

1 IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
2 OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

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FILED

MAR 1 1971

GRACE W. BELL  
CLERK OF DIST. COURT

4 IN THE MATTER OF THE DETERMINATION OF )  
5 THE RELATIVE RIGHTS IN AND TO THE WATERS )  
6 OF ALDER CREEK AND ITS TRIBUTARIES IN )  
7 HUMBOLDT COUNTY, STATE OF NEVADA )

8 FINDINGS OF FACT, CONCLUSIONS OF LAW  
9 JUDGMENT AND DECREE

10 This matter came on regularly for hearing on the 17th day of  
11 September, 1970, before Honorable Llewellyn A. Young, District  
12 Judge of the above-entitled court presiding, the entire stream  
13 system being within Humboldt County, State of Nevada, and he  
14 being the Judge designated by NRS 533.165 to hear and having  
15 jurisdiction to hear the above-entitled matter, upon the State  
16 Engineer's determination of the relative rights of the petitioner  
17 and claimant to the use of the waters of the stream system of  
18 Alder Creek and its tributaries, which Order of Determination and  
19 all related documentary evidence had been filed by the State  
20 Engineer. There being no exceptions to the Order of Determination  
21 filed or otherwise submitted to the Court at least 5 days prior  
22 to the date set for hearing as provided for under NRS 533.170 by  
23 the claimant or petitioner or any other person or persons, the  
24 matter was submitted to the Court for its decision

25 William Paul, Esquire, Deputy Attorney General of the State  
26 of Nevada, Starr Hill, Jr., Surface Water Engineer, and  
27 L. Edward Parmenter, Adjudication Engineer, appeared in the hear-  
28 ing and proceedings on behalf of the State of Nevada and the  
29 Office of the State Engineer. The claimant was not represented.

30 The record disclosed that the claimant had received a  
certified copy of the Court Order Setting Forth the Time and Place

1 for Hearing on the Order of Determination.

2 The Deputy Attorney General thereupon, at the hearing,  
3 offered, and there were received in evidence in support of the  
4 rights of the claimant, as set forth in the Order of Determination,  
5 verified affidavits, files and records of the State Engineer's  
6 Office respecting the rights of the claimant in and to the above-  
7 named stream system.

8 The Court, having duly considered the entire record, the  
9 evidence introduced and received, directed that Findings of Fact,  
10 Conclusions of Law, and Judgment and Decree be entered accordingly.

11 FINDINGS OF FACT

12  
13 That on October 21, 1955, James F. Boccardo, a water user on  
14 Alder Creek and its tributaries, filed with the State Engineer of  
15 the State of Nevada, a petition requesting the determination of  
16 the relative rights of the petitioner and other claimants to the  
17 waters of Alder Creek and its tributaries, situate in Humboldt  
18 County, State of Nevada.

19 That the State Engineer thereupon and in accordance with the  
20 provisions of NRS 533.090, made an investigation of the facts and  
21 conditions of and concerning the above-named stream system and its  
22 tributaries for the purpose of disclosing whether the determination  
23 of such rights was justified, and filed his report thereon in the  
24 Office of the State Engineer of the State of Nevada. The report  
25 of the facts and conditions disclosed that a determination of  
26 the relative rights was justified, and the State Engineer made  
27 and entered his order on February 20, 1956, granting the petition  
28 for the determination of such relative rights in and to the  
29 waters of AlderCreek and its tributaries.

30 That as a result of the State Engineer's investigation report,

1 it was found that the waters of Alder Creek and its tributaries  
2 are being placed to beneficial use for irrigation, stock watering  
3 and domestic purposes on the Alder Creek Ranch, as affirmed by  
4 Amended Proofs of Appropriation 02070, 02071, 02072, 02073, 02074,  
5 and 02417 and Proof of Appropriation 02617, filed in the Office of  
6 the State Engineer. Evidence contained in the title documents  
7 submitted by the claimant, relative to the land, indicates the  
8 present claimant and appropriator, the Nevada Alder Creek Ranch,  
9 is the successor in interest to vested rights initiated by its  
10 predecessors in interest.

11 That on the 23rd day of February, 1956, and once each week  
12 for four succeeding weeks, the State Engineer did cause to be  
13 published a Notice of Order and Proceedings to Determine Water  
14 Rights in and to the waters of Alder Creek and its tributaries in  
15 Humboldt County, State of Nevada, and that notice was duly given  
16 to all claimants as required by law. That on the 23rd day of  
17 March, 1956, there was filed in the Office of the State Engineer  
18 an affidavit of the publisher of the Humboldt Star, exemplifying  
19 the Proof of Publication of the Notice of Order and Proceedings.

20 That the State Engineer did cause to be published on the  
21 30th day of March, 1956, and once each week for four succeeding  
22 weeks, a Notice of Order for Taking Proofs to Determine Water  
23 Rights, in and to the waters of Alder Creek and its tributaries  
24 in Humboldt County, State of Nevada, and that notice was duly  
25 given to all claimants as required by law. That on the 9th day  
26 of May, 1966, there was filed in the Office of the State Engineer  
27 an affidavit of the publisher of the Humboldt Star and Battle  
28 Mountain Scout, exemplifying the Proof of Publication of Notice  
29 of Order for Taking Proofs.

30 That thereafter, in accordance with NRS 533.125, the State

1 Engineer did file in the records of his office, on August 26,  
2 1966, a request to extend the time in which proofs may be filed.  
3 That he did grant an extension and that notice thereof was given  
4 to the claimants.

5 That the State Engineer, in accordance with NRS 533.140  
6 did enter and file in the records of his office, on the 11th day  
7 of March, 1970, an Abstract of Claims, a Preliminary Order of  
8 Determination and Notice and Order Fixing and Setting Time and  
9 Place of Inspection, stating when and where the evidence taken or  
10 filed with him and the proofs of claims were open to the inspec-  
11 tion of all interested persons; and that notice thereof was duly  
12 given to all claimants as required by law.

13 That the State Engineer, in accordance with NRS 533.160,  
14 entered in the records of his office, on the 5th day of June, 1970,  
15 an Order of Determination defining the rights of the claimant and  
16 appropriator to the waters of Alder Creek and its tributaries and  
17 that notice thereof was duly given to all claimants as required  
18 by law.

19 That upon the filing of the certified copy of the Order of  
20 Determination and original evidence with the Clerk of the Court  
21 of Humboldt County, State of Nevada, the Court, at the request of  
22 the State Engineer, made and entered an Order on the 12th day of  
23 June, 1970, setting a time for the hearing of any exceptions to  
24 the Order of Determination on Thursday, the 17th day of September,  
25 1970, at 10:00 O'clock of the forenoon of said day, in the court  
26 room of the Court House at Winnemucca, Nevada; and that the clerk  
27 of said Court did furnish the State Engineer with a certified copy  
28 thereof.

29 That the State Engineer, in accordance with NRS 533.165, gave  
30 notice to the claimants, by service of a certified copy of the

1 Court Order Setting Time for Hearing.

2 That on the 24th day of June, 1970, and once each week for  
3 four succeeding weeks, the State Engineer did cause to be pub-  
4 lished, the Court Order Setting Time for Hearing, and that there-  
5 after on the 4th day of August, 1970, there was filed in the  
6 Office of the State Engineer an affidavit of the publisher of the  
7 Humboldt County Bulletin, exemplifying the Proof of Publication  
8 of the Court Order Setting Time for Hearing.

9 The Court finds that all and singular, the Proceedings,  
10 Orders and Notices required by Chapter 533 of NRS were duly had,  
11 made and given as required by law, and that all and singular the  
12 matters and things contained in the record were done, performed,  
13 given and made in strict compliance with the statute, and that  
14 this Court had and has jurisdiction to hear and determine this  
15 matter.

16 II.

17 The Court Further Finds: That Alder Creek and its tributaries  
18 are situated wholly within Humboldt County, State of Nevada.

19 III.

20 The Court Further Finds: That the name of the claimant and  
21 appropriator, the source of the water supply, the period of use,  
22 the duty of water, the diversion of water and method of use,  
23 measurement of water, stock watering and domestic use, change of  
24 place of use, and the rights of appropriation of the water, all as  
25 set forth in the Order of Determination are true, proper and  
26 correct, and all and singular the same should be approved and  
27 confirmed.

28 I. PREFACE

29 On October 21, 1955, a petition was submitted by  
30 James F. Boccardo, a water user on Alder Creek and its tributaries,

1 requesting the determination of the relative rights of various  
2 claimants to the waters of Alder Creek, situate in Humboldt  
3 County, Nevada.

4 Due to the familiarity of the Office of the State Engineer  
5 with the Alder Creek Stream System at the time the petition was  
6 filed, it was felt that the petition of James F. Boccardo could  
7 be acted on without the necessity of a preliminary field  
8 investigation.

9 Accordingly on February 20, 1956, the State Engineer entered  
10 an Order granting the petition and made proper arrangements to  
11 proceed with the determination of the relative rights of the  
12 water users in accordance with NRS 533.090.

13 On March 28, 1966, the State Engineer entered a Notice of  
14 Order for Takin., Proofs to Determine Water Rights.

15 II. CLAIMANT

16 Evidence contained in Amended Proofs of Appropriation 02070,  
17 02071, 02072, 02073, 02074 and 02417, and Proof of Appropriation  
18 02617, filed in the Office of the State Engineer, indicates the  
19 waters of Alder Creek and its tributaries are being placed to  
20 beneficial use on the Alder Creek Ranch for irrigation, stock  
21 watering and domestic purposes. Evidence contained in the title  
22 documents submitted by the present claimant indicates the Nevada  
23 Alder Creek Ranch is the successor in interest to vested rights  
24 initiated by its predecessors.

25 III. SOURCE

26 Alder Creek heads in the Pine Forest Range, 20 miles south  
27 of the Nevada-Oregon Stateline, in Outlaw Meadow at an elevation  
28 of 8300 feet. It flows southwesterly and then northerly through  
29 the range and dissipates in Bog Hot Valley approximately 12 miles  
30 from its headwaters. The primary tributaries to Alder Creek are

1 Onion Creek, Little Alder Creek, Wood Canyon Creek and Road Creek  
2 (aka Rose Creek) which originate north of Duffer Peak. Alder  
3 Creek and its tributaries have a high run-off, in the spring, due  
4 to melting snow and then recede to a minimum flow from many  
5 springs for the remainder of the year.

6 IV. PERIOD OF USE

7 The irrigation season shall begin on March 15th and end on  
8 October 15th of each year.

9 V. DUTY OF WATER

10 The seasonal duty of water on lands irrigated from Alder  
11 Creek and its tributaries is herein fixed and shall not exceed:

12 Class A --- Harvest Crop --- 4.0 ac. ft./ac./season

13 Class B --- Meadow Pasture --- 2.0 ac. ft./ac./season

14 VI. DIVERSION OF WATER AND METHOD OF USE

15 The claimant shall have the right to divert 2½ cubic feet per  
16 second of water per 100 acres of land irrigated, but not to exceed  
17 the seasonal duty as established herein.

18 The claimant or its successors in interest will not be  
19 required to take or use the amount of water allotted to it in a  
20 continuous flow, but may cumulate the same or any part thereof in  
21 rotation or periodic turn within the seasonal limits, with the  
22 approval of the Water Commissioner and subject to the control and  
23 direction of the State Engineer.

24 VII. MEASUREMENT OF WATER

25 All measurements of amounts of water diverted are to be made  
26 at a point where the main ditch enters or becomes adjacent to the  
27 land to be irrigated or as near thereto as is practicable; the  
28 location if not selected by the State Engineer, to be approved by  
29 him. The water user shall install and maintain at its own expense,  
30

1 substantial and easily operated regulating head gates and measur-  
2 ing devices in its ditch or ditches or channel. Due allowance  
3 for losses in ditches will be made by the State Engineer in case  
4 it becomes necessary.

5 Priorities are fixed by years and where the years are the  
6 same, the priorities are equal.

7 VIII. STOCK WATERING AND DOMESTIC

8 The right to the diversion and use of water for domestic  
9 purposes shall be continued by the claimant or its successors in  
10 interest at any time during the year and such diversions shall be  
11 according to the dates of priority of the claimant.

12 The amount of water diverted and used for stock watering pur-  
13 poses shall not exceed 0.0000625 c.f.s. per head of sheep or  
14 0.00003125 c.f.s. per head of cattle, said quantity being  
15 delivered to the place of use when necessary for this purpose.

16 The amount of water diverted for irrigation purposes shall  
17 not be increased by any amount to be used for stock watering and  
18 domestic purposes at times when water for irrigation is accessible  
19 for stock watering and domestic purposes.

20 IX. CHANGE OF PLACE OF USE

21 All water herein allotted shall be appurtenant to the place  
22 of use designated. Any water user desiring to change the point  
23 of diversion, manner of use or place of use of the waters allotted  
24 must make application to the State Engineer for permission to  
25 make the change pursuant to NRS 533.345.

26 X. RIGHTS OF APPROPRIATION

27 From the Order of Determination and the evidence, both oral  
28 and documentary, submitted in support thereof, the Court finds  
29 that the name of the claimant and appropriator of the waters of  
30 Alder Creek and its tributaries, the source of the water supply,

1 the means of diversion, the points of diversion for beneficial  
2 use, the year of priority, the cultural acreages, the place of  
3 use, the legal subdivisions, sections, townships, ranges and duty  
4 of water, are as listed, stated and set forth.

5 CONCLUSIONS OF LAW

6 From the evidence presented and received in this matter, and  
7 from the foregoing FINDINGS OF FACT, the Court makes the following

8 CONCLUSIONS OF LAW:

9 I.

10 That the State Engineer had the right, authority and  
11 jurisdiction pursuant to Chapter 533 of NRS to make the investi-  
12 gation made by him, receive the proofs and maps, enter and file  
13 in his office the original Order of Determination and file a  
14 certified copy thereof in this Court, and to determine the  
15 relative rights of claimant and appropriator in and to the waters  
16 of Alder Creek and its tributaries in Humboldt County, State of  
17 Nevada; that the State Engineer duly made all orders necessary  
18 and proper in connection therewith and entered the same in his  
19 office as required by Chapter 533 of NRS; that each and every  
20 notice required by law to be given herein to the claimant and  
21 appropriator was duly served by the State Engineer in the manner  
22 and within the time required by Statute, and that the notices  
23 contained all of the statements required by law, and that the  
24 claimant and appropriator of the waters of the above-named stream  
25 system and its tributaries duly received the information and  
26 notices, as required by law.

27 II.

28 That the Sixth Judicial District Court of the State of Nevada,  
29 in and for the County of Humboldt, had and has jurisdiction to  
30 hear and try this matter, and has jurisdiction to find, make and

1 enter the foregoing Findings of Fact and these Conclusions of Law,  
2 and enter its Decree herein.

3 III.

4 That the Alder Creek Ranch, is the claimant and the only  
5 claimant who was and is now an appropriator and user of the  
6 waters of Alder Creek and its tributaries on the date the Order of  
7 Determination was filed with the Clerk of this Court, and on the  
8 date of the trial and hearing of this matter.

9 IV.

10 That the irrigation season shall begin on March 15th and end  
11 on October 15th of each year.

12 V.

13 That the seasonal duty of water on lands irrigated from  
14 Alder Creek and its tributaries is herein fixed and shall not  
15 exceed:

16 Class A --- Harvest Crop --- 4.0 ac. ft./ac./season

17 Class B --- Meadow Pasture --- 2.0 ac. ft./ac./season

18 VI.

19 That the claimant shall have the right to divert 2½ cubic feet  
20 per second of water per 100 acres of land irrigated, but not to  
21 exceed the seasonal duty as established herein.

22 That the claimant or its successors in interest will not be  
23 required to take or use the amount of water allotted to it in  
24 continuous flow, but may cumulate the same or any part thereof in  
25 rotation or periodic turn within the seasonal limits with the  
26 approval of the Water Commissioner and subject to the control and  
27 direction of the State Engineer.

28 VII.

29 That all measurements of amounts of water diverted are to  
30 be made at a point where the main ditch enters or becomes adjacent  
to the land to be irrigated or as near thereto as is practicable;

1 the location, if not selected by the State Engineer, to be  
2 approved by him. That the water user shall install and maintain  
3 at its own expense, substantial and easily operated regulating  
4 head gates and measuring devices in its ditch or ditches or  
5 channel. That due allowance for losses in ditches will be made  
6 by the State Engineer in case it becomes necessary.

7 That priorities are fixed by years and where the years are  
8 the same the priorities are equal.

9 VIII.

10 That the right to the diversion and use of water for  
11 domestic purposes shall be continued by the claimant or its  
12 successors in interest at any time during the year and such  
13 diversions shall be according to the dates of priority of the  
14 claimant.

15 That the amount of water diverted and used for stock water-  
16 ing purposes shall not exceed 0.00000625 c.f.s. per head of sheep  
17 or 0.00003125 c.f.s. per head of cattle, said quantity being  
18 delivered to the place of use when necessary for this purpose.

19 That the amount of water diverted for irrigation purposes  
20 shall not be increased by any amount to be used for stock watering  
21 and domestic purposes at times when water for irrigation is  
22 accessible for stock watering and domestic purposes.

23 IX.

24 That all water herein allotted shall be appurtenant to the  
25 place of use designated. Any water user desiring to change the  
26 point of diversion, manner of use or place of use of the waters  
27 allotted must make application to the State Engineer for per-  
28 mission to make the change pursuant to NRS 533.345.

29 X.

30 That from the Order of Determination and the evidence both

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oral and documentary, submitted in support thereof, the Court finds that the name of the claimant and appropriator of the waters of Alder Creek and its tributaries, the source of the water supply, the means of diversion, the points of diversion for beneficial use, the year of priority, the cultural acreages and places of use, the legal subdivisions, sections, townships, ranges and the duty of water, are as listed, stated and set forth.

XI.

That the Order of Determination made, filed and caused to be entered of record in this matter by the State Engineer, should be affirmed.

JUDGMENT AND DECREE

THEREFORE, BY REASON OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

I.

That the State Engineer made all necessary and proper orders as required by law, and that each and every notice required by law was duly given to the claimant and appropriator; that the claimant and appropriator had full opportunity to appear and be heard in objection to and file exceptions to the Order of Determination; that the claimant and appropriator is the only claimant and appropriator of the waters of Alder Creek and its tributaries and this Decree determines the limit and extent of all vested water rights on the source.

That the Court has full and complete jurisdiction to hear, try and determine this matter and to make and enter herein, this Decree.

II.

That the flow of water from Alder Creek and its tributaries

1 is being placed to beneficial use by the Alder Creek Ranch, for  
2 irrigation, stock watering and domestic purposes.

3 III.

4 That the irrigation season shall begin on March 15th and end  
5 on October 15th of each year.

6 IV.

7 That the seasonal duty of water on lands irrigated from  
8 Alder Creek and its tributaries is herein fixed and shall not  
9 exceed:

10 Class A --- Harvest Crop --- 4.0 ac. ft./ac./season

11 Class B --- Meadow Pasture --- 2.0 ac. ft./ac./season

12 V.

13 That the claimant shall have the right to divert 2½ cubic feet  
14 per second of water per 100 acres of land irrigated, but not to  
15 exceed the seasonal duty as established herein.

16 That the claimant or its successors in interest will not be  
17 required to take or use the amount of water allotted to it in  
18 continuous flow, but may cumulate the same or any part thereof in  
19 rotation or periodic turn within the seasonal limits with the  
20 approval of the Water Commissioner and subject to the control and  
21 direction of the State Engineer.

22 VI.

23 That all measurements of water diverted are to be made at a  
24 point where the main ditch enters or becomes adjacent to the land  
25 to be irrigated or as near thereto as is practicable; the location  
26 if not selected by the State Engineer, to be approved by him.  
27 That the water user shall install and maintain at its own expense,  
28 substantial and easily operated regulating head gates and measur-  
29 ing devices in its ditch or ditches or channel. Due allowance  
30 for losses in ditches will be made by the State Engineer in case

1 it becomes necessary.

2 That priorities are fixed by years and where the years are  
3 the same, the priorities are equal.

4 VII.

5 That the right to the diversion and use of water for stock  
6 watering and domestic purposes shall be continued by the claimant  
7 or its successors in interest at any time during the year and such  
8 diversions shall be according to the dates of priority of the  
9 claimant.

10 That the amount of water diverted and used for stock watering  
11 purposes shall not exceed 0.00000625 c.f.s. per head of sheep or  
12 0.00003125 c.f.s. per head of cattle, said quantity being delivered  
13 to the place of use when necessary for this purpose.

14 That the amount of water diverted for irrigation purposes  
15 shall not be increased by any amount to be used for stock water-  
16 ing and domestic purposes at times when water for irrigation is  
17 accessible for stock watering and domestic purposes.

18 VIII.

19 That all water allotted in this Decree shall be appurtenant  
20 to the place of use designated herein. Any water user desiring  
21 to change the point of diversion, manner of use or place of use  
22 of the waters allotted herein must make application to the State  
23 Engineer for permission to make the change pursuant to NRS 533.345.

24 IX.

25 That the name of the claimant and appropriator of the waters  
26 of Alder Creek and its tributaries, the source of the water supply,  
27 the means of diversion, the points of diversion for beneficial use,  
28 the period of use, the year of priority, the cultural acreages and  
29 places of use, the legal subdivisions, sections, townships, ranges  
30 and duty of water, are hereby adjudged as follows:

1 Proof No.: Amended 02417  
2 Claimant: Nevada Alder Creek Ranch  
3 Source: Alder Creek and Tributaries  
4 Use: Irrigation, Stock Watering and Domestic  
5 Means of Diversion: Dams, Headgates, Ditches and Natural Channel  
6 Points of Diversion:

- 7 1. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 3, T. 43 N., R. 28 E., M.D.B.&M.,  
8 (unsurveyed), or at a point from which the SE corner of  
9 Section 15, T. 44 N., R. 28 E., M.D.B.&M., bears N. 9°  
10 0' 24" E., a distance of 18,749.34 feet.
- 11 2. SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 35, T. 44 N., R. 28 E., M.D.B.&M.,  
12 (unsurveyed), or at a point from which the SE corner of  
13 Section 15, T. 44 N., R. 28 E., M.D.B.&M., bears N. 5°  
14 0' 45" W., a distance of 13,354 feet.
- 15 3. NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 15, T. 44 N., R. 28 E., M.D.B.&M., or at  
16 a point from which the E $\frac{1}{2}$  corner of Section 10, T. 44 N.,  
17 R. 28 E., M.D.B.&M., bears N. 31° 7' E., a distance of  
18 4,312 feet.
- 19 4. NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 15, T. 44 N., R. 28 E., M.D.B.&M., or at  
20 a point from which the E $\frac{1}{2}$  corner of Section 10, T. 44 N.,  
21 R. 28 E., M.D.B.&M., bears N. 35° 12' E., a distance  
22 of 3,683 feet.
- 23 5. SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, T. 44 N., R. 28 E., M.D.B.&M., or at  
24 a point from which the E $\frac{1}{2}$  corner of said Section 10,  
25 T. 44 N., R. 28 E., M.D.B.&M., bears S. 62° 9' E., a  
26 distance of 1,651 feet.
- 27 6. Little Alder Creek: SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, T. 44 N., R. 28  
28 E., M.D.B.&M., or at a point from which the W $\frac{1}{2}$  corner of  
29 said Section 11 bears S. 49° 21' W., a distance of 480  
30 feet.
7. Little Alder Creek: NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, T. 44 N., R. 28  
E., M.D.B.&M., or at a point from which the NE corner  
of said Section 10 bears N. 69° 15' E., a distance of  
1,515 feet.
8. Little Alder Creek: NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, T. 44 N., R. 28  
E., M.D.B.&M., or at a point from which the NE corner of  
said Section 10 bears N. 65° 47' E., a distance of  
1,640 feet.
9. NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 3, T. 44 N., R. 28 E., M.D.B.&M., or at a  
point from which the S $\frac{1}{2}$  corner of said Section 3 bears  
S. 12° 43' E., a distance of 2,311 feet.
10. NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 3, T. 44 N., R. 28 E., M.D.B.&M., or at a  
point from which the S $\frac{1}{2}$  corner of said Section 3 bears  
S. 14° 58' E., a distance of 2,497 feet.

- 1 11. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T. 45 N., R. 28 E., M.D.B.&M., or at  
2 a point from which the SW corner of said Section 34  
bears S. 33° 2' W., a distance of 904 feet.
- 3 12. NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T. 45 N., R. 28 E., M.D.B.&M., or at  
4 a point from which the SW corner of said Section 34  
bears S. 21° 12' W., a distance of 1,588 feet.
- 5 13. NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T. 45 N., R. 28 E., M.D.B.&M., or at  
6 a point from which the SW corner of said Section 34  
bears S. 14° 7' W., a distance of 2,035 feet.
- 7 14. SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34, T. 45 N., R. 28 E., M.D.B.&M., or at  
8 a point from which the SW corner of said Section 34  
bears S. 7° 30' W., a distance of 2,945 feet.
- 9 15. SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34, T. 45 N., R. 28 E., M.D.B.&M., or at  
10 a point from which the SW corner of said Section 34  
bears S. 3° 57' W., a distance of 3,413 feet.
- 11 16. NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 33, T. 45 N., R. 28 E., M.D.B.&M., or at  
12 a point from which the SE corner of said Section 33  
bears S. 1° 0' E., a distance of 4,832 feet.
- 13 17. SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 28, T. 45 N., R. 28 E., M.D.B.&M., or  
14 at a point from which the SE corner of Section 33,  
T. 45 N., R. 28 E., bears S. 2° 23' E., a distance of  
15 5,797 feet.

	CULTURAL ACREAGE:			LOCATION			DUTY OF WATER	
	PRIOR- ITY:	MEDDOW: HARVEST:	PASTURE: DIVISION:	SUB- SECTION:	TWP: RANGE:	SECTION: N.:	E.:	C.F.S.:
18	1879	12.6	SW $\frac{1}{4}$ SW $\frac{1}{4}$	34	45	28	0.315	25.2
19	1879	11.8	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34	45	28	0.295	23.6
20	1879	21.5	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34	45	28	0.538	43.0
21	1879	27.5	NE $\frac{1}{4}$ SW $\frac{1}{4}$	34	45	28	0.687	55.0
22	1879	23.4	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34	45	28	0.585	46.8
23	1879	36.4	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34	45	28	0.910	72.8
24	1879	4.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34	45	28	0.100	8.0
25	1879	31.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34	45	28	0.775	62.0
26	1879	40.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34	45	28	1.000	80.0
27	1879	18.4	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34	45	28	0.460	36.8
28	1879	16.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34	45	28	0.399	64.0
29	1879	14.7	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34	45	28	0.368	58.8
30	1879	39.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	27	45	28	0.978	78.2

1	1879	38.9	SE $\frac{1}{4}$ SW $\frac{1}{4}$	27	45	28	0.972	77.8
2	1879	31.7	SW $\frac{1}{4}$ SE $\frac{1}{4}$	27	45	28	0.793	63.4
3	1879	40.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	27	45	28	1.000	80.0
4	1879	36.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	27	45	28	0.900	72.0
5	1879	30.7	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	45	28	0.767	61.4
6	1879	40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27	45	28	1.000	80.0
7	1879	19.1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27	45	28	0.478	38.2
8	1879	10.5	SW $\frac{1}{4}$ NE $\frac{1}{4}$	27	45	28	0.262	21.0
9	1879	32.4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	45	28	0.810	64.8
10	1879	9.4	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	45	28	0.235	18.8
11	1879	1.5	SE $\frac{1}{4}$ SE $\frac{1}{4}$	28	45	28	0.030	3.0
12	1879	7.8	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28	45	28	0.195	15.6
13	1879	10.3	SE $\frac{1}{4}$ NE $\frac{1}{4}$	28	45	28	0.257	20.6
14	1879	1.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28	45	28	0.025	2.0
15	1879	27.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3	44	28	0.690	110.4
16	1879	13.8	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3	44	28	0.345	55.2
17	1879	13.8	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3	44	28	0.345	55.2
18	1879	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3	44	28	1.000	160.0
19	1879	12.6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3	44	28	0.315	50.4
20	1879	29.9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	3	44	28	0.748	119.6
21	1879	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3	44	28	1.000	160.0
22	1879	7.3	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3	44	28	0.182	29.2
23	1879	39.5	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3	44	28	0.988	158.0
24	1879	35.8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3	44	28	0.895	143.2
25	1879	<u>1.6</u>	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3	44	28	<u>0.040</u>	<u>6.4</u>
26	Total	292.6	575.0				21.690	2,320.4

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Proof No.: 02617

Claimant: Nevada Alder Creek Ranch

Source: Rose Creek (aka Road Creek) and Tributaries

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Use: Irrigation and Stock Watering  
 Means of Diversion: Headgate and Ditch  
 Point of Diversion:

NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 2, T. 44 N., R. 28 E., M.D.B.&M., or at a point from which the NE $\frac{1}{4}$  corner of said Section 2 bears N. 33° 28' W., a distance of 990 feet.

PRIOR- ITY :	CULTURAL ACREAGE :		LOCATION :				DUTY OF WATER	
	HARVEST :	MEADOW :	SUB- DIVISION :	SEC- TION :	TWP : N. :	RGE : E. :	C.F.S. :	ACRE FEET
1879	13.8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34	45	28	0.345	27.6	
1879	26.2	SW $\frac{1}{4}$ SE $\frac{1}{4}$	27	45	28	0.655	52.4	
1879	30.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	45	28	0.750	60.0	
1879	10.5	SW $\frac{1}{4}$ NE $\frac{1}{4}$	27	45	28	0.252	21.0	
Total	80.5					2.012	161.0	

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Proof No.: Amended 02070  
 Claimant: Nevada Alder Creek Ranch  
 Source: Onion Creek and Tributaries  
 Use: Stock Watering  
 Means of Diversion: Natural Channel and Pools  
 Point of Diversion:

NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 34, T. 44 N., R. 28 E., M.D.B.&M., (unsurveyed) or at a point from which the SE corner of Section 15, T. 44 N., R. 28 E., M.D.B.&M., bears N. 7° 42' 30" E., a distance of 10,808 feet.

Period of Use: January 1 to December 31 of each year.  
 Priority: 1890

Amount of Appropriation: 0.046075 c.f.s. or sufficient to water 1500 cattle.

Description of Works of Diversion, Manner and Place of Use:  
 Cattle are watered from pools dug in the natural channel of Onion Creek, situated in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 34, T. 44 N., R. 28 E., M.D.B.&M., (unsurveyed).

1 Proof No.: Amended 02071  
 2 Claimant: Nevada Alder Creek Ranch  
 3 Source: Onion Creek and Tributaries  
 4 Use: Stock Watering  
 5 Means of Diversion: Natural Channel and Pools  
 6 Point of Diversion:  
 7 NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 2, T. 43 N., R. 28 E., M.D.B.&M.,  
 8 (unsurveyed) or at a point from which the SE corner of  
 9 Section 36, T. 44 N., R. 28 E., M.D.B.&M., bears N.  
 71° 18' 20" E., a distance of 6,265 feet.  
 10 Period of Use: January 1 to December 31 of each year.  
 11 Priority: 1890  
 12 Amount of Appropriation: 0.046875 c.f.s. or sufficient to water  
 1500 cattle.  
 13 Description of Works of Diversion, Manner and Place of Use:  
 14 Cattle are watered from pools dug in the natural channel  
 15 of Onion Creek, situated in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 2,  
 T. 43 N., R. 28 E., M.D.B.&M., (unsurveyed).

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17 Proof No.: Amended 02072  
 18 Claimant: Nevada Alder Creek Ranch  
 19 Source: Road Creek (aka Rose Creek) and Tributaries  
 20 Use: Stock Watering  
 21 Means of Diversion: Natural Channel and Dam and Pools  
 22 Point of Diversion:  
 23 NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 1, T. 44 N., R. 28 E., M.D.B.&M., or at  
 24 a point from which E $\frac{1}{2}$  corner of said Section 1, bears  
 25 N. 49° 12' 10" E., a distance of 1,695.82 feet.  
 26 Period of Use: January 1 to December 31 of each year.  
 27 Priority: 1890  
 28 Amount of Appropriation: 0.046875 c.f.s. or sufficient to water  
 1500 cattle.  
 29 Description of Works of Diversion, Manner and Place of Use:  
 30 Cattle are watered from pools dammed in the natural channel  
 of Road Creek (aka Rose Creek), situated in the NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 Section 1, T. 44 N., R. 28 E., M.D.B.&M.

1 Proof No.: Amended 02073  
2 Claimant: Nevada Alder Creek Ranch  
3 Source: Little Alder Creek and Tributaries  
4 Use: Stock Watering  
5 Means of Diversion: Natural Channel and Pools  
6 Point of Diversion:  
7 SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13, T. 44 N., R. 28 E., M.D.B.&M.,  
8 (unsurveyed) or at a point from which the SE corner of  
9 Section 15, T. 44 N., R. 28 E., M.D.B.&M., bears S.  
10 85° 16' W., a distance of 8,563 feet.  
11 Period of Use: January 1 to December 31 of each year.  
12 Priority: 1890  
13 Amount of Appropriation: 0.046875 c.f.s. or sufficient to water  
14 1500 cattle.  
15 Description of Works of Diversion, Manner and Place of Use:  
16 Cattle are watered from pools in the natural channel of  
17 Little Alder Creek, situated in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13,  
18 T. 44 N., R. 28 E., M.D.B.&M., (unsurveyed).

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18 Proof No.: Amended 02073  
19 Claimant: Nevada Alder Creek Ranch  
20 Source: Alder Creek and Tributaries  
21 Use: Stock Watering  
22 Means of Diversion: Natural Channel  
23 Point of Diversion:  
24 The natural channel of Alder Creek between a point in the  
25 NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T. 43 N., R. 28 E., M.D.B.&M.,  
26 (unsurveyed) from which the SE corner of Section 15,  
27 T. 44 N., R. 28 E., M.D.B.&M., bears N. 7° 20' E., a  
28 distance of 19,757 feet, and a point in the NW $\frac{1}{4}$  NW $\frac{1}{4}$   
29 Section 11, T. 43 N., R. 28 E., M.D.B.&M., (unsurveyed)  
30 from which the SE corner of Section 15, T. 44 N., R. 28  
E., bears N. 0° 21' W., a distance of 22,313 feet.  
Period of Use: January 1 to December 31 of each year.  
Priority: 1890  
Amount of Appropriation: 0.046875 c.f.s. or sufficient to water  
1500 cattle.

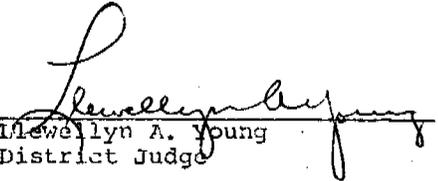
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Description of Works of Diversion, Manner and Place of Use:

Cattle are watered in the reach of the natural channel of Alder Creek situated between the two points described above, traversing through the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 3, NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 10, and the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, T. 43 N., R. 28 E., M.D.B.&M. (unsurveyed)

DONE IN OPEN COURT THIS 1st DAY OF

MARCH A. D. 1971.

  
Jewellyn A. Young  
District Judge