

STATE OF NEVADA

OFFICE OF THE STATE ENGINEER



COLONEL MOORE CREEK ADJUDICATION



**IN THE MATTER OF THE DETERMINATION
OF THE RELATIVE RIGHTS IN AND TO THE
WATERS OF COLONEL MOORE CREEK AND ITS TRIBUTARIES
ELKO COUNTY, NEVADA**



PRELIMINARY ORDER OF DETERMINATION



**EDMUND MUTH, ACTING STATE ENGINEER
Carson City, Nevada**

A D J D I C A T I O N O F
COLONEL MOORE CREEK AND ITS TRIBUTARIES
ELKO COUNTY, NEVADA

Presented herewith is the Preliminary Order of Determination defining the rights to the waters of Colonel Moore Creek and its tributaries in Elko County, Nevada.

This Preliminary Order is prepared in accordance with NRS 533.000.



EDMUND MUTH
Acting State Engineer

Made, filed and cause to be entered of record in the office of the State Engineer, this 22nd day of May, 1957.

C O N T E N T S

**Certification of State Engineer
Preliminary Order of Determination**

- I. General**
- II. Claimants**
- III. Duty of Water**
- IV. Measurement of Water**
- V. Irrigation Season**
- VI. Stockwatering & Domestic**
- VII. Change of Place of Use**
- VIII. Division of Water**
- IX. Rights of Appropriation**

CERTIFICATION OF STATE ENGINEER

I, Edmund Muth, Acting State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Preliminary Order of Determination in and to the waters of Colonel Moore Creek and its tributaries in Elko County, Nevada. This Abstract was prepared and filed in this office on this 22nd day of May, 1957.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 22nd day of May, 1957.

Edmund Muth

**EDMUND MUTH
Acting State Engineer**

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO THE :
WATERS OF COLONEL MOORE CREEK AND ITS : ss
TRIBUTARIES IN ELKO COUNTY, NEVADA.)

I. GENERAL

On July 9, 1954, Henry W. Richards, Stephen C. Richards, John D. Richards and W. B. Richards, Jr., water users on Colonel Moore Creek in Elko County, Nevada submitted a petition to the State Engineer requesting a determination of the relative rights of claimants in and to the waters of said stream system. On May 10, 1955, an investigation was made by D. K. Jewett, Office Engineer, which disclosed that facts and conditions justified the granting of the petition. On July 25, 1955, the State Engineer entered an official order granting the petition and made proper arrangements to proceed with the determination under the provisions of NRS 533.000.

The claimants and appropriators, in conformity with NRS 533.215, waived in writing the provisions of the above-mentioned act with reference to notices and the service and publication thereof.

II. CLAIMANTS

The investigation above referred to disclosed that the flow of water from Colonel Moore Creek and its tributaries is being placed to beneficial use by two ranches, one owned by W. B. Richards, Jr., and Sons, and the other by J. B. and Lourinda Wines.

III. DUTY OF WATER

The duty of water herein fixed is 3.0 acre-feet per acre per annum with a maximum diversion of 2.0 c.f.s. for each 100 acres irrigated. The duty may be changed or altered by the court within a period of three years after entry of the decree, as provided in NRS 533.210.

Colonel Moore Creek, typical of Nevada's mountain streams fed by melting snows, has a high spring runoff which recedes during the early summer months. Due to the characteristics of the streams' flow, the claimants named herein, or their successors in interest, shall be allowed to increase the rate of direct flow diversions to the maximum herein allowed so as to satisfy any immediate needs of the growing crops. They may, at their own option, rotate the allotted water between the various fields having a decreed water right at such times and in such quantities as is necessary to place the water to the greatest beneficial use.

IV. MEASUREMENT OF WATER

All water diverted from Colonel Moore Creek and its tributaries for irrigation purposes shall be measured at a point where the water enters or becomes adjacent to the land to be irrigated or as near thereto as practical.

Substantial headgates and weirs to facilitate the measurement and control of water must be installed wherever necessary to insure proper distribution in accordance with the rights defined herein.

V. IRRIGATION SEASON

Water for irrigation purposes may be diverted from April 15th to August 15th of each year, provided that the total amount diverted during any calendar year shall not exceed the acre-foot duty.

VI. STOCKWATERING & DOMESTIC

The claimants named herein, or their successors in interest, shall be entitled to a reasonable diversion and use of water for stockwatering and domestic purposes at any time during the year.

VII. CHANGE OF PLACE OF USE

All waters allotted under this order shall be appurtenant to the place or places of use designated herein. Any water user desiring to change the place of use of the waters, must make application to the State Engineer for permission to make the change pursuant to law.

VIII. DIVISION OF WATER

In accordance with the terms of the agreement filed herein with regard to the division of water between the Wines Ranch and the Richards Ranch, the waters of Colonel Moore Creek will be divided as follows:

One-third of the total flow, but not to exceed the maximum duty of water established herein, will be diverted to the Richards Ranch.

Two-thirds of the total flow, but not to exceed the maximum duty of water established herein, will be diverted to the Wines Ranch.

For the purpose of the division of water, the priority of appropriation of both ranches will be considered equal.

IX. RIGHTS OF APPROPRIATION

The following tabulation lists the rights as determined by this Preliminary Order:

Proof No. : 02405
Claimants : J. B. Wines & Lourinda R. Wines.
Source : Colonel Moore Creek and its tributaries
Use : Irrigation & Stockwatering

Means of Diversion: Rock Dams and Ditches

Points of Diversion: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 31 N., R. 59 E., M.D.B.&M., or at a point from which the N.E. corner of said section 29 bears N. 45° 21' E., 1,046 feet; in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 31 N., R. 59 E., M.D.B.&M., or at a point from which the N.E. corner of said section 29 bears N. 16° 35' E., 2,039 feet and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ section 33, T. 31 N., R. 59 E., M.D.B.&M.

Class of Culture: Alfalfa, Grain, Meadow and Pasture

RECOGNITION LINE
NEEDS ANCE BOND

NEEDS ANCE BOND

WIVES RANCH

PRIORITY	CULTURAL ACRES	SUB- DIVISION	SEC- TION	TP. N.	RG. E.	MAX. DIV. C.F.S.	DUTY OF WATER
							ACRE FEET PER ANNUM
1875	40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28	31	59	0.80	120.0
"	26.7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	31	59	0.53	80.1
"	40.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28	31	59	0.80	120.0
"	40.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	31	59	0.80	120.0
"	40.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33	31	59	0.80	120.0
"	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	31	59	0.80	120.0
1880	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28	31	59	0.80	120.0
"	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28	31	59	0.80	120.0
"	37.4	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.75	112.2
"	2.6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.05	7.8
"	3.2	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.07	9.6
"	33.5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.67	100.5
"	34.3	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.69	102.9
"	5.7	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.11	17.1
"	37.4	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.75	112.2
"	2.6	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33	31	59	0.05	7.8
"	40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33	31	59	0.80	120.0
"	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33	31	59	0.80	120.0
"	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	31	59	0.80	120.0
"	9.8	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33	31	59	0.20	29.4
"	18.8	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33	31	59	0.38	56.4
1890	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34	31	59	0.80	120.0
"	40.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34	31	59	0.80	120.0

1898	40.0	NE½ SW¼	34	31	59	0.80	120.0
1898	40.0	NW¼ SW¼	34	31	59	0.80	120.0
"	40.0	SW¼ SW¼	34	31	59	0.80	120.0
"	40.0	SE¼ SW¼	34	31	59	0.80	120.0
"	40.0	NE¼ SE¼	34	31	59	0.80	120.0
"	40.0	NW¼ SE¼	34	31	59	0.80	120.0
"	40.0	SW¼ SE¼	34	31	59	0.80	120.0
"	40.0	SE¼ SE¼	34	31	59	0.80	120.0
"	40.0	NE¼ SW¼	35	31	59	0.80	120.0
"	40.0	NW¼ SW¼	35	31	59	0.80	120.0
"	40.0	SW¼ SW¼	35	31	59	0.80	120.0
"	40.0	SE¼ SW¼	35	31	59	0.80	120.0
"	40.0	NE¼ SE¼	35	31	59	0.80	120.0
"	40.0	NW¼ SE¼	35	31	59	0.80	120.0
"	40.0	SW¼ SE¼	35	31	59	0.80	120.0
"	40.0	SE¼ SE¼	35	31	59	0.80	120.0
"	40.0	NE¼ SW¼	36	31	59	0.80	120.0
"	40.0	NW¼ SW¼	36	31	59	0.80	120.0
"	40.0	NE¼ SE¼	36	31	59	0.80	120.0
"	40.0	NW¼ SE¼	36	31	59	0.80	120.0
"	40.0	SW¼ SE¼	36	31	59	0.80	120.0
"	40.0	SE¼ SE¼	36	31	59	0.80	120.0
1898	40.0	NW¼ SW¼	1	30	59	0.80	120.0
"	40.0	SW¼ SW¼	1	30	59	0.80	120.0
"	38.9	NE¼ NE¼	2	30	59	0.78	116.7
"	39.0	NW¼ NE¼	2	30	59	0.78	117.0
"	40.0	SW¼ NE¼	2	30	59	0.80	120.0
"	40.0	SE¼ NE¼	2	30	59	0.80	120.0

1898	39.2	NE½ NW¼	2	30	59	0.78	117.6
"	39.4	NW¼ NW¼	2	30	59	0.79	118.2
"	40.0	SW¼ NW¼	2	30	59	0.80	120.0
"	40.0	SE¼ NW¼	2	30	59	0.80	120.0
"	40.0	SW¼ SW¼	2	30	59	0.80	120.0
"	40.0	SE¼ SW¼	2	30	59	0.80	120.0
"	40.0	NE¼ SE¼	2	30	59	0.80	120.0
"	40.0	NW¼ SE¼	2	30	59	0.80	120.0
"	40.0	SW¼ SE¼	2	30	59	0.80	120.0
"	40.0	SE¼ SE¼	2	30	59	0.80	120.0
"	39.5	NE¼ NE¼	3	30	59	0.79	118.5
"	39.6	NW¼ NE¼	3	30	59	0.79	118.8
"	40.0	SW¼ NE¼	3	30	59	0.80	120.0
"	40.0	SE¼ NE¼	3	30	59	0.80	120.0
"	39.6	NE¼ NW¼	3	30	59	0.79	118.8
"	39.7	NW¼ NW¼	3	30	59	0.79	119.1
"	40.0	SW¼ NW¼	3	30	59	0.80	120.0
"	40.0	SE¼ NW¼	3	30	59	0.80	120.0
"	40.0	NE¼ SW¼	3	30	59	0.80	120.0
"	40.0	NW¼ SW¼	3	30	59	0.80	120.0
"	40.0	SW¼ SW¼	3	30	59	0.80	120.0
"	40.0	SE¼ SW¼	3	30	59	0.80	120.0
"	40.0	NE¼ SE¼	3	30	59	0.80	120.0
"	40.0	NW¼ SE¼	3	30	59	0.80	120.0
"	40.0	SW¼ SE¼	3	30	59	0.80	120.0
"	40.0	SE¼ SE¼	3	30	59	0.80	120.0
1914	36.0	SW¼ NE¼	28	31	59	0.72	108.0
"	26.0	NE¼ SW¼	28	31	59	0.52	78.0
"	1.0	NW¼ SW¼	28	31	59	0.02	3.0
TOTALS	3029.9					60.60	9089.7

Proof No.: 02406

Claimants: Willard B. Richards, Jr., Henry W. Richards,
Stephen C. Richards, & John D. Richards
(W. B. Richards, Jr., and Sons)

Source : Colonel Moore Creek and its tributaries

Use : Irrigation, Stockwatering and Domestic

Means of
Diversion: Rock dam and Ditches

Point of Diversion: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 31 N.,
R. 59 E., M.D.B.&M., or at a point
from which the N.E. corner of said
Section 29 bears N. 45° 21' W.,
1,046 feet.

Class of Culture : Alfalfa, Grain and Meadow

RESOURCES BOND

RICHARDS RANCH

PRIORITY	CULTURAL ACRES	SUB- DIVISION	SEC- TION	TP. N.	RG. E.	MAX. DIV. C.F.S.	DIPY OF WATER
							ACRE FEET PER ANNUM
1870	14.7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22	31	59	0.29	44.1
"	3.2	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22	31	59	0.06	9.6
1881	18.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21	31	59	0.36	54.0
"	40.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	27	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	27	31	59	0.80	120.0
"	27.8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27	31	59	0.56	83.4
"	40.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27	31	59	0.80	120.0
"	24.6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27	31	59	0.49	73.8
"	23.5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	31	59	0.47	70.5
"	16.3	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	31	59	0.33	48.9
1882	27.8	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21	31	59	0.56	83.4
"	1.2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21	31	59	0.02	3.6
"	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	28	31	59	0.80	120.0
"	31.4	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28	31	59	0.63	94.2
"	8.6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28	31	59	0.17	25.8
1885	6.1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	31	59	0.12	18.3
"	2.6	NE $\frac{1}{4}$ SW $\frac{1}{4}$	26	31	59	0.05	7.8
1887	40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26	31	59	0.80	120.0
"	6.1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	31	59	0.12	18.3
"	40.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	31	59	0.80	120.0
"	33.7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26	31	59	0.67	101.1
"	35.3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	31	59	0.71	105.9
"	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27	31	59	0.80	120.0
"	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	31	59	0.80	120.0
"	40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	27	31	59	0.80	120.0

1887	40.0	SEt SEt	27	31	59	0.80	120.0
"	40.0	NEt SWt	27	31	59	0.80	120.0
"	40.0	SEt SWt	27	31	59	0.80	120.0
"	40.0	SWt NEt	27	31	59	0.80	120.0
"	40.0	SEt NWt	27	31	59	0.80	120.0
"	40.0	NEt NEt	34	31	59	0.80	120.0
"	40.0	NWt NEt	34	31	59	0.80	120.0
"	40.0	NEt NWt	34	31	59	0.80	120.0
"	40.0	NEt NEt	35	31	59	0.80	120.0
"	40.0	NWt NEt	35	31	59	0.80	120.0
"	40.0	SWt NEt	35	31	59	0.80	120.0
"	40.0	SEt NEt	35	31	59	0.80	120.0
"	40.0	NEt NWt	35	31	59	0.80	120.0
"	40.0	NWt NWt	35	31	59	0.80	120.0
"	40.0	SWt NWt	35	31	59	0.80	120.0
"	40.0	SEt NWt	35	31	59	0.80	120.0
1889	7.1	NEt NEt	27	31	59	0.14	21.3
1911	40.0	NWt NWt	34	31	59	0.80	120.0
16	5.6	NWt NEt	28	31	59	0.11	16.8
TOTALS	<u>1373.6</u>					<u>27.46</u>	<u>4120.8</u>