



MICHAEL S. BROWN, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818
(775) 687-4380 • Fax (775) 687-6972
<http://ndwr.state.nv.us>

John Uhalde & Co
P.O. Box 88
Ely, NV 89301
Certified Mail #7000 0520 0023 8556 9972

Gracian Uhalde and
Gracian N. Uhalde
P.O. Box 88
Ely, NV 89301
Certified Mail #7000 0520 0023 8556 9989

Frenzie Estate
G.B. Welch, Administrator
Sharp, NV
Certified Mail #7000 0520 0023 8556 9996

January 23, 2002

Re: Petition for Adjudication of Little Cherry Creek, Nye
County, Nevada. Proof Numbers 01152, 01153, 01154,
01543.

Ladies and Gentlemen:

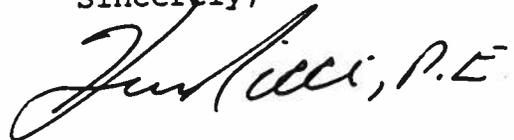
On September 30, 1957, John Uhalde filed a petition for adjudication with the Nevada State Engineer requesting adjudication of the pre-statutory, vested water rights of the Little Cherry Creek, Nye County, Nevada. No action was taken on that petition by the then State Engineer and no order initiating the adjudication was ever entered. However, on June 14, 1957, the acting State Engineer Edmund Muth wrote Alfred Uhalde and told him how costly an adjudication would be to all the parties or to have a water commissioner distribute the waters once adjudicated. Mr. Muth suggested that the parties attempt to come to an agreement as to the division of the waters of the creek.

My hearing officer has been going through old adjudication files to determine whether the Division of Water Resources will proceed as to an adjudication or not. In this case, I am denying the request for adjudication for several reasons. First, there

are appropriative rights with very old priority dates, which were acquired under State Water Law, and which essentially cover the places of use for which proofs of appropriation were filed. Second, since Cherry Creek originates on U.S. National Forest Land and travels through U.S. Bureau of Management Land, if I were to initiate an adjudication at this time, I am sure there would be extensive filings by both agencies, which would greatly expand the scope and cost of the adjudication. This agency is unable to proceed with an adjudication of that magnitude at this time for the four proofs filed by individuals on this creek system.

However, your proofs of appropriation, filed in 1912 and 1917, will remain on file if an adjudication is ever initiated. If you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Hugh Ricci, P.E.".

Hugh Ricci, P.E.
State Engineer

HR/jm