and singular the
18 matters and things contained in the record were done, performed,
19 given and made in strict compliance with the statute, and that
20 this Court had and has jurisdiction to hear and determine this
21 matter.

22 II.

23 The Court Further Finds: That the portion of Tuledad Creek
24 and its tributaries exemplified in these proceedings, is situated
25 wholly within Washoe County, State of Nevada.

26 III.

27 The Court Further Finds: That the name of the claimant and
28 appropriator, the source of the water supply, the period of use,
29 the duty of water, the diversion of water and method of use,
30 measurement of water, stock water use, change of place of use, and

1 the rights of appropriation of the water, all as set forth in the
2 Order of Determination are true, proper and correct, and all and
3 singular the same should be approved and confirmed.

4 I. PREFACE

5 On February 5, 1968, Lewis F. Cockrell, a water user on
6 Tuledad Creek and its tributaries, filed with the State Engineer
7 of the State of Nevada, a petition requesting a determination of
8 the relative rights of the petitioner and other claimants to the
9 waters of Tuledad Creek, situated in Washoe County, Nevada.

10 A field investigation was made of Tuledad Creek on July 10,
11 1968, by Starr Hill, Jr., Surface Water Engineer, of the Division
12 of Water Resources.

13 On April 15, 1968, the State Engineer entered an Order
14 granting the petition and made proper arrangements to proceed with
15 the determination of the relative rights of the water users in
16 accordance with NRS 533.090.

17 On July 18, 1968, the State Engineer entered a Notice of
18 Order for Taking Proofs to Determine Water Rights.

19 II CLAIMANTS

20 The investigation disclosed that the waters of Tuledad
21 Creek and its tributaries are being placed to beneficial use for
22 irrigation and stock watering on lands of Lewis F. Cockrell and
23 Ferne E. Cockrell, as affirmed by Proofs of Appropriation 02660
24 and 02661, filed in the Office of the State Engineer. Evidence
25 contained in the title documents submitted by the claimants,
26 relative to the land, indicates the present claimants and appro-
27 priators, Lewis F. Cockrell and Ferne E. Cockrell, are the
28 successors in interest to vested rights initiated by their
29 predecessors.

30 Proof of Appropriation 02655 submitted by Frank Addington

1 and L. M. Lackerman on November 4, 1968, for this adjudication
2 proceeding, claims priorities of 1917 and 1968, to waters of
3 Tuledad Creek. Since March 1, 1905, is the dividing line between
4 vested rights and permitted rights on surface water, the priorities
5 of 1917 and 1968 claimed by Addington and Lackerman cannot be
6 considered in the determination of vested rights. C. Stanley
7 Powell, the predecessor in interest of lands now owned by
8 Addington and Lackerman, made proof to the satisfaction of the
9 California Department of Water Resources of a permitted right to
10 the use of the waters of Cottonwood Lake in Lassen County,
11 California for the purpose of irrigating 180 acres in Nevada
12 claimed under Proof 02655 with a priority of October 29, 1919. No
13 consideration of the right is made in these proceedings.

14 Proof 02656 was filed November 15, 1968, by Melvin A.
15 Stevenson claiming a priority of 1908 to waters of Tuledad Creek,
16 for 320 acres traversed by Tuledad Creek. Four affidavits were
17 filed by him on the same date in support of the 1908 priority.
18 Amended Proof 02656 was filed January 5, 1970, by Mr. Stevenson
19 claiming a priority of 1903 for 160 acres of the 320 acres of land
20 previously claiming a 1908 priority. Two affidavits were filed to
21 support the amended proof claim of a 1903 priority, the two
22 affiants being the same two that had supported the 1908 priority
23 a year previous. Because of the discrepancy in the testimony of
24 the two deponents the State Engineer held a hearing June 16, 1970
25 to permit the claimant to explain the discrepancy in testimony as
26 well as to permit other claimants to be questioned regarding
27 proofs submitted. Records in the Office of the State Engineer
28 indicated that no water was put to beneficial use prior to 1905
29 on lands claiming a vested right in Amended Proof 02656. No sub-
30 stantiated testimony was given at the hearing or at a later date

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to indicate otherwise. Amended Proof 02656 has not established a vested right.

Proof 02661, filed June 23, 1969, by Lewis F. and Ferne E. Cockrell, claims an 1879 priority for 2952 acres irrigated on Duck Flat. Proof 01850 filed June 17, 1924, by J. D. Finley, a predecessor in interest to Cockrell's Duck Flat lands, claimed a vested right for 204 acres on Duck Flat. Testimony presented at the hearing by an engineer for the claimants provided watershed runoff information enabling the State Engineer to determine a vested right for 515 acres of irrigated land on Duck Flat using the waters of Tuledad Creek.

Proofs 02261 and 02262 were filed May 2, 1932, by Martha M. Cook claiming a vested right to sufficient water of Tuledad Creek and Springs to water 1000 to 4000 head of sheep. Her successor in interest, John B. Laxague, did not submit supporting evidence during the period for taking proofs nor did he respond to a letter inviting him to attend the hearing on June 16, 1970, relative to the Tuledad Creek adjudication proceedings. Proof 02261 and Proof 02262 have not established a vested right.

III. SOURCE

Tuledad Creek has its headwaters in California and flows easterly across the Nevada-California state line into Nevada and then courses northerly terminating on Duck Flat which is several thousand acres in area. It drains a watershed of approximately forty square miles with runoff from the Cottonwood Mountains and Coppersmith Hills in California. Tuledad Creek is fed by melting snows and springs, having a relatively high spring runoff which later recedes and by July there is usually no stream flow into Nevada.

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IV. PERIOD OF USE

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

V. DUTY OF WATER

The seasonal duty of water from all sources is herein fixed and shall not exceed:

Class A----Harvest Crop----4.0 ac.ft./ac./season

VI. DIVERSION OF WATER AND METHOD OF USE

The claimants shall have the right to divert 2½ cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

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. MEASUREMENT OF WATER

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; the location if not selected by the State Engineer, to be approved by him. The water user shall install and maintain at his own expense, substantial and easily operated regulating headgates and measuring devices in their ditch or ditches or channel. Due allowance for losses in ditches will be made by the State Engineer in case it becomes necessary.

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

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VIII. STOCK WATERING

The right to the diversion and use of the water for stock watering purposes shall be continued by the claimant at any time during the year. The amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock purposes, except as provided by Proof 02660 filed by Lewis F. and Ferne E. Cockrell for stock watering purposes, but the quantity allowed and diverted for irrigation during the irrigation season includes the water for stock purposes.

IX. CHANGE OF PLACE OF USE

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

X. RIGHTS OF APPROPRIATION

From the Order of Determination and the evidence, both oral and documentary, submitted in support thereof, the Court finds that the names of the claimants and appropriators of the waters of Tuledad 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, the places of use, the legal subdivisions, sections, townships, ranges and the duty of water are as listed, stated and set forth.

CONCLUSIONS OF LAW

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

I.

That the State Engineer had the right, authority and

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

17 II.

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

23 III.

24 That Lewis F. and Ferne E. Cockrell are the only claimants
25 of vested rights recognized in this Decree who were and are now
26 appropriators and users of the waters of Tuledad Creek and its
27 tributaries on the date the Order of Determination was filed with
28 the Clerk of the Court, and on the date of the trial and hearing
29 of this matter.

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IV.

That the irrigation season shall begin on March 1st and end on November 1st of each year.

V.

That the seasonal duty of water from all sources is herein fixed and shall not exceed:

Class A-----Harvest Crop-----4.0 ac.ft./ac./season

VI.

That the claimants shall have the right to divert 2½ cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

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 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 regulating 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 case it becomes necessary.

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

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VIII.

That the right to the diversion and use of the water for stock purposes shall be continued by the claimants at any time during the year. That the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock purposes, except as provided by Proof 02660, filed by Lewis F. and Ferne E. Cockrell for stock watering purposes, but the quantity allowed and diverted for irrigation during the irrigation season includes the water for stock purposes.

IX.

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

X.

That from the Order of Determination and the evidence both oral and documentary, submitted in support thereof, the Court finds that the names of the claimants and appropriators of Tuledad 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 made, filed and caused to be entered of record in this matter by the State Engineer, should be affirmed.

1 Class A-----Harvest Crop-----4.0 ac.ft/ac./season

2 V.

3 That the claimants shall have the right to divert 2 1/2 cubic
4 feet per second of water per 100 acres of land irrigated, but not
5 to exceed the seasonal duty as established herein.

6 That claimants or their successors in interest will not be
7 required to take or use the amount of water allotted to them in a
8 continuous flow, but may cumulate the same or any part thereof in
9 rotation or periodic turn within the seasonal limits, with the
10 approval of the water commissioner and subject to the control and
11 direction of the State Engineer.

12 VI.

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

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

24 VII.

25 That the right to the diversion and use of the water for
26 stock purposes shall be continued by the claimants at any time
27 during the year. That the amount of water diverted for irrigation
28 purposes shall not be increased by any amount to be used for stock
29 purposes, except as provided by Proof 02660, filed by Lewis F. and
30 Ferne E. Cockrell for stock watering purposes, but the quantity

1 allowed and diverted for irrigation during the irrigation season
2 includes the water for stock purposes.

3 VIII.

4 That all water allotted in this Decree shall be appurtenant
5 to the place of use designated herein. That any water user
6 desiring to change the point of diversion, manner of use or place
7 of use of the waters allotted herein, must make application to the
8 State Engineer for permission to make the change pursuant to
9 NRS 533.345.

10 IX.

11 That the name of the claimants and appropriators of the
12 waters of Tuledad Creek and its tributaries, the source of the
13 water supply, the means of diversion, the points of diversion for
14 beneficial use, the periods of use, the years of priority, the
15 cultural acreages and places of use, the legal subdivisions,
16 sections, townships, ranges and duty of water are hereby adjudged
17 as follows:

18
19 Proof No.: 02660
20 Claimants: Lewis F. Cockrell and Ferne E. Cockrell
21 Source: Tuledad Creek and Tributaries
22 Use: Stock Watering
23 Means of Diversion: Dam, Levees, Ditches and Dikes
24 Point of Diversion:
25 Tuledad Ditch in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35,
26 T. 37 N., R. 18 E., M.D.B.&M. or at a point
27 from which the East quarter corner of Sec-
28 tion 36, T. 37 N., R. 18 E., M.D.B.&M., bears
29 N.75°41'35" E., a distance of 6939.57 feet.
30 Period of Use: January 1, through December 31 of each year
Priority: 1879
Amount of Appropriation: 0.078125 cfs or sufficient to water
2500 cattle.

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Proof No.: 02660 (continued)

Description of Works of Diversion, Manner & Place of Use:

Cattle are watered in the Tuledad Ditch, Duck Lake and excavated earth depressions in Duck Lake in portions of Sections 13,14, 23,24,25,26,35 and 36, T. 37 N., R. 18 E., and Sections 19 and 30, T. 37 N., R. 19 E., M.D.B.&M.

Proof No. : 02661

Claimants: Lewis F. Cockrell and Ferne E. Cockrell

Source: Tuledad Creek and Tributaries

Use: Irrigation and Stock Watering

Means of Diversion: Dam, Levees, Ditches and Dikes

Point of Diversion:

Tuledad Ditch in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 37 N., R. 18 E., M.D.B.&M., or at a point from which the East quarter corner of Section 36, T. 37 N., R. 18 E., M.D.B.&M., bears N. 75° 41' 35" E., a distance of 6939.57 feet.

PRIORITY	CULT ACREAGE		LOCATION			DUTY OF WATER	
	HARVEST	SUBD.	SEC.	T.N.	R.E.	CFS	AC.-FT.
1879	40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36	37	18	1.000	160.00
1879	40.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36	37	18	1.000	160.00
1879	40.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	37	18	1.000	160.00
1879	40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	37	18	1.000	160.00
1879	40.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	37	18	1.000	160.00
1879	35.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	37	18	0.875	140.00
1879	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	37	18	1.000	160.00
1879	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	37	18	1.000	160.00
1879	40.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	37	18	1.000	160.00
1879	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	37	18	1.000	160.00
1879	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	37	18	1.000	160.00

1 Proof No. : 02661 (continued)

PRIORITY	CULT. ACREAGE		LOCATION			DUTY OF WATER	
	HARVEST	SUBD.	SEC.	T.N.	R.E.	CFS	AC.-FT
1879	40.0	NW $\frac{1}{2}$ NE $\frac{1}{2}$	26	37	18	1.000	160.00
1879	<u>40.0</u>	NE $\frac{1}{2}$ NW $\frac{1}{2}$	26	37	18	<u>1.000</u>	<u>160.00</u>
TOTAL	515.0					12.875	2060.00

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8 DONE IN OPEN COURT THIS 9th DAY OF
9 November A.D. 1972

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13 Emile J. Fuzella
14 DISTRICT JUDGE

15
16 STATE OF NEVADA, }
County of Washoe. } ss.

I, H. K. BROWN, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, FINDINGS OF FACT, CONCLUSIONS OF LAW JUDGMENT AND DECREE IN CASE NO. 268169 DEPT. 5

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF TULEDAD CREEK AND ITS TRIBUTARIES IN WASHOE COUNTY, STATE OF NEVADA.

which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my

hand and affixed the seal of said court, at Reno,

this 9th day of

NOVEMBER, A.D. 1972.

H.K. BROWN, Clerk.

By A. S. Macher Deputy.

