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Mr. Wilkinson
LINCOLN COUNTY CLERK

IN THE THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA
IN AND FOR LINCOLN COUNTY

IN THE MATTER OF THE DETERMINATION
OF THE RELATIVE RIGHTS IN AND TO THE
WATERS OF WILSON CREEK AND ITS
TRIBUTARIES IN LINCOLN COUNTY,
NEVADA.)
_____)

FINDINGS OF
FACT, CONCLUSIONS
OF LAW, JUDGMENT
AND DECREE

INTRODUCTION

This matter came on regularly for hearing on the 20th of November, 1989, in the above-entitled Court before the Honorable Merlyn H. Hoyt. Wilson Creek and its tributaries, the subject of these proceedings, are within Lincoln County, State of Nevada and accordingly Judge Hoyt as the Seventh Judicial District Court Judge is the judge designated by Nevada Revised Statutes (hereinafter also indicated "NRS") 533.165 with jurisdiction to hear the above-entitled matter. The Order of Determination and all related documentary evidence were filed with the Clerk of said Court by the State Engineer on August 10, 1989. A hearing on the Order of Determination was set for November 20, 1989, at 11:00 A.M. A copy of the Order of Determination and a copy of the Court's Order Setting Time for the November 20, 1989 hearing were properly served on all claimants.

At the time set for hearing, Margaret Ann Twedt, Deputy Attorney General and Larry Reynolds, Esq., Co-counsel, appeared on behalf of the State Engineer.

The Court on November 20, 1989, having noted that there were no objections filed nor objectors in attendance at the hearing and having considered the entire record and all other testimony and evidence, rendered its decision affirming the Order of Determination of the State Engineer. The Court further directed the State Engineer to prepare the Findings of Facts, Conclusions of Law and Judgment and Decree in accordance with NRS 533.185.

FINDINGS OF FACT

I.

The Court Finds that on August 23, 1976, Patrick Laughlin, a water user on Wilson Creek, submitted a petition to the State Engineer requesting the determination of the

relative rights to the use of the waters of Wilson Creek and its tributaries located in Lincoln County, Nevada.

That as a result of the State Engineer's field investigation on October 14, 1976, the State Engineer concluded that the facts and conditions justified such determination and on December 1, 1976, entered an Order granting said petition.

That the State Engineer received and filed in the records of the Division of Water Resources, maps, statements of claims and supporting documents to the use of water from said stream system as required under the provisions of Chapter 533 of the Nevada Revised Statutes.

That the claimants upon said stream system are as set forth herein.

That in accordance with the provisions of Chapter 533 of Nevada Revised Statutes, the State Engineer prepared and filed its Preliminary Order of Determination defining the rights of the claimants to the waters of Wilson Creek stream system.

That due to an objection to the Preliminary Order of Determination filed by Donald E. Richardson, a hearing was held on December 2, 1987, on the objection.

That as a result of the record and all evidence and testimony, the Order of Determination was duly entered as required by law and that the matters contained in the record were accomplished in strict compliance with the statutes.

That this Court had and has jurisdiction to hear and determine this matter.

II.

The Court Further Finds that Wilson Creek and its tributaries, the subject of these proceedings, are situated wholly within Lincoln County, Nevada.

III.

The Court Further Finds that the names of the claimants and appropriators of the waters of Wilson Creek and its tributaries, the source of the water supply, the period of use, the duty of water, the diversion of water and the method of use, measurement of water, stockwatering and domestic use, change of place of use and the rights of appropriation of the water, all as set forth in the Order of Determination under consideration herein are true and proper and should be approved and confirmed.

That the waters of Wilson Creek stream system as hereinafter defined since prior to 1905 have been and are being placed to beneficial use by the claimants as set forth herein and their predecessors in interest.

That deeds of record in the State Engineer's office show that the claimants and appropriators set forth herein are the successors in interest to the herein determined and adjudged vested rights to the waters of the Wilson Creek stream system initiated prior to the year 1905.

channels and reservoirs. 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.

IX.

STOCKWATERING AND DOMESTIC

The right to the diversion and use of water for stockwatering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year that stock are grazing on the range and such diversions shall be according to the date of priority of such user and limited to the quantity of water reasonably necessary for such use.

The amount of water diverted and used for stockwatering purposes shall not exceed. 0.00000625 c.f.s. per head of sheep or .00003125 c.f.s. per head of cattle, said quantity to be delivered to the place of use when necessary.

The amount of water diverted and used for domestic purposes shall not exceed 1800 gallons per day, said quantity to be delivered to the place of use.

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

X.

CHANGE OF PLACE OF USE

All water allotted under this 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.

XI.

DECLARATION OF FULL APPROPRIATION

From the record of this adjudication proceeding and record of claimed vested rights and permits issued by the State Engineer, it is hereby determined that the waters of Wilson, Winz and Bailey Creeks and their tributaries, including all springs within these drainages, are fully appropriated.

CONCLUSIONS OF LAW

From the record on review and the evidence and testimony 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 jurisdiction pursuant to Chapter 533 of the Nevada Revised Statutes to make the investigations made by him, receive the proofs and maps, enter and file in his office the Preliminary Order of Determination and Order of Determination, and file certified copies thereof in this Court for the purpose of determining the relative rights of the claimants and appropriators in and to the waters of Wilson Creek and its tributaries in Lincoln County, State of Nevada; that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of the Nevada Revised Statutes.

That each and every notice required by law to be given to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by statute, that the notices contained all the information required by law, and that the claimants and appropriators of the waters of the above-named stream system and its tributaries duly received the information and notices as required by law.

II.

That the Seventh Judicial District Court of the State of Nevada in and for the County of Lincoln had jurisdiction to hear and try this matter and has jurisdiction to make and enter the foregoing Findings of Fact and these Conclusions of Law and further enter its Decree set forth hereinafter.

III.

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 practicable, the location, if not selected by the State Engineer, must meet with his approval. The claimants shall install and maintain at their own expense substantial and easily operated regulating headgates and measuring devices in the ditch or ditches or channels and reservoirs. Due allowance for losses in ditches may be made by the State Engineer.

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

IV.

That the right to the diversion and use of water for stockwatering and domestic purposes shall be continued by the claimants named herein or their successors in interest at any time during the year and that stock are grazing on the range and such diversions shall be according to the dates of priorities of such users and limited to the quantity of water reasonably necessary for such use.

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

V.

That all water allotted under this 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.

VI.

That from the record of this adjudication proceeding and records of permits issued by the State Engineer, it is hereby determined that the waters of Wilson Creek and its tributaries are fully appropriated.

VII.

The following tabulation lists the rights as determined by this Decree:

PROOF NO.:	01236
CLAIMANT:	J. W. Christian and Murray Sheep Company
SOURCE:	Wilson Creek
USE:	Irrigation, stockwatering and domestic
MEANS OF DIVERSION:	Earth dam and ditch
POINTS OF DIVERSION:	NE1/4 NW1/4 Section 17, T.5N., R.68E., M.D.B.&M., or at a point from which the SW corner of Section 6, T.5N., R.68E., M.D.B.&M., bears N. 50° 47' W., a distance of 8,888.0 feet.
PERIOD OF USE:	April 10th to October 1st of each year.

PRIOR- ITY	CULTURAL ACREAGE			LOCATION			DUTY OF WATER		
	HARV.	MEAD. PAST.	DIVER. PAST.	SUBD.	SEC.	TWP. N.	RGE. E.	C.F.S.	AC-FT
1880	7.73			NE1/4SE1/4	1	5	67	0.19	30.92
1880	17.86			SW1/4	6	5	68	0.45	71.44
1880	15.52			NW1/4	7	5	68	0.39	62.08
1880	2.00			NE1/4	7	5	68	0.05	8.00
1880	7.49			SE1/4	7	5	68	0.19	29.96
1880	4.79			SW1/4	8	5	68	0.12	19.16
1880	6.62			NW1/4	19	5	68	0.17	26.48
	<u>62.01</u>							<u>1.56</u>	<u>248.04</u>

PROOF NO.: 01727
CLAIMANT: Murry Sheep Company
SOURCE: Pack Trail, aka Tunnel Spring
USE (NO. OF ANIMALS): Stockwater, 3,000 head
MEANS OF DIVERSION: Pipeline
POINT OF DIVERSION: NE1/4 SE1/4 Section 9, T.5N., R.68E., M.D.B.&M.
PRIORITY: 1900
AMOUNT OF APPROPRIATION: 0.094 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted from spring through 75 feet of tunnel to a 3 inch pipeline 60 feet long from which it is distributed to one iron tank and four wooden troughs where it is used for stockwater within the NE1/4 SE1/4 Section 9, T.5N., R.68E., M.D.B.&M., all year long.

PROOF NO.: 01729
CLAIMANT: Murry Sheep Company
SOURCE: Bailey Springs
USE (NO. OF ANIMALS): Stockwater, 3,000 head
MEANS OF DIVERSION: Pipeline
POINT OF DIVERSION: SW1/4 NE1/4 Section 29, T.6N., R.68E., M.D.B.&M.
PRIORITY: 1900
AMOUNT OF APPROPRIATION: 0.094 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted from spring through 50 feet of 2 inch pipeline to four wooden wooden troughs where it is used for stockwater within the SW1/4 NE1/4 Section 29, T.6N., R.68E., M.D.B.&M., all year long.

IV.

SOURCE

The headwaters of Wilson Creek and its tributaries originate on the west slope of the Wilson Creek Range near Rosencrans Mountain at an elevation in excess of 8,000 feet approximately 30 miles north of Pioche. The watershed is wholly in Lincoln County. Winz Creek, aka Weines Creek, and Bailey Creek originate on the southwest slope of Rosencrans Mountain and flow southwest to join Wilson Creek on the foothills of Lake Valley in T.6N., R.67E., M.D.B.&M. Wilson Creek adjudication includes all springs within the drainages of Wilson, Winz and Bailey Creeks.

V.

PERIOD OF USE

The period of use shall begin on January 1st through December 31st of each year with the exception of Proofs 01236; 03678; 03683; 03684; Permit 2271, Certificate 91; Permit 4468, Certificate 780; Permit 4880, Certificate 700; Permit 6995, Certificate 1227; Permit 9259, Certificate 2531; and Permit 10498, Certificate 3405.

VI.

DUTY OF WATER

The annual duty of water on lands irrigated from Wilson Creek, Winz Creek, Bailey Creek and their tributaries including all springs within these drainages is herein fixed and shall not exceed:

ALL CLASSES 4.00 ac/ft/ac/season

VII.

DIVERSION OF WATER AND METHOD OF USE

The claimants shall have the right to divert up to 2.5 cubic feet per second of water per 100 acres of land irrigated but not to exceed the seasonal duty as established under the Rights of Appropriation.

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.

VIII.

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 practicable. The location, if not selected by the State Engineer, is to be approved by him. The claimants shall install and maintain, at their own expense, substantial and easily operated regulating headgates and measuring devices in the ditch or ditches or

PROOF NO.: 01730
CLAIMANT: Murry Sheep Company
SOURCE: Head waters of Bailey Creek - Springs
USE (NO. OF ANIMALS): Stockwater, 3,000 head
MEANS OF DIVERSION: Pipeline
POINT OF DIVERSION: SW1/4 SE1/4 Section 21, T.6N., R.68 E., M.D.B.&M.
PRIORITY: 1900
AMOUNT OF APPROPRIATION: 0.094 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted from spring through 50 of 2 inch pipeline to three wooden troughs where it is used for stockwater within the SW1/4 SE1/4 Section 21, T.6N., R.68 E., M.D.B.&M., all year long.

PROOF NO.: 02928
CLAIMANT: Philip J. Dolan and John D. Cole
SOURCE: Winz Creek
USE: Irrigation and stockwatering
MEANS OF DIVERSION: Dams and ditches
POINTS OF DIVERSION: NW1/4 SW1/4 Section 10, T.6N., R.68 E., M.D.B.&M., or at a point from which the W1/4 corner of said Section 10 bears N. 45° 47' W., a distance of 1,870.0 feet.

PERIOD OF USE:

January 1st to December 31st of each year.

PRIOR- ITY	CULTURAL ACREAGE			LOCATION			DUTY OF WATER		
	HARV.	MEAD. PAST.	DIVER. PAST.	SUBD.	SEC.	TWP. N.	RGE. E.	C.F.S.	AC-FT
1905	3.47			SE1/4NE1/4	9	6	68	0.87	13.88
1905	0.75			SW1/4NE1/4	9	6	68	0.02	3.00
1905	2.02			NE1/4SE1/4	9	6	68	0.05	8.08
1905	1.13			NW1/4SE1/4	9	6	68	0.03	4.52
1905	11.04			NW1/4SE1/4	9	6	68	0.28	44.16
1905	4.34			NE1/4SW1/4	9	6	68	0.11	17.36
1905	9.84			SE1/4SW1/4	9	6	68	0.25	39.36
1905	11.41			NE1/4SW1/4	9	6	68	<u>0.29</u>	<u>45.64</u>
								1.90	176.0

PROOF NO.:

02998

CLAIMANT:

Urban and Esther F. Cole

SOURCE:

Winz Creek

USE:

Irrigation and stockwatering

MEANS OF DIVERSION:

Dams and ditches

POINTS OF DIVERSION:

1. NE1/4 SW1/4 Section 19, T.6N., R.68E., M.D.B.&M., or at a point from which the W1/4 corner of said Section 19 bears N. 72° 18' W., a distance of 2,698.0 feet.
2. NE1/4 SW1/4 Section 19, T.6N., R.68E., M.D.B.&M., or at a point from which the W1/4 corner of said Section 19 bears N. 62° 49' W, a distance of 2,518.0 feet.

3. SE1/4 SW1/4 Section 19, T.6N., R.68E., M.D.B.&M.,
 or at a point from which the W1/4 corner of said
 Section 19 bears N. 41° 56' E., a distance of 2,373.0
 feet.

PERIOD OF USE:

January 1st to December 31st of each year.

PRIOR- ITY	CULTURAL ACREAGE			LOCATION				DUTY OF WATER	
	HARV.	MEAD. PAST.	DIVER. PAST.	SUBD.	SEC.	TWP. N.	RGE. E.	C.F.S.	AC-FT
1905	4.06			NE1/4SE1/4	19	6	68	0.10	16.24
1905	0.77			SW1/4SE1/4	19	6	68	0.02	3.08
1905	1.84			NW1/4SE1/4	19	6	68	0.05	7.36
1905	9.18			SE1/4SE1/4	19	6	68	0.23	36.72
1905	1.10			NE1/4SW1/4	19	6	68	0.03	4.40
1905	5.78			SE1/4SW1/4	19	6	68	0.14	23.13
1905	6.92			SW1/4SW1/4	19	6	68	0.17	27.68
1905	2.11			NE1/4NE1/4	19	6	68	0.05	8.44
1905	21.61			NW1/4SE1/4	19	6	68	0.54	86.44
1905	2.30			NE1/4SW1/4	19	6	68	0.06	9.20
1905	0.80			SW1/4SW1/4	19	6	68	0.02	3.20
1905	4.96			SE1/4SE1/4	24	6	67	0.12	19.84
1905	0.65			NE1/4NE1/4	25	6	67	<u>0.02</u>	<u>2.60</u>
								1.55	248.32

PROOF NO.: 03678
CLAIMANT: Imperial Farms Land and Cattle Co., Inc.
SOURCE: Wilson Creek
USE (NO. OF ANIMALS): Stockwater, 320 head
MEANS OF DIVERSION: Natural channel
POINT OF DIVERSION: NW1/4 SE1/4 Section 28, T.5N., R.68 E., M.D.B.&M., or at a point from which the W1/4 corner of Section 27, T.6N., R.67E., M.D.B.&M., bears N. 37° 45' W., a distance of 40,750.0 feet.
PRIORITY: 1890
AMOUNT OF APPROPRIATION: 0.01 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is utilized directly from the natural channel for stockwatering purposes within Sections 6, 7, 8, 17, 21 and 28, T.5N., R.68 E., M.D.B.&M.; Section 1, T.5N., R.67E., M.D.B.&M.; Sections 7, 8, 17, 21, 26, 27, 35 and 36, T.6N., R.67E., M.D.B.&M., from April 1st to November 15th of each year.

PROOF NO.: 03683
CLAIMANT: Imperial Farms Land and Cattle Co., Inc.
SOURCE: Winz Creek
USE (NO. OF ANIMALS): Stockwater, 320 head
MEANS OF DIVERSION: Natural channel
POINT OF DIVERSION: NE1/4 SE1/4 Section 19, T.6N., R.68 E., M.D.B.&M., or at a point from which the E1/4 corner of said Section 19 bears East a distance of 660.0 feet.
PRIORITY: 1890
AMOUNT OF APPROPRIATION: 0.01 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is utilized directly from the natural channel for stockwatering purposes within Section 19, T.6N., R.68 E., M.D.B.&M.; Sections 23, 24, 25, 26 and 27, T.6N., R.67E., M.D.B.&M., from April 1st to November 15th of each year.

PROOF NO.: 03684
CLAIMANT: Imperial Farms Land and Cattle Co., Inc.
SOURCE: Bailey Creek
USE (NO. OF ANIMALS): Stockwater, 320 head
MEANS OF DIVERSION: Natural channel
POINT OF DIVERSION: SE1/4 SE1/4 Section 19, T.6N., R.68 E., M.D.B.&M., or at a point from which the SE corner of said Section 19 bears South a distance of 330.0 feet.
PRIORITY: 1890

AMOUNT OF APPROPRIATION: 0.01 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is utilized directly from the natural channel for stockwatering purposes within Section 19, T.6N., R.68 E., M.D.B.&M., from April 1st to November 15th of each year.

PERMIT NO.: 2271
CERTIFICATE NO.: 91
CLAIMANT: Murray Sheep Co.
SOURCE: Meadow Spring
USE: Irrigation, stockwatering and domestic
MEANS OF DIVERSION: Ditches and flumes
POINT OF DIVERSION: SW1/4 NE1/4 Section 15, T.6N., R.68 E., M.D.B.&M., or at a point which bears S. 13° 45' E., a distance of 27,650.0 feet from U.S. Mineral Monument No. 1 in the Silver Park Mining District located in T.7N., R.68 E., M.D.B.&M.
PRIORITY: December 1, 1911
PERIOD OF USE: April 15th through October 1st of each year.
AMOUNT OF APPROPRIATION: 0.266 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by ditches and flumes to irrigate 26.6 acres of land within the E1/2 Section 15, T.6N., R.68 E., M.D.B.&M.

PERMIT NO.: 4468
CERTIFICATE NO.: 780
CLAIMANT: John W. Cole and Philip J. Dolan
SOURCE: Winz Creek
USE: Irrigation and domestic
MEANS OF DIVERSION: Ditches
POINT OF DIVERSION: NE1/4 NW1/4 Section 9, T.6N., R.68 E., M.D.B.&M.
PRIORITY: June 13, 1917
PERIOD OF USE: April 15th through October 1st of each year.
AMOUNT OF APPROPRIATION: 0.3114 c.f.s. or 93.42 acre-feet per annum.
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by ditches to irrigate the following land:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
6.19	NW1/4SE1/4	9	6N	68 E
2.88	NW1/4SE1/4	9	6N	68 E
5.65	NW1/4SE1/4	9	6N	68 E
4.77	NE1/4SW1/4	9	6N	68 E
1.04	NE1/4SW1/4	9	6N	68 E
6.34	SE1/4SW1/4	9	6N	68 E
0.78	NE1/4NW1/4	16	6N	68 E
2.18	NW1/4NW1/4	16	6N	68 E
<u>1.31</u>	NW1/4NW1/4	16	6N	68 E

31.14 TOTAL

PERMIT NO.: 4880
CERTIFICATE NO.: 700
CLAIMANT: Mrs. I. N. Garrison
SOURCE: Gleason Creek
USE: Irrigation and domestic
MEANS OF DIVERSION: Dams and ditches
POINT OF DIVERSION: E1/2 NE1/4 SW1/4 Section 19, T.6N., R.68 E., M.D.B.&M.
PRIORITY: January 31, 1918
PERIOD OF USE: April 1st through November 1st of each year.
AMOUNT OF APPROPRIATION: 0.2545 c.f.s. or 76.35 acre-feet per season.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by dams and ditches to irrigate the following land:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
0.60	NW1/4SE1/4	19	6N	68 E
2.50	NE1/4SW1/4	19	6N	68 E
0.30	NE1/4SW1/4	19	6N	68 E
9.25	SE1/4SW1/4	19	6N	68 E
2.70	SE1/4SW1/4	19	6N	68 E
1.60	SW1/4SW1/4	19	6N	68 E
5.60	SW1/4SW1/4	19	6N	68 E
<u>2.90</u>	SE1/4SE1/4	24	6N	67 E
25.45 TOTAL				

PERMIT NO.: 5554
CERTIFICATE NO.: 846
CLAIMANT: Amy Devlin Mathews
SOURCE: Happy Hollow Springs
USE: Stockwatering
MEANS OF DIVERSION: Pipe to cement trough
POINT OF DIVERSION: SW1/4 NW1/4 Section 13, T.5N., R.67E., M.D.B.&M.
PRIORITY: June 21, 1919
PERIOD OF USE: January 1st to December 31st of each year.
AMOUNT OF APPROPRIATION: 0.009 c.f.s.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is piped through a 3 inch line 25 feet to a cement trough located within the SW1/4 NW1/4 Section 13, T.5N., R.67E., M.D.B.&M., where it is used for stockwater for 300 cattle.

PERMIT NO.: 6995
CERTIFICATE NO.: 1227
CLAIMANT: J. W. Christian
SOURCE: Wilson Creek
USE: Irrigation and domestic
CHANGES: Point of diversion and place of use of Permit 4749.
MEANS OF DIVERSION: Dams and ditches
POINT OF DIVERSION: SE1/4 NE1/4 SE1/4 Section 1, T.5N., R.67E., M.D.B.&M.
PRIORITY: November 28, 1917
PERIOD OF USE: March 1st to October 1st of each year.
AMOUNT OF APPROPRIATION: 0.4155 c.f.s. or 174.51 acre-feet per season.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by dams and ditches to irrigate the following land:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
2.7	Lot 2	1	5N	67E
27.0	Lot 1	1	5N	67E
<u>11.85</u>	NE1/4SE1/4	1	5N	67E
41.55	TOTAL			

PERMIT NO.: 9259
CERTIFICATE NO.: 2531
CLAIMANT: Alvin H. and Faye Fry
SOURCE: Wilson Creek
USE: Irrigation and domestic
MEANS OF DIVERSION: Dams and ditches
POINT OF DIVERSION: NE1/4 SE1/4 Section 35, T.6N., R.67E., M.D.B.&M., or at a point from which the E1/4 corner of said Section 35 bears N. 6° 20' E., a distance of 1,043 feet.
PRIORITY: May 19, 1930
PERIOD OF USE: April 1st to November 1st of each year.
AMOUNT OF APPROPRIATION: 0.172 c.f.s. or 93.0 acre-feet per season.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by dams and ditches to irrigate the following land:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
15.2	NE1/4SE1/4	35	6N	67E
<u>2.0</u>	SE1/4NE1/4	35	6N	67E
17.2	TOTAL			

PERMIT NO.: 10498
CERTIFICATE NO.: 3405
CLAIMANT: Alvin H. and Faye Fry
SOURCE: Wilson Creek
USE: Irrigation and domestic
MEANS OF DIVERSION: Dams and ditches
POINT OF DIVERSION: Lot 1 or NE1/4 NE1/4 Section 1, T.5N., R.67E., M.D.B.&M., or at a point from which the SW corner of Section 36, T.6N., R.67E., M.D.B.&M., bears N. 71° 37' 41" W. a distance of 1,502.67 feet.
PRIORITY: May 1, 1940
PERIOD OF USE: April 1st to November 1st of each year.
AMOUNT OF APPROPRIATION: 0.73 c.f.s. or 309.32 acre-feet per season.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by dams and ditches to irrigate the following land:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
3.0	SE1/4SE1/4	35	6N	67E
30.0	NE1/4SE1/4	35	6N	67E
10.0	SE1/4NE1/4	35	6N	67E
20.0	SW1/4SW1/4	36	6N	67E
<u>10.0</u>	NW1/4SW1/4	36	6N	67E
73.0	TOTAL			

PERMIT NO.: 20027
CERTIFICATE NO.: 8190
CLAIMANT: Alvin H. and Faye Fry
SOURCE: Hidden Treasure Spring
USE: Irrigation and domestic
MEANS OF DIVERSION: Reservoir and ditches
POINT OF DIVERSION: Lot 4 of the NW1/4 Section 1, T.5N., R.67E., M.D.B.&M., or at a point from which the NW corner of said Section 1 bears N. 51° 07' W., a distance of 1,355.0 feet.
PRIORITY: August 3, 1961
PERIOD OF USE: January 1st to December 31st of each year.
AMOUNT OF APPROPRIATION: 0.25 c.f.s. or 11.4 acre-feet per annum.

DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

Water is diverted by reservoir and ditches to irrigate 2.85 acres of land in the NE1/4 SE1/4 Section 35 and NW1/4 SW1/4 Section 36, T.6N., R.67E., M.D.B.&M.

DECREE

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the relative rights of the users in and to the waters of Wilson Creek and its tributaries be and the same hereby are determined as stated hereinabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each and every water user and claimant to the Wilson Creek stream system and its tributaries and each of their agents, attorneys, servants and employees and their successors in interest and each and every person or persons acting in aid or assistance of the said parties or either of or any of them be, and that each of them is, hereby perpetually enjoined and restrained as follows:

a) From diverting or using any of the water of the Wilson Creek stream system and its tributaries, except to the extent and in the amount and in the manner and at the time or times set by this Decree to such respective party hereto allotted, allowed, prescribed and determined, or allowed by permits which have been or may hereafter be granted by the State Engineer of the State of Nevada.

b) From, in any manner, meddling with, opening, closing, changing, injuring or otherwise interfering with any headgates, weirs, water box, flume or other measuring device placed, installed or established by the State Engineer or under his authority or direction unless such act be done by the permission or authority of the Water Commissioner or the State Engineer, if during the period of his regulation or control of said water, or if not done during such period, then by notice of the allowances, authority, terms and provisions of this Decree or by a permit granted or that may hereafter be granted by the State Engineer.

DATED this 25 day of JANUARY, 1990.

AS/ MERLYN H. HOYT
District Judge