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Filed April 25<sup>th</sup>, 1940

C. E. [Signature], Clerk

By \_\_\_\_\_, Deputy

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
WALKER RIVER IRRIGATION )  
DISTRICT, a corporation, )  
et al, )  
 )  
Defendants. )

IN EQUITY  
NO. C-125

STIPULATION AND AGREEMENT FOR ENTRY OF  
AMENDED FINAL DECREE PURSUANT TO WRIT OF MANDATE  
OF THE CIRCUIT COURT OF APPEALS - NINTH CIRCUIT-  
AND ALSO AMENDED DECREE ENTERED HEREIN ON APRIL  
15, 1936 TO CLARIFY CERTAIN PROVISIONS THEREOF.

WHEREAS, the above entitled Court entered its final decree  
in the above cause on the 15th day of April, 1936, and there-  
after plaintiff having appealed, the United States Circuit  
Court of Appeals - Ninth Circuit - issued on the 19th day of  
October, 1939, its Mandate, Order and Decree reversing in  
certain respects, the Order and Decree of this Court entered  
herein, as aforesaid, on April 15, 1936, and

WHEREAS, the plaintiff having heretofore duly filed and  
noticed its Motion in the above cause for an Order directing  
the Clerk to file said Mandate and for an Order amending said  
final decree to conform with said Writ of Mandate, and

WHEREAS, plaintiff and defendants, through their respect-  
ive attorneys, also desire to clarify certain other provisions  
of the Decree entered by the above Court in said cause on

1 April 15, 1936, as aforesaid;

2 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED between  
3 the above named plaintiff and defendants, through their res-  
4 pective attorneys, that the above entitled Court may enter  
5 its Order amending the said Final Decree heretofore entered  
6 in the above entitled cause on April 15, 1936, in the follow-  
7 ing respects:

8 1. That page 10 of said Decree be amended to read as  
9 follows:

10 "argued before the Court in San Francisco, California  
11 and finally submitted on January 10, 1936. The Court,  
12 having considered the arguments of counsel and the  
13 evidence and having made its findings of fact and con-  
14 clusions of law, and upon the 15th day of April, 1936  
15 filed and entered its order and decree herein, and it  
16 thereafter appearing to this Court that on the 19th  
17 day of October, 1939, the United States Circuit Court  
18 of Appeals, Ninth Circuit, issued its Mandate, Order  
19 and Decree reversing the order and decree of this  
20 Court entered herein as aforesaid on April 15, 1936,

21 WHEREFORE, pursuant to said Writ of Mandate and in  
22 conformity therewith, it is now ordered, adjudged  
23 and decreed as follows:

24 RIGHTS OF THE UNITED STATES OF AMERICA

25 I. The plaintiff, United States of America, is  
26 hereby adjudged and decreed to be the owner of the  
27 right to divert a continuous flow of 26.25 cubic  
28 feet per second of the natural flow of the Walker  
29 River to be diverted from said stream upon or above  
30 the Walker River Indian Reservation during the irri-  
31 gation season of 180 days of each year for the irri-  
32 gation of 2100 acres of land situate in the Walker  
River Indian Reservation, in addition to whatever  
flow of said stream is reasonably necessary for dom-  
estic and stock watering purposes and power purposes,  
to the extent now used by plaintiff during the non-  
irrigation season, all with a priority of November  
29, 1859, the date of the establishment of said  
Indian Reservation. The said natural flow of water  
of said stream and its said tributaries to be  
diverted therefrom at the points of diversion now  
used for such purpose by plaintiff or at such other  
points as may hereafter be selected by plaintiff for  
such diversion, either upon or above the Walker River  
Indian Reservation, provided, however, that any change  
in point or points of diversion sought to be made by  
the United States of America, to a point or points  
above the present boundaries of the Walker River  
Indian Reservation, shall not be made except upon

1 petition to this Court and its approval obtained  
2 after hearing upon such notice as the Court may  
3 order, and the Court expressly reserves juris-  
4 diction of this cause for the purpose of hearing  
5 and determining such a petition or petitions.

6 The defendants and each of them, their several  
7 servants, agents, attorneys and all persons claiming  
8 by, through or under them, are forever enjoined and  
9 restrained from preventing or interfering with the  
10 natural flow of said quantities of water from the  
11 channels of the said stream and its said tributaries  
12 down to and upon said Indian Reservation.

13 RIGHTS OF DEFENDANTS RECOGNIZED IN DECREE  
14 NO. 731

15 II. The parties defendant to this suit, or their  
16 successors in interest, hereinafter in this para-  
17 graph II mentioned, whose rights were adjudicated  
18 for them, or their predecessors in interest, in the  
19 decree of this Court in the suit entitled "Pacific  
20 Livestock Company, a corporation, Plaintiff, vs.  
21 T. B. Rickey, et al, Defendants" in Equity No. 731,  
22 are hereby severally"

23 2. That said Decree may be amended by inserting the  
24 words "as of the 14th day of April, 1936" after the words  
25 "its tributaries", being the last words on line 3, page 72  
26 thereof.

27 3. That said Decree may be amended by inserting the  
28 words "of point of diversion or" after the first two words  
29 "a change" appearing on line 3 of page 73 thereof.

30 4. That said Decree may be amended by making Paragraph  
31 XVI, page 75 thereof, read as follows:

32 "XVI. The irrigation season along the Walker  
River, its branches and tributaries, extends  
from the first day of March to the thirty-first  
day of October of each year, except that in  
Bridgeport Valley on the East Walker River, and  
at all points above the Coleville Gauging Sta-  
tion on the West Walker River the irrigating  
season covers the period from March first to  
September fifteenth of each year."