

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR CHURCHILL COUNTY

In the Matter of the)
TRUCKEE-CARBON IRRIGATION)
DISTRICT.)

J U D G M E N T A N D D E C R E E

The Truckee-Carson Irrigation District having filed a petition in the above-entitled cause for the examination, approval and confirmation by this court of all proceedings had by said District, authorizing it to execute and enter into that certain contract known as the "Truckee River Agreement," as the same is set out in full in said petition, and other matters relating thereto, and for the determination of the validity of said contract, and the matter coming on regularly this day to be heard, and the petitioner appearing and being represented by A. L. Haight, Esq., its attorney, and no persons or interested parties having appeared at said hearing in opposition to such petition, and no persons or parties interested having answered the same or filed or presented objections thereto, and the court having proceeded to hear the allegations and proof presented to it by petitioner, and oral and documentary evidence having been presented in its behalf, and the matter having been submitted to the court for decision, and the court being fully advised in the premises, and the law and the facts being fully understood and considered, and the court having made, signed and filed its findings of fact and conclusions of law herein, and ordered that a final judgment and decree should be entered herein granting the prayer of the said petition in all respects,

EXHIBIT

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Now, therefore, by reason of the foregoing and of the law and of the findings of fact as aforesaid,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Truckee-Carson Irrigation District was and is in all respects as required by law duly and regularly organized as an irrigation district under the laws of the State of Nevada, and that, all and singular, the organization proceedings of said District were in all respects in compliance with the law and are hereby confirmed.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the proceedings had and taken by said Truckee-Carson Irrigation District and its Board of Directors and officers relative to entering into a certain contract known as the "Truckee River Agreement," dated July 1, 1935, approved as to form by the Secretary of the Interior on June 15, 1935, wherein the United States of America is the party of the first part, Truckee-Carson Irrigation District is party of the second part, Washoe County Water Conservation District is party of the third part, Sierra Pacific Power Company is party of the fourth part, and other users of the waters of the Truckee River are parties of the fifth part, said contract being in the words and figures as set out in paragraph III of said petition, and the election held in connection therewith were in all respects in compliance with the requirements of the law and are hereby approved and confirmed.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the above-mentioned contract known as the "Truckee River Agreement" and as set out in said petition on file herein as aforesaid, was and is a valid and lawful contract and binding upon the Truckee-Carson Irrigation District in accordance with the covenants and agreements therein contained.

Done in open court this 11th day of October, 1937.



Judge of said Court.

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR CHURCHILL COUNTY

In the Matter of the)
TRUCKEE-CARSON IRRIGATION)
DISTRICT.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Truckee-Carson Irrigation District having filed a petition in the above-entitled cause for the examination, approval and confirmation by this court of all proceedings had by said District, authorizing it to execute and enter into that certain contract known as the "Truckee River Agreement," as the same is set out in full in said petition, and other matters relating thereto, and for the determination of the validity of said contract, and the court, by its order duly entered, having fixed the time and place for the hearing of said petition to be the hour of 1:30 o'clock p.m., on Monday, the 11th day of October, 1937, at the court room of said court in the courthouse in said Churchill county, and notice of the time and place of the hearing of said petition having been given as required by law and the order of this court, by publication thereof in the Fallon Eagle, a weekly newspaper of general circulation published in the city of Fallon, county of Churchill, state of Nevada, for at least two consecutive weeks prior to the said 11th day of October, 1937, the time fixed for the hearing of said petition, and the matter coming on regularly this day to be heard pursuant to such order and notice, and the petitioner appearing and being represented by A. L. Haight, Esq., its attorney, and no persons or interested parties having appeared at said hearing in opposition to such petition, and no

persons or parties interested having answered the same or filed or presented objections thereto, and the court having proceeded to hear the allegations and proof presented to it by petitioner, and oral and documentary evidence having been presented in its behalf, and the matter having been submitted to the court for decision, the court now makes the following findings of fact:

I

That on or about the 5th day of August, 1918, there was filed in the office of the County Clerk of the County of Churchill, State of Nevada, a petition proposing the organization of the Truckee-Carson Irrigation District to include certain lands in Churchill and Lyon counties, state of Nevada, situate within the proposed boundaries described in said petition; that thereafter, after proceedings duly and regularly had, the Board of County Commissioners of said Churchill County called an election to be held in said District as proposed in said petition for the purpose of organizing said District and electing its first Board of Directors; that thereafter, after proceedings duly and regularly had, the said election called as aforesaid was held and the first Board of Directors of said Truckee-Carson Irrigation District was elected; and that thereafter the said Board of County Commissioners, on the 25th day of November, 1918, entered in its minutes an order declaring the territory described in said petition duly organized as an Irrigation District under the name of Truckee-Carson Irrigation District, and further declaring the persons receiving the highest number of votes at said election to have been duly elected directors of said District; all pursuant to the laws of the State of Nevada then in force and effect.

II

That thereafter a petition praying, among other things,

for the confirmation of the organization of said District was filed in the above-entitled court, and following due and proper notice and a hearing thereon, the said court, on the 20th day of June, 1922, made and entered its findings and decree declaring the Truckee-Carson Irrigation District duly and regularly organized in accordance with the laws of the State of Nevada.

III

That a contract known as the "Truckee River Agreement," dated July 1, 1935, and approved as to form by the Secretary of the Interior on June 13, 1935, was thereafter negotiated between the United States of America, as party of the first part, Truckee-Carson Irrigation District, as party of the second part, Washoe County Water Conservation District, as party of the third part, Sierra Pacific Power Company, as party of the fourth part, and other users of the waters of the Truckee River, as parties of the fifth part, said contract being in the words and figures as set out in paragraph III of said petition.

IV

That at a regular meeting of the Board of Directors of the Truckee-Carson Irrigation District held at its office in the city of Fallon, state of Nevada, on the 2d day of March, 1936, by motion duly made, seconded and carried, and entered in its minutes, said Board ordered submitted to the qualified electors of the District, at the election to be held in said District on Tuesday, April 7, 1936, the question as to whether or not the said Truckee-Carson Irrigation District should enter into the above-mentioned contract known as the "Truckee River Agreement" and ordered that the Secretary of the Board give notice thereof as required by law; and at the same time and place the Secretary of

the said petitioner named and appointed a qualified elector of each division or precinct of the Truckee-Carson Irrigation District to act as deputy registrar for said election; and the said Board of Directors at the same meeting appointed two persons from each election division or precinct to act as clerks of election for their respective divisions or precincts and three qualified electors to act as inspectors of election of their respective divisions or precincts, pursuant to the statute in such case made and provided, and did also designate the hour and place in each precinct where said election should be held, and the time of the opening and closing of the polls as so designated by said Board was in accordance with the time fixed by the general election laws of the State of Nevada, to wit, the time for the opening of said polls being fixed at eight o'clock a.m. and the time for the closing of said polls being fixed at the hour of six o'clock p.m. of said election day.

V

That notice of the appointment of the deputy registrars for said election setting forth the name of the deputy registrar for each division or precinct and the place of registration in each division or precinct was duly and regularly published in the Fallon Eagle, a weekly newspaper of general circulation published in the city of Fallon, county of Churchill, state of Nevada, on the 14th day of March, 1936, and likewise on March 21 and March 28, 1936; that notice of appointment of the deputy registrars for said election setting forth the name of the deputy registrar for each division or precinct was also posted in each election division or precinct in the district and in the office of the Board of Directors of the District within the time and in the manner provided by law; and that the said registrars did, in all respects

as required by the Irrigation District Laws of the State of Nevada, register each and every qualified voter of said District for said election who made application for such registration.

VI

That notice of said election to be held in said District was posted in three public places in each election division or precinct in the District and in the office of the Board of Directors of the District on the 22d day of March, 1936, and was published in the Fallon Standard, a weekly newspaper of general circulation published in the city of Fallon, county of Churchill, state of Nevada, on the 25th day of March, 1936, and likewise on the 1st day of April, 1936, and also in the above-mentioned Fallon Eagle on the 14th day of March, 1936, and likewise on March 21, March 28 and April 4, 1936; that said notice specified the time of holding said election, the polling places and all other matter required to be stated therein; that notice of said election was given in all respects as required by law; that said notice also specified that copies of said "Truckee River Agreement" were available at the office of the Irrigation District for distribution among the water users and said copies were so available and were delivered to all electors requesting the same; and that more than a week prior to the date of said election the Secretary of said Irrigation District mailed a printed copy of said contract to each qualified elector in the District by depositing the same in the post office at Fallon, Nevada, with postage thereon fully prepaid.

VII

That thereafter and on, to wit, the 7th day of April, 1936, the aforesaid election was duly and regularly held in said District, at which time there was submitted to the electors of

the District the following question:

"Shall the Truckee-Carson Irrigation District enter into the proposed Truckee River Agreement between the United States of America, the Truckee-Carson Irrigation District, the Washoe County Water Conservation District, the Sierra Pacific Power Company, and such other users of the waters of the Truckee River and/or its tributaries within the Conservation District as shall become parties to said agreement by signing their names thereto, the form of which said agreement was approved by the Secretary of the Interior on June 13, 1935?"

"Yes. _____"

"No. _____"

VIII

That thereafter, and on, to wit, the 20th day of April, 1936, being the second Monday after the said election, the Board of Directors of said District met at its usual place of meeting in said city of Fallon and proceeded to canvass the returns of said election, and found and determined that 454 votes had been cast at said election upon the question above stated, of which 295 were in favor of the question and 159 were against the question, and so declared the result of said election to be.

IX

That thereafter said "Truckee River Agreement" was executed by said parties of the fifth part whose diversion rights computed in acre feet per annum under the provisions of the Temporary Restraining Order in the suit of the United States of America v. Orr Water Ditch Company et al, referred to in said "Truckee River Agreement," aggregate not less than 70% of the total diversion rights within said Washoe County Water Conservation District.

X

That thereafter, to wit, on or about November 19, 1936,

the said "Truckee River Agreement" was executed by the parties of the first, second, third and fourth parts, to wit, the United States of America, the Truckee-Carson Irrigation District, the Washoe County Water Conservation District and Sierra Pacific Power Company, and was signed and acknowledged, in behalf of the Truckee-Carson Irrigation District by the President and Secretary thereof, under authority of a resolution of the Board of Directors of said District, a full and correct copy of which resolution is annexed to the petition herein, marked "Exhibit B."

AS CONCLUSIONS OF LAW from the foregoing facts, the court finds as follows:

That, all and singular, the organization proceedings of the Truckee-Carson Irrigation District were in all respects in compliance with law;

That the Truckee-Carson Irrigation District is now, and at all times since November 25, 1918, has been, an irrigation district organized and existing under and by virtue of the laws of the State of Nevada;

That all of the proceedings of the Truckee-Carson Irrigation District in connection with the negotiation and execution of the contract known as the "Truckee River Agreement," and in connection with the election held on April 7, 1936, in order that the qualified electors of said District might express their approval or disapproval of the question as to whether the Truckee-Carson Irrigation District should enter into the said agreement, were in all respects in compliance with law and should be confirmed;

That all of the proceedings had and taken by the Truckee-Carson Irrigation District and its Board of Directors in calling said election and in submitting the said question thereto and all of the proceedings in connection with said election and with the

casting of ballots at the same and in making and canvassing the returns thereof were in all respects in compliance with law and should be confirmed;

That the contract herein referred to and known as the "Truckee River Agreement," entered into between the United States of America, as party of the first part, Truckee-Carson Irrigation District, as party of the second part, Washoe County Water Conservation District, as party of the third part, Sierra Pacific Power Company, as party of the fourth part, and other users of the waters of the Truckee River, as parties of the fifth part, bearing date July 1, 1935, and executed on or about November 19, 1936, being in the words and figures set forth in paragraph III of the petition herein, is lawful and valid and in accordance with the requirements of the Federal Reclamation Laws and the laws of the State of Nevada.

Let judgment and decree be entered accordingly.

Done in open court this 11th day of October, 1937.

Clark J. Guild

Judge of said Court.

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR CHURCHILL COUNTY

In the Matter of the)
TRUCKEE-CARSON IRRIGATION)
DISTRICT.)

NOTICE

NOTICE IS HEREBY GIVEN that Truckee-Carson Irrigation District has filed with the clerk of this court a petition praying for confirmation of proceedings authorizing the said Irrigation District to enter into a contract known as the "Truckee River Agreement," between the United States of America, as party of the first part, Truckee-Carson Irrigation District, as party of the second part, Washoe County Water Conservation District, as party of the third part, Sierra Pacific Power Company, as party of the fourth part, and other users of the waters of the Truckee River, as parties of the fifth part, and for the determination of the validity of said contract, and asking that a time and place be fixed for the hearing of said petition, and that Mon day, the 11th day of October, 1937, at the hour of 1:30 o'clock p.m. of said day, and the court room of said court, at the courthouse in said Churchill county, have been fixed as the time and place for hearing said petition; and all persons interested in said matter are notified to answer said petition at or before the time so fixed and to then and there appear and show cause, if any they have, why said petition should not be granted.

Dated September 16, 1937.

G. W. Likes
Clerk of said Court.

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR CHURCHILL COUNTY

In the Matter of the)
TRUCKEE-CARSON IRRIGATION)
DISTRICT.)

PETITION FOR CONFIRMATION OF PROCEEDINGS
AUTHORIZING TRUCKEE-CARSON IRRIGATION DISTRICT
TO ENTER INTO A CONTRACT KNOWN AS THE
"TRUCKEE RIVER AGREEMENT"

To the District Court aforesaid, and to the Honorable Clark J.
Guild, District Judge:

Comes now TRUCKEE-CARSON IRRIGATION DISTRICT and files
this, its petition for the examination, approval and confirmation
of all proceedings had by said District authorizing it to execute
and enter into that certain contract known as the "Truckee River
Agreement," hereinafter more particularly described, and other
matters relating thereto, and for the determination of the valid-
ity of said contract, and respectfully shows as follows:

I

That on or about the 5th day of August, 1918, there
was filed in the office of the County Clerk of the County of
Churchill, State of Nevada, a petition proposing the organization
of the Truckee-Carson Irrigation District to include certain
lands in Churchill and Lyon counties, state of Nevada, situate
within the proposed boundaries described in said petition; that

thereafter, after proceedings duly and regularly had, the Board of County Commissioners of said Churchill County called an election to be held in said District as proposed in said petition for the purpose of organizing said District and electing its first Board of Directors; that thereafter, after proceedings duly and regularly had, the said election called as aforesaid was held and the first Board of Directors of said Truckee-Carson Irrigation District was elected; and that thereafter the said Board of County Commissioners, on the 25 day of November, ¹⁹¹⁸ 1920, entered in its minutes an order declaring the territory described in said petition duly organized as an Irrigation District under the name of Truckee-Carson Irrigation District, and further declaring the persons receiving the highest number of votes at said election to have been duly elected directors of said District; all pursuant to the laws of the State of Nevada then in force and effect.

II

That thereafter a petition praying, among other things, for the confirmation of the organization of said District was filed in the above-entitled court, and following due and proper notice and a hearing thereon, the said court, on the 20th day of June, 1922, made and entered its findings and decree declaring the Truckee-Carson Irrigation District duly and regularly organized in accordance with the laws of the State of Nevada.

III

That a contract known as the "Truckee River Agreement," dated July 1, 1935, and approved as to form by the Secretary of the Interior on June 13, 1935, was thereafter negotiated between the United States of America, as party of the first part, Truckee-Carson Irrigation District, as party of the second part, Washoe

County Water Conservation District, as party of the third part,
Sierra Pacific Power Company, as party of the fourth part, and
other users of the waters of the Truckee River, as parties of the
fifth part, said contract being in words and figures as follows,
to wit:

IV

That thereafter, on the 2d day of March, 1936, the Board of Directors of said Irrigation District, deeming it advantageous and for the best interests of the water users of the District, called an election to be held in said District on April 7, 1936, in order that the qualified electors thereof might express their approval or disapproval of the following question, to wit:

"Shall the Truckee-Carson Irrigation District enter into the proposed Truckee River Agreement between the United States of America, the Truckee-Carson Irrigation District, the Washoe County Water Conservation District, the Sierra Pacific Power Company, and such other users of the waters of the Truckee River and/or its tributaries within the Conservation District as shall become parties to said agreement by signing their names thereto, the form of which said agreement was approved by the Secretary of the Interior on June 13, 1935?"

the agreement referred to in said question as the "Truckee River Agreement" being the identical one set out in full in Paragraph III hereof.

V

That notice of said election was given by posting and by publication as required by law, a full and correct copy of which notice so posted and published is annexed hereto and marked "Exhibit A."

VI

That said election was duly and regularly held on April 7, 1936, and at said election 454 votes were cast, of which

295 were in favor of said question and 159 were against said question.

VII

That thereafter said "Truckee River Agreement" was executed by said parties of the fifth part, whose diversion rights computed in acre feet per annum, under the provisions of the Temporary Restraining Order in the suit of the United States of America v. Orr Water Ditch Company et al, referred to in said "Truckee River Agreement," aggregate not less than 70% of the total diversion rights within said Washoe County Water Conservation District.

VIII

That thereafter and on the 20 day of January, 1957, said "Truckee River Agreement" was executed by the said Truckee-Carson Irrigation District as authorized by the electors of said District at said election and was signed and acknowledged by the president and secretary thereof under authority of a resolution of the Board of Directors of said District, a full and correct copy of which resolution is annexed hereto and marked "Exhibit B."

WHEREFORE, your petitioner prays that a time and place for hearing the foregoing petition be fixed by the Judge of the above-entitled Court and that at said time and place said Court examine the same, ratify, confirm and approve the proceedings authorizing the said Truckee-Carson Irrigation District to enter into said contract known as the "Truckee River Agreement" and determine the validity of said contract.

Dated: September 17, 1937.

TRUCKEE-CARSON IRRIGATION DISTRICT

Seal

By C. B. Stark
Vice President.

H. W. Emery
Secretary.

A. L. Haight
Petitioner's Attorney.

STATE OF NEVADA,)
County of Churchill.) ss.

H. W. EMERY, being sworn, deposes and says: That he is the secretary of Truckee-Carson Irrigation District, the above-named petitioner; that said petitioner is an irrigation district and that he makes the verification for and on behalf of said irrigation district; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to the matters which are therein stated upon information and belief and as to those matters that he believes it to be true.

H. W. Emery

Subscribed and sworn to before me
this 16 day of September, A.D., 1937.

Seal

Betty Mills
Notary Public.

EXHIBIT A.

NOTICE OF ELECTION

Notice is hereby given that on TUESDAY, APRIL 7, 1956 -- there will be held the regular biennial election of the Truckee-Carson Irrigation District for the purpose of electing three directors, one each to represent:

District No. 1,
District No. 3,
District No. 4;

also for the purpose of expressing the will of the water users upon the following question:

"Shall the Truckee-Carson Irrigation District enter into the proposed Truckee River Agreement between the United States of America, the Truckee-Carson Irrigation District, the Washoe County Water Conservation District, the Sierra Pacific Power Company, and such other users of the waters of the Truckee River and/or its tributaries within the Conservation District as shall become parties to said agreement by signing their names thereto, the form of which said agreement was approved by the Secretary of the Interior on June 13, 1955, and copies of which are available at the Irrigation District office for distribution among the water users?"

and also upon the further question:

Of authorizing the board of directors to contract for the purchase or installation of a 700-KW diesel power plant at a maximum cost of not to exceed \$125,000 and payment therefor to be made without levying any apportionment upon lands of the district.

Polling places for the said election will be open from 8 a. m. to 6 p. m. of said day at the following locations in the several election precincts of the districts:

District No. 1 -- Fernley Justice Court Building
District No. 2 -- E. T. Morgan Ranch, Lesteville
District No. 3 -- Old River Community Center Hall
District No. 4 -- Union Schoolhouse
District No. 5 -- Island Community Center Hall
District No. 6 -- Harmon Schoolhouse
District No. 7 -- Stillwater Schoolhouse

H. V. EMERY, Secretary,
Truckee-Carson Irrigation District.

EXHIBIT B.

WHEREAS, at an election held on April 7, 1938, in the Truckee-Carson Irrigation District, the entering into by the Truckee-Carson Irrigation District of that certain agreement known as the Truckee River Agreement was duly authorized, and

WHEREAS, said Truckee River Agreement has been presented to the Truckee-Carson Irrigation District for execution;

NOW, THEREFORE, Be It Resolved by the Board of Directors of the Truckee-Carson Irrigation District that GEO. G. WILLER, President, and H. W. EMERY, Secretary, of the Truckee-Carson Irrigation District be and they are each hereby authorized, empowered and directed to sign, execute and acknowledge said Truckee River Agreement on behalf of the Truckee-Carson Irrigation District and to affix the corporate seal of said District thereto.