

1 IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
2 OF THE STATE OF NEVADA IN AND FOR THE
3 COUNTY OF PERSHING

3552

4 IN THE MATTER OF THE DETERMINATION OF
5 THE RELATIVE RIGHTS IN AND TO THE WATERS
6 OF UNIONVILLE CREEK (AKA BUENA VISTA CREEK)
AND ITS TRIBUTARIES IN PERSHING COUNTY,
STATE OF NEVADA

Filed April 29 19 71
Cecil Gert
Louise Dimiley
Clerk
Deputy

7 FINDINGS OF FACT, CONCLUSIONS OF LAW
8 JUDGMENT AND DECREE

9 This matter came on regularly for hearing on the 22nd day of
10 June, 1970, before the Honorable Grant L. Bowen, District Judge
11 presiding, the entire stream system being within Pershing County,
12 State of Nevada, and he being the Judge designated by NRS 533.165
13 to hear and having jurisdiction to hear the above-entitled matter,
14 upon the State Engineer's determination of the relative rights
15 of the petitioner and claimant to the waters of the stream system
16 of Unionville Creek and its tributaries, which Order of Deter-
17 mination and all related documentary evidence had been filed by
18 the State Engineer. In accordance with NRS 533.170, a copy of
19 the exceptions to the Order of Determination of Jimmie and
20 Leona Ferrara, claimants under Proof 02593, was filed in the
21 Office of the State Engineer on June 12, 1970.

22 William Paul, Esquire, Deputy Attorney General of the State
23 of Nevada, Roland D. Westergard, State Engineer, and Starr Hill,
24 Jr., Surface Water Engineer, appeared in the hearing and pro-
25 ceedings on behalf of the State of Nevada and the Office of the
26 State Engineer. Ralph M. Tucker, Esquire, appeared on behalf of
27 claimants Jimmie and Leona Ferrara, and Rayner J. Kjeldsen, Esquire,
28 appeared on behalf of claimants George Harrison and June Octavia
29 Kyler, Mr. and Mrs. William Harmon, A. W. and Fern Evers,
30 Mr. and Mrs. Sam Burt and Charles R. and Aldona Lucas Foord.

The record disclosed that all claimants had received a

1 certified copy of the Court Order Setting Forth the Time and Place
2 for Hearing on the Order of Determination.

3 The Deputy Attorney General thereupon, at the hearing,
4 offered and there were received in evidence in support of the
5 rights of the claimant, as set forth in the Order of Determination,
6 verified affidavits, files and records of the State Engineer's
7 Office respecting the rights of the claimants in and to the
8 above-named stream system.

9 The Court made and entered an order approving an oral
10 stipulation, the State not entering into the stipulation, amend-
11 ing the Order of Determination.

12 The Court, having duly considered the entire record, the
13 evidence introduced and received, directed that Findings of Fact,
14 Conclusions of Law, and Judgment and Decree be entered accordingly.

15 FINDINGS OF FACT

16 I.

17 That on October 18, 1944, H. J. Murrish submitted a petition
18 on behalf of O. L. Sheppard, a water user of Unionville Creek,
19 requesting the determination of the relative rights of the
20 petitioner and other claimants to the waters of Unionville Creek
21 and its tributaries, situate in Pershing County, State of Nevada.

22 That the State Engineer thereupon and in accordance with
23 the provisions of NRS 533.090, made an investigation of the facts
24 and conditions of and concerning the above-named stream system
25 and its tributaries for the purpose of disclosing whether the
26 determination of such rights was justified, and filed his report
27 thereon in the Office of the State Engineer of the State of
28 Nevada. The report of the facts and conditions disclosed that
29 a determination of the relative rights was justified, and the
30 State Engineer made and entered his order on November 8, 1944,

1 granting the petition for the determination of such relative
2 rights in and to the waters of Unionville Creek and its
3 tributaries.

4 That as a result of the State Engineer's investigation
5 report, it was found that the waters of Unionville Creek and its
6 tributaries are being placed to beneficial use for irrigation,
7 stock watering and domestic purposes on numerous small areas along
8 the creek.

9 That on the 28th day of December, 1944, and once each week
10 for four succeeding weeks, the State Engineer did cause to be
11 published a Notice of Order and Proceedings to Determine Water
12 Rights in and to the waters of Unionville Creek and its
13 tributaries in Pershing County, State of Nevada, and that notice
14 was duly given to all claimants as required by law. That on the
15 17th day of March, 1945, there was filed in the Office of the
16 State Engineer an affidavit of the publisher of the Review-Miner,
17 exemplifying the Proof of Publication of Notice of Order and
18 Proceedings.

19 That the State Engineer did cause to be published on the
20 26th day of May, 1966, and once each week for four succeeding
21 weeks, a Notice of Order for Taking Proofs to Determine Water
22 Rights, in and to the waters of Unionville Creek and its
23 tributaries in Pershing County, State of Nevada, and that notice
24 was duly given to all claimants as required by law. That on
25 the 30th day of June, 1966, there was filed in the Office of the
26 State Engineer an affidavit of the publisher of the Review-Miner,
27 exemplifying the Proof of Publication of Notice of Order for
28 Taking Proofs.

29 That thereafter, in accordance with NRS 533.125, the State
30 Engineer did file in the records of his office, on September 30,

1 1966, and on October 3, 1966, requests to extend the time in
2 which proofs may be filed. That he did grant an extension and
3 that notice thereof was given to all claimants.

4 That the State Engineer, in accordance with NRS 533.140,
5 did enter and file in the records of his office, on the 24th
6 day of July, 1967, an Abstract of Claims, a Preliminary Order of
7 Determination and Notice and Order Fixing and Setting Time and
8 Place of Inspection, stating when and where the evidence taken
9 or filed with him and the proofs of claims were open to the
10 inspection of all interested persons; and that notice thereof was
11 duly given to all claimants as required by law.

12 That the State Engineer, in accordance with NRS 533.160
13 entered in the records of his office, on the 12th day of March,
14 1968, an Order of Determination defining the rights of the
15 claimants and appropriators to the waters of Unionville Creek and
16 its tributaries and that notice thereof was duly given to all
17 claimants as required by law.

18 That upon the filing of the certified copy of the Order of
19 Determination and original evidence with the Clerk of the Court
20 of Pershing County, State of Nevada, the Court, at the request of
21 the State Engineer, made and entered an Order on the 15th day of
22 March, 1968, setting a time for the hearing of any exceptions to
23 the Order of Determination, on Tuesday, the 7th of May, 1968, at
24 10:00 o'clock in the morning, at the County Court House in
25 Lovelock, Nevada; and that the clerk of said Court did furnish the
26 State Engineer with a certified copy thereof.

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

30 That on the 21st day of March, 1968, and once each week for

1 four succeeding weeks, the State Engineer did cause to be pub-
2 lished, the Court Order Setting Time for Hearing, and that there-
3 after on the 23rd day of April, 1968, there was filed in the
4 Office of the State Engineer an affidavit of the publisher of the
5 Review-Miner, exemplifying the Proof of Publication of the Court
6 Order Setting Time for Hearing.

7 That on April 30, 1968, District Judge Llewellyn Young
8 advised the State Engineer by telephone that the hearing scheduled
9 for May 7, 1968, had been continued, and that notice thereof was
10 duly given to all claimants.

11 That District Judge Young directed the State Engineer to
12 advise claimants that the hearing of any exceptions to the Order
13 of Determination would take place on Monday, the 22nd day of June,
14 1970, at ten o'clock in the morning, at the County Court House at
15 Lovelock, Pershing County, Nevada, before District Judge
16 Grant L. Bowen.

17 That the State Engineer, in accordance with NRS 533.165, gave
18 notice to the claimants of the Court Order Setting Time for
19 hearing.

20 That a copy of the Exceptions to the Order of Determination
21 by claimants Jimmie and Leona Ferrara, was filed in the Office
22 of the State Engineer on June 12, 1970, as provided under
23 NRS 533.170.

24 The Court finds that all and singular, the Proceedings,
25 Orders and Notices required by Chapter 533 of NRS were duly had,
26 made and given as required by law, and that all and singular the
27 matters and things contained in the record were done, performed,
28 given and made in strict compliance with the statute, and that
29 this Court had and has jurisdiction to hear and determine this
30 matter.

1 II.

2 The Court Further Finds: That Unionville Creek and its
3 tributaries are situated wholly within Pershing County, State of
4 Nevada.

5 III.

6 The Court Further Finds: That the name of the claimants and
7 appropriators, the source of the water supply, the period of use,
8 the duty of water, domestic use, change of place of use, and
9 the rights of appropriation of the water, all as set forth in
10 the Order of Determination are true, proper and correct, and all
11 and singular the same should be approved and confirmed except for
12 Proofs 0735 and 02592 which were the subject of an oral
13 stipulation approved by the Court, and their points of diversion
14 and priorities are as set forth in Article IX of the Decree.

15 I. PREFACE

16 On October 18, 1944, a petition was submitted by O. L.
17 Sheppard, a water user on Unionville Creek and its tributaries,
18 requesting the determination of the relative rights of various
19 claimants to the waters of Unionville Creek, situate in Pershing
20 County, Nevada.

21 A field investigation was made of Unionville Creek on July 26,
22 1941, by Assistant State Engineer, H. W. Reppert.

23 On November 8, 1944, the State Engineer entered an Order
24 granting the petition and made proper arrangements to proceed with
25 the determination of the relative rights of the water users in
26 accordance with NRS 533.090.

27 On May 18, 1966, the State Engineer entered a Notice of Order
28 for Taking Proofs to Determine Water Rights.

29 On June 22, 1970, a Hearing on the Order of Determination
30 relative to the rights of the waters of Unionville Creek was held

1 in the Sixth Judicial Court in Lovelock, the Honorable Grant L.
2 Bowen, presiding.

3 At the hearing the Court made and entered an order approving
4 an oral stipulation, the State not entering into the stipulation,
5 amending the Order of Determination as follows:

6 As regards Proof 0735, the year of priority was changed from
7 1863 to 1893 on 42.35 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$
8 Section 21, T. 30 N., R. 35 E., MDM.

9 Claimants Kyler, Foord and Ferrara agreed that the year of
10 priority of Proof 02592 would be changed from 1863 to 1893, on all
11 culture listed in the proof.

12 It was further stipulated that claimants Kyler, Foord and
13 Ferrara would all divert from Unionville Creek at one common
14 point, the Talcott Ditch diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25,
15 T. 30 N., R. 34 E., MDB&M. It was also stipulated that the
16 measuring device for these three claimants would be placed on the
17 Talcott Ditch westerly of the Kyler property near the old
18 reservoir in the SE $\frac{1}{4}$ Section 20, T. 30 N., R. 35 E., MDB&M, and
19 that ditch losses between the measuring device and the Foord
20 property would be absorbed by Foord in serving the Foord right.

21 It was further stipulated that Ferrara would request the
22 Court to dismiss all of the objections filed on his behalf as to
23 the users upstream on Unionville Creek, and the Court so ordered.

24 The description of the point of diversion under Proof 02593,
25 in the Order of Determination is hereby changed to read:

26 Point of Diversion:

27 NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 30 N., R. 34 E., M.D.B.&M.,
28 or at a point from which the NE corner of said
29 Section 25, bears N. 76° 53' E., 3688 feet.

1 II. CLAIMANT

2 The investigation disclosed that the waters of Unionville
3 Creek and its tributaries were being placed to beneficial use by
4 Robert H. and Margaret F. Trego, Mr. and Mrs. Warren Woodger,
5 Pershing County Youth Center, Muriel E. and Rex L. Lund,
6 Wilbur and Jean Koons, A. W. and Fern Evers, Mr. & Mrs.
7 William Harmon, Mr. and Mrs. Sam Burt, Mrs. Sadie Ernst,
8 Mrs. Dorothy A. Ernst, Mr. and Mrs. George Kyler, Charles R. and
9 Aldona Lucas Foord and Jimmie and Leona Ferrara.

10 III. SOURCE

11 Unionville Creek (aka Buena Vista Creek) heads on the
12 eastern slopes of the Humboldt Range and is fed by melting snows
13 and springs. It flows easterly into Buena Vista Valley. Typical
14 of Nevada's mountain streams it has a relatively high spring
15 runoff which recedes during the summer months to a limited
16 continuous flow.

17 IV. PERIOD OF USE

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

20 V. DUTY OF WATER

21 The seasonal duty of water from all sources for proofs in
22 Unionville Canyon namely, Proofs 02440, 02571, 02572, 02573, 02574,
23 02575, 02588, 02589, 02590, 02591 and 02594 is herein fixed and
24 shall not exceed:

25 Class A --- Harvest Crop ---- 6.0 a.f./ac./season

26 Class B --- Meadow Pasture ---- 3.0 a.f./ac/season

27 The seasonal duty of water from all sources for proofs on the
28 floor of Buena Vista Valley, namely Proofs 0735, 02592, and 02593,
29 is herein fixed and shall not exceed:

30

1 Class A --- Harvest Crop --- 4.0 a.f./ac/season
2 Class B --- Meadow Pasture --- 2.0 a.f./ac/season
3 Class C --- Diversified Pasture --- 1.0 a.f./ac/season

4 VI. DIVERSION OF WATER AND METHOD OF USE

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

8 There are two general areas of use of waters of Unionville
9 Creek; one being in Unionville Canyon within Sections 26 and 27,
10 T. 30 N., R. 34 E., M.D.B.&M., and the other being three to four
11 miles east on the floor of Buena Vista Valley within Sections 21,
12 22, 26 and 27, T. 30 N., R. 35 E., M.D.B.&M.

13 It is hereby determined that the users in Unionville Canyon
14 within Sections 26 and 27, T. 30 N., R. 34 E., are entitled to
15 divert a percentage of the stream in accordance with acreages
16 allowed in Article IX of the Decree, provided such diversion shall
17 not exceed 2.5 c.f.s. per 100 acres. The rights of the Union-
18 ville Canyon users shall be equal in priority, and such rights
19 shall be senior in priority to the rights of any user in the
20 Buena Vista Valley area.

21 Subject to prior approval of the Water Commissioner, claimants
22 or their successors in interest may combine water to which they
23 are entitled and rotate the use of water upon the land hereinafter
24 described, provided:

25 (1) No combination and rotation of water shall permit use of
26 water by the combining users at a rate of flow in excess
27 of the rate of flow to which the combining users would
28 have otherwise been entitled in the aggregate, giving
29 due recognition to the priorities provided herein, and

30 (2) No combination and rotation shall permit use of water in

1 excess of the seasonal limits of the said combining users
2 in the aggregate, giving due recognition to priorities
3 provided herein, and

4 (3) No combination and rotation of water, as aforesaid shall
5 diminish the rate of flow or the total amount of water
6 to which any other user is entitled as set forth herein-
7 after and no combination and rotation of water shall
8 diminish any water or water right of any user or the
9 priority thereof.

10 VII. MEASUREMENT OF WATER

11 All measurements of amounts of water diverted are to be made
12 at the point where the main ditch enters or becomes adjacent to
13 the land to be irrigated or as near thereto as is practicable;
14 the location if not selected by the State Engineer, to be approved
15 by him. Each water user shall install and maintain at his own
16 expense, substantial and easily operated regulating headgates and
17 measuring devices in his ditch or ditches or channel. Due
18 allowance for losses in ditches will be made by the State Engineer
19 in case it becomes necessary, except as provided in the stipulation
20 relating to Proof 02592 as described under Findings of Fact.

21 At the Hearing on the Order of Determination on June 22, 1970,
22 the Court made and entered an order approving an oral stipulation,
23 amending the Order of Determination as it relates to the
24 measurement and appropriation of water for Proofs 0735, 02592 and
25 02593, as follows:

26 The measuring device for the claimants of Proofs 0735, 02592,
27 and 02593, shall be placed on the Talcott Ditch westerly of the
28 Kyler property near the old reservoir in the SE $\frac{1}{4}$ Section 20,
29 T. 30 N., R. 35 E., M.D.B.&M.

30 Priorities are fixed by years and where the years are the

1 same, the priorities are equal.

2 VIII. STOCK WATERING AND DOMESTIC

3 The right to the diversion and use of the water for stock
4 and domestic purposes shall be continued by claimants and water
5 users claiming such use, as set forth under the Article IX of the
6 Decree, at any time during the year, and diversions shall be
7 according to the dates of priorities of claimants. The amount of
8 water diverted for irrigation purposes shall not be increased by
9 any amount to be used for stock and domestic purposes but the
10 quantity allowed and diverted for irrigation during the irrigation
11 season includes the water for stock and domestic purposes.

12 IX. CHANGE OF PLACE OF USE

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

18 X. RIGHTS OF APPROPRIATION

19 From the Order of Determination and the evidence, both oral
20 and documentary, submitted in support thereof, the Court finds
21 the names of the claimants and appropriators of the waters of
22 Unionville Creek and its tributaries, the source of the water
23 supply, the means of diversion, the points of diversion for
24 beneficial use, the year of priority, the cultural acreages, the
25 place of use, the legal subdivisions, sections, townships, ranges
26 and the duty of water, are as listed, stated and set forth, except
27 for Proofs 0735 and 02592, which were the subject of an oral
28 stipulation approved by the Court, and their points of diversion
29 and priorities are as set forth in Article IX of the Decree.

30 CONCLUSIONS OF LAW

1 From the evidence presented and received in this matter, and
2 from the foregoing FINDINGS OF FACT, the Court makes the following
3 Conclusions of Law:

4 I.

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

23 II.

24 That the Sixth Judicial District Court of the State of
25 Nevada, in and for the County of Pershing, had and has juris-
26 diction to hear and try this matter, and has jurisdiction to find,
27 make and enter the foregoing Findings of Fact and these Conclu-
28 sions of Law, and enter its Decree herein.

29 III.

30 That Robert H. and Margaret F. Trego, Mr. and Mrs.

1 Warren Woodger, Pershing County Youth Center, Muriel E. and
2 Rex L. Lund, Wilbur and Jean Koons, A. W. and Fern Evers,
3 Mr. and Mrs. William Harmon, Mr. and Mrs. Sam Burt, Mrs. Sadie
4 Ernst, Mrs. Dorothy A. Ernst, Mr. and Mrs. George Kyler,
5 Charles R. and Aldona Lucas Foord, and Jimmie and Leona Ferrara
6 are the claimants and only claimants who were and are now appro-
7 priators and users of the waters of Unionville Creek and its
8 tributaries on the date the Order of Determination was filed with
9 the Clerk of this Court, and on the date of the trial and hearing
10 of this matter.

11 IV.

12 That the irrigation season shall begin on March 15th and end
13 on November 1st of each year.

14 V.

15 That the seasonal duty of water from all sources for proofs
16 in Unionville Canyon namely, Proofs 02440, 02571, 02572, 02573,
17 02574, 02575, 02588, 02589, 02590, 02591 and 02594, is herein
18 fixed and shall not exceed:

19 Class A --- Harvest Crop --- 6.0 a.f./ac./season

20 Class B --- Meadow Pasture --- 3.0 a.f./ac./season

21 That the seasonal duty of water from all sources for proofs
22 on the floor of Buena Vista Valley, namely Proofs 0735, 02592,
23 and 02593, is herein fixed and shall not exceed:

24 Class A --- Harvest Crop --- 4.0 a.f./ac./season

25 Class B --- Meadow Pasture --- 2.0 a.f./ac./season

26 Class C --- Diversified Pasture --- 1.0 a.f./ac./season

27 VI.

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

1 That there are two general areas of use of waters of
2 Unionville Creek; one being in Unionville Canyon within Sections
3 26 and 27, T. 30 N., R. 34 E., M.D.B.&M., and the other being
4 three to four miles east on the floor of Buena Vista Valley within
5 Sections 21, 22, 26 and 27, T. 30 N., R. 35 E., M.D.B.&M.

6 That it is hereby determined that the users in Unionville
7 Canyon within Sections 26 and 27, T. 30 N., R. 34 E., are entitled
8 to divert a percentage of the stream in accordance with acreages
9 allowed in Article IX of the Decree provided such diversion shall
10 not exceed 2.5 c.f.s. per 100 acres. That the rights of the
11 Unionville Canyon users shall be equal in priority, and such
12 rights shall be senior in priority to the rights of any user in
13 the Buena Vista Valley area.

14 Subject to prior approval of the Water Commissioner, claimants
15 or their successors in interest may combine water to which they
16 are entitled and rotate the use of water upon the land hereinafter
17 described, provided:

- 18 (1) No combination and rotation of water shall permit use of
19 water by the combining users at a rate of flow in excess
20 of the rate of flow to which the combining users would
21 have otherwise been entitled in the aggregate, giving
22 due recognition to priorities provided herein, and
- 23 (2) No combination and rotation shall permit use of water in
24 excess of the seasonal limits of the said combining users
25 in the aggregate, giving due recognition to priorities
26 provided herein, and
- 27 (3) No combination and rotation of water, as aforesaid, shall
28 diminish the rate of flow or the total amount of water
29 to which any other user is entitled as set forth herein-
30 after and no combination and rotation of water shall

1 according to the dates of priorities of claimants. That the
2 amount of water diverted for irrigation purposes shall not be
3 increased by any amount to be used for stock and domestic purposes
4 but the quantity allowed and diverted for irrigation during the
5 irrigation season includes the water for stock and domestic pur-
6 poses.

7 IX.

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

14 X.

15 That from the Order of Determination and the evidence, both
16 oral and documentary, submitted in support thereof, the Court
17 finds the name of the claimants and appropriators of the waters of
18 Unionville Creek and its tributaries, the source of the water
19 supply, the means of diversion, the points of diversion for
20 beneficial use, the year of priority, the cultural acreages, the
21 place of use, the legal subdivisions, sections, townships, ranges
22 and the duty of water, are as listed, stated and set forth, except
23 for Proofs 0735 and 02592, which were the subject of an oral
24 stipulation approved by the Court, and their points of diversion
25 and priorities are as set forth in Article IX of the Decree.

26 XI.

27 That the Order of Determination made, filed and caused to be
28 entered of record in this matter by the State Engineer, should be
29 affirmed, except for Proofs 0735 and 02592 which were the subject
30 of an oral stipulation approved by the Court, and their points

1 of diversion and priorities are as set forth in Article IX of the
2 Decree.

3 JUDGMENT AND DECREE

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

7 I.

8 That the State Engineer made all necessary and proper orders
9 as required by law, and that each and every notice required by
10 law was duly given to the claimant and appropriator; that the
11 claimants and appropriators had full opportunity to appear and
12 be heard in objection to and file exceptions to the Order of
13 Determination; that the claimants and appropriators are the only
14 claimants and appropriators of the waters of Unionville Creek and
15 its tributaries and this Decree determines the limit and extent
16 of all vested water rights on the source.

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

20 II.

21 That the flow of water from Unionville Creek and its tribu-
22 taries is being placed to beneficial use by Robert H. and
23 Margaret F. Trego, Mr. and Mrs. Warren Woodger, Pershing County
24 Youth Center, Murriel E. and Rex L. Lund, Wilbur and Jean Koons,
25 A. W. and Fern Evers, Mr. and Mrs. William Harmon, Mr. and Mrs.
26 Sam Burt, Mrs. Sadie Ernst, Mrs. Dorothy A. Ernst, Mr. and Mrs.
27 George Kyler, Charles R. and Aldona Lucas Foord, and Jimmie and
28 Leona Ferrara, for irrigation, stock watering and domestic purposes
29 in accordance with the provisions of this Decree.

30 III.

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

3 IV.

4 That the seasonal duty of water from all sources for proofs in
5 Unionville Canyon namely, Proofs 02440, 02571, 02572, 02573, 02574,
6 02575, 02588, 02589, 02590, 02591 and 02594, is herein fixed and
7 shall not exceed:

8 Class A --- Harvest Crop --- 6.0 a.f./ac./season

9 Class B --- Meadow Pasture --- 3.0 a.f./ac./season

10 That the seasonal duty of water from all sources for proofs
11 on the floor of Buena Vista Valley, namely Proofs 0735, 02592,
12 and 02593, is herein fixed and shall not exceed:

13 Class A --- Harvest Crop --- 4.0 a.f./ac./season

14 Class B --- Meadow Pasture --- 2.0 a.f./ac./season

15 Class C --- Diversified Pasture --- 1.0 a.f./ac./season

16 V.

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

20 That there are two general areas of use of waters of Union-
21 ville Creek; one being in Unionville Canyon within Sections 26
22 and 27, T. 30 N., R. 34 E., M.D.B.&M., and the other being three
23 to four miles east on the floor of Buena Vista Valley within
24 Sections 21, 22, 26 and 27, T. 30 N., R. 35 E., M.D.B.&M.

25 That it is hereby determined that the users in Unionville
26 Canyon within Sections 26 and 27, T. 30 N., R. 34 E., are entitled
27 to divert a percentage of the stream in accordance with acreages
28 allowed in Article IX of this Decree, provided such diversion shall
29 not exceed 2.5 c.f.s. per 100 acres. that the rights of the
30 Unionville Canyon users shall be equal in priority, and such

1 rights shall be senior in priority to the rights of any user in
2 the Buena Vista Valley area.

3 Subject to prior approval of the Water Commissioner, claimants
4 or their successors in interest may combine water to which they
5 are entitled and rotate the use of water upon the land hereinafter
6 described, provided:

- 7 (1) No combination and rotation of water shall permit use of
8 water by the combining users at a rate of flow in excess
9 of the rate of flow to which the combining users would
10 have otherwise been entitled in the aggregate, giving
11 due recognition to the priorities provided herein, and
12 (2) No combination and rotation shall permit use of water in
13 excess of the seasonal limits of the said combining users
14 in the aggregate, giving due recognition to priorities
15 provided herein, and
16 (3) No combination and rotation of water, as aforesaid, shall
17 diminish the rate of flow or the total amount of water to
18 which any other user is entitled as set forth hereinafter
19 and no combination and rotation of water shall diminish
20 any water or water right of any user or the priority
21 thereof.

22 VI.

23 That all measurements of amounts of water diverted are to be
24 made at the point where the main ditch enters or becomes adjacent
25 to the land to be irrigated or as near thereto as is practicable;
26 that the location if not selected by the State Engineer, to be
27 approved by him. That each water user shall install and maintain
28 at his own expense, substantial and easily operated regulating
29 headgates and measuring devices in his ditch or ditches or channel.
30 That due allowance for losses in ditches will be made by the

1 State Engineer in case it becomes necessary, except as provided in
2 the stipulation relating to Proof 02592 as described under Findings
3 of Fact.

4 That at the Hearing on the Order of Determination on June 22,
5 1970, the Court made and entered an order approving an oral
6 stipulation, amending the Order of Determination as it relates to
7 the measurement and appropriation of water for Proofs 0735, 02592
8 and 02593, as follows:

9 That the measuring device for the claimants of Proofs 0735,
10 02592 and 02593, shall be placed on the Talcott Ditch westerly
11 of the Kyler property near the old reservoir in the SE $\frac{1}{4}$ Section 20.

12 That priorities are fixed by years and where the years are
13 the same, the priorities are equal:

14 VII.

15 That the right to the diversion and use of the water for
16 stock and domestic purposes shall be continued by claimants and
17 water users claiming such use, as set forth under Article IX of
18 this Decree, at any time during the year, and diversions shall be
19 according to the dates of priorities of claimants. That the
20 amount of water diverted for irrigation purposes shall not be
21 increased by any amount to be used for stock and domestic purposes
22 but the quantity allowed and diverted for irrigation during the
23 irrigation season includes the water for stock and domestic
24 purposes.

25 VIII.

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

1 NRS 533.345.

2 IX.

3 That the names of the claimants and appropriators of the
4 waters of Unionville Creek and its tributaries, the source of the
5 water supply, the means of diversion, the points of diversion for
6 beneficial use, the year of priority, the cultural acreages and
7 places of use, the legal subdivisions, sections, townships, ranges
8 and duty of water, are hereby adjudged as follows:

9 Proofs 02440, 02571, 02572, 02573, 02574, 02575, 02588, 02589,
10 02590, 02591, and 02594 are hereby determined to be equal in
11 priority. All are senior in priority to Proofs 0735, 02592 and
12 02593.

13 Proof No.: 02588

14 Claimants: Robert H. and Margaret F. Trego

15 Source: Unionville Creek (aka Buena Vista Creek) and
16 Tributaries

17 Use: Irrigation and Domestic

18 Means of Diversion: Ditches and Pipeline

19 Points of Diversion:

- 20 1. Straight Canyon, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E.,
M.D.B.&M., or at a point from which the NW corner of said
21 Section 27 bears N. 60° 35" W., 835 feet.
- 22 2. Wilson Canyon, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E.,
M.D.B.&M., or at a point from which the NW corner of
23 said Section 27 bears N. 49° 33' W, 1,063 feet.
- 24 3. Morsehead Spring, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E.,
M.D.B.&M., or at a point from which the NW corner of said
25 Section 27 bears N. 45° 21' W., 631 feet.

CULTURAL ACREAGE		LOCATION				DUTY OF WATER	
HARVEST	MEADOW	SUB-	SEC-	TWP.	RGE	ACRE	
PASTURE	DIVISION	TION	N.	E.	C.F.S.	FEET	
-----	1.847	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.046	5.54
0.363	-----	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.009	2.18
0.138	-----	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.003	0.83
-----	0.490	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.012	1.47
0.501	2.337					0.070	10.02

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Proof No.: 02571
 Claimants: Mr. & Mrs. Warren R. Woodger
 Source: Unionville Creek (aka Buena Vista Creek) and Tributaries
 Use: Irrigation and Domestic
 Means of Diversion: Pipeline and Ditches
 Points of Diversion:

1. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NW corner of said Section 27 bears N. 45° 15' W., 587.2 feet.
2. Spring, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NW corner of said Section 27 bears N. 48° 52' W., 1,075 feet.
3. NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the W 1/16 corner common to Sections 22 and 27, T. 30 N., R. 34 E., bears N. 13° 41' W., 549.5 feet.

<u>CULTURAL ACREAGE :</u>		<u>LOCATION :</u>				<u>DUTY OF WATER</u>	
<u>HARVEST :</u>	<u>MEADOW :</u>	<u>SUB- :</u>	<u>SEC- :</u>	<u>TWP. :</u>	<u>RGE. :</u>	<u>ACRE</u>	<u>FEET</u>
<u>PASTURE :</u>	<u>DIVISION :</u>	<u>TION :</u>	<u>N. :</u>	<u>E. :</u>	<u>C.F.S. :</u>	<u>FEET</u>	<u>FEET</u>
0.58	- - -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.014	3.48
- - -	0.61	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.015	1.83
0.58	0.61					0.029	5.31

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Proof No.: 02594
 Claimant: Pershing County Youth Center
 Source: Unionville Creek (aka Buena Vista Creek) and Tributaries
 Use: Irrigation
 Means of Diversion: Pipeline and Ditch
 Point of Diversion:

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1. Straight Canyon, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M., or at a point from which the NW corner of said Section 27 bears N. 45° 10' W., 585 feet.

CULTURAL ACREAGE :		LOCATION :			DUTY OF WATER		
HARVEST :	MEADOW :	SUB- :	SEC- :	TWP. :	RGE. :	ACRE	
PASTURE :		DIVISION :	TION :	N. :	E. :	C.F.S. :	FEET
- - -	<u>1.714</u>	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	<u>0.043</u>	<u>5.14</u>
- - -	1.714					0.043	5.14

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Proof No.: 02572
 Claimant: Muriel E. and Rex L. Lund
 Source: Unionville Creek (aka Buena Vista Creek) and Tributaries
 Use: Irrigation and Domestic
 Means of Diversion: Dams, Pipeline and Ditches
 Points of Diversion:

- NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the W 1/16 corner common to Sections 22 and 27, T. 30 N., R. 34 E. bears N. 13° 41' W., 549.5 feet.
- Spring, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the N $\frac{1}{4}$ corner of said Section 27 bears N. 40° 15' E., 772.6 feet.
- NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the N $\frac{1}{4}$ corner of said Section 27 bears N. 32° 32' E., 734.8 feet.
- Spring, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the N $\frac{1}{4}$ corner of said Section 27 bears N. 20° 33' E., 533.2 feet.

CULTURAL ACREAGE :		LOCATION :			DUTY OF WATER		
HARVEST :	MEADOW :	SUB- :	SEC- :	TWP. :	RGE. :	ACRE	
PASTURE :		DIVISION :	TION :	N. :	E. :	C.F.S. :	FEET
0.70	- - -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.017	4.20
- - -	1.68	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	30	34	0.042	5.04
<u>0.61</u>		NW $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	<u>0.015</u>	<u>3.66</u>
1.31	<u>1.68</u>					0.074	12.90

1 Proof No.: 02589
 2 Claimants: Wilbur and Jean Koons
 3 Source: Unionville Creek (aka Buena Vista Creek) and
 4 Tributaries

5 Use: Irrigation and Domestic

6 Means of Diversion: Ditch and Pipeline

7 Points of Diversion:

- 8 1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E.,
 M.D.B.&M., or at a point from which the
 9 N $\frac{1}{2}$ corner of said Section 27 bears
 N. 21° 35' E., 720 feet.
- 10 2. Spring, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E.,
 M.D.B.&M. or at a point from which the N $\frac{1}{2}$
 11 corner of said Section 27 bears N. 11° 40' E.,
 12 529 feet.

CULTURAL ACREAGE :		LOCATION :			DUTY OF WATER		
HARVEST :	MEADOW :	SUB- :	SEC- :	TWP. :	RGE. :	ACRE	
PASTURE :	DIVISION :	TION :	N. :	E. :	C.F.S. :	FEET	
-- --	3.048	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	0.076	9.14
-- --	3.048					0.076	9.14

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18 Proof No.: 02440
 19 Claimants: A. W. and Fern Evers
 20 Source: Unionville Creek (aka Buena Vista Creek) and
 21 Tributaries

22 Use: Irrigation and Stock Watering

23 Means of Diversion: Dams and Ditches

24 Points of Diversion:

- 25 1. Lark-Maxwell Ditch, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N.
 R. 34 E., M.D.B.&M., or at a point from which
 26 the N $\frac{1}{2}$ corner of said Section 27 bears N. 27° W.,
 27 821 feet.
- 28 2. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M.
 or at a point from which the E 1/16 corner common
 29 to Sections 22 and 27, T. 30 N., R. 34 E.,
 M.D.B.&M. bears N. 28° 45' E., 984 feet.

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3. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the E 1/16 corner common to Sections 22 and 27, T. 30 N., R. 34 E., M.D.B.&M. bears N. 10° 56' W., 895 feet.
4. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the E 1/16 corner common to Sections 22 and 27, T. 30 N., R. 34 E., M.D.B.&M. bears N. 28° 23' W., 1,042 feet.
5. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NE corner of said Section 27 bears N. 5° 54' E., 1,127.5 feet.
6. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NE corner of said Section 27 bears N. 4° 21' E., 1,139 feet.
7. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NE corner of Section 27, T. 30 N., R. 34 E., M.D.B.&M. bears N. 14° 15' W., 1,292.5 feet.
8. Spring, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B.&M., or at a point from which the NE corner of Section 27, T. 30 N., R. 34 E., M.D.B.&M. bears N. 19° 29' W., 1,248 feet.

<u>CULTURAL ACREAGE</u> :				<u>LOCATION</u>			<u>DUTY OF WATER</u>	
<u>HARVEST</u> :	<u>MEADOW</u> :	<u>SUB-</u>	<u>SEC-</u>	<u>TWP.</u>	<u>RGE:</u>		<u>ACRE</u>	
	<u>PASTURE:</u>	<u>DIVISION</u>	<u>TION</u>	<u>N.</u>	<u>E.:</u>	<u>C.F.S.</u>	<u>FEET</u>	
2.77	- - -	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	0.069	16.62	
7.62	2.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	0.240	51.72	
0.53	0.63	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	0.029	5.07	
5.16	0.05	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.130	31.11	
<u>3.23</u>	<u>0.05</u>	SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	<u>0.082</u>	<u>19.53</u>	
19.31	2.73					0.550	124.05	

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Proof No.: 02575
 Claimants: A. W. and Fern Evers
 Source: Unnamed Springs
 Use: Irrigation and Domestic

1 Means of Diversion: Collection Box, Pipeline and Ditches

2 Point of Diversion:

3 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 30 N., R. 34 E., M.D.B.&M.
4 or at a point from which the NE corner of said
5 Section 27 bears N. 18° 43' E., 1,242 feet.

CULTURAL ACREAGE :		LOCATION :				DUTY OF WATER	
HARVEST :	MEADOW :	SUB-	SEC-	TWP.	RGE.:	ACRE	
PASTURE:		DIVISION :	TION :	N.	E.	C.F.S.	FEET
- - -	1.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27	30	34	0.025	3.00
- - -	1.00					0.025	3.00

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11 Proof No.: 02573

12 Claimants: Mr. and Mrs. William Harmon

13 Source: Unionville Creek (aka Buena Vista Creek) and
14 Tributaries

15 Use: Irrigation, Stock Watering and Domestic

16 Means of Diversion: Dams, Ditches and Pipeline

17 Points of Diversion:

- 18 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E.,
19 M.D.B.&M. or at a point from which the
20 N $\frac{1}{4}$ corner of said Section 26 bears
21 N. 59° 22' E., 2,382.0 feet.
- 22 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E.,
23 M.D.B.&M. or at a point from which the
24 N $\frac{1}{4}$ corner of said Section 26 bears
25 N. 57° 00' E., 2,148.0 feet.

CULTURAL ACREAGE:		LOCATION :				DUTY OF WATER	
HARVEST :	MEADOW:	SUB-	SEC-	TWP.	RGE.:	ACRE	
PASTURE:		DIVISION :	TION :	N.	E.	C.F.S.	FEET
1.74	- - -	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.043	10.44
1.21	- - -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.030	7.26
1.89	- - -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.047	11.34
2.05	- - -	SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.051	12.30
6.89	- - -					0.171	41.34

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Proof No.: 02574
 Claimants: Mr. and Mrs. Sam Burt
 Source: Unionville Creek (aka Buena Vista Creek) and Tributaries
 Use: Irrigation, Stock Watering and Domestic
 Means of Diversion: Dams, Ditches, Pipelines and Pond.
 Points of Diversion:

1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 26 bears N. 43° 33' E., 1,702.0 feet.
2. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 26 bears N. 34° 25' E., 1,533.0 feet.
3. Spring, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 26 bears N. 21° 33' E., 1,453.0 feet.
4. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 30 N., R. 34 E., M.D.B&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 26 bears N. 18° 31' E., 1,394.0 feet.

CULTURAL ACREAGE :	HARVEST :	MEADOW :	PASTURE :	SUB-DIVISION :	LOCATION :			DUTY OF WATER :	
					SEC-:	TWP.:	RGE.:	ACRE	C.F.S.:
					TION:	N. :	E. :		
1.81	- - -			NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.045	10.86
4.18	- - -			SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	34	0.104	25.08
0.14	- - -			NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.003	0.84
0.30	- - -			SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.007	1.80
6.43								0.159	38.58

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Proof No.: 02590
 Claimant: Mrs. Sadie Ernst
 Source: Unionville Creek (aka Buena Vista Creek) and Tributaries
 Use: Irrigation, Stock Watering and Domestic

1 Means of Diversion: Ditches and Pipeline

2 Points of Diversion:

- 3 1. SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.30N., R.34E.,
4 N.D.B.&M., or at a point from which the
5 N $\frac{1}{4}$ corner of said Section 26 bears N.
6 19° 05' E., 1,408 feet.
- 7 2. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
8 M.D.B.&M., or at a point from which the
9 N $\frac{1}{4}$ corner of said Section 26 bears N.
10 2° 50' W., 1,515 feet.
- 11 3. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
12 M.D.B.&M., or at a point from which the
13 N $\frac{1}{4}$ corner of said Section 26 bears N.
14 9° 45' W., 1,565 feet.
- 15 4. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
16 M.D.B.&M., or at a point from which the
17 N $\frac{1}{4}$ corner of said Section 26 bears N.
18 15° 20' W., 1,618 feet.
- 19 5. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
20 M.D.B.&M., or at a point from which the
21 N $\frac{1}{4}$ corner of said Section 26 bears N. 18°
22 20' W., 1,637 feet.
- 23 6. Spring, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
24 M.D.B.&M., or at a point from which the N $\frac{1}{4}$
25 corner of said Section 26 bears N. 17° 35'
26 W., 1,562 feet. (Domestic).

CULTURAL ACREAGE:		LOCATION				DUTY OF WATER	
HARVEST	SUB-	SEC-	TWP.	RGE.:	ACRE		
:	DIVISION:	TION	N.	E.:	C.F.S.	FEET	
1.937	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.048	11.62	
6.923	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.173	41.54	
2.254	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.056	13.52	
<u>0.980</u>	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	<u>0.024</u>	<u>5.88</u>	
12.094					0.301	72.56	

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26 Proof No.: 02591

27 Claimant: Mrs. Dorothy A. Ernst

28 Source: Unionville Creek (aka Buena Vista Creek) and
29 Tributaries

30 Use: Irrigation

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Means of Diversion: Dams, Ditches and Pipeline

Points of Diversion:

1. SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.30N., R.34E.,
M.D.B.&M., or at a point from which the
NW $\frac{1}{4}$ corner of said Section 26 bears
N. 19° 05' E., 1,408 feet.
2. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
M.D.B.&M., or at a point from which the
NW $\frac{1}{4}$ corner of said Section 26 bears N. 34° 00'
W., 1,769 feet.
3. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.30N., R.34E.,
M.D.B.&M., or at a point from which the
NW $\frac{1}{4}$ corner of said Section 26 bears N. 9° 45'
W., 1,565 feet.

CULTURAL ACREAGE:		LOCATION				DUTY OF WATER	
HARVEST	SUB-	SEC-	TWP.	RGE.	ACRE		
	DIVISION	TION	N.	E.	C.F.S.	FEET	
1.704	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.043	10.22	
1.446	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	0.036	8.68	
<u>0.288</u>	SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	30	34	<u>0.007</u>	<u>1.73</u>	
3.438					0.086	20.63	

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Proof No.: 0735

Claimants: George Harrison and June Octavia Kyler

Source: Unionville Creek (aka Buena Vista Creek) and
Tributaries

Use: Irrigation and Stock Watering

Means of Diversion: Dams and Ditches

Point of Diversion:

1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.30N., R.34E., M.D.B.&M.
or at a point from which the NE corner of said
Section 25 bears N. 76° 53' E., 3,688 feet.

PRIOR		CULT. ACREAGE:		LOCATION			DUTY OF WATER	
ITY	HARVEST	SUB-	SEC-	TWP.	RGE.	ACRE		
		DIVISION	TION	N.	E.	C.F.S.	FEET	
1863	10.20	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	30	35	0.255	40.80	
1863	19.10	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	30	35	0.477	76.40	
1863	9.00	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21	30	35	0.225	36.00	

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PRIOR- ITY	: CULT. ACREAGE :		SUB- DIVISION	: LOCATION :			: DUTY OF WATER :	
	HARVEST	PAST		SEC- TION	TWP.: N.	RGE.: E.	ACRE	C.F.S.: FEET
1863	6.60		SE $\frac{1}{4}$ SW $\frac{1}{4}$	21	30	35	0.165	26.40
1893	} see 36.39 stipulation		NE $\frac{1}{4}$ SE $\frac{1}{4}$	21	30	35	0.910	145.56
1893	5.96		SE $\frac{1}{4}$ NE $\frac{1}{4}$	21	30	35	0.149	23.84
	87.25						2.181	349.00

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Proof No.: 02592*

Claimants: Charles R. and Aldona Lucas Foord

Source: Unionville Creek (aka Buena Vista Creek) and Tributaries

Use: Irrigation

Means of Diversion: Ditches

Point of Diversion:

1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 30 N., R. 34 E., M.D.B.&M. or at a point from which the NE corner of said Section 25 bears N. 76° 53' E., 3,688 feet.

PRIOR- ITY	: CULT. ACREAGE :		SUB- DIVISION	: LOCATION :			: DUTY OF WATER :	
	HARVEST	PAST		SEC- TION	TWP.: N.	RGE.: E.	ACRE	C.F.S.: FEET
1893	6.02	---	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	30	35	0.150	24.08
1893	11.60	---	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22	30	35	0.290	46.40
1893		13.50	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22	30	35	0.337	13.50
1893	---	1.50	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	30	35	0.037	1.50
	17.62	15.00					0.814	85.48

*As provided in the Findings of Fact, there shall be no allowance for ditch losses under this proof.

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Proof No.: 02593

Claimants: Jimmie and Leona Ferrara

Source: Unionville Creek (aka Buena Vista Creek) and Tributaries

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Use: Irrigation

Means of Diversion: Dams, Ditches and Pipeline

Point of Diversion:

1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 30 N., R. 34 E., M.D.B.&M.
or at a point from which the NE corner of said
Section 25 bears N. 76° 53' E., 3688 feet.

PRIOR- ITY	:CULT. ACREAGE :		SUB- DIVISION	: LOCATION :			: DUTY OF WATER	
	:HARVEST:	DIV. : PAST :		:SEC- TION :	:TWP.: N. :	:RGE.: E. :	:C.F.S. :	ACRE FEET
1893	15.19	- - -	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	35	0.380	60.76
1893	34.81	- - -	SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	35	0.870	139.24
1893	- - -	42.80	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	30	35	1.070	42.80
1893	- - -	7.20	SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30	35	0.180	7.20
	<u>50.00</u>	<u>50.00</u>					<u>2.500</u>	<u>250.00</u>

DONE IN OPEN COURT THIS 28th DAY OF
April A.D. 1971.

15/ Grant L. Bowen
GRANT L. BOWEN
DISTRICT JUDGE

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE. CECIL GERST,
COUNTY CLERK AND CLERK OF THE SIXTH JUDICIAL
COURT IN AND FOR THE COUNTY OF PERSHING, STATE
OF NEVADA.
DATE: 4-29-71 BY: Louise Similey
DEPUTY.