

EXHIBIT "A"
STATE OF NEVADA

ORDER OF DETERMINATION OF
RELATIVE RIGHTS

TO THE

Waters of the Muddy River and
Its Tributaries

J. G. SCRUGHAM, State Engineer



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : JOE FARNSWORTH, SUPERINTENDENT

1920

ORDER OF DETERMINATION

In the Matter of the Determination of the Relative Rights in and to the Waters of the Muddy River and its Tributaries in Clark County, State of Nevada.

In accordance with stipulated agreement entered into by the Muddy Valley Irrigation Company, et al., v. Moapa and Salt Lake Produce Company, et al., on the 22d day of April, 1919, an order was entered in the Tenth Judicial District Court of the State of Nevada referring the above-entitled action to the State Engineer for an adjudication of the water rights on the Muddy River stream-system as provided for in Chapter 140, Statutes of 1913, and all Acts amendatory thereof.

The tabulation of the allotments of the waters of the Muddy River stream-system, as attached hereto, covers all claims filed in the office of the State Engineer as provided for by law, and also an allotment to the Moapa Indian Reservation. Although duly notified of the pending adjudication proceedings in the statutory manner, the United States Indian Service authorities did not file a claim and state that they refuse to recognize the authority of the State of Nevada to determine the water rights of the Moapa Indian Reservation. In the absence of any showing on part of the United States Indian Service, the State Engineer has based the Moapa Indian Reservation allotment on the official investigations and reports made in the year 1906 by Henry Thurtell, at that time State Engineer of Nevada. These reports gave the Moapa Indian Reservation an allotment of water sufficient to properly irrigate an area of 87 acres, which was found to be the full area on the Reservation entitled to a vested water right under the law of the State.

(a) *Duty and point of diversion defined.*

The duty of water allowed for all land in the Muddy River Valley shall be 1 c.f.s. flow to 70 acres for the summer irrigation season from April 1 to October 1 and 1 c.f.s. flow to 100 acres for the winter irrigation season from October 1 to April 1.

The volumes or amounts of water allotted and to which it is agreed the respective parties are entitled shall be understood to include and define the amount of all the waters now or heretofore rightfully used on the lands given in the tabulation whether diverted directly from said Muddy River or from its tributaries, springs, headwaters or other sources of supply, including water claimed to have been developed heretofore by any of the said parties. All measurements of amounts diverted are to be made at the point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable, as the State Engineer or water commissioner may select or approve.

(b) *Baldwin Spring flow defined.*

The maximum flow of .3298 c.f.s. of water of the George Baldwin Spring now and heretofore used by George Baldwin and Aletha L. Baldwin, his wife, which has been developed by said parties.

c.f.s. signifies cubic foot per second.

Such development and use of this amount of water has not and does not diminish the flow or volume of the Muddy River, or interfere with the rights of any other water users on the stream-system. No further development of water on the head of the Muddy River stream-system shall be made which in any way diminishes the flow of the waters of the Muddy River or impairs rights defined and referred to in this order.

(c) Method of use.

The parties named in this order shall not be required to take or use the water of said river in continuous flow, but may cumulate same or any part thereof in rotation and in periodic turn, with the approval of the water commissioner, subject to his control and direction and under such rules and regulations as are prescribed by the State Engineer and the statutes of the State of Nevada.

The whole amount of water diverted from the river at any one time by all the parties allotted water for use above the "narrows" is not to exceed in the aggregate the total amount of water allotted to the several parties resident in the Upper Muddy Valley. Below the lowest diversion of Knox and Holmes the flow in the stream shall be maintained substantially constant subject to seasonal variation. The whole of said river system shall be under supervision of the rules and regulations of the State Engineer and the direction and control of the water commissioner, to be appointed as provided by law. Substantial headgates, weirs, and sand-boxes, as the State Engineer through the water commissioner may order, shall be installed and maintained in good order by all who divert or use the waters of said stream-system.

(d) Channel upkeep, responsibility for.

The owners of land on that part of said river above the "narrows" shall keep the channel through their respective lands cleared of all ordinary obstructions, but in case of extraordinary obstruction, such as the formation of lime deposits in the channel of the stream, the same shall be removed under the direction of the water commissioner and the expenses thereof paid pro rata by all parties to this determination in proportion to the acreage owned or controlled by them as defined in this order.

(e) Priority—Vested and granted rights.

All the water rights enumerated in this order of determination, except those held under permit from the State Engineer's office, shall be deemed and held to be vested rights acquired by valid appropriation and beneficial use prior to March 1, 1905, and by continued uninterrupted use since said date and shall be considered as equal in rank without having any priority over one another.

Permits Nos. 31 and 1372, which are the basis for certificates Nos. 58, 59, and 60, granted by the State Engineer, cover certain water rights which are enumerated in the appended tabulation of allotments. These granted rights are next in priority to the vested rights on the Muddy River stream-system.

(f) Losses, apportionment of.

All abnormal losses from the flow of said stream shall be pro-rated and shared among the parties holding water rights on the stream. Abnormal losses shall include any substantial loss from the permanent

flow of the stream, such as a cloudburst destroying or obstructing the channel thereof or an opening up of a fissure in the bed of the stream or in one of the sources of supply and the disappearance therein of a substantial amount of the waters, thereby causing a diminution in the available flow.

If any such abnormal loss occurs at any time, the pro-rata share of such loss to be borne by each party to this order shall be as follows:

George Baldwin and Aletha Baldwin, his wife.....	16/2830
Moapa & Salt Lake Produce Co.....	155/2830
Livngston & Smith.....	160/2830
Joseph Perkins and wife.....	30/2830
Knox and Holmes.....	95/2830
Isalah Cox and wife.....	10/2830
W. J. Powers and wife.....	29/2830
Sadle George.....	2.1/2830
Jacob Bloedel.....	2/2830
J. H. Mitchell.....	3/2830
U. S. Indian Service, Moapa Reservation.....	87/2830
John F. Perkins.....	2/2830
Muddy Valley Irrigation Co.....	2244.80/2830

(g) *Expense of commissioner.*

The salary and expenses of the water commissioner shall be paid pro rata by all parties to this adjudication in the proportion of acreage owned and controlled by them as defined in this order.

SUMMARY OF ALLOTMENTS AND CERTIFICATES

Claimant	Acreage	C.F.S. flow	
		Summer	Winter
Jacob Bloedel.....	2	.0286	.02 01625 259
Moapa & Salt Lake Produce Co.....	155	2.215	0.155 01623 - 265
Isalah Cox and wife.....	10	.143 196	0.13 01619 260
J. H. Mitchell.....	3	.043	0
George Baldwin.....	16	.2286	0.16 01621 257
Sadle George.....	2.1	.0300	.021 01622 - 261
John F. Perkins.....	2	.0286	.02 01625 - 267
Los Angeles & Salt Lake Ry.....	160	.04640	.04640 01612 - 264
Livngston and Smith.....	160	2.286	1.60 01626 - 263
Knox and Holmes.....	95	1.857	0.95 01620 - 262
W. J. Powers.....	29	.4143	.29 01603 - 269
Muddy Valley Irr. Co.....	2244.80	22.0068	22.448 01627 - 262
* Muddy Valley Irr. Co. (Cert. 58).....	398.11		3.98 01620 31
* Muddy Valley Irr. Co. (Cert. 59).....	425.2	4.252	4.252 01620 31
* Muddy Valley Irr. Co. (Cert. 60).....	846.0		8.460 01620 31
Joseph Perkins.....	30	.428	0.300 01624 - 268
Moapa Indian Reservation.....	87	1.242	.87 NUME 270

check

check plus

* DLT 1 to APRIL 1 USE

* APR 1 to OCTOBER 1 USE

Appropriator—Jacob Bloedel.
Source—Muddy River Tributary (Bloedel Spring).

21525

Bain
Muddy

<i>Ditch Title</i>	<i>Date when construction commenced</i>	<i>Date when land first irrigated</i>	<i>Number of acres irrigated</i>	<i>Sec.</i>	<i>Subdivision</i>	<i>Tp.</i>	<i>S.</i>	<i>R.E.</i>
Morris & Jones Ditches.....	1896		2.00	21	NE1NE1	14	65	

Domestic use allowed.
 2/70 c.f.s. allowed for irrigation.

Appropriator—Moapa and Salt Lake Produce Co.
Source—Muddy River and Tributaries.

muddy

Big Spring, Jones Spring, High Springs, and Rock Cabin Spring Ditches.....	14				W1SW1	14	65	
	15				S1	14	65	
	15				S1N1NW1	14	65	
	15				S1N1	14	65	
	15				NE1	14	65	
	15				E1SE1	14	65	
Excepting and excluding from the above description the.....	16				NE1			
					NW1NE1	14	65	
	16				NW1			
					NE1NE1	14	65	

Domestic use allowed.
 Total acreage allotted water, 135 acres. *135*
 2 and 15/70 c.f.s. allowed for irrigation.

Appropriator—Isaiah Cox and Anna Cox, His Wife.
Source—Muddy River and Tributaries.

muddy

Cox Ditch and Cox Spring Ditch.....	10.00	16			NE1 NW1NE1	14	65	
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Domestic use allowed.
 10/70 c.f.s. allowed for irrigation.

Appropriator—J. H. Mitchell.
Source—Muddy River.

muddy

Mowry & Mitchell or Cox Ditch.....	3.00	16			NW1 NE1NE1	14	65	
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Domestic use allowed.
 3/70 c.f.s. allowed for irrigation.

Appropriator—U. S. Indian Service (Moapa Indian Reservation).
Source—Muddy River.

muddy

Indian Ditches.....	87.00	36				14	65	
		35				14	65	
		31				14	65	
		1				15	65	
		6				15	65	

Total..... 87.00

This allotment is based on the Thurtell findings as covered in Certificate No. 470, issued by Henry Thurtell on March 30, 1907.
 Domestic use allowed.
 31/70 c.f.s. allowed for irrigation.

Appropriator—George Baldwin.
Source—Muddy River and Tributaries.

01621

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.	S.	R.	E.
George A. Davis and Dry Ditch...			18.00	25	SE1SW1	14	65		
				25	SW1SE1	14	65		
				36	Lots 2 and 3				
					NE1	14	65		

Muddy

Domestic use allowed.
18/70 c.f.s. allowed for irrigation.

Appropriator—Sadie George.
Source—Muddy River and Tributaries.

Indian Ditch			2.10	1	SE1NE1	16	67		
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Muddy

Domestic use allowed.
21/100 c.f.s. allowed for irrigation.

Appropriator—Joseph Perkins.
Source—Muddy River and Tributaries.

Barnes & Harris Ditch and Bradfote Ditch.			30.00	6	Lots 4 and 5				
					NW1	15	66		
				6	Lot 6 SW1	15	66		
				6	SE1NE1	15	66		
				6	SW1NE1	15	66		
	6	Lots 2 and 3	15	66					

Muddy

Domestic use allowed.
30/70 c.f.s. allowed for irrigation.

Appropriator—Los Angeles and Salt Lake Ry. Co.
Source—Muddy River.

Pipe Line				equiv. to 3322	32	NE1	14	66
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NOTE—Water used for locomotives, cars, depot, stock yards, and town supply.
.84846 c.f.s. allowed.

Appropriator—D. H. Livingston and Richard Smith.
Source—Muddy River and Tributaries.

White, Livingston, and Richard Smith Ditches.			30.00	5	S1SE1	15	66		
				6	N1NE1	15	66		
				9	N1NW1	15	66		
				9	NW1NE1	15	66		
				4	SW1SE1	16	66		
				4	SE1SW1	16	66		
				4	N1SE1	13	66		
				4	NE1NE1	15	66		
				4	SE1SE1	15	66		
				1	W1SW1	15	66		
				5	N1NW1	15	66		
				5	S1SW1	15	66		
	6	S1SE1 (situated east of the R. R. track)							

All that portion of.....
Total..... 180.00
Domestic use allowed.
2 and 20/70 c.f.s. allowed for irrigation.

Appropriator—G. S. Holmes and Julia May Knox.

Source—Muddy River and Tributaries.

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.	S.	R.	E.
Welsch Ditch			95.00	1	S;NW;SW;E	15			66
				1	S;SW;E	15			66
				1	S;SE;E	15			66
				12	NE;E	15			66
				12	NE;SE;E	15			66
				7	SW;NW;E	15			67
				7	NE;SW;E	15			67
				7	Frac. SW;E	15			67

Lower Muddy

Domestic use allowed.
1 and 25/70 c.f.s. allowed for irrigation.

Appropriator—W. J. Powers.

Source—Muddy River.

Cook Ditch			29.00	4	NW;SE;E	15			66
				4	NE;SE;E	15			66
				4	NW;SE;E	15			66
				4	NE;SW;E	15			66
				4	NE;SE;E	15			66
				4	SE;NE;E	15			66
				3	NW;SW;E	15			66

muddy

Domestic use allowed.
19/70 c.f.s. allowed for irrigation.

Appropriator—Muddy Valley Irrigation Co.

Source—Muddy River.

St. Joe Ditch	20.00	15	SE;SW;E					
	14.00	15	SW;SW;E					
	34.00	15				15		67
	20.00	21	SE;NE;E					
	7.25	21	NE;NE;E					
	27.25	21				15		67
	20.00	22	NE;NW;E					
	24.00	22	SE;NW;E					
	14.00	22	NW;NW;E					
	14.00	22	SW;NW;E					
	14.00	22	NW;SW;E					
	14.00	22	NE;SW;E					
	15.00	22	SW;SW;E					
	20.00	22	NW;NE;E					
	20.00	22	SW;NE;E					
	15.00	22	NW;SE;E					
	14.00	22	SE;SW;E					
	184.00	22				15		67
	14.00	27	NE;NW;E					
	14.00	27	NW;NE;E					
	18.50	27	SW;NE;E					
	30.00	27	SE;NE;E					
	26.00	27	NE;SE;E					
	10.00	27	SE;SE;E					
	110.50	27				15		67
	2.50	26	SW;NW;E					
	24.40	26	NW;SW;E					
	3.00	26	SW;SW;E					
	30.00	26				15		67
	17.50	35	SE;NW;E					
	40.00	35	NW;NW;E					
	20.00	35	NE;NW;E					
Total	77.50	35				15		67

44325/7000 c.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tr. S.	R. E.
✓ Sprole-Averitt			22.25	27	NW1NW1		
			25.00	27	SW1NW1		
			10.00	27	SE1NW1		
			35.50	27	NE1SW1		
			22.50	27	SE1SW1		
			28.00	27	SW1SE1		
			<u>143.25</u>	27			15 67
			8.00	34	NE1NW1		
			15.00	34	SE1NW1		
			17.75	34	NE1NE1		
		40.00	34	NE1NE1			
		15.75	34	SW1NE1			
		6.50	34	SE1SE1			
		<u>99.00</u>	34			15 67	
Total			<u>242.25</u>				

24225/7000 c.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

✓ Kapalapa Ditch			10.00	2	NW1NW1		
			20.00	2	NE1NW1		
			20.00	2	SE1NW1		
			20.00	2	NW1NE1		
			7.50	2	NE1NE1		
			20.00	2	SE1NE1		
			20.00	2	SW1NE1		
			20.00	2	NW1SE1		
			20.00	2	NE1SW1		
			20.00	2	NE1SW1		
		<u>157.50</u>	2			16 67	
Total			<u>157.50</u>	2			

15750/7000 c.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

✓ Stratstown Ditch			17.50	12	NE1NW1		
			12.50	12	SW1NW1		
			12.50	12	SE1NW1		
			7.50	12	SW1NE1		
			12.00	12	NE1SE1		
			20.00	12	NW1SE1		
			38.20	12	SW1SE1		
			24.10	12	SE1SE1		
			7.00	12	NE1SW1		
			16.00	12	SE1SW1		
			8.00	12	SW1SW1		
			<u>182.60</u>	12			16 67
			21.40	13	NW1NE1		
			35.80	13	NE1NE1		
			<u>47.20</u>	13			16 67
		5.00	12	SW1NW1			
		5.00	12	NW1NW1			
		<u>10.00</u>	12			16 67	
Total			<u>239.80</u>				

23980/7000 c.f.s. allowed for irrigation.

Appropriator—Muddy Valley Irrigation Co.

Source—Muddy River.

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.S. R.E.
✓ Sparks Canal			13.00	1	SE1SW1	16 67
			21.80	7	SW1SW1	
			1.20	7	NW1SW1	
			23.00	7		16 68
			1.80	12	NE1SE1	
			8.20	12	SE1SE1	
			10.00	12		16 67
			48.00			
	Total					

48/70 a.f.s. allowed for irrigation.

Appropriator—Muddy Valley Irrigation Co.

Source—Muddy River.

✓ Overton Canal	18.00	2	SW1SE1		
	20.00	2	SE1SW1		
	12.00	2	SW1SW1		
	50.00	2		16	67
	7.00	3	SE1SE1	16	67
	8.00	10	NE1NE1	16	67
	10.00	11	NW1NW1		
	20.00	11	NE1NW1		
	20.00	11	NW1NE1		
	13.475	11	NE1NE1		
7.50	11	SE1NE1			
7.50	11	SW1NE1			
10.00	11	NE1SE1			
10.00	11	NW1SE1			
27.525	11	SE1SE1			
126.00	11		16	67	
13.00	13	NW1NW1			
5.00	13	NE1NW1			
20.00	13	SW1NW1			
15.00	13	SE1NW1			
4.50	13	SW1NE1			
7.50	13	SE1NE1			
24.50	13	NW1SE1			
32.76	13	NE1SE1			
26.40	13	SE1SE1			
31.35	13	SW1SE1			
24.50	13	NE1SW1			
12.00	13	SE1SW1			
210.50	13		16	67	
7.60	14	NE1NE1	16	67	
5.00	18	SW1SW1	16	68	
3.00	19	SW1SE1			
6.00	19	NE1SW1			
5.00	19	SE1SW1			
14.00	19		16	68	
3.00	24	NW1NE1			
20.00	24	NE1NE1			
5.00	24	SW1NE1			
4.00	24	SE1NE1			
32.00	24		16	67	
3.00	30	NW1NE1	16	68	
Total					

468/70 a.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.	S.R.E.
Kaolin Ditch			28.00	19	SE1SE1	16	68
			20.00	30	SW1NE1		
			20.00	30	NW1SE1		
			7.00	30	NE1NE1		
			47.00	30		16	68
			20.00	32	NE1SE1		
			20.00	32	NW1SE1		
			40.00	22		16	68
			4.00	29	NE1NW1	16	68
	Total			119.00			

119/70 c.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

St. Thomas Ditch			15.00	10	SE1NW1		
			20.00	10	NW1NE1		
			19.00	10	NE1NE1		
			21.00	10	SW1NE1		
			12.50	10	SE1NE1		
			17.25	10	NE1SE1		
			2.50	10	SE1SE1		
			110.30	10		17	68
			4.00	11	NW1NW1		
			23.00	11	SW1NW1		
			20.25	11	NW1SW1		
			20.25	11	NE1SW1		
			34.00	11	SW1SW1		
			37.75	11	SE1SW1		
			20.80	11	SW1SE1		
		178.05	11		17	68	
		17.80	14	NW1NW1			
		37.00	14	NE1NW1			
		25.20	14	NW1NE1			
		24.20	14	NE1NE1			
		10.50	14	SW1NE1			
		12.40	14	SE1NE1			
		144.10	14		17	68	
Total			420.45				

420.45/1000 c.f.s. allowed for irrigation.

**Appropriator—Muddy Valley Irrigation Co.
Source—Muddy River.**

East St. Thomas Ditch			4.00	3	SW1SW1	17	68
			17.00	3	SE1SE1		
			7.00	3	NE1SE1		
			24.00	3		17	68
			15.85	11	NW1NW1		
			16.10	11	NE1NW1		
			3.00	11	SW1NW1		
			12.00	11	SE1NW1		
			10.50	11	NW1SE1		
			62.55	11		17	68
Total			90.55				

Domestic use allowed from all Muddy Valley Irrigation Company Ditches.
90.55/7000 c.f.s. allowed for irrigation.

Appropriator—John F. Perkins.
Source—Muddy River.

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.S. R.E.
St. Thomas Ditch			2.00	10	E part of NE1SE1	
				11	W part of NW1SW1	17 68

Domestic use allowed.
 2/18 c.f.s. allowed for irrigation.

Appropriator—Muddy Valley Irrigation Co., Assignee of Nevada
Land and Livestock Co., Under Certificate No. 58.
Source—Muddy River.

Overton Canal	20.00	1	W1			
	5.00	2	NW1NW1			
	115.00	11	SW1SE1 and SE1SE1			
	40.00	12	NE1NE1 and SE1			
	25.00	12	W1SW1			
	40.00	13	E1SW1			
	6.50	13	NW1NW1			
	25.36	13	NW1SW1			
	7.09	13	NW1			
	16.00	14	NE1NE1	16	67	
	27.36	19	SW1			
	34.00	30	SW1NE1			
	20.00	30	N1SE1			
	16.80	30	SE1SE1	16	63	
Total	398.11					

1.88 c.f.s. allowed for irrigation.

The use of this water is determined as a winter use; diversion to commence October 1 of each year and to extend to April 1 of the year following. The use is limited to irrigation, stockwatering, and domestic purposes.

Appropriator—Muddy Valley Irrigation Co., Assignee of Nevada
Land and Livestock Co., Under Certificate No. 59.
Source—Muddy River.

Ditch Title	Winter Use		Sec.	Subdivision	Tp.S. R.E.
	Amount	Acres			
Kaolin Ditch	40.00	20	SW1SW1	16	68
	150.00	29	SW1	16	68
	210.00	32	N1	16	63
	35.20	32	N1SW1	16	68
	111.61	32	SE1	16	68
	70.00	33	S1SW1	16	68
	36.36	33	NW1SW1	16	63
	24.43	31	E1NE1	16	68
	62.70	3	W1SW1&	17	63
	16.35	4	SE1	17	63
		4	NE1NW1	17	68
	Summer Use				
	140.00	29	SW1	16	68
	250.00	32	N1	16	63
	86.20	32	N1SW1	16	68
Total summer use	425.20				
Total winter use	846.65				

Summer use—4.252 c.f.s.
 Winter use—8.466 c.f.s.

The use is limited to irrigation, stockwatering, and domestic purposes.

Appropriator—Muddy Valley Irrigation Co., Assignee of Nevada
Land and Livestock Co., Under Certificate No. 60.

Source—Muddy River.

Ditch Title	Date when construction commenced	Date when land first irrigated	Number of acres irrigated	Sec.	Subdivision	Tp.S.	R.E.
St. Joe or Logan Ditch			20.00	25	SE1SW1		
			20.00	35	E1NE1		
			40.00	35	SE1NW1	15	57
Total			80.00				

The use of this water is determined as a winter use; diversion to commence October 1 of each year, and to extend to April 1 of the year following. Use limited to irrigation, stock-watering and domestic purposes.
0.3 c.f.s. allowed for irrigation.

**STATE OF NEVADA
STATE ENGINEER'S OFFICE**

I, J. G. Scrugham, State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the office of the State Engineer, do hereby certify that the foregoing is a full, complete and true copy of the Order of Determination of the Relative Rights in and to the Waters of Muddy River and its Tributaries in Clark County, Nevada, prepared and filed in said office on the 21st day of January, 1920, as appears by the records and files of the office of the State Engineer of Nevada, and nothing more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at the City of Carson, State of Nevada, this 21st day of January, A. D. 1920.

J. G. SCRUGHAM,
State Engineer.

[SEAL]

EXHIBIT "B"

1 IN THE MATTER OF THE DETERMINATION OF THE RELATIVE
2 RIGHTS IN AND TO THE WATERS OF THE MUDDY RIVER AND
3 ITS TRIBUTARIES IN CLARK COUNTY, STATE OF NEVADA:

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5 FURTHER AND SUPPLEMENTAL ORDER OF DETERMINATION.

6
7 In accordance with a stipulated agreement entered into
8 by the parties in the suit of Muddy Valley Irrigation Company, et al,
9 Vs. Moapa and Salt Lake Produce Company, et al, on the 23rd day of
10 April, 1919, an order was entered in the Tenth Judicial District
11 Court of the State of Nevada, in and for the County of Clark referring
12 the above entitled action to the State Engineer for an adjudication
13 of the water rights on the Muddy River stream system as provided
14 for in Chapter 140, Statutes of 1913, and all Acts amendatory thereof.

15 On the 10th day of March, 1920, the matter having come
16 on for hearing before the Court upon exceptions duly filed with the
17 Clerk of the Court and served as required by law on the State
18 Engineer, said exceptions having been filed by various parties to
19 the said suit of Muddy Valley Irrigation Company et al. Vs. Moapa
20 and Salt Lake Produce Company, et al., and the Court having heard
21 said exceptions and proofs adduced by and on behalf of the excepting
22 parties, the Court made and entered an order requiring the State
23 Engineer to make a further determination of the waters of the said
24 Muddy River and its tributaries subject to the Court's instructions
25 which were set forth in said order, the said order being made by said
26 District Court and entered in said suit.

27 In accordance with the said order of said Court and the
28 said instructions the State Engineer makes the following:
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FURTHER AND SUPPLEMENTAL ORDER OF DETERMINATION.

1 The tabulation of the allotments of the waters of the
2 Muddy River stream system as set forth in the original order of
3 determination with the changes herein made in this order, cover
4 all claims filed in the office of the State Engineer as provided by
5 law, and also an allotment to the Moapa Indian Reservation. Although
6 duly notified of the pending adjudication proceedings in the
7 statutory manner, the United States Indian Service authorities,
8 did not file a claim and state that they refuse to recognize the
9 authority of the State of Nevada to determine the water rights
10 of the Moapa Indian Reservation. In the absence of any showing
11 on the part of the United States Indian Service, the State Engineer
12 has based the Moapa Indian Reservation allotment on the official
13 investigations and reports made in the year 1906 by Henry Thurtell,
14 at that time State Engineer of Nevada. These reports gave the
15 Moapa Indian Reservation an allotment of water sufficient to
16 properly irrigate an area of 87 acres, which was found to be the
17 full area on the Reservation entitled to a vested water right
18 under the law of this State.

(a) DUTY AND POINT OF DIVERSION DEFINED.

19 The duty of water allowed for all lands in the Muddy
20 Valley, except on the Indian Reservation, shall be 1 c.f.s. flow
21 to 70 acres for the summer irrigation season from May 1st to
22 October 1st, and 1 c.f.s. flow to 100 acres for the winter irriga-
23 tion season from October 1st to May 1st. On the Reservation, the
24 duty of water allowed shall be 1 c.f.s. flow to 70 acres for the
25 summer irrigation season from April 1st to October 1st, and
26 1 c.f.s. flow to 100 acres for the winter irrigation season from
27 October 1st to April 1st.

28 The volumes or amounts of water allotted and to which
29 it is agreed the respective parties are entitled shall be understood
30 to include and define the amount of all the waters now or heretofore
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1 rightfully used on the lands given in the tabulation in the original
2 order of determination whether diverted directly from said Muddy
3 River or from its tributaries, springs, head-waters or other
4 sources of supply, including waters claimed to have been developed
5 heretofore by any of the said parties. All measurements of amounts
6 except that awarded to the Indian Reservation shall be made at the
7 places of diversion or as near thereto as practicable or convenient
8 as the State Engineer or Water Commissioner may select or approve.
9 On the Indian Reservation, all measurements of amounts diverted are
10 to be made at the point where the main ditch enters or becomes ad-
11 jacent to the land irrigated or as near thereto as practicable, as
12 the State Engineer or Water Commissioner may select or approve.

13 (b) BALDWIN SPRING FLOW DEFINED.

14 The maximum flow of .8298 c. f. s. of water of the
15 George Baldwin Spring now and heretofore used by George Baldwin and
16 Aletha L. Baldwin, his wife, is water which has been developed by
17 said parties. Such development and use of this amount of water
18 has not and does not diminish the flow or volume of the Muddy River,
19 or interfere with the rights of any other water users on the stream
20 system. No further development of water on the head of the Muddy
21 River stream system shall be made which in any way diminishes the
22 flow of waters of the Muddy River or impairs rights defined and
23 referred to in this order.

24 (c) METHOD OF USE.

25 The Muddy Valley Irrigation Company, subject to the
26 supervision and general control of the State Engineer or Water
27 Commissioner, shall distribute and control the distribution of the
28 water allotted to it, and diverted and conveyed by its work to its
29 stockholders and other persons obtaining water by means thereof.

30 All other parties named in this order shall not be
31 required to take or use the water of said River in continuous flow but may
32 cumulate the same or any part thereof in rotation and in periodic
turn, with the approval of the water commissioner, subject to his

control and direction and under such rules and regulations as are prescribed by the State Engineer and the statutes of the State of Nevada.

The whole amount of water diverted from the river at any one time by all the parties allotted water for use above the "narrows" is not to exceed in the aggregate the total amount of water allotted to the several parties resident in the Upper Muddy Valley. Below the lowest diversion of Knox and Holmes the flow in the stream shall be maintained substantially constant subject to seasonal variation. The whole of said river system shall be under the supervision and the rules and regulations of the State Engineer and the direction and control of the Water Commissioner, to be appointed as provided by law, except as hereinbefore specified as to the Muddy Valley Irrigation Company. Substantial headgates, weirs and sand-boxes, as the State Engineer through the Water Commissioner may order, shall be installed and maintained in good order by all who divert or use the waters of said stream system.

(d) Channel upkeep, responsibility for.

The owners of land on that part of said river above the "narrows" shall keep the channel through their respective lands cleared of all ordinary obstructions, but in case of extraordinary obstruction, such as the formation of lime deposits in the channel of the stream, the same shall be removed under the direction of the water commissioner and the expenses thereof paid pro rata by all parties to this determination in proportion to the acreage owned or controlled by them as defined in this order.

(e) Priority, vested and granted rights.

As between the parties to the above entitled suit and except against the ~~parties~~ awarded the Indian Reservation and the inhabitants thereof, all of the water rights enumerated as belonging to the parties to the suit shall be deemed and held to be vested rights acquired by valid appropriation and beneficial use prior to March 1, 1905, and by continued uninterrupted use since said date

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and shall be considered as equal in rank without anyone having any priority over another; this shall apply to and include the rights held by the Muddy Valley Irrigation Company as grantee or assignee of Nevada Land & Live Stock Company under certificates Nos. 58, 59 and 60 and to such permit or certificate as may be granted by the State Engineer to the Muddy Valley Irrigation Company under its application No. 1611. Against the right granted and allotted to the Indian Reservation, the rights held by the Muddy Valley Irrigation Company, under said certificates or permits, shall be deemed to be subsequent to the right by this order allotted to said Indian Reservation. The right allowed the Indian Reservation shall be deemed and held to be a vested right acquired by valid appropriation prior to March 1st, 1905, and uninterrupted use thereafter and shall to the extent allowed rank as of equal priority with all the other rights allotted and awarded to the various parties except those granted by the said certificates or permits.

(f) Losses, apportionments of.

All abnormal losses from the flow of said stream shall be pro-rated and shared among the parties holding water rights on the stream. Abnormal losses shall include any substantial loss from the permanent flow of the stream, such as a cloudburst destroying or obstructing the channel thereof or an opening up of a fissure in the bed of the stream or in one of the sources of supply and the disappearance therein of a substantial amount of the waters, thereby causing a diminution in the available flow.

If and such abnormal loss occurs at any time, the pro-rata share of such loss to be borne by each party to this order shall be as follows:

George Baldwin and Rutha L. Baldwin, his wife	16/2839
Moapa & Salt Lake Land Co.	155/2839
Livingston and Smith	160/2839
Joseph Perkins and wife	30/2839
Knox and Holmes	95/2839
Isiah Cox and wife	10/2839
W. J. Powers and wife	29/2839
Sadie George	2.1/2839
Jacob Bloedel	2/2839

J. H. Mitchell
U. S. Indian Service, Moapa Reservation
John F. Perkins
Muddy Valley Irrigation Company

3/2839
87/2839
2/2839
2244.80/2839

1 As between the parties to the said suit the definition
2 of abnormal losses shall be as contained in paragraph 8 of a
3 stipulation filed in said court and suit on April 23rd, 1919, and the
4 stipulation supplemental thereto filed in said court and suit and
5 dated March 10th, 1920; and as between the parties to said suit
6 the pro rata share of such abnormal losses shall be as set forth in
7 paragraph 4 of the said stipulation supplemental to the stipulation
8 of April 23rd, 1919.

9 (g) Expense of Commissioner.

10 The salary and expenses of the Water Commissioner shall
11 be paid pro rata by the parties to the stipulation supplemented to
12 the stipulation of April 23rd, 1919, made and filed in said suit
13 March 10th, 1920, in the same proportion as for the sharing of
14 abnormal losses set forth in paragraph 4 of said supplemental
15 stipulation.

16 (h) All the waters of the stream system appropriated and
17 alloted.

18 The aggregate volume of the several amounts and quanti-
19 ties of water awarded and alloted to the parties named in this
20 order of determination which includes all the parties to said suit
21 and the Indian Reservation is the total available flow of the said
22 Muddy River and consumes and exhausts all of the available flow of
23 the said Muddy River, its headwaters, sources of supply and tribu-
24 taries.

25 (i) Water alloted to Muddy Valley Irrigation Company.

26 In accordance with the said stipulation and supplemental
27 stipulation filed in said suit and the instructions of the Court
28 requiring a further order of determination, as between the parties
29 of the suit, the Muddy Valley Irrigation Company is hereby declared
30 to be entitled to divert and use upon its lands all the waters of the
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said stream except the amounts specifically awarded and allotted to the other parties to said suit and to the Indian Reservation. In addition to the certificate rights belonging to the Muddy Valley Irrigation Company set forth in the original order of determination the Muddy Valley Irrigation Company is entitled to such rights as have accrued to it under its water application No. 1611 and which will be specifically defined in the certificate or permit to be issued by the State Engineer upon said application No. 1611, which said permit will be for approximately 10 C. F. S. of water (more or less) for use upon approximately 1000 acres of land (more or less) during the winter season.

The summary of allotments and certificates, contained in the original order of determination is amended so as to allow winter use of water to the parties hereinafter named and for the amounts hereinafter specified:

<u>To</u>	<u>c. f. s. flow.</u>
Moapa & Salt Lake Produce Company	2.215
Isaiah Cox and wife	.143
Isaiah Cox and wife (as grantees of J. H. Mitchell)	.043
George Baldwin	.2286
Sadie George	.03
John F. Perkins	.0286
Livingston and Smith	2.286
Knox and Holmes	1.357
Joseph Perkins	.428
W. J. Powers and wife	.4143

The amount allowed for winter use is allowed under a duty of water of 1 c. f. s. for 100 acres.

There is also the additional allotment to the Muddy Valley Irrigation Company for winter use under its application No. 1611. Except as heretofore changed the summary of allotments and certificates shall be as stated in the original order of determination.

The names of the respective appropriators, the sources of their appropriation, the titles of the ditches, the number of acres irrigated and the description of the land to which the water

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is appurtenant, the uses allowed and the amounts of water allowed for irrigation shall be as set forth in the original order of determination, except that it is understood that the rights of J. H. Mitchell have been acquired by and conveyed to Isaiah Cox and Anna M. Cox, his wife, and except that the periods of winter and summer use, as between the parties to said suit, shall be as hereinbefore defined in this further and supplemental order of determination.

/s/ J. G. Scrugham
State Engineer.

STATE OF NEVADA
STATE ENGINEER'S OFFICE.

I, J. G. SCRUGHAM, State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the office of the State Engineer, do hereby certify that the foregoing is a full, complete and true copy of the further and supplemental order of determination of the relative rights in and to the waters of Muddy River and its tributaries in Clark County, Nevada, made under order of the Tenth Judicial District Court of the State of Nevada in and for the County of Clark, and in accordance with the instructions of said Court and filed in said office on the 11th day of March, 1920, as appears by the records and files of the office of the State Engineer of Nevada, and nothing more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal of office this 11th day of March, A. D. 1920.

/s/ J. G. Scrugham
State Engineer.

SEAL

CERTIFICATION OF COPY

STATE OF NEVADA,)
COUNTY OF CLARK,) SS.

I, HARLEY A. HARMON, the duly-elected, qualified and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original

JUDGMENT AND DECREE IN THE CASE ENTITLED
MUDDY VALLEY IRRIGATION COMPANY ET AL.,
Plaintiffs

VS.

MOAPA & SALT LAKE PRODUCE COMPANY, ET AL.
Defendants.

and

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS
IN AND TO THE WATERS OF THE MUDDY RIVER AND ITS
TRIBUTARIES IN CLARK COUNTY, STATE OF NEVADA.

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Seal of the Court at my of-
fice, Las Vegas, Nevada, the 12th day of
March, _____, A. D. 19 20.

(SEAL)

/s/ Harley A. Harmon
CLERK.

/s/ Margaret Ireland
DEPUTY CLERK.

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STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Helen Scott Reed, the duly elected, qualified and acting County Clerk of the County of Clark, State of Nevada, and ex-officio Clerk of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark, do hereby certify and attest the foregoing to be a full, true and correct copy of the original: "JUDGMENT AND DECREE" in the action entitled;
MUDDY VALLEY IRRIGATION COMPANY, a corporation, NEVADA LAND & LIVESTOCK COMPANY, a corporation, SAMUEL H. WELLS, JOHN E. PERKINS and ELLEN C. PERKINS, his wife, Plaintiffs -----Vs.-----

MOAPA & SALT LAKE PRODUCE COMPANY, a corporation, GEORGE BALDWIN and ALETIA L. BALDWIN, his wife, ISAIAH COX and ANNA M. COX, his wife, JOSEPH PERKINS and KATHRYN PERKINS, his wife, D.H. LIVINGSTON and RICHARD SMITH, C. S. HOLMES and JULIA MAY KOX, W. J. POWERS and MARY A. POWERS, his wife, SADIE GEORGE, LOS ANGELES & SALT LAKE RAILROAD COMPANY, a corporation, and WALKER D. HINES, as Director General of Railroads, and JACOB BLOEDEL, Defendants; and
IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF THE MUDDY RIVER AND ITS TRIBUTARIES IN CLARK COUNTY, STATE OF NEVADA

Case No. 377

together with the endorsements thereon, now on file in my office, and that I have carefully compared the same with the original.

IN WITNESS WHEREOF, I have hereunto set my hand and annexed the Seal of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark, this 16th day of May, 1956

Helen Scott Reed

COUNTY CLERK OF THE COUNTY OF CLARK, STATE OF NEVADA, AND EX-OFFICIO CLERK OF THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Frank McNamee, Judge of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark, do hereby certify that Helen Scott Reed is County Clerk of the County of Clark, State of Nevada, and ex-officio Clerk of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark (which Court is a Court of Record having a seal); that the signature to the foregoing certificate and attestation is the genuine signature of the said Helen Scott Reed, as such officer; that the seal annexed thereto is the seal of said District Court; that said Helen Scott Reed, as such clerk, is the proper officer to execute the said certificate of attestation, and that such attestation is in due form according to the laws of the State of Nevada.

IN WITNESS WHEREOF, I have hereunto set my hand in my official character as such Judge, at the City of Las Vegas, County and State aforesaid, this 16th day of May, A. D. 1956

Frank McNamee

JUDGE OF THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Helen Scott Reed, County Clerk of the County of Clark, State of Nevada, and ex-officio Clerk of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark (which Court is a Court of Record, having a seal, which is annexed hereto) do hereby certify that Frank McNamee, whose name is subscribed to the foregoing certificate of due attestation was, at the time of signing the same, Judge of the District Court aforesaid, and was duly commissioned, qualified and authorized by law to execute said certificate. And I do further certify that the signature of the Judge above named to the said certificate of due attestation is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and annexed the Seal of the District Court of the Eighth Judicial District of the State of Nevada, in and for the County of Clark, this 16th day of May, 1956

Helen Scott Reed

COUNTY CLERK OF THE COUNTY OF CLARK, STATE OF NEVADA, AND EX-OFFICIO CLERK OF THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.