

WRID, Lyon County and Bowman Protestants

EXHIBIT

156

Order Approving Rules and Regulations for Distribution of Water
on the Walker River Stream System, filed September 3, 1953

1 IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
2 IN AND FOR THE DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,) In Equity
5 Plaintiff,) C-125.
6 -vs-)
7 WALKER RIVER IRRIGATION)
8 DISTRICT, a corporation,)
9 et als.,)
10 Defendants.)

FILED
SEP 3 1953
AMOS P. DUCKEY, CLERK
BY *[Signature]* DEPUTY

11 ORDER APPROVING RULES AND REGULATIONS
12 FOR DISTRIBUTION OF WATER ON THE
13 WALKER RIVER STREAM SYSTEM.

14 The Water Commissioners of the Walker River Stream System
15 having on the 27th day of August, 1953, filed herein their
16 "RULES AND REGULATIONS FOR THE DISTRIBUTION OF WATER ON THE
17 WALKER RIVER STREAM SYSTEM UNDER THE PROVISIONS OF PARAGRAPH 15
18 OF DECREE IN EQUITY, NO. C-125", and it appearing to the Court
19 that said rules and regulations are necessary for the proper
20 administration of said Decree C-125; and good cause appearing

21 It is ORDERED that said rules and regulations adopted by
22 the Board of Water Commissioners of the Walker River Stream
23 System on the 25th day of August, 1953, be, and they hereby
24 are, approved.

25 Dated this 3rd day of September, 1953.

26 *[Signature]*
UNITED STATES DISTRICT
27 JUDGE

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29
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31
32
CERTIFIED TO BE A TRUE COPY
Clerk, United States District Court

By *[Signature]*



1 IN THE DISTRICT COURT OF THE UNITED STATES OF
2 AMERICA, IN AND FOR THE DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,) In Equity
5 Plaintiff,) C-125.
6 -vs-)
7 WALKER RIVER IRRIGATION)
8 DISTRICT, a corporation,)
9 et als.,)
10 Defendants.)

FILED
AUG 27 1953
BY *J.P. [Signature]* DEPUTY CLERK

11 RULES AND REGULATIONS FOR THE
12 DISTRIBUTION OF WATER OF THE
13 WALKER RIVER STREAM SYSTEM UNDER
14 THE PROVISIONS OF PARAGRAPH 15 OF
15 DECREE IN EQUITY, NO. C-125.

16 To the Honorable Roger T. Foley, Judge of the United
17 States District Court, in and for the District of Nevada,
18 the Board of Water Commissioners of the Walker River Stream
19 System, respectfully submit the RULES AND REGULATIONS FOR THE
20 DISTRIBUTION OF WATER OF THE WALKER RIVER STREAM SYSTEM UNDER
21 THE PROVISIONS OF PARAGRAPH 15 OF DECREE IN EQUITY, NO. C-125,
22 adopted by the unanimous resolution of said Board of Water
23 Commissioners on the 25th day of August, 1953.

24 WHEREFORE, said Board of Water Commissioners respectfully
25 pray that such rules and regulations be approved by the Court,
26 and for such further and other orders as appear proper.

27 BOARD OF WATER COMMISSIONERS OF
28 THE WALKER RIVER STREAM SYSTEM.

29 *John H. Ross*
30 John H. Ross
31 Sweetland Building
32 Carson City, Nevada.
Counsel for the Board.

RULES AND REGULATIONS FOR THE DISTRIBUTION
OF WATER OF THE WALKER RIVER STREAM SYSTEM
UNDER THE PROVISIONS OF SECTION 15 OF DECREE
CASE IN EQUITY C-125, IN THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEVADA.

Pursuant to the provisions of Section 15 of the Decree of the United States District Court for the District of Nevada, Case in Equity C-125, there is submitted herewith rules and regulations for the distribution of water thereunder.

For distribution purposes the river shall be divided into six divisions set out as follows:

Division No. 1. That area on the Main Walker River consisting of the Schurz Indian Reservation, and extending from Walker Lake to the Webber Dam.

Division No. 2. That area consisting of lands served from the Main Walker River from the Yerington Weir to the confluence of the East and West Walker Rivers.

Division No. 3. That area consisting of lands served from the East Walker River from the confluence of the East and West Walker Rivers to Bridgeport Dam.

Division No. 4. That area consisting of lands served from the East Walker River and its tributaries above Bridgeport Dam, consisting principally of Bridgeport Valley.

Division No. 5. That area consisting of lands served from the West Walker River and its tributaries from the confluence of the East and West Walker Rivers to the Intake Canal for Topaz Reservoir.

Division No. 6. That area consisting of lands served from the West Walker River and its tributaries above Topaz Lake Intake Canal and consisting principally of Antelope Valley.

That for Divisions Nos. 1, 2, 3, 5, and 6 the irrigation season shall extend from the first day of March to the thirty-first day of October of each year.

That for Division No. 4 and that portion of Division No. 6 above the Coleville gaging station the irrigation season shall extend from the first day of March to the fifteenth day of September of each year.

That for Divisions Nos. 1, 2, 3, and 5, the duty of water is 1.2 cubic feet per second of water for each 100 acres of land entitled to water thereunder.

That for Divisions Nos. 4 and 6, the duty of water is 1.6 cubic feet per second of water for each 100 acres of land entitled to water thereunder.

That the points of diversion of water from the river in each of the divisions are designated to be as follows:

Division No. 1.

The outlet works of the Weber Dam of the Indian Service.

Division No. 2.

The Joggles Ditch
The Dairy Ditch
The SAB Ditch
The West Hyland Ditch
The Campbell Consolidated Canal
The Merritt-Nichol Ditch
The McLeod Ditch
The Spragg-Woodcock Ditch
The pumps of G. S. & Althea Williams
The pump of Helen Rosaschi

Division No. 3.

The Fox-Mickey Consolidated Ditch
The Hilbun Ditch
The Greenwood-Hall Mutual Ditch
The High Ditch
The Strosnider West Ditch
The Strosnider East Ditch
The Fryer Ranch Ditches consisting of 5 diversions
The Dreyer East Ditch
The Dreyer West Ditch
The East Walker River Ranch diversions consisting of 12 diversions
The Ravenelle Ranch East Ditch
The Ravenelle Ranch West Ditch
The Rosaschi Ranch ditches consisting of 2 diversions
The Sceirine Ranch ditches consisting of 5 diversions
The Plymouth Ranch Ditch

Division No. 4.

Gaging stations shall be established at the points of entry into Bridgeport Valley on Virginia Creek, Green Creek, Summers Creek, Robinson Creek above and below Twin Lakes, Buckeye Creek and Swauger Creek, and a daily record maintained as to the inflow during the irrigation season, and these stations shall be deemed to be the points of diversion for the Bridgeport Valley Division. The gaging stations shall be constructed at the expense of Division No. 4 users and maintained by the Board; provided however, efforts will be made to have the stations installed and maintained by the United States Geological Survey to the end that a cooperative sharing of cost labor and supervision may be brought about.

Suitable records shall be daily maintained as to the inflow into Bridgeport Reservoir through the use of daily/levels with due consideration being given to
lake

the discharge through the Bridgeport Dam outlet, and daily evaporation losses.

Records of the current and previous years shall be used to determine the percentage of return flow applicable to the consumptive use of water in the area. The application of these percentages to the amounts of water decreed to the individuals at the point of diversion shall determine the year of priority to be served to such individuals.

At all time the rights of all users having equal priorities shall be serviced equally. If at any time measurements indicate that a user of water in any Division having a decreed right with a priority earlier than, or equal to, that of a user of water in Division 4, is not receiving his prior or equal right serviced to the extent of the water to which he is entitled, the Water Master, or his deputies, shall forthwith release sufficient water from Division No. 4 users to service the prior rights of users in Divisions 1, 2 and 3, to the full extent of the priority or equality of such users in Divisions 1, 2 and 3.

The report of the Chief Deputy Water Commissioner of date the 10th day of August, 1953, setting out specifically the points at which screw lift headgates are to be installed is attached hereto and made a part hereof.

Division No. 5.

The Kelly-Alkali Ditch
The D. & G. W. Ditch
The Lee Sanders Ditch
The West Side Canal
The Tunnel Ditch
The Lower Fulstone Ditch
The Gage Peterson Ditch
The West Walker Ditch
The Fulstone Ditch
The Rivers-Simpson Ditch
The Dickerson Ditch
The Burbank Ditch
The Plymouth Ditch
The Colony Canal
The Saroni Canal

Division No. 6.

The Rickey Ditch
The Swauger Ditch
The Alkali Ditch
The East Goodnough Ditch
The Harney Ditch
The P. & T. Slough Ditch
The Powell Ditch
The West Goodnough Ditch
The Big Slough Ditch
The Hardy Ditch
The Main Canal
The Carney Ditch
The Taylor Ditch

The Rosaschi diversion from Lost Canon Creek
The ditches of the Sierra Pacific Power Company at Pickle Meadows
consisting of 4 diversions.
The ditches of the Little Walker Range Association on the Little
Walker River and its tributaries consisting of 5 diversions.

That pursuant to previous orders of this Board and in accordance with paragraph 14 of the Decree it is required that at all diversions in Divisions Nos. 2, 3, 5, and 6, there shall be established at the owners own expense a reliable, sufficient and easily operated lock regulating readgate and a measuring device of a type that meets with the approval of the Board of Water Commissioners. It has been held that Parshall Flumes, Calco Metergates or Rectangular Weirs are an approved type of measuring device and that all headgates must be equipped with screw type headgates for the regulation of the flow of water into the ditches.

Division No. 1 secures full decree rights through the discharge through the Yerington Weir and inflow from the drainage system of the Walker River Irrigation District. A gaging station at Parkers at the lower end of Mason Valley will measure the water for the Indian Service.

In determining the year of priority to be served to the individual decreed users under the Walker River Stream System, the Chief Deputy Water Commissioner shall apply the following formula.

He shall determine the total amount of water entering the Walker River Stream System through natural channels. He shall add to this accumulated total of natural flow water the amount of return flow he computes to be returning to the stream system through seepage, drain canals or any other sources. The sum total of water from these two sources shall be considered to be the total amount of water available to serve the vested rights under the decree and the year of priority to be served shall be determined daily by the Chief Deputy Water Commissioner from this information. If at any time the Chief Deputy Water Commissioner determines that there is more water available in the stream than is required to fill the rights of all of the vested users including the rights of the Walker River Irrigation District and others similarly situated to store water, then he shall prorate such excess water to all users in proportion to the rights already established.

If at any time the Chief Deputy Water Commissioner through investigation determines that any users' water is not being put to beneficial use, but is going to waste, he shall immediately refuse delivery of water to the said user, unless and until he is satisfied

that the water when returned to the user will be put to beneficial use within the meaning of the Decree.

The organizational structure of the Board of U. S. Water Commissioners shall be as follows:

At the first meeting of the Board after the appointment of its members by the United States District Judge for the District of Nevada, they shall proceed to elect a Chairman, a Vice-Chairman, a Treasurer and a Secretary-Manager.

The Chairman shall be the presiding officer at all meetings of the Board and have a vote in all proceedings. He shall appoint such committees as are deemed necessary for the proper functioning of the Board.

The Vice-Chairman shall act in the absence of the Chairman, and shall be Chairman of the Finance Committee.

The Treasurer shall act as the fiscal officer of the Board.

The Secretary-Manager who need not be a Board member, shall be elected by the members of the Board and shall serve at the pleasure of the Board. He shall be the Executive officer of the Board, with authority by and with the approval of the Board to employ such persons as is deemed necessary to properly enforce the terms of the Decree and bring about an equitable distribution of the waters of the Walker River Stream System. He shall at the spring meeting of the Board, present a plan of distribution for the forthcoming season, an estimate of the number of employees necessary, and the estimated costs thereof, together with a budget and proposed rate of assessment for the ensuing year. His report shall be considered by the Board and shall be accepted or rejected in whole or in part as the members of the Board deem advisable. He shall after the budget and rate of assessment have been approved, assess all users at the same rate per acre within the system and shall proceed to collect such assessments for the use of the Board.

The Secretary-Manager shall also be charged with the responsibility of accumulating and keeping the records, materials and property of the Board and shall be the custodian thereof.

The field distribution of the waters of the stream system shall be under the supervision of the Chief Deputy Water Commissioner who shall supervise the Deputy Water Commissioners, but who shall be responsible to the Secretary-Manager of the Board.

The Chairman, Treasurer, Chairman of the Finance Committee and the Secretary,

shall have the authority and they shall be responsible for the monthly approval and payment of the bills and accounts of the Board and they are herewith authorized to sign the warrants therefor at monthly meetings.

The Board shall refer all legal matters to the Boards attorney, heretofore appointed directly by the Court.

The Board shall meet semi-annually and at such other times as deemed proper by the Chairman of the Board and shall at these meetings either regular or special shall consider among any other matters that may properly come before them and which they consider matters within the jurisdiction of the Board, the payment of the bills by the Chairman, Treasurer and Secretary and shall approve or reject the action of these officers at that time.

These rules and regulations subject to the approval of the Court may be amended or changed by a majority of the Board.

The foregoing rules and regulations adopted by the unanimous resolution of the U. S. Water Commissioners this 25th day of August, 1953,

ATTEST:

Raym. Whitace
Secretary-Manager

U. S. WATER COMMISSIONERS,

By:

W. H. Finister
Chairman

Richard B. Day
Member

S. H. Stunnewell
Member

E. J. Brown
Member

Arnold Farris
Member

George Silvestro
Member

Yerington, Nevada
August 10th, 1953

To the Board of United States Water Commissioners
Yerington, Nevada

Gentlemen:

In accordance with the request of your Secretary Roy M. Whitacre, I have made an investigation of the numbers of screw lift gates necessary to be installed in Bridgeport Valley to properly control the flow of irrigation water in the respective ditches in the event that the water is distributed under the second proposal of the report submitted by Archie J. Millar. The location of these devices are identified by the diversion number assigned under the Millar report reference to which is herewith made.

Buckeye Creek:

Diversion No.

- 1— Screw lift headgate .
- 2— Screw lift headgate.
- 3— Screw lift headgate.
- 4— Screw lift headgate.
- 5— Screw lift headgate.
- 6— To be equipped with screw lift headgate if and when rebuilt.
- 12— Screw lift headgate in one section—Flash boards in the other.

Total for Buckeye Creek—6 screw lift headgates at this time.

Robinson Creek:

Diversion No.

- 2— Screw lift headgate .
- 3— Screw lift headgate.
- 4— Screw lift headgate.
- 5— 2 Screw lift headgates (Double headgate)
- 8— 2 Screw lift headgates (Double headgate)
- 9— 2 Screw lift headgates (Double headgate)
- 11— Screw lift headgate.

Total for Robinson Creek—7 control devices.

Green Creek - Right Fork:

Diversion No.

- 1— 2 Screw lift headgates (Double headgate)
- 1A— Screw lift headgate.
- 2A— 2 Screw lift headgates (Double headgate)

Total for right fork of Green Creek—3 control devices.

Virginia Creek:

Diversion No.

7-- Screw lift headgates in one section--Flash boards in the other.

Total for Virginia Creek--1 control device.

East Walker River:

Diversion No.

2-- Screw lift headgate.

Total for East Walker River--1 control device.

This report shows that 18 control devices will be the minimum that may be installed to control the diversions in Bridgeport Valley. It might be necessary in the future to install 2 or 3 more screw gates.

No devices are shown as necessary on the small creeks as they seldom furnish enough water to fill the decree allotted to them.. However, should there be any question among the Bridgeport users as to the distribution of water among themselves it may be necessary to require lock headgates at selected sites.

Respectfully submitted,



A. W. Reymers
Chief Deputy Water Commissioner.