

1 8118

2 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
3 THE STATE OF NEVADA, IN AND FOR NYE COUNTY

4 \* \* \* \* \*

5 IN THE MATTER OF THE DETERMINATION )  
6 OF THE RELATIVE RIGHTS IN AND TO THE)  
7 WATERS OF HUNTS CREEK AND ITS )  
8 TRIBUTARIES IN NYE COUNTY, NEVADA )

**FILED**

JAN 23 1978

*Alexandra N. Metcalf*  
County Clerk  
By *J. Carlew* Deputy

9 FINDINGS OF FACT, CONCLUSIONS OF LAW,

10 JUDGMENT AND DECREE

1 This matter came on regularly for hearing on the 3rd  
12 day of April, 1974, before the Honorable Kenneth L. Mann,  
13 District Judge, presiding. Hunts Creek and its tributaries,  
14 exemplified in these proceedings, being within Nye County,  
15 State of Nevada, and he being the Judge designated by NRS  
16 533.165 to hear and having jurisdiction to hear the above  
17 entitled matter of the determination of the relative rights  
18 of the claimants to the use of the waters of the stream  
19 system of Hunts Creek and its tributaries. The order of  
20 Determination and all related documentary evidence had been  
21 filed previously with the Clerk of the Court by the State  
22 Engineer. There were no exceptions to the Order of Deter-  
23 mination submitted to the Court by the claimants or any other  
24 person at least five (5) days prior to the date set for  
25 hearing, as provided by NRS 533.170.

26 Ross de Lipkau, Deputy Attorney-General; Starr Hill, Jr.,  
27 Surface Water Engineer; L. Edward Parmenter, Adjudication  
28 Engineer; and Peter G. Morros, Office Engineer, appeared in  
29 the hearing and proceedings on behalf of the State of Nevada.

30 The record disclosed that the claimants had received a

1 certified copy of the Court Order Setting Time for Hearing  
2 on the Order of Determination.

3 Ross de Lipkau, thereupon, at the hearing, offered  
4 verified affidavits, files and records of the Office of the  
5 State Engineer, all contained in support of the rights of the  
6 claimants in and to the above named stream system.

7 On April 3, 1974, the Court, having considered the  
8 entire record and the evidence introduced and received, in-  
9 cluding the cost bill, directed the State Engineer to submit  
10 points and authorities in support of permitting the United  
1 States of America, through the Forest Service, Department  
2 of Agriculture, to join as a party to the adjudication.

3 On April 26, 1974, the State Engineer submitted his  
4 Points and Authorities, as directed by the Court. On  
5 August 30, 1977, the Honorable William P. Beko, successor to  
6 the Honorable Kenneth L. Mann (deceased), and he now being  
7 the Judge designated by NRS 533.195 to complete the adjudi-  
8 cation of Hunts Creek and its Tributaries, entered his  
9 order directing the State Engineer to prepare the Findings  
10 of Fact, Conclusions of Law, and Judgment and Decree affirm-  
11 ing the Order of Determination, in accordance with NRS 533.185.

12 FINDINGS OF FACT

13 I.

14 The Court Finds: That on February 26, 1945, John R.  
15 Wardlaw, a water user of Hunts Creek, submitted a petition  
16 to the State Engineer, requesting the determination of the  
17 relative rights to the use of the waters of Hunts Creek,  
18 located in Nye County.

19 That as a result of the State Engineer's investigations,  
20 it was found that the waters of Hunts Creek and its tribu-  
21

1 taries were being placed to beneficial use on lands along the  
2 course of Hunts Creek and its tributaries for irrigation,  
3 stockwatering and domestic purposes. That evidence contained  
4 in title documents, affidavits, water claims and proofs of  
5 appropriation submitted by the claimants and appropriators,  
6 Horton and Darlene Bumguardner, and the United States of  
7 America, through the Forest Service, Department of Agricul-  
8 ture, are the successors in interest to vested rights  
9 initiated by their predecessors. That the report of facts  
10 and conditions disclosed that a determination of the relative  
11 rights was justified, and the State Engineer made and entered  
12 an Order Granting Petition on August 23, 1971 in accordance  
13 with NRS 533.090.

14 That on August 27, 1971, and once each week for four  
15 succeeding weeks, the State Engineer caused to be published  
16 a Notice of Order and Proceedings to Determine Water Rights  
17 in and to the waters of Hunts Creek and its tributaries in  
18 Nye County, State of Nevada and that notice was duly given  
19 to all claimants as required by law. That on September 27,  
20 1971, there was filed in the Office of the State Engineer  
21 an affidavit of the editor of the Tonopah Times-Bonanza  
22 and Goldfield News, exemplifying the Proof of Publication  
23 of Notice of Order and Proceedings to Determine Water Rights.

24 That the State Engineer caused to be published on  
25 October 15, 1971 and once each week for four succeeding  
26 weeks, a Notice of Order for Taking Proofs to Determine  
27 Water Rights, in and to the waters of Hunts Creek and its  
28 tributaries, and that notice was duly given to all claimants  
29 as required by law. That on November 15, 1971, there was  
30 filed in the Office of the State Engineer, an affidavit of

1 the editor of the Tonopah Times-Bonanza and Goldfield News  
2 exemplifying the Proof of Publication of the Notice and  
3 Order for Taking Proofs to Determine Water Rights.

4 That the State Engineer, in accordance with NRS 533.125,  
5 filed in the records of his office on January 17, 1972,  
6 April 17, 1972, April 21, 1972 and June 1, 1972, requests  
7 to extend the time in which proofs of appropriation may be  
8 filed. That all extensions of time to file proofs were  
9 granted and that all claimants were notified.

10 That the State Engineer, in accordance with NRS 533.140,  
11 filed a Preliminary Order of Determination in the records of  
12 his office on July 17, 1973; an Abstract of Claims on July  
13 17, 1973; and a Notice and Order Fixing and Setting Time  
14 and Place of Inspection on July 17, 1973, stating when and  
15 where the evidence taken or filed with him and the proofs of  
16 claims were open to inspection by all interested persons.  
17 That notice was given to the claimants as required by law.

18 That the State Engineer, in accordance with NRS 533.160,  
19 entered in the records of his office on January 25, 1974, an  
20 Order of Determination defining the rights of the claimants  
21 and appropriators of the waters of Hunts Creek and its tribu-  
22 taries and that notice was given to all claimants as required  
23 by law.

24 That upon the filing of a certified copy of the Order  
25 of Determination and the original evidence with the Clerk of  
26 the Court of Nye County, State of Nevada, the Court, at the  
27 request of the State Engineer, made and entered an Order on  
28 January 31, 1974, setting a date and time for hearing of any  
29 exceptions to the Order of Determination on Wednesday, April  
30 3, 1974 at 10 o'clock in the morning in the court room of the

1 Court House in Tonopah, Nye County, Nevada; and that the  
2 clerk of the said Court furnished the State Engineer with a  
3 certified copy of the order.

4 That the State Engineer, in accordance with NRS 533.165,  
5 gave notice to the claimants by service of a certified copy  
6 of the Court Order Setting Time for Hearing.

7 That on February 15, 1974, and once each week for four  
8 succeeding weeks, the State Engineer caused to be published  
9 the Court Order Setting Time for Hearing and that on March 18,  
10 1974 there was filed in the Office of the State Engineer an  
11 affidavit of the editor of the Tonopah Times-Bonanza and  
12 Goldfield News exemplifying Proof of Publication of the Court  
13 Order Setting Time for Hearing.

14 That the court finds that all and singular the Proceed-  
15 ings, Orders and Notices required by Chapter 533 of Nevada  
16 Revised Statutes were duly had, made, and given as required  
17 by law, and that all and singular, the matters and things  
18 contained in the record were done, performed, given and made  
19 in strict compliance with the statutes, and that this court  
20 had and has jurisdiction to hear and determine this matter.

21 II.

22 The Court Further Finds: That Hunts Creek and its trib-  
23 utaries exemplified in these proceedings is situated wholly  
24 within Nye County, State of Nevada.

25 III.

26 The Court Further Finds: That the names of the claimants  
27 and appropriators of the waters of Hunts Creek and its tribu-  
28 taries, the source of the water supply, the period of use,  
29 the duty of water, the diversion of water and method of use,  
30 measurement of water, stock watering and domestic use, change

1 of place of use, and the rights of appropriation of the  
2 water, all as set forth in the Order of Determination, are  
3 true, proper and correct, and all and singular, the same  
4 should be approved and confirmed.

5 I. SOURCE

6 The headwaters of Hunts Creek, originate at an eleva-  
7 tion in excess of 9,000 feet on the western slopes of the  
8 Monitor Range in the vicinity of Big Ten and Pinion Peaks,  
9 approximately 33 miles northeast of Tonopah in Nye County.  
10 The principal tributaries to Hunts Creek are Mud Spring  
11 Creek, Flats Creek, Big Cottonwood Creek and Little Cotton-  
12 wood Creek. This region of the Monitor Range is quite  
13 rugged and the steep terrain sustains a snowpack well into  
14 Spring and in its upper reaches Hunts Creek is considered to  
15 be a perennial stream. From its headwaters the creek flows  
16 northerly and then westerly, discharging into the northern  
17 terminus of Ralston Valley. Several springs situated along  
18 the creek and the Spring runoff of snow melt waters contri-  
19 bute to its flow.

20 II. PERIOD OF USE

21 The irrigation season shall begin on April 1st and extend  
22 to November 1st of each year.

23 III. DUTY OF WATER

24 The lands irrigated from Hunts Creek are confined to a  
25 narrow canyon. Due to the pervious nature of the gravelly  
26 soil, the seasonal duty of water from Hunts Creek and its  
27 tributaries is herein fixed and shall not exceed:

28 Class A---Harvest Crop---5.0 ac.-ft./ac./season

29 Class B---Meadow Pasture--3.0 ac.-ft./ac./season



1 of water reasonably necessary for such use.

2 The amount of water diverted for irrigation purposes  
3 shall not be increased by any amount to be used for stock  
4 watering and domestic purposes, but the quantity allowed and  
5 diverted for irrigation during the irrigation season shall  
6 include water for stock watering purposes, and domestic use.

7 VII. CHANGE OF PLACE OF USE

8 All water allotted under this Order shall be appurtenant  
9 to the place of use designated herein. Any water user de-  
10 siring to change the point of diversion, manner of use or  
11 place of use of the waters allotted herein, must make appli-  
12 cation to the State Engineer for permission to make the  
13 change pursuant to NRS 533.345.

14 VIII. RIGHTS OF APPROPRIATION

15 From the Order of Determination and the documentary  
16 evidence presented at the hearing in support thereof, the  
17 Court finds that the names of the claimants and appropriators  
18 of the waters of Hunts Creek and its tributaries, the source  
19 of the water supply, the manner of use of the water, the means  
20 of diversion, the points of diversion for beneficial use, the  
21 period of use, the years of priority, the cultural acreages,  
22 the places of use, the legal subdivisions, sections, town-  
23 ships, ranges, and the duty of water are as listed, stated  
24 and set forth.

25 CONCLUSIONS OF LAW

26 From the evidence presented and received in this matter,  
27 and from the foregoing Findings of Fact, the Court makes  
28 the following Conclusions of Law:

29 I.

30 That the State Engineer had the right, authority and

1 jurisdiction pursuant to Chapter 533 of Nevada Revised  
2 Statutes to make the investigations made by him, receive  
3 the proofs and maps, enter and file in his office the  
4 original Order of Determination and file a certified copy  
5 thereof in this Court, and to determine the relative rights  
6 of the claimants and appropriators in and to the waters of  
7 Hunts Creek and its tributaries in Nye County, State of  
8 Nevada; that the State Engineer duly made all orders  
9 necessary and proper in connection therewith and entered  
10 the same in his office as required by Chapter 533 of Nevada  
11 Revised Statutes. That each and every notice required by  
12 law to be given herein to the claimants and appropriators  
13 was duly served by the State Engineer in the manner and  
14 within the time required by statute, and that the notices  
15 contained all of the statements required by law, and that  
16 the claimants and appropriators of the waters of the above  
17 named stream system and its tributaries duly received the  
18 information and notices, as required by law.

19  
20 II.

21 That the Fifth Judicial District Court of the State of  
22 Nevada, in and for the County of Nye, had and has jurisdic-  
23 tion to hear and try this matter, and has jurisdiction to  
24 make and enter the foregoing Findings of Fact and these  
25 Conclusions of Law and enter its Decree herein.

26 III.

27 That Horton and Darlene Bumguardner, and the United  
28 States of America, through the Forest Service, Department of  
29 Agriculture, are the only claimants of vested rights recog-  
30 nized in this Decree who were appropriators and users of the  
waters of Hunts Creek and its tributaries on the date the

1 Order of Determination was filed with the Clerk of the Court,  
2 and on the date of the hearing on this matter.

3 IV.

4 That the irrigation season shall begin on April 1st  
5 and extend to November 1st of each year.

6 V.

7 That the lands irrigated from Hunts Creek are confined  
8 to a narrow canyon. Due to the pervious nature of the  
9 gravelly soil, the seasonal duty of water from Hunts Creek  
10 and its tributaries is herein fixed and shall not exceed:

11 Class A---Harvest Crop----5.0 ac.-ft./ac./season

12 Class B---Meadow Pasture--3.0 ac.-ft./ac./season

13 VI.

14 That the claimants shall have the right to divert 2.5  
15 cubic feet per second of water per 100 acres of land irri-  
16 gated, but not to exceed the seasonal duty of water as  
17 established herein.

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

24 VII.

25 That all measurements of water are to be made at a point  
26 where the main ditch enters or becomes adjacent to the land  
27 to be irrigated or as near thereto as practicable; the loca-  
28 tion if not selected by the State Engineer to be approved by  
29 him. That the claimants shall install and maintain at their  
30 own expense, substantial and easily operated regulating

1 headgates and measuring devices in the ditch or ditches or  
2 channel. That due allowance for losses in ditches will be  
3 made by the State Engineer in case it becomes necessary.

4 That priorities are fixed by years and where the years  
5 are the same, the priorities are equal.

6 VIII.

7 That the right to the diversion and use of water for  
8 stock watering and domestic purposes shall be continued by  
9 the claimants named herein or their successors in interest  
10 at any time during the year that stock are grazing on the  
11 range, except as otherwise specified under stock watering  
12 rights of appropriation, and such diversions shall be ac-  
13 cording to the dates of priorities of such users and limited  
14 to the quantity of water reasonably necessary for such use.

15 That the amount of water diverted for irrigation pur-  
16 poses shall not be increased by any amount to be used for  
17 stock watering and domestic purposes, but the quantity  
18 allowed and diverted for irrigation during the irrigation  
19 season shall include water for stock watering purposes, and  
20 domestic use.

21 IX.

22 That all water allotted under this Decree shall be  
23 appurtenant to the place of use designated herein. That any  
24 water user desiring to change the point of diversion, manner  
25 of use, or place of use of the waters allotted herein must  
26 make application to the State Engineer for permission to make  
27 the change pursuant to Nevada Revised Statutes 533.345.

28 X.

29 That from the Order of Determination and the documentary  
30 evidence presented at the hearing in support thereof, the

1 Court finds that the names of the claimants and appropriators  
2 of the waters of Hunts Creek and tributaries, the source of  
3 the water supply, the manner of use of the water, the means  
4 of diversion, the points of diversion for beneficial use,  
5 the period of use, the years of priority, the cultural acre-  
6 ages, the places of use, the legal subdivisions, sections,  
7 townships, ranges, and the duty of water are as listed,  
8 stated and set forth.

9 XI.

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

13 JUDGMENT AND DECREE

14 THEREFORE, BY REASON OF THE FINDINGS OF FACT, AND CON-  
15 CLUSIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED, AD-  
16 JUDGED AND DECREED BY THE COURT AS FOLLOWS:

17 I.

18 That the State Engineer made all necessary and proper  
19 orders as required by law, and that each and every notice  
20 required by law was duly given to the claimants and appropri-  
21 ators; that the claimants and appropriators had full oppor-  
22 tunity to appear and be heard in objection to and file  
23 exceptions to the Order of Determination; that Horton and  
24 Darlene Bumguardner and the United States of America, through  
25 the Forest Service, Department of Agriculture are the only  
26 claimants of vested water rights recognized in this decree  
27 as appropriators of the waters of Hunts Creek and its  
28 tributaries and that this Decree determines the limit and  
29 extent of all vested water rights on the source.

30 That the court has full and complete jurisdiction to

1 hear, try and determine this matter and to make and enter  
2 herein this decree.

3 II.

4 That the waters of Hunts Creek and its tributaries are  
5 being placed to beneficial use by Horton and Darlene  
6 Bumguardner and the United States of America, through the  
7 Forest Service, Department of Agriculture for irrigation,  
8 stock watering and domestic purposes.

9 III.

10 That the irrigation season shall begin on April 1st and  
11 extend to November 1st of each year.

12 IV.

13 That the seasonal duty of water from Hunts Creek and  
14 its tributaries is herein fixed and shall not exceed:

15 Class A---Harvest Crop---5.0 ac.-ft./ac./season

16 Class B---Meadow Pasture--3.0 ac.-ft./ac./season

17 V.

18 That the claimants shall have the right to divert 2.5  
19 cubic feet per second of water per 100 acres of land irri-  
20 gated, but not to exceed the seasonal duty of water as  
21 established herein.

22 That the claimants or their successors in interest will  
23 not be required to take or use the amount of water allotted  
24 to them in a continuous flow, but may cumulate the same or any  
25 part thereof in rotation or periodic turn within the seasonal  
26 limits, with the approval of the water commissioner and sub-  
27 ject to the control and direction of the State Engineer.

28 VI.

29 That all measurements of water diverted are to be made  
30 at a point where the main ditch enters or becomes adjacent

1 to the land to be irrigated or as near thereto as practi-  
2 cable; the location if not selected by the State Engineer,  
3 to be approved by him. That the claimants shall install  
4 and maintain at their own expense, substantial and easily  
5 operated regulating headgates and measuring devices in the  
6 ditch or ditches or channel. That due allowance for losses  
7 in ditches will be made by the State Engineer in case it  
8 becomes necessary.

9 That priorities are fixed by years and where the  
10 years are the same, the priorities are equal.

11 VII.

12 That the right to the diversion and use of water for  
13 stock watering and domestic purposes shall be continued by  
14 the claimants named herein or their successors in interest  
15 at any time during the year that stock are grazing on the  
16 range, except as otherwise specified under stock watering  
17 rights of appropriation, and such diversions shall be accord-  
18 ing to the dates of priorities of such users and limited to  
19 the quantity of water reasonably necessary for such use.

20 That the amount of water diverted for irrigation pur-  
21 poses shall not be increased by any amount to be used for  
22 stock watering and domestic purposes, but the quantity  
23 allowed and diverted for irrigation during the irrigation  
24 season shall include water for stock watering purposes,  
25 and domestic use.

26 VIII.

27 That all water allotted under this Decree shall be  
28 appurtenant to the place of use designated herein. That  
29 any water user desiring to change the point of diversion,  
30 manner of use or place of use of the waters allotted

1 herein, must make application to the State Engineer for  
2 permission to make the change pursuant to NRS 533.345.

3 IX.

4 That the following tabulation lists the rights as  
5 determined by this Decree:

6 PROOF NO. : Amended 02777  
7 CLAIMANTS : Horton and Darlene Bumguardner  
8 SOURCE : Hunts Creek and Tributaries  
9 USE : Irrigation, Stock Watering  
10 and Domestic  
11 MEANS OF DIVERSION : Dams and Ditches  
12 POINTS OF DIVERSION :

- 13 1. NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T.7N., R.46E., MDB&M,  
14 or at a point from which the NE corner of  
15 Section 4, T.7N., R.46E., MDB&M, bears N.  
16 3° 54' 36" W., a distance of 13,932.43 feet.  
17 2. A spring in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 15, T.7N.,  
18 R.46E., MDB&M, or at a point from which  
19 the NE corner of Section 4, T.7N., R.46E.,  
20 MDB&M, bears N. 2° 33' 13" W., a distance  
21 of 12,963.57 feet.  
22 3. A spring in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T.7N.,  
23 R.46E., MDB&M, or at a point from which  
24 the NE corner of Section 4, T.7N., R.46E.,  
25 MDB&M, bears N. 1° 05' 30" W., a distance  
26 of 13,636.24 feet.  
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4. A spring in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 16, T.7N., R.46E., MDB&M, or at a point from which the NE corner of Section 4, T.7N., R.46E., MDB&M, bears N. 0° 00' 34" E., a distance of 12,707.95 feet.
5. SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, T.7N., R.46E., MDB&M, or at a point from which the NE corner of Section 4, T.7N., R.46E., bears N. 2° 39' 06" E., a distance of 9,510.68 feet.
6. A spring in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T.7N., R.46E., MDB&M, or at a point from which the NE corner of Section 4, T.7N., R.46E., MDB&M, bears N. 3° 39' 50" E., a distance of 7,610.50 feet.
7. A spring in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T.7N., R.46E., MDB&M, or at a point from which the NE corner of Section 4, T.7N., R.46E., MDB&M, bears N. 8° 59' E., a distance of 5,494.68 feet.
8. A spring in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 4, T.7N., R.46E., MDB&M, or at a point from which the NE corner of said Section 4 bears N. 20° 26' 30" E., a distance of 2,994.88 feet.
9. NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4, T.7N., R.46E., MDB&M, or at a point from which the NE corner of said Section 4, bears N. 65° 23' 30" E., a distance of 3,073.87 feet.

10. A spring in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 31, T.8N.,  
 R.46E., MDB&M, or at a point from which  
 the S $\frac{1}{4}$  corner of said Section 31, bears S.  
 20° 10' W., a distance of 1,950.00 feet.

11. A domestic spring in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 31,  
 T.8N., R.46E., MDB&M, or at a point from  
 which the S $\frac{1}{4}$  corner of said Section 31,  
 bears S. 21° 59' 28" W., a distance of  
 2,804.01 feet.

PRIOR- ITY:	CULTURAL ACREAGE		LOCATION		TWP.:RGE.:		DUTY OF WATER	
	Har- Vest:	Mea.: Past:	SUBD.:	SEC.:	N.	E.	C.F.S.:	AC.FT
1867	7.50	- -	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31	8	46	0.188	37.50
1867	1.80	- -	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31	8	46	0.045	9.00
1867	8.30	- -	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	8	46	0.207	41.50
1867	6.00	- -	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31	8	46	0.150	30.00
1867	- -	9.00	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32	8	46	0.225	27.00
1867	- -	5.80	SW $\frac{1}{4}$ SW $\frac{1}{4}$	32	8	46	0.145	17.40
1867	26.00	- -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4	7	46	0.650	130.00
1867	1.10	- -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	4	7	46	0.028	5.50
1867	- -	7.50	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4	7	46	0.188	22.50
1867	- -	0.60	SE $\frac{1}{4}$ NE $\frac{1}{4}$	4	7	46	0.015	1.80
1867	- -	11.00	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4	7	46	0.275	33.00
1867	- -	0.70	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4	7	46	0.017	2.10
1867	17.00	- -	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4	7	46	0.425	85.00
1867	19.30	- -	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9	7	46	0.483	96.50
1867	18.50	- -	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9	7	46	0.462	92.50
1867	19.30	- -	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9	7	46	0.483	96.50
1867	- -	9.90	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15	7	46	0.247	29.70
1867	- -	14.10	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15	7	46	0.352	42.30
Total	124.80	58.60					4.585	799.80

1 PROOF NO. : Amended 02786  
2 CLAIMANT : United States of America,  
3 Forest Service  
4 SOURCE : Little Cottonwood Creek, a  
5 Tributary of Hunts Creek  
6 USE : Stock Watering  
7 MEANS OF DIVERSION : Natural Channel  
8 POINT OF DIVERSION :

9 The natural channel of Little Cottonwood Creek  
10 between a point in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 31, T.7N.,  
11 R.47E., MDB&M., (Unsurveyed) from which the SW  
12 corner of said Section 31, bears S. 40° 10' W.,  
13 a distance of 2,350.0 feet, and a point in the  
14 SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 25, T.7N., R.46E., MDB&M, from  
15 which the SW corner of said Section 25, bears  
16 S. 59° 30' E., a distance of 2,150.0 feet.

17 PERIOD OF USE : June 1 through September  
18 30, of each year

19 PRIORITY : 1880

20 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
21 to water 210 cattle

22 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
23 Livestock are watered in the reach of the natural  
24 channel of Little Cottonwood Creek situated between  
25 the two points previously described, traversing  
26 through portions of Section 25, T.7N., R.46E.,  
27 Sections 25 and 36, T.7N., R.46 $\frac{1}{2}$ E., and Section  
28 31, T.7N., R.47E., MDB&M.

1 PROOF NO. : Amended 02787  
2 CLAIMANT : United States of America,  
3 Forest Service  
4 SOURCE : Hunts Creek and Big Cotton-  
5 wood Creek, a Tributary of  
6 Hunts Creek  
7 USE : Stock Watering  
8 MEANS OF DIVERSION : Natural Channel  
9 POINT OF DIVERSION :

10 The natural channel of Hunts Creek and Big  
11 Cottonwood Creek, a tributary of Hunts Creek,  
12 between a point in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 12,  
13 T.6N., R.46E., MDB&M, from which the  
14 SE corner of said Section 12 bears due South  
15 a distance of 525.0 feet, and a point in the  
16 NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, T.7N., R.46E., MDB&M,  
17 from which the N $\frac{1}{4}$  corner of said Section 22,  
18 bears due West a distance of 100.0 feet.

19 PERIOD OF USE : June 1 through September 30,  
20 of each year

21 PRIORITY : 1880

22 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
23 to water 210 cattle

24 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

25 Livestock are watered in the reach of the natural  
26 channel of Hunts Creek and Big Cottonwood Creek  
27 situated between the two points previously des-  
28 cribed, traversing through portions of Sections  
29 1, 2 and 12, T.6N., R.46E., and Sections 22, 23  
30 24, 25, 35 and 36, T.7N., R.46E., MDB&M.

1 PROOF NO. : Amended 02788  
2 CLAIMANT : United States of America,  
3 Forest Service  
4 SOURCE : Mildred Spring, a Tributary  
5 of Hunts Creek  
6 USE : Stock Watering  
7 MEANS OF DIVERSION : Headbox and Pipeline and Trough  
8 POINT OF DIVERSION :  
9 The SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 29, T.7N., R.46E.,  
10 MDB&M, or at a point from which the SW  
11 corner of said Section 29 bears S. 84°  
12 00' W., a distance of 2,425.0 feet.  
13 PERIOD OF USE : January 1 through December  
14 31, of each year  
15 PRIORITY : 1880  
16 AMOUNT OF APPROPRIATION : 0.00022 cfs, or sufficient  
17 to water 7 cattle  
18 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
19 Water is collected in a headbox at the spring  
20 and conveyed by a pipeline to a trough in the  
21 NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 32, T.7N., R.46E., MDB&M,  
22 where it is used for stock watering purposes.  
23

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24 PROOF NO. : Amended 02789  
25 CLAIMANT : United States of America,  
26 Forest Service  
27 SOURCE : Big White Sage Spring, a  
Tributary of Hunts Creek  
29 USE : Stock Watering  
30 MEANS OF DIVERSION : Headbox, Pipeline and Trough

1 PROOF NO. : Amended 02789 (Continued)  
2 POINT OF DIVERSION :  
3 The SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 5, T.6N., R.46E.,  
4 MDB&M, or at a point from which the  
5 NW corner of said Section 5, bears N. 62°  
6 55' W., a distance of 1,470.0 feet.  
7 PERIOD OF USE : January 1 through December  
8 31, of each year  
9 PRIORITY : 1880  
10 AMOUNT OF APPROPRIATION : 0.00022 cfs, or sufficient  
11 to water 7 cattle  
12 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
13 Water is collected in a headbox at the spring and  
14 conveyed by a pipeline to a trough in the NW $\frac{1}{4}$  NW $\frac{1}{4}$   
15 Section 5, T.6N., R.46E., MDB&M, where it is used  
16 for stock watering purposes.

17  
18 PROOF NO. : Amended 02790  
19 CLAIMANT : United States of America,  
20 Forest Service  
21 SOURCE : Big Ten Spring, a Tributary  
22 of Hunts Creek  
23 USE : Stock Watering  
24 MEANS OF DIVERSION : Headbox, Pipeline & Trough  
25 POINT OF DIVERSION :  
26 The SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 6, T.6N., R.46E.,  
27 MDB&M, or at a point from which the  
28 SE corner of said Section 6 bears S. 53°  
29 10' E., a distance of 2,290.0 feet.

1 PROOF NO. : Amended 02790 (Continued)  
2 PERIOD OF USE : January 1 through December  
3 31 of each year  
4 PRIORITY : 1880  
5 AMOUNT OF APPROPRIATION : 0.00022 cfs, or sufficient  
6 to water 7 cattle  
7 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
8 Water is collected in a headbox at the spring  
9 and conveyed by a pipeline to a trough in the  
10 NW¼ SE¼ Section 6, T.6N., R.46E., MDB&M, where  
11 it is used for stock watering purposes.

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13 PROOF NO. : Amended 02791  
14 CLAIMANT : United States of America,  
Forest Service  
16 SOURCE : Good Springs No. 2, Tribu-  
17 tary of Hunts Creek  
18 USE : Stock Watering  
19 MEANS OF DIVERSION : Natural Spring Area  
20 POINT OF DIVERSION :  
21 The SE¼ SW¼ Section 5, T.6N., R.46E.,  
22 MDB&M, or at a point from which the  
23 SW corner of said Section 5 bears due  
24 West, a distance of 1,450.0 feet.  
25 PERIOD OF USE : June 1 through September  
26 30, of each year  
27 PRIORITY : 1880  
28 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
29 to water 210 cattle  
30

1 PROOF NO. : Amended 02791 (Continued)

2 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

3 Livestock water directly from the spring de-  
4 scribed above under the point of diversion.

5  

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6 PROOF NO. : Amended 02792

7 CLAIMANT : United States of America,  
8 Forest Service

9 SOURCE : Good Springs No. 1, a Tribu-  
10 tary of Hunts Creek

11 USE : Stock Watering

12 MEANS OF DIVERSION : Natural Spring Area

13 POINT OF DIVERSION :  
14 The SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T.6N., R.46E.,  
15 MDB&M, or at a point from which the SW  
16 corner of said Section 5 bears S. 75°  
17 20' W., a distance of 1,680.0 feet.

18 PERIOD OF USE : June 1 through September  
19 30, of each year

20 PRIORITY : 1880

21 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
22 to water 210 cattle

23 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

24 Livestock water directly from the spring, de-  
25 scribed above under the point of diversion.

26  

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27 PROOF NO. : Amended 02793

28 CLAIMANT : United States of America,  
29 Forest Service

1 PROOF NO. : Amended 02793 (Continued)  
2 SOURCE : Mud Spring No. 2, a Tribu-  
3 tary of Hunts Creek  
4 USE : Stock Watering  
5 MEANS OF DIVERSION : Headbox, Pipeline and Trough  
6 POINT OF DIVERSION :  
7 The SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T.6N., R.46E., MDB&M,  
8 or at a point from which the NE corner of said  
9 Section 9, bears N. 43° 20' E., a distance of  
10 2,200.0 feet.

11 PERIOD OF USE : June 1 through September  
12 30, of each year  
13 PRIORITY : 1880  
14 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
15 to water 210 cattle

16 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
17 Water is collected in a headbox at the spring and  
18 conveyed by a pipeline to a trough in the SE $\frac{1}{4}$  SE $\frac{1}{4}$   
19 Section 4, T.6N., R.46E., MDB&M, where it is used  
20 for stock watering purposes.

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22 PROOF NO. : Amended 02794  
23 CLAIMANT : United States of America,  
24 Forest Service  
25 SOURCE : Mud Spring No. 1, a Tribu-  
26 tary of Hunts Creek  
27 USE : Stock Watering  
28 MEANS OF DIVERSION : Headbox, Pipeline and Trough  
29  
30

1 PROOF NO. : Amended 02794 (Continued)  
2 POINT OF DIVERSION :  
3 The SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, T.6N., R.46E., MDB&M,  
4 or at a point from which the SW corner of said  
5 Section 9, bears S. 75° 55' W., a distance of  
6 2,980.0 feet.

7 PERIOD OF USE : June 1 through September  
8 30, of each year

9 PRIORITY : 1880

10 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
11 to water 210 cattle

12 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
13 Water is collected in a headbox at the spring and  
14 conveyed by a pipeline to a trough in the SW $\frac{1}{4}$  SE $\frac{1}{4}$   
15 Section 9, T.6N., R.46E., MDB&M, where it is used  
16 for stock watering purposes.

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18 PROOF NO. : Amended 02795  
19 CLAIMANT : United States of America,  
20 Forest Service

21 SOURCE : Flats Spring, a Tributary  
22 of Hunts Creek

23 USE : Stock Watering

24 MEANS OF DIVERSION : Natural Spring Area

25 POINT OF DIVERSION :  
26 The NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 14, T.6N., R.46E., MDB&M,  
27 or at a point from which the NW corner of said  
28 Section 14 bears N. 62° 30' W., a distance of  
29 1,620.0 feet.

30

1 PROOF NO. : Amended 02795. (Continued)  
2 PERIOD OF USE : June 1 through September  
3 30, of each year  
4 PRIORITY : 1880  
5 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
6 to water 210 cattle

7 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

8 Livestock water directly from the spring, de-  
9 scribed above under the point of diversion.

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11 PROOF NO. : Amended 02796  
12 CLAIMANT : United States of America,  
13 Forest Service  
14 SOURCE : Ridge Spring, a Tributary  
15 of Hunts Creek  
16 USE : Stock Watering  
17 MEANS OF DIVERSION : Natural Spring Area  
18 POINT OF DIVERSION :

19 The SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13, T.6N., R.46E., MDB&M,  
20 or at a point from which the SE corner of said  
21 Section 13 bears S. 5° 30' E., a distance of  
22 1,050.0 feet.

23 PERIOD OF USE : June 1 through September  
24 30, of each year  
25 PRIORITY : 1880  
26 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
27 to water 210 cattle

28 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

29 Livestock water directly from the spring, de-  
30 scribed above under the point of diversion.

1 PROOF NO. : Amended 02797  
2 CLAIMANT : United States of America,  
3 Forest Service  
4 SOURCE : Horse Trap Spring, a Tribu-  
5 tary of Hunts Creek  
6 USE : Stock Watering  
7 MEANS OF DIVERSION : Headbox, Pipeline and Trough  
8 POINT OF DIVERSION :  
9 The NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 13, T.7N., R.46E., MDB&M,  
10 or at a point from which the SE corner of said  
11 Section 13 bears S. 65° 25' E., a distance of  
12 3,200.0 feet.

13 PERIOD OF USE : June 1 through September  
14 30, of each year  
15 PRIORITY : 1880  
16 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
17 to water 210 cattle

18 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:  
19 Water is collected in a headbox at the spring, and  
20 conveyed by a pipeline to a trough in the NE $\frac{1}{4}$  SW $\frac{1}{4}$   
21 Section 13, T.7N., R.46E., MDB&M, where it is used  
22 for stock watering purposes.

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24 PROOF NO. : Amended 02798  
25 CLAIMANT : United States of America,  
26 Forest Service  
27 SOURCE : Left Fork Spring, a Tribu-  
28 tary of Hunts Creek  
29 USE : Stock Watering  
30 MEANS OF DIVERSION : Natural Spring Area

1 PROOF NO. : Amended 02798 (Continued)

2 POINT OF DIVERSION :

3 The NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 25, T.7N., R.46 $\frac{1}{2}$ E., MDB&M,  
4 (unsurveyed) or at a point from which the NE  
5 corner of Section 25, T.7N., R.46E., MDB&M,  
6 bears N. 72° 45' W., a distance of 5,340.0 feet.

7 PERIOD OF USE : June 1 through September  
8 30, of each year

9 PRIORITY : 1880

10 AMOUNT OF APPROPRIATION : 0.00656 cfs, or sufficient  
11 to water 210 cattle

12 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:

13 Livestock water directly from the spring, de-  
14 scribed above under the point of diversion.

15  
16  
17 DONE IN OPEN COURT THIS 23<sup>rd</sup> DAY OF January, A.D. 78

18  
19 WILLIAM P. BEKO

20 DISTRICT JUDGE