

1 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
 2 STATE OF NEVADA, IN AND FOR WHITE PINE COUNTY.

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4
 5 IN THE MATTER OF THE DETERMINATION OF
 6 THE RELATIVE RIGHTS IN AND TO THE WATERS
 7 OF WHITE RIVER AND ITS TRIBUTARIES IN
 8 WHITE PINE COUNTY, NEVADA.
 9

10
 11 **D E C R E E.**

12 This matter came on regularly for hearing the 4th day of
 13 December, 1922, and the court having duly considered the matter as
 14 above entitled and being fully advised in the premises and the
 15 court's decision having been heretofore filed, it is

16 ORDERED, ADJUDGED AND DECREED:

17 1. That the extent and relative rights of parties in
 18 and to the waters of White River and its tributaries in White Pine
 19 County, State of Nevada, are defined as follows:

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 21 Claimant - Preston Irrigation Co. Proof No. _____

22 Source - Preston and Arnoldson Springs. Ditch _____

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Year of Priority	Culture-Acres		Leasities	Subdiv- ision	Sec. Tp. N. R. E.	Season	Duty of Water	
	Har- vest crops	Diver- sified Pasture					Length of	C.F.S. Ac.-ft
1865	5.0		NE 1/4	13	12	61 4-1-9-15	241	15.0

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 27 Claimant - Preston Irrigation Co. Proof No. 91161

28 Source - Preston Big Spring
 29 (Arnoldson Spring tributary) Ditch _____

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1875	80.0		W 1/2	15	12	62 4-1-9-15	.665	240.0
1885	29.0		W 1/2	15	12	62 4-1-9-15	.240	87.0
1885	61.0		E 1/2	13	12	61 4-1-9-15	.505	183.0

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Preston Irrigation Co. - Continued

Year	Cultures-Acres		Location				Duty of Water			
	Pri- ority	Har- vest Crops	Diver- sified Pasture	Subdi- vision	Sec.	Tp.N.	R.R.	Length of season C.F.S.	Ac.- Fe.	
1890	90.0			SE $\frac{1}{4}$	13	12	61	4-1-9-15	.743	270.0
1898	33.2			SE $\frac{1}{4}$	12	12	61	4-1-9-15	.275	99.6
1898	30.0			NE $\frac{1}{4}$	12	12	61	4-1-9-15	.248	90.0
1898	35.0			NE $\frac{1}{4}$	13	12	61	4-1-9-15	.290	105.0
1898	30.0			SE $\frac{1}{4}$	13	12	61	4-1-9-15	.414	150.0
1898	57.5			SW $\frac{1}{4}$	18	12	62	4-1-9-15	.476	172.5
1898	134.5			NE $\frac{1}{4}$	19	12	62	4-1-9-15	1.114	403.5
1898	13.4			W $\frac{1}{2}$ SW $\frac{1}{4}$	7	12	62	4-1-9-15	.111	40.2
1898	....	10.0		SE $\frac{1}{4}$	30	12	62	4-1-9-15	.083	30.0

3.011 1090.8

Claimant - Preston Irrigation Co. Proof No.

Source - Preston Big Spring (Arnoldson Spring Tributary) Ditch

1903	27.3			SE $\frac{1}{4}$	24	12	61	4-1-9-15	.226	81.9
1903	7.7			NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	12	61	4-1-9-15	.064	23.1
1903	62.3				12	12	61	4-1-9-15	.516	186.9
1903	19.0			SE $\frac{1}{4}$	11	12	61	4-1-9-15	.157	57.0
1903	46.7			NE $\frac{1}{4}$	13	12	61	4-1-9-15	.387	140.1
1903	103.4				30	12	62	4-1-9-15	.856	310.2
1903	85.4			SE $\frac{1}{4}$	19	12	62	4-1-9-15	.707	256.2
1903	24.0			NE $\frac{1}{4}$	18	12	62	4-1-9-15	.199	72.0
1903	104.4				31	12	62	4-1-9-15	.863	313.2

480.2 3.977 1440.6

Claimant - Lund Irrigation Co. Proof No. 01163

Source - Preston Big Spring (Nicholas, Cold and Horsley, tributaries) Ditch

1870	24.0			SE $\frac{1}{4}$ NE $\frac{1}{4}$	31	12	62	4-1-9-15	.199	72.0
1870	40.0			NW $\frac{1}{4}$	32	12	62	4-1-9-15	.331	120.0
1870	15.0			SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	12	62	4-1-9-15	.124	45.0
1870	17.0			SW $\frac{1}{4}$	29	12	62	4-1-9-15	.141	51.0
1881	25.0			SW $\frac{1}{4}$	29	12	62	4-1-9-15	.207	75.0
1881	3.5			SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	12	62	4-1-9-15	.029	10.5
1881	12.7			NE $\frac{1}{4}$ SE $\frac{1}{4}$	31	12	62	4-1-9-15	.105	37.1
1881	40.0			NE $\frac{1}{4}$	32	12	62	4-1-9-15	.331	120.0
1890	26.0			SW $\frac{1}{4}$	29	12	62	4-1-9-15	.213	78.0
1899	152.7			W $\frac{1}{2}$	29	12	62	4-1-9-15	1.265	458.1
1899	107.0			NE $\frac{1}{4}$	32	12	62	4-1-9-15	.806	281.0
1904	49.3			W $\frac{1}{2}$	20	12	62	4-1-9-15	.408	147.9
1904	33.0			SE $\frac{1}{4}$ SE $\frac{1}{4}$	19	12	62	4-1-9-15	.280	101.4

Claimant - Lund Irrigation Co. Proof No.

Source - Lund Spring Ditch

1870	24.0			SE $\frac{1}{4}$	20	12	62	4-1-9-15	.199	72.0
1881	25.0			SW $\frac{1}{4}$	20	12	62	4-1-9-15	.207	75.0
1881	43.8			W $\frac{1}{2}$	33	12	62	4-1-9-15	.363	131.4
1890	30.0			NW $\frac{1}{4}$	33	12	62	4-1-9-15	.248	90.0

Lund Irrigation Co. - Continued.

Year	Cultures-Acres		Location				Duty of Water			
	Pri- ority	Har- vest Crops	Diver- sified Pasture	Subdi- vision	Sec.	Tp.N.	R.E.	Season	G.F.S. Acre-Ft.	
1899	39.3			N ₂	20	12	62	4-1-9-15	.325	117.9
1899	15.0			NW ₂	33	12	62	4-1-9-15	.124	45.0
1899	14.0			ENE ₂	32	12	62	4-1-9-15	.116	42.0
1899	53.5			N ₂	29	12	62	4-1-9-15	.458	165.9
1899	20.0			W ₂	28	12	62	4-1-9-15	.166	60.0
1904	207.6			W ₂	28	12	62	4-1-9-15	.719	622.8
1904	83.4			S ₂	20	12	62	4-1-9-15	.691	250.2
1904	77.6			N ₂	29	12	62	4-1-9-15	.643	232.8
1904	12.3			SW ₂	21	12	62	4-1-9-15	.102	36.9
1904	52.6			W ₂	33	12	62	4-1-9-15	.436	157.8
Claimant - A. R. Whithead								Proof No.		
Source - Lund Spring					Ditch - Whithead					
1870	28.0			N ₂	4	11	62	4-1-9-15	.232	84.0
1870	5.3			N ₂	4	11	62	4-1-9-15	.044	15.9
1870	11.2			S ₂	33	12	62	4-1-9-15	.093	33.6
1870	11.5			S ₂	33	12	62	4-1-9-15	.093	34.5
1870	....	24.0		S ₂	33	12	62	4-1-9-15	.179	72.0
1904	....	10.0		S ₂	33	12	62	4-1-9-15	.083	30.0
Claimant - George R. Hayden								Proof No. 01166		
Source - White River					Ditch					
1869	21.0			SW ₂ NE ₂	31	13	61	4-1-9-15	.174	63.0
1869	5.0			NE ₂ NW ₂	31	13	61	4-1-9-15	.041	15.0
1869	56.0			SW ₂	31	13	61	4-1-9-15	.464	168.0
1869	....	9.0		W ₂ NE ₂	31	13	61	4-1-9-15	.075	27.0
1869	39.0			N ₂ NW ₂	6	12	61	4-1-9-15	.323	117.0
1869	....	53.0		NW ₂	6	12	61	4-1-9-15	.273	99.0
Claimant - Stephen Williams								Proof No. 01170		
Source - White River					Ditch					
1869	28.1			W ₂ NE ₂	31	13	61	4-1-9-15	.233	84.3
1869	.14			NW ₂ NE ₂	6	12	61	4-1-9-15	.012	4.2
<i>2 1/4 Acres on map</i>										
Claimant - James T. McQueen								Proof No. 01167		
Source - White River					Ditch					
1880	25.0			N ₂	11	12	60	4-1-9-15	.207	75.0
1889	10.0			S ₂ SE ₂	1	12	60	4-1-9-15	.083	30.0
1894	20.0			SE ₂	1	12	60	4-1-9-15	.166	60.0
1905	14.0			S ₂	1	12	60	4-1-9-15	.116	42.0
Claimant - Christian and Karen Hermanson								Proof No. 01171		
Source - White River					Ditch					
1881	95.0			S ₂	32	13	61	4-1-9-15	.787	285.0
1881	71.5			S ₂	33	13	61	4-1-9-15	.592	214.5
1881	....	67.0		S ₂	33	13	61	4-1-9-15	.553	201.0

Claimant - Andrew Lee

Proof No. 01169

Source - White River

Ditch

Year	Culture-Acres	Location	Subdi- vision	Sec.	Tp.	R.	E.	Season	G.F.S.	Ac.-Yr.
1892	3.5	N $\frac{1}{2}$ NW $\frac{1}{4}$		9	12	60	4-1-9-15	.029	10.5	
1892	5.9	SW $\frac{1}{4}$ NE $\frac{1}{4}$		9	12	60	4-1-9-15	.049	17.7	

Claimant - Adams-McGill

Proof No.

Source - McQuitty Springs

Ditch

1890	30.5	SE $\frac{1}{4}$		2	12	61	4-1-9-15	.253	91.5
1890	2.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$		1	12	61	4-1-9-15	.017	6.3
1890	1.4	NW $\frac{1}{4}$ NW $\frac{1}{4}$		12	12	61	4-1-9-15	.012	4.2

Claimant - Lund Irrigation Co.

Proof No.

Source - Preston Big Spring

Ditch

(Nicholas, Cold, Hersley and Arnoldson Springs tributary)

1900	....	6.8	E $\frac{1}{2}$		30	12	62	9-15-4-1	.028	10.2
1900	....	29.2	W $\frac{1}{2}$		29	12	62	9-15-4-1	.121	43.8
1900	....	13.0	E $\frac{1}{2}$ SE $\frac{1}{4}$		31	12	62	9-15-4-1	.054	19.5
1900	....	93.0	W $\frac{1}{2}$		32	12	62	9-15-4-1	.385	139.5

* For winter use only

Claimant - Adams-McGill

Proof No.

01162

Source - Preston Big Spring

Ditch

(Nicholas, Cold, Hersley and Arnoldson Springs tributary)

1898	.....	220.0	W $\frac{1}{2}$		6	11	62	9-15-4-1	.911	330.0
....	.....		NW $\frac{1}{4}$ NE $\frac{1}{4}$		7	11	62	9-15-4-1	....	....

* For winter use only

Claimant - Lund Irrigation Co.

Proof No.

Source - Lund Spring

Ditch

1898	.....	42.2	NE $\frac{1}{4}$ NE $\frac{1}{4}$		5	11	62	9-15-4-1	.175	63.3
1898	.....	41.4	N $\frac{1}{2}$		4	11	62	9-15-4-1	.171	62.1
1898	.....	101.4	SE $\frac{1}{4}$		32	12	62	9-15-4-1	.420	152.1
1898	.....	101.0	SW $\frac{1}{4}$		33	12	62	9-15-4-1	.418	151.5

* For winter use only

Claimant - Adams-McGill

Proof No.

01164

Source - Lund Spring

Ditch

1898	.....	300.0	W $\frac{1}{2}$		5	11	62	9-15-4-1	1.242	450.0
1898	.....		W $\frac{1}{2}$ NW $\frac{1}{4}$		8	11	62	9-15-4-1	.....	.....

* For winter use only.

Claimant . Adams-McGill Co.

Proof No. 01168

Source - White River

Ditch _____

Year of Priority	Harvest Crops	Diver-sified Pasture	Subdi- vision	Location			Length of Season	Duty of Water	
				Sec.	Tp.N.	R.E.		C.F.S.	Ac.Ft.
1898	120.0	SW $\frac{1}{4}$	6	11	62	9-15-4-1	.497	180.0
			N $\frac{1}{4}$ NW $\frac{1}{4}$	7	11	62	9-15-4-1		

* For Winter use only.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

2. That the relative priority or rank of the said several rights of the appropriators of waters of White River and its tributaries, as listed in paragraph 1, is and shall be recognized as being in the order of the dates of the several appropriations, and no one holding a subsequent appropriation shall be entitled to receive any water until all prior appropriations have been fully satisfied.

3. That each of the parties hereto, together with their agents, servants and employees and those claiming by, through or under it, is perpetually enjoined from using any of the waters of said stream system in excess of its several rights as the same are herein defined, and from using the water at such time or in such manner, or in such amount as will infringe upon any rights of another party, as such right is herein defined.

4. That all water diverted from said White River be measured 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 of the point of measurement to be selected, or, if not selected, to be approved by the State Engineer.

5. That each water user shall install and maintain substantial headgates, works of control and weirs in his ditch or ditches of such construction as will be approved by the State Engineer.

6. That in addition to water used during the irrigating season, each user shall be entitled to divert sufficient water for

1 stock and domestic purposes, the amount so diverted not to exceed a
2 flow of 0.025 c.f.s., such diversion to be made during the non-irri-
3 gating season and subject to the provisions of paragraph 2. The
4 point of measurement of stock water shall be at the same point as
5 selected and approved by the State Engineer for the measurement of
6 irrigation water.

7 7. That the parties as listed in paragraph 1, or their
8 successors in interest, shall not be required to take or use the
9 amount of water allotted to them in a continuous flow but may accu-
10 mulate same within the seasonal limits, with the approval of the
11 water commissioner, subject to the control and direction of the State
12 Engineer.

13 8. That the State Engineer, or any party or adjudicated
14 claimant upon White River and its tributaries, may, at any time
15 within three years from the entry hereof, apply to this court for a
16 modification of this decree insofar only as this decree fixes the
17 duty of water, and, upon the hearing of such motion, this court may
18 modify its decree increasing or decreasing the duty of water, con-
19 sistent with good husbandry and consistent with the principle that
20 actual and beneficial use shall be the measure and limit of the
21 right.

22 9. That the beginning and end of the irrigation season
23 shall be as defined in this decree except when climatic conditions
24 are such that irrigation is not in accordance with good husbandry
25 and actual beneficial use of water; the State Engineer shall then
26 determine by examination the beginning of the irrigation season and
27 shall set the date giving notices to all parties concerned. The set-
28 ting of this date shall be for the sole purpose of administering
29 and distributing the water of White River and its tributaries in
30 accordance with this decree.

31 Done in open Court, none pro tunc as of December 4, 1922.

32 (Signed) H. V. Edwards

DISTRICT JUDGE.

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This is to certify that
the within and foregoing Decree is a
true and correct copy of the original
on file herein.

(Signed) V. H. YARGAS
Attorney for Preston
Irrigation Company.