

1 Filed: Wed 11/16, 1934,  
2 F. D. [unclear], Clerk. No. \_\_\_\_\_  
3 By \_\_\_\_\_, Deputy.  
4

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

7 --oo0oo--

8 IN THE MATTER OF THE DETERMINATION )  
9 OF THE RELATIVE RIGHTS IN AND TO ) FINDINGS OF FACT,  
10 THE WATERS OF BAKER AND LEHMAN ) CONCLUSIONS OF LAW,  
11 CREEKS AND TRIBUTARIES IN THE COUNTY ) AND DECREE  
12 OF WHITE PINE, STATE OF NEVADA. )

12 The above-entitled matter came on regularly for hearing  
13 in the above-entitled Court on August 11, 1933, before Honorable  
14 H. W. Edwards, District Judge of said Court, the whole of said  
15 stream system being within said White Pine County, State of Nevada  
16 and he being the Judge designated by statute to hear and having  
17 jurisdiction to hear said matter, upon the State Engineer's Final  
18 Order of Determination of the relative rights of the claimants  
19 and appropriators to the use of the waters of the stream system  
20 of Baker and Lehman Creeks and their tributaries, which Final  
21 Order of Determination had been duly filed by said State Engineer  
22 herein, and also upon certain exceptions thereto which were duly  
23 filed herein by the hereinafter named claimants to the use of said  
24 waters, the sworn statements and claims of claimants and all the  
25 other evidence on file herein and the entire records and files in  
26 said matter.

27 Gray Mashburn, Attorney-General of the State of Nevada,  
28 appeared in said hearing and proceedings on behalf of said State  
29 and the State Engineer of the State of Nevada; and J. M. Collins,  
30 Esquire, appeared on behalf of said exceptors.

1 or by any such permit so granted by said State Engineer.

2 (d) From diverting from the natural channel and from  
3 using any of the said water at any other time or times than as  
4 specified and provided by the terms of this Decree or by any such  
5 permit so granted by the said State Engineer.

6 (e) From in any manner meddling with, opening, closing,  
7 changing, injuring, or interfering with any headgates, weirs,  
8 water-boxes, flumes, or measuring devices, or either or any of  
9 them, placed, installed, established, or approved by said State  
10 Engineer or by his authority or direction, unless such act be done  
11 with the permission or authority of the water commissioner or  
12 commissioners on said stream system during the period of his reg-  
13 ulation or control of said water, or, if not done during such  
14 period of his control, then by virtue of the allowances, author-  
15 ity, terms, and provisions of this Decree or by a permit so grant-  
16 ed by said State Engineer.

17 The Court further concludes from the facts so found  
18 that all and singular the appropriators and claimants hereinafter  
19 named in the Judgment and Decree herein are entitled to all and  
20 singular the water rights and other rights incident thereto as  
21 specified, adjudged, and decreed in the Judgment and Decree here-  
22 in.

23  
24 JUDGMENT AND DECREE

25 IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED AS  
26 FOLLOWS:

27 I.

28 That, except such persons as may have acquired rights  
29 to the waters of Baker and Lehman Creeks stream system and its  
30 tributaries granted under and pursuant to applications to the

1 State Engineer under and by virtue of the Statutes of 1905, Chap-  
 2 ter 46, Statutes of 1907, page 30, and under and by virtue of  
 3 Chapter 140, Statutes of 1913, as amended, no person other than  
 4 the parties named herein had any interest in or to the waters of  
 5 said stream system or in or to the use of said waters of said  
 6 stream system, or any part thereof.

7 II.

8 That the names of claimants or appropriators of the  
 9 waters of said Baker and Lehman creeks stream system and its trib-  
 10 utaries who divert waters from said stream system for beneficial  
 11 use, the source of water supply, the means by which water is se-  
 12 cured from the source of supply and applied to beneficial use,  
 13 the point of diversion and measurement of water, the year of  
 14 priority, the cultured acreage, the legal subdivisions, sections,  
 15 township, and range, length of season, and duty of water for each  
 16 os said claimants or appropriators are hereby adjudged and decreed  
 17 as follows, to wit:

18 Claimant: UNITED SECURITIES CORPORATION  
 19 Proof No. 01064  
 20 Source: Lemay, Lehman, or Big Springs  
 Ditch: Lehman  
 Point of Diversion: In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 10, T. 13 N., R. 69 E.

Pri- ority	CULTURE(Ac.)		DESCRIPTION			DUTY OF WATER		
	Class A	Harvest Crop	Subd'vn.	Sec.	Tp.N.	R.E.	Cubic Feet per Second Summer Irrigation	Winter Irrigation
1869	3.125		SW $\frac{1}{4}$ NE $\frac{1}{4}$	11	13	69	0.06	0.03
"	12.25		NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	"	"	0.25	0.12
"	12.25		SE $\frac{1}{4}$ NE $\frac{1}{4}$	11	"	"	0.25	0.12
"	14.50		NW $\frac{1}{4}$ NW $\frac{1}{4}$	12	"	"	0.29	0.15
"	16.25		NE $\frac{1}{4}$ SE $\frac{1}{4}$	12	"	"	0.32	0.16
"	3.50		NE $\frac{1}{4}$ NW $\frac{1}{4}$	12	"	"	0.07	0.03
"	37.75		SW $\frac{1}{4}$ NW $\frac{1}{4}$	12	"	"	0.75	0.38
"	26.50		SW $\frac{1}{4}$ NE $\frac{1}{4}$	12	"	"	0.53	0.26
"	38.95		SE $\frac{1}{4}$ NW $\frac{1}{4}$	12	"	"	0.78	0.39
"	6.25		SE $\frac{1}{4}$ NE $\frac{1}{4}$	12	"	"	0.13	0.07
"	22.25		NW $\frac{1}{4}$ SW $\frac{1}{4}$	12	"	"	0.44	0.22
"	15.50		SW $\frac{1}{4}$ SW $\frac{1}{4}$	12	"	"	0.31	0.15
"	1.95		NW $\frac{1}{4}$ NW $\frac{1}{4}$	13	"	"	0.04	0.02
"	80.00		E $\frac{1}{2}$ SW $\frac{1}{4}$	12	"	"	1.60	0.80
"	13.125		NE $\frac{1}{4}$ NW $\frac{1}{4}$	13	"	"	0.26	0.15
"	7.75		NW $\frac{1}{4}$ NE $\frac{1}{4}$	13	"	"	0.16	0.08
"	80.00		W $\frac{1}{2}$ SE $\frac{1}{4}$	12	"	"	1.60	0.80
"	2.25		NE $\frac{1}{4}$ NE $\frac{1}{4}$	13	"	"	0.04	0.02
"	21.25		SE $\frac{1}{4}$ SE $\frac{1}{4}$	12	"	"	0.43	0.22
<b>Total</b>	<b>415.40</b>	<b>acres</b>	<b>Total Cubic Feet Second</b>				<b>8.31</b>	<b>4.15</b>

1 Total acre feet required for summer irrigation (154 days) with a  
 2 duty of 6.16 acre feet per acre equals 2559.0.

3 Total acre feet required for winter irrigation (211 days) with a  
 4 duty of 4.22 acre feet per acre equals 1752.0.

5 Claimant: C. T. RHODES  
 6 Proof No. 01065  
 7 Source: Cave Springs  
 8 Ditch: Lehman  
 9 Point of Diversion: In the SW<sub>1</sub>SW<sub>4</sub>, Sec. 10, T. 13 N., R.69E.

Pri- ority	CULTURE(Ac.)		DESCRIPTION			DUTY OF WATER		
	Class A Harvest Crop		Subd'vn.	Sec.	Tp.N.	R.E.	Cubic feet per sec.	Total Ac. Ft.
1890	7.5		(NE <sub>1</sub> NW <sub>4</sub> (NW <sub>1</sub> NE <sub>4</sub>	15	13	69	0.15	109.50

11 Year around irrigation (365 days) with a continuous flow  
 12 of 0.15 cubic feet per second.

13 Claimant: UNITED SECURITIES CORPORATION  
 14 Proof No. 01066  
 15 Source: Baker and Lehman Creeks  
 16 Ditches: Baker Ranch ditches  
 17 Point of diversion: From the combined stream in the NE<sub>1</sub>SE<sub>4</sub>,  
 18 Sec. 6, T. 13 N., R. 70 E.

Pri- ority	CULTURE(Ac.)		DESCRIPTION			DUTY OF WATER			
	Class A. Harvest Crop		Subd'vn	Sec.	Tp.N.	R.E.	Cubic feet per Second Summer Irrigation	Winter Irrigation	
1872	40.0		NW <sub>1</sub> NE <sub>4</sub>	15	13	70	0.60	0.20	
"	40.0		NE <sub>1</sub> NW <sub>4</sub>	15	"	"	0.60	0.20	
"	40.0		NW <sub>1</sub> NW <sub>4</sub>	15	"	"	0.60	0.20	
"	40.0		NW <sub>1</sub> NW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		SW <sub>1</sub> NW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		NE <sub>1</sub> NW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		SE <sub>1</sub> NW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		NE <sub>1</sub> SW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		NW <sub>1</sub> SW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		SW <sub>1</sub> SW <sub>4</sub>	10	"	"	0.60	0.20	
"	40.0		SE <sub>1</sub> SW <sub>4</sub>	10	"	"	0.60	0.20	
"	52.7		W <sub>1</sub> SE <sub>4</sub>	9	"	"	0.79	0.26	
"	40.0		NE <sub>1</sub> SE <sub>4</sub>	9	"	"	0.60	0.20	
"	40.0		SE <sub>1</sub> SE <sub>4</sub>	9	"	"	0.60	0.20	
1876	40.0	572.7	NE <sub>1</sub> NE <sub>4</sub>	9	"	"	0.60	0.20	2.86
"	40.0		NW <sub>1</sub> NE <sub>4</sub>	9	"	"	0.60	0.20	
"	40.0		SW <sub>1</sub> NE <sub>4</sub>	9	"	"	0.60	0.20	
"	40.0		SE <sub>1</sub> NE <sub>4</sub>	9	"	"	0.60	0.20	
1881	2.0	16.00	SE <sub>1</sub> SW <sub>4</sub>	9	"	"	0.03	0.01	0.30
1885	33.4		SW <sub>1</sub> SW <sub>4</sub>	11	"	"	0.50	0.17	
"	7.5		SE <sub>1</sub> SW <sub>4</sub>	11	"	"	0.11	0.04	
"	40.0		NE <sub>1</sub> SW <sub>4</sub>	11	"	"	0.60	0.20	
"	40.0		NW <sub>1</sub> SW <sub>4</sub>	11	"	"	0.60	0.20	
"	19.8		NW <sub>1</sub> SE <sub>4</sub>	11	"	"	0.30	0.10	0.71

140.70

Pri- ority	CULTURE (Ac.)		DESCRIPTION				DUTY OF WATER	
	Class A Harvest	Crop	Subd'vn	Sec.	Tp.N.	R.E.	Cubic feet per Second Summer Irrigation	Winter Irrigation
1886	40.0		NE SW	4	13	70	0.60	0.20
"	40.0		NW NE	10	"	"	0.60	0.20
"	40.0		SW NE	10	"	"	0.60	0.20
1888	40.0	110.00	NE SE	10	"	"	0.60	0.20
"	40.0		NW SE	10	"	"	0.60	0.20
"	40.0		SW SE	10	"	"	0.60	0.20
"	40.0		SE SE	10	"	"	0.60	0.20
1889	29.2	160.00	SE NE	16	"	"	0.44	0.14
"	1.0		SW NE	16	"	"	0.01	0.01
1891	10.0	30.2	NW NE	16	"	"	0.15	0.05
1894	30.0		SW NW	15	"	"	0.45	0.15
1895	39.0		SW NE	15	"	"	0.58	0.19
"	40.0		SE NW	15	"	"	0.60	0.20
"	52.0		(NE SW)	15	"	"	0.78	0.26
"			(NW SE)	"	"	"		
"	29.0		NE NE	15	"	"	0.44	0.15
"	2.5		NW NW	14	"	"	0.04	0.01
"	20.0		S SW	15	"	"	0.30	0.10
1897	40.0	182.50	NE SE	4	"	"	0.60	0.20
"	40.0		NW SE	4	"	"	0.60	0.20
"	40.0		SW SE	4	"	"	0.60	0.20
"	40.0		SE SE	4	"	"	0.60	0.20
1902	40.0	160.00	NE NE	16	"	"	0.60	0.20
1903	40.0		SE SW	4	"	"	0.60	0.20
1904	14.7		SW SE	15	"	"	0.22	0.07
"	20.0		NE NW	9	"	"	0.30	0.10
"	5.0		SE NW	9	"	"	0.08	0.03
"	40.0		NW SW	3	"	"	0.60	0.20
"	40.0		SW SW	3	"	"	0.60	0.20
Total	1767.8	119.70 acres					1.80	0.60

U.S. of American Forest Service

Total Cubic Feet per Second 26.52 8.84

Total acre feet required for summer irrigation (154 days) with a duty of 4.62 acre feet equals 8168.2.

Total acre feet required for winter irrigation (211 days) with a duty of 2.11 acre feet equals 3730.4.

That, by reason of the conveyances by Baker Livestock Company mentioned on page 19 hereof to other persons without specifying the priorities of the water and water rights so conveyed as found on said page 19, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following persons have the following water rights in the order of sequence in which said conveyances were made, which order of sequence and conveyance is the order of priority of the particular water right, as follows:

a) FIRST RIGHT -- That Baker Livestock Company and its