

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

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4 IN THE MATTER OF THE DETERMINATION OF )  
5 THE RELATIVE RIGHTS IN AND TO THE WATERS )  
6 OF WRIGHT CANYON CREEK, LITTLE ROCKY )  
7 CANYON CREEK (ALSO KNOWN AS POLE CANYON )  
8 CREEK), EAST HORSE CANYON CREEK (ALSO )  
9 KNOWN AS HORSE CANYON CREEK), AND SACRA- )  
10 MENTO CANYON CREEK AND THEIR TRIBUTARIES )  
11 IN PERSHING COUNTY, STATE OF NEVADA. )

No. 3584  
Date filed February 16, 1970  
By Louise Simley  
Deputy Clerk

12 FINDINGS OF FACT, CONCLUSIONS OF LAW

13 JUDGEMENT AND DECREE

14 This matter came on regularly for hearing on the 15th  
15 day of July, 1969, before Honorable Llewellyn A. Young, District  
16 Judge of the above-entitled court presiding, all stream systems  
17 being within Pershing County, State of Nevada, and he being the  
18 Judge designated by NRS 533.165 to hear and having jurisdiction  
19 to hear the above-entitled matter, upon the State Engineer's  
20 determination of the relative rights of the petitioner and claim-  
21 ant to the use of the waters of the stream systems of Wright  
22 Canyon Creek, Pole Canyon Creek (AKA Little Rocky Canyon Creek),  
23 East Horse Canyon Creek (AKA Horse Canyon Creek) and Sacramento  
24 Canyon Creek and their tributaries, which Order of Determination  
25 and all related documentary evidence had been filed by the State  
26 Engineer. There being no exceptions to the Order of Determination  
27 filed or otherwise submitted to the Court at least 5 days prior  
28 to the date set for hearing as provided for under NRS 533.170 by  
29 the claimant or petitioner or any other person or persons, the  
30 matter was submitted to the Court for its decision.

William Paul, Esquire, Deputy Attorney General of the  
State of Nevada, Roland D. Westergard, State Engineer, Starr  
Hill, Jr., Surface Water Engineer and L. Edward Parmenter,

1 Adjudication Engineer, appeared in the hearing and proceedings.  
2 on behalf of the State of Nevada and the Office of the State  
3 Engineer. Clarence A. Young, Esquire, appeared on behalf of the  
4 claimant, the City of Lovelock.

5 The record disclosed that the claimant and each party  
6 of interest had received a certified copy of the Court Order  
7 Setting forth the Time and Place for Hearing on the Order of  
8 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 claimant in and to the above-  
14 named stream systems.

15 The Court, having duly considered the entire record,  
16 the evidence introduced and received, directed that Findings of  
17 Fact, Conclusions of Law, and Judgement and Decree be entered  
18 accordingly.

19 FINDINGS OF FACT

20 I

21 That on August 23, 1965, Lyle W. Wilcox, Mayor, acting  
22 for the City of Lovelock, filed with the State Engineer of the  
23 State of Nevada, a petition requesting the determination of the  
24 relative rights of petitioner and other claimants to the waters  
25 of Wright Canyon Creek, Pole Canyon Creek (AKA Little Rocky  
26 Canyon Creek), East Horse Canyon Creek (AKA Horse Canyon Creek)  
27 and Sacramento Canyon Creek and their tributaries, thereto,  
28 situate in Pershing County, State of Nevada.

29 That the State Engineer thereupon and in accordance  
30 with the provisions of NRS 533.090 made an investigation of the

1 facts and conditions of and concerning the above-named stream  
2 system and its tributaries for the purpose of disclosing whether  
3 the determination of such rights was justified, and filed his  
4 report thereon in the Office of the State Engineer of the State  
5 of Nevada. The report of the facts and conditions disclosed that  
6 a determination of the relative rights was justified, and the  
7 State Engineer made and entered his order on September 20, 1965,  
8 granting the petition for the determination of such relative rights  
9 in and to the waters of Wright Canyon Creek, Pole Canyon Creek  
10 (AKA Little Rocky Canyon ~~Creek~~), East Horse Canyon Creek (AKA Horse  
11 Canyon Creek) and Sacramento Canyon Creek and their tributaries.

12 That as a result of the State Engineer's investigation  
13 report, it was found that the waters of Wright Canyon Creek, Pole  
14 Canyon Creek (AKA Little Rocky Canyon Creek) and East Horse Canyon  
15 Creek (AKA Horse Canyon Creek) and their tributaries were com-  
16 mingled and were being placed to beneficial use in a county fish  
17 holding pond. Evidence found in the field indicated that these  
18 waters had been placed to beneficial use in the past for irri-  
19 gation purposes as affirmed by Proofs 01430 (Wright Canyon Creek  
20 and Little Rocky Canyon Creek combined) and Proof 01431 (East Horse  
21 Canyon Creek) and at a later date the waters had been used to  
22 supplement the municipal domestic water supply of the City of  
23 Lovelock. Because the waters of three of the stream systems had  
24 been commingled when transported to the place of use, and no  
25 proof or evidence of a vested right was filed in this office for  
26 the fourth stream, Sacramento Canyon Creek, the four stream  
27 systems are combined in this proceeding. Evidence contained in  
28 the title documents submitted by the claimant, relative to the  
29 land, indicates the present claimant, the City of Lovelock, is  
30 the successor in interest to vested rights initiated by its

1 predecessors in interest.

2 That on the 30th day of September, 1965, and once each  
3 week for four succeeding weeks, the State Engineer did cause to  
4 be published a Notice of Order and Proceedings to Determine Water  
5 Rights in and to the waters of Wright Canyon Creek, Pole Canyon  
6 Creek (AKA Little Rocky Canyon Creek), East Horse Canyon Creek  
7 (AKA Horse Canyon Creek) and Sacramento Canyon Creek and their  
8 tributaries, in Pershing County, State of Nevada, and that notice  
9 was duly given to all claimants as required by law. That on  
10 November 2, 1965, there was filed in the Office of the State  
11 Engineer an affidavit of the publisher of the Review Miner  
12 exemplifying the Proof of Publication of Notice of Order and  
13 Proceedings.

14 That the State Engineer did cause to be published on  
15 January 20, 1966, and once each week for four succeeding weeks,  
16 a Notice of Order for Taking Proofs to Determine Water Rights,  
17 in and to the waters of Wright Canyon Creek, Pole Canyon Creek  
18 (AKA Little Rocky Canyon Creek), East Horse Canyon Creek (AKA  
19 Horse Canyon Creek) and Sacramento Canyon Creek and their  
20 tributaries in Pershing County, State of Nevada, and that notice  
21 was duly given to all claimants as required by law. That on  
22 February 21, 1966, there was filed in the Office of the State  
23 Engineer an affidavit of the publisher of the Review Miner,  
24 exemplifying the Proof of Publication of Notice of Order for  
25 Taking Proofs.

26 That thereafter, in accordance with NRS 533.125, the  
27 State Engineer did file in the records of his office, on April  
28 18, 1966, on July 7, 1966, on October 7, 1966, on January 6, 1967,  
29 and on April 10, 1967, requests to extend the time in which  
30 proofs may be filed, and that he did grant each request; and

1 that notice thereof was duly given to all claimants.

2 That the State Engineer, in accordance with NRS 533.140,  
3 did enter and file in the records of his office, on the 26th day  
4 of February, 1968, an Abstract of Claims, a Preliminary Order of  
5 Determination and Notice and Order Fixing and Setting Time and  
6 Place of Inspection, stating when and where the evidence taken  
7 by or filed with him and the proofs of claims were open to the  
8 inspection of all interested persons; and that notice thereof was  
9 duly given to all claimants as required by law.

10 That thereafter in accordance with NRS 533.145, the  
11 State Engineer did file in the records of his office on April 30,  
12 1968, a request to extend the time in which to file objections to  
13 the Preliminary Order of Determination and that he did grant the  
14 request; and that notice thereof was duly given to all claimants,  
15 and that objections were not filed.

16 That the State Engineer, in accordance with NRS 533.160,  
17 entered in the records of his office, on the 9th day of August,  
18 1968, an Order of Determination defining the rights of the  
19 claimant and appropriator to the waters of Wright Canyon Creek,  
20 Pole Canyon Creek (AKA Little Rocky Canyon Creek), East Horse  
21 Canyon Creek (AKA Horse Canyon Creek), and Sacramento Canyon  
22 Creek and their tributaries, and that notice thereof was duly  
23 given to all claimants as required by law.

24 That upon the filing of the certified copy of the Order  
25 of Determination and original evidence with the Clerk of the  
26 Court of Pershing County, State of Nevada, the Court, at the  
27 request of the State Engineer, made and entered an Order on the  
28 28th day of May, 1969, setting a time for the hearing of any  
29 exceptions to the Order of Determination, on Tuesday, the 15th  
30 day of July, 1969, at 10:00 o'clock in the morning, at the

1 County Court House at Lovelock, Nevada; and that the Clerk of  
2 said Court did furnish the State Engineer with a certified  
3 copy thereof.

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

8 That on the 5th day of June, 1969, and once each week  
9 for four succeeding weeks, the State Engineer did cause to be  
10 published the Court Order Setting Time for Hearing, and that  
11 thereafter on the 10th day of July, 1969, there was filed in the  
12 Office of the State Engineer an affidavit of the publisher of the  
13 Review Miner, exemplifying the Proof of Publication of the Court  
14 Order Setting Time for Hearing.

15 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 Wright Canyon Creek,  
24 Pole Canyon Creek (AKA Little Rocky Canyon Creek) East Horse  
25 Canyon Creek (AKA Horse Canyon Creek) and Sacramento Canyon  
26 Creek and their tributaries are situated wholly within Pershing  
27 County, State of Nevada.

28 III

29 The Court Further Finds: That no proof of appropriation  
30 or evidence of a vested right has been filed in the State

1 Engineer's Office For Water From Sacramento Canyon Creek and  
2 therefore no water from that canyon has been decreed or will be  
3 considered in this proceeding.

4 IV

5 The Court Further Finds: That the name of the claimant  
6 and appropriator, the sources of water supply, the period of use,  
7 the duty of water, the diversion of water and method of use, the  
8 measurement of water, stock watering and domestic use, the change  
9 of place of use, and the rights of appropriation of the water, all  
10 as set forth in the Order of Determination, are true, proper and  
11 correct, and all and singular the same should be approved and  
12 confirmed.

13 I. PREFACE

14 On August 23, 1965, Lyle W. Wilcox, Mayor, acting for  
15 the City of Lovelock, filed with the State Engineer of the State  
16 of Nevada a petition requesting the determination of the relative  
17 rights of petitioner and other claimants to the waters of Wright  
18 Canyon Creek, Pole Canyon Creek (AKA Little Rocky Canyon Creek),  
19 East Horse Canyon Creek (AKA Horse Canyon Creek) and Sacramento  
20 Canyon Creek and their tributaries, thereto, situate in  
21 Pershing County, State of Nevada.

22 On November 1 and 2, 1965, Thomas J. Smales, then  
23 Assistant Office Engineer, and Starr Hill, Jr., then Field  
24 Engineer, conducted a field investigation of the source. They  
25 found that facts and conditions justified the granting of the  
26 petition and that proper arrangements should be initiated to  
27 proceed with such determination.

28 On September 20, 1965, the State Engineer entered an  
29 Order granting the petition and made proper arrangements to  
30 proceed with the determination of the relative rights of the

1 water users in accordance with NRS 533.090.

2 The claimant and appropriator did not sign a waiver  
3 of notices as permitted under NRS 533.215. On January 12, 1966,  
4 the State Engineer entered a Notice of Order for Taking Proofs  
5 to Determine Water Rights.

## 6 II. CLAIMANT

7 The investigation disclosed that the waters of Wright  
8 Canyon Creek, Pole Canyon Creek (AKA Little Rocky Canyon Creek),  
9 East Horse Canyon Creek (AKA Horse Canyon Creek) and their  
10 tributaries were commingled and were being placed to beneficial  
11 use in a county fish holding pond. Evidence found in the field  
12 indicated that these waters had been placed to beneficial use in  
13 the past for irrigation purposes as affirmed by Proof 01430  
14 (Wright Canyon Creek and Little Rocky Canyon Creek, combined) and  
15 Proof 01431 (East Horse Canyon Creek) and at a later date the  
16 waters had been used to supplement the domestic water supply of  
17 the City of Lovelock. Because the waters of three of the stream  
18 systems had been commingled when transported to the place of use,  
19 and no proof or evidence of a vested right was filed for the  
20 fourth stream, Sacramento Canyon Creek, the four streams are  
21 combined in this proceeding. Evidence contained in the title  
22 documents submitted by the claimant, relative to the land,  
23 indicates the present claimant and appropriator, the City of  
24 Lovelock, is the successor in interest to vested rights  
25 initiated by its predecessors in interest.

## 26 III SOURCE

27 The subject canyons lie on the west slope of the central  
28 portion of the Humboldt Range, approximately 20 miles northeast  
29 of Lovelock. Wright Canyon is the northern most canyon of the  
30 group and as one continues south, Pole Canyon, East Horse Canyon

1 and Sacramento Canyon are encountered in that order. Creeks flow  
2 the year around in the first three named canyons and are fed by  
3 melting snows and springs. Typical of Nevada's Mountain Streams,  
4 they have a relatively high spring runoff which recedes during  
5 the summer months to a limited continuous flow. The creek in  
6 Sacramento Canyon flows intermittently in the spring and does not  
7 flow during the summer months.

8 IV PERIOD OF USE

9 The period of use shall begin on March 15th and end on  
10 July 1st of each year, for a period of 108 days.

11 V DUTY OF WATER

12 The seasonal duty of water from all sources during the  
13 time water was used for irrigation is herein fixed and shall not  
14 exceed:

15 Class A - - - - -Harvest Crop- - - - - -4.0 ac.ft./ac./season  
16 Class B - - - - -Meadow Pasture - - - - - 2.0 ac.ft./ac./season  
17 Class C - - - - -Diversified Pasture - - 1.0 ac.ft./ac./season

18 VI DIVERSION OF WATER AND METHOD OF USE

19 The claimant, when water was used for irrigation, was  
20 to have the right to divert 2½ cubic feet per second of water per  
21 100 acres of land irrigated, but not to exceed the seasonal duty  
22 as established herein.

23 The claimant or his successors in interest was not  
24 required to take or use the amount of water allotted to him in a  
25 continuous flow, but was entitled to cumulate the same or any  
26 part thereof in rotation or periodic turn within the seasonal  
27 limits.

28 Water from Wright Canyon, Pole Canyon and East Horse  
29 Canyon was piped to Lovelock for municipal use from 1917 to 1955.  
30 Measurements were taken in 1946, and 1949 of the individual pipe

1 flow from the three canyons and were found to be 0.50 c.f.s. from  
2 Wright Canyon, 0.25 c.f.s. from Pole Canyon and 0.25 c.f.s. from  
3 East Horse Canyon.

#### 4 VII MEASUREMENT OF WATER

5 All measurements of amounts of water are to be made  
6 where the channel or ditch flow is diverted into the pipe line.  
7 The water user shall install and maintain at its own expense, sub-  
8 stantial and easily operated regulating headgates and measuring  
9 devices. Due allowance for losses in channels or ditches will be  
10 made by the State Engineer in case it becomes necessary.

#### 11 VIII STOCK WATERING AND DOMESTIC

12 The right to the diversion and use of the water for  
13 stock and domestic purposes shall be continued by the claimant at  
14 any time during the year, and diversions shall be according to the  
15 dates of priority of the claimant.

#### 16 IX CHANGE OF PLACE OF USE

17 All water herein allotted shall be appurtenant to the  
18 place of use or places of use designated. Any water user  
19 desiring to change the point of diversion, manner of use or  
20 place of use of the water allotted herein must make application to  
21 the State Engineer for permission to make the change pursuant to  
22 NRS 533.345.

#### 23 X RIGHTS OF APPROPRIATION

24 From the Order of Determination and the evidence, both  
25 oral and documentary, submitted in support thereof, the Court  
26 finds that the name of the claimant and appropriator of the waters  
27 of Wright Canyon Creek, Pole Canyon Creek (AKA Little Rocky  
28 Canyon Creek), East Horse Canyon Creek (AKA Horse Canyon Creek)  
29 and their tributaries, the sources of the water supply, the means  
30 of diversion, the points of diversion for beneficial use, the

1 year of priority, the cultural acreages, and places of use, the  
2 legal subdivisions, sections, townships, ranges and the duty of  
3 water, are as listed, stated and set forth.

4 CONCLUSIONS OF LAW

5 From the evidence presented and received in this matter,  
6 and from the foregoing FINDINGS OF FACT, the Court makes the  
7 following Conclusions of Law:

8 I

9 That the State Engineer had the right, authority, and  
10 jurisdiction pursuant to Chapter 533 of NRS to make the investi-  
11 gations made by him, conduct the hearings had by him, receive the  
12 proofs and maps, hear the evidence presented to him, and prepare,  
13 make, enter and file in his office the original Order of Deter-  
14 mination, and file a certified copy thereof in this Court, and to  
15 determine the relative rights of the claimant and appropriator in  
16 and to the waters of Wright Canyon Creek, Pole Canyon Creek (AKA  
17 Little Rocky Canyon Creek), East Horse Canyon Creek (AKA Horse  
18 Canyon Creek) and Sacramento Canyon Creek and their tributaries in  
19 Pershing County, State of Nevada; that the State Engineer duly  
20 made all orders necessary and proper in connection therewith and  
21 entered the same in his office as required by Chapter 533 of  
22 NRS; that each and every notice required by law to be given herein  
23 to the claimants and appropriators was duly served by the State  
24 Engineer in the manner and within the time required by statute,  
25 and that the notices contained all of the statements required by  
26 law, and that the claimants and appropriators of the waters of  
27 the above-named stream system and its tributaries duly received  
28 the information and notices herein, as required by law.

29 II

30 That the Sixth Judicial District Court of the State of

1 Nevada, in and for the County of Pershing, had and has jurisdic-  
2 tion to hear and try this matter, and has jurisdiction to find,  
3 make and enter the foregoing Findings of Fact and these Con-  
4 clusions of Law, and enter its Decree herein.

5 III

6 That the City of Lovelock is the claimant and the only  
7 claimant who was and is now an appropriator and user of the  
8 waters of Wright Canyon Creek, Pole Canyon Creek (AKA Little Rocky  
9 Canyon Creek) and East Horse Canyon Creek (AKA Horse Canyon Creek)  
10 and their tributaries on the date the Order of Determination was  
11 filed with the Clerk of this Court, and on the date of the trial  
12 and hearing of this matter.

13 IV

14 That the period of use shall begin on March 15th and end  
15 July 1st of each year for a period of 108 days.

16 V

17 That the seasonal duty of water from all sources during  
18 the time water was used for irrigation is herein fixed and shall  
19 not exceed:

20 Class A ---Harvest Crop ----- 4.0 ac.ft./ac./season  
21 Class B ---Meadow Pasture ----- 2.0 ac.ft./ac./season  
22 Class C ---Diversified Pasture ----1.0 ac.ft./ac./season

23 VI

24 That the claimant, when water was used for irrigation,  
25 was to have the right to divert 2½ cubic feet per second of water  
26 per 100 acres of land irrigated, but not to exceed the seasonal  
27 duty as established herein.

28 That the claimant or his successor in interest was not  
29 required to take or use the amount of water allotted to him in a  
30 continuous flow, but was entitled to cumulate the same or any

1 part thereof in rotation or periodic turn within the seasonal  
2 limits.

3 That water from Wright Canyon, Pole Canyon and East  
4 Horse Canyon was piped to Lovelock for municipal use from 1917 to  
5 1955. Measurements were taken in 1946 and 1949 of the individual  
6 pipe flow from the three canyons and were found to be 0.50 c.f.s.  
7 from Wright Canyon, 0.25 c.f.s. from Pole Canyon and 0.25 c.f.s.  
8 from East Horse Canyon.

9 VII

10 That all measurements of amounts of water are to be made  
11 where the channel or ditch flow is diverted into the pipe line.  
12 The water user shall install and maintain at its own expense  
13 substantial and easily operated regulating headgates and measur-  
14 ing devices. Due allowance for losses in channels or ditches  
15 will be made by the State Engineer in case it becomes necessary.

16 VIII

17 That the right to the diversion and use of the water for  
18 stock and domestic purposes shall be continued by the claimant  
19 at any time during the year, and diversions shall be according to  
20 the dates of priority of the claimant.

21 IX

22 That all water allotted in the Decree shall be appur-  
23 tenant to the place of use or places of use designated therein.  
24 That any water user desiring to change the point of diversion,  
25 manner of use or place of use of the water allotted herein must  
26 make application to the State Engineer for permission to make the  
27 change pursuant to NRS 533.345.

28 X

29 That from the Order of Determination and the evidence,  
30 both oral and documentary, submitted in support thereof, the

1 Court finds that the name of the claimant and appropriator of the  
2 waters of Wright Canyon Creek, Pole Canyon Creek (AKA Little  
3 Rocky Canyon Creek), East Horse Canyon Creek (AKA Horse Canyon  
4 Creek) and their tributaries, the source of the water supply, the  
5 means of diversion, the points of diversion for beneficial use,  
6 the year of priority, the cultural acreages and place of use, the  
7 legal subdivisions, sections, townships, ranges and the duty of  
8 water, are as listed, stated and set forth.

9 XI

10 That the Order of Determination made, filed, and caused  
11 to be entered of record in this matter by the State Engineer,  
12 should be affirmed.

13 JUDGEMENT AND DECREE

14 THEREFORE, BY REASON OF THE FINDINGS OF FACT AND  
15 CONCLUSIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED,  
16 ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

17 I

18 That the State Engineer made all necessary and proper  
19 orders as required by law, and that each and every notice  
20 required by law was duly given to the claimant and appropriator;  
21 that the claimant and appropriator had full opportunity to appear  
22 and be heard in objection to and file exceptions to the Order of  
23 Determination; that the claimant and appropriator is the only  
24 claimant and appropriator of the waters of Wright Canyon Creek,  
25 Pole Canyon Creek (AKA Little Rocky Canyon Creek), East Horse  
26 Canyon Creek (AKA Horse Canyon Creek) and their tributaries and  
27 this Decree determines the limit and extent of all vested water  
28 rights on these sources.

29 That the Court has full and complete jurisdiction to  
30 hear, try and determine this matter and to make and enter herein

1 this Decree.

2 II

3 That the waters of Wright Canyon Creek, Pole Canyon  
4 Creek (AKA Little Rocky Canyon Creek), East Horse Canyon Creek  
5 (AKA Horse Canyon Creek) and their tributaries are being placed  
6 to beneficial use by the City of Lovelock in a county fish  
7 holding pond. That evidence found in the field indicated that  
8 waters had been placed to beneficial use in the past, for irri-  
9 gation purposes as affirmed by Proof 01430 (Wright Canyon Creek  
10 and Little Rocky Canyon Creek combined) and Proof 01431 (East  
11 Horse Canyon Creek) and at a later date the waters had been used  
12 to supplement the municipal water supply of the City of Lovelock.

13 III

14 That the period of use shall begin on March 15th and end  
15 on July 1st of each year, for a period of 108 days.

16 IV

17 That the seasonal duty of water from all sources during  
18 the time water was used for irrigation is herein fixed and shall  
19 not exceed:

20 Class A---Harvest Crop-----4.0 ac.ft./ac./season  
21 Class B---Meadow Pasture -----2.0 ac.ft./ac./season  
22 Class C---Diversified Pasture---1.0 ac.ft./ac./season

23 V

24 That the claimant, when water was used for irrigation,  
25 was to have the right to divert 2½ cubic feet per second of  
26 water per 100 acres of land irrigated, but not to exceed the  
27 seasonal duty as established herein.

28 That the claimant or his successor in interest was not  
29 required to take or use the amount of water allotted to him in  
30 a continuous flow, but was entitled to cumulate the same or any

1 part thereof in rotation or periodic turn within the seasonal  
2 limits.

3 That water from Wright Canyon, Pole Canyon and East  
4 Horse Canyon was piped to Lovelock for municipal use from 1917 to  
5 1955. Measurements were taken in 1946 and 1949 of the individ-  
6 ual pipe flow from the three canyons and were found to be  
7 0.50 c.f.s. from Wright Canyon, 0.25 c.f.s. from Pole Canyon and  
8 0.25 c.f.s. from East Horse Canyon.

9 VI

10 That all measurements of amounts of water are to be made  
11 where the channel or ditch flow is diverted into the pipe line.  
12 The water user shall install and maintain at its own expense  
13 substantial and easily operated regulating headgates and  
14 measuring devices. Due allowance for losses in channels or  
15 ditches will be made by the State Engineer in case it becomes  
16 necessary.

17 VII

18 That the right to the diversion and use of the water  
19 for stock and domestic purposes shall be continued by the  
20 claimant at any time during the year, and diversions shall be  
21 according to the dates of priority of claimants.

22 VIII

23 That all water herein allotted shall be appurtenant to  
24 the place of use or places of use designated. Any water user  
25 desiring to change the point of diversion, manner of use or place  
26 of use of the water allotted herein must make application to the  
27 State Engineer for permission to make the change pursuant to  
28 NRS 533.345.

29 IX

30 That the name of the claimant and appropriator of the

1 waters of Wright Canyon Creek, Pole Canyon Creek (AKA Little  
 2 Rocky Canyon Creek), East Horse Canyon Creek (AKA Horse Canyon  
 3 Creek) and their tributaries, the source of the water supply,  
 4 the means of diversion, the points of diversion for beneficial  
 5 use, the year of priority, the cultural acreages and places of  
 6 use, the legal subdivision, sections, townships, ranges, and duty  
 7 of water, are hereby adjudged as follows:

8 PROOF NO: 01430

9 CLAIMANT: City of Lovelock

10 SOURCE: Wright Canyon Creek and Tributaries

11 USE: Irrigation and Stock Watering and Domestic

12 MEANS OF DIVERSION: Dams and Ditches

13 POINT OF DIVERSION: NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 15, T.29N., R.33E., M.D.B.&M.

PRIOR- ITY	: CULTIVATED ACREAGE :			SUB. :	: LOCATION :			: DUTY OF WATER :	
	: M.	: D.			: TWP.:	: RGE.:		: C.F.S.	: AC.FT.
	HARVEST:	PAST.:	PAST.:	DIVISION:	SEC.:	N.	E.		
1869	4.2	--	--	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	29	33	0.105	16.8
1869	5.8	--	--	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20	29	33	0.145	23.2
1869	19.1	1.6	--	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.518	79.6
1869	16.4	--	--	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.410	65.6
1869	1.1	1.0	15.6	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.442	22.0
1869	<u>2.2</u>	<u>0.6</u>	<u>3.2</u>	SE $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	<u>0.150</u>	<u>13.2</u>
	48.8	3.2	18.8					1.770	220.4

23 Certificate 3599 grants the City of Lovelock 0.50 c.f.s.  
 24 of the waters of Wright Canyon Creek, this being the diversion  
 25 of water that was put to beneficial use, supplementing the  
 26 Lovelock municipal water supply, between the years 1917 and  
 27 1955. This Order of Determination decrees a combined diversion  
 28 of 1.770 c.f.s. to Pole Canyon Creek and Wright Canyon Creek for  
 29 irrigation use as reflected in Proof 01430. However, the max-  
 30 imum diversion of water to be diverted from Wright Canyon Creek is

1 limited to 0.50 c.f.s., but not to exceed 107.08 acre-feet during  
 2 the period of use, the amount put to beneficial use. The date of  
 3 priority of this appropriation is determined to be 1869.

4 Certificate 3599 permits a period of use from January 1  
 5 to December 31 of each year. This Order of Determination grants  
 6 a period of use from March 15 to July 1 of each year and the  
 7 diversion of decreed waters of Wright Canyon Creek is restricted  
 8 to this 108-day period.

9 By virtue of the issuance of Certificate 3599, it is  
 10 determined by this Order of Determination that the manner of use  
 11 of the decreed right of 0.50 c.f.s. from Wright Canyon Creek and  
 12 Tributaries is municipal domestic supply; the point of diversion  
 13 is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 11, T.29N., R.33E., M.D.B.&M., and  
 14 the place of use is within portions of Sections 26 and 27, T.27N.,  
 15 R.31E., M.D.B.&M.

17 PROOF NO. 01430

18 CLAIMANT: City of Lovelock

19 SOURCE: Pole Canyon Creek (AKA Little Rocky Canyon Creek) and  
 20 Tributaries

21 USE: Irrigation, Stock Watering and Domestic

22 MEANS OF DIVERSION: Dams and Ditches

23 POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 23, T.29N., R.33E., M.D.B.&M.

PRIORITY	: CULTIVATED ACREAGE:				: LOCATION			: DUTY OF WATER	
	: HARVEST	: M. PAST.	: D. PAST.	: SUB-DIVISION	: SEC.	: TWP.	: RGE.	: N. E.	: ACRE C.F.S. FEET
1869	4.2	--	--	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	29	33	0.105	16.8
1869	5.8	--	--	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20	29	33	0.145	23.2
1869	19.1	1.6	--	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.518	79.6
1869	16.4	--	--	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.410	65.6
1869	1.1	1.0	15.6	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21	29	33	0.442	22.0

1 PROOF NO. 01430 (Cont.)

2  
3 : CULTIVATED ACREAGE : : LOCATION : DUTY OF WATER  
4 PRIOR- : : M. : D. : SUB- : : TWP.:RGE.: : ACRE  
5 : : HARVEST: PAST.: PAST.: DIVISION: SEC.: N. : E. : C.F.S.: FEET  
6 1869 : 2.2 : 0.6 : 3.2 : SE $\frac{1}{4}$ SW $\frac{1}{4}$  : 21 : 29 : 33 : 0.150 : 13.2  
7 : 48.8 : 3.2 : 18.8 : : : : : 1.770 : 220.4

8 Certificate 3601 grants the City of Lovelock 0.25 c.f.s.  
9 of the waters of Pole Canyon (AKA Little Rocky Creek), this being  
10 the diversion of water that was put to beneficial use supplement-  
11 ing the Lovelock municipal water supply, between the years of 1917  
12 and 1955. This Order of Determination decrees a combined diver-  
13 sion of 1.770 c.f.s. to Pole Canyon Creek and Wright Canyon Creek  
14 for irrigation use as reflected in Proof 01430. However, the  
15 maximum diversion of water to be diverted from Pole Canyon Creek  
16 is limited to 0.25 c.f.s. but not to exceed 53.54 acre feet during  
17 the period of use, the amount put to beneficial use. The date of  
18 priority of this appropriation is determined to be 1869.

19 Certificate 3601 permits a period of use from January 1  
20 to December 31 of each year. This Order of Determination grants  
21 a period of use from March 15 to July 1 of each year and the  
22 diversion of decreed waters of Pole Canyon Creek is restricted by  
23 this 108-day period.

24 By virtue of the issuance of Certificate 3601, it is  
25 determined by this Order of Determination that the manner of use  
26 of the decreed right of 0.25 c.f.s. from Pole Canyon Creek and  
27 tributaries is municipal domestic supply, the point of diversion  
28 is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 23, T.29N., R.33E., M.D.B.&M., and the  
29 place of use is within portions of Sections 26 and 27, T.27N.,  
30 R.31E., M.D.B.&M.

PROOF NO. 01431

1 PROOF NO. 01431  
 2 CLAIMANT: City of Lovelock  
 3 SOURCE: Horse Canyon Creek (AKA East Horse Canyon Creek) and  
 4 Tributaries  
 5 USE: Irrigation and Stock Watering  
 6 MEANS OF DIVERSION: Dam and Natural Channel  
 7 POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 27, T.29N., R.33E., M.D.B.&M.

PRIOR- ITY	: CULTIVATED ACREAGE :				: LOCATION :			: DUTY OF WATER			
	: M.	: D.	: SUB	: DIVISION	: TWP.	: RGE.	: SEC.	: N.	: E.	: C.F.S.	: FEET
1880	0.40	--	--	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27	29	33	0.010		1.6	
1880	<u>4.90</u>	--	--	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	29	33	<u>0.123</u>		<u>19.6</u>	
	5.30							0.133		21.2	

13 Certificate 3600 grants the City of Lovelock, 0.25 c.f.s.  
 14 of the waters of Horse Canyon (AKA East Horse Canyon). However,  
 15 as tabulated above, 0.133 c.f.s. but not to exceed 21.20 acre-  
 16 feet during the period of use, is decreed to the City of Lovelock  
 17 from Horse Canyon by this Order of Determination, and is the  
 18 maximum diversion to be allowed.

19 Certificate 3600 grants a period of use from January 1  
 20 to December 31 of each year. This Order of Determination grants  
 21 a period of use from March 15 to July 1 of each year and the  
 22 diversion of decreed waters of Horse Canyon Creek is restricted  
 23 to this 108-day period.

24 By virtue of the issuance of Certificate 3600, it is  
 25 determined by this Order of Determination that the manner of use  
 26 of the decreed right of 0.133 c.f.s. from Horse Canyon Creek and  
 27 tributaries is municipal domestic supply, the point of diversion  
 28 is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 24, T.29N., R.33E., M.D.B.&M., and  
 29 the place of use is within portions of Sections 26 and 27, T.27N.,  
 30 R.31E., M.D.B.&M.

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DONE IN OPEN COURT THIS 16th DAY OF February  
A.D. 1970.

Llewellyn A. Young  
Llewellyn A. Young  
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: 2-16-70 BY: Louise Similey  
DEPUTY