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

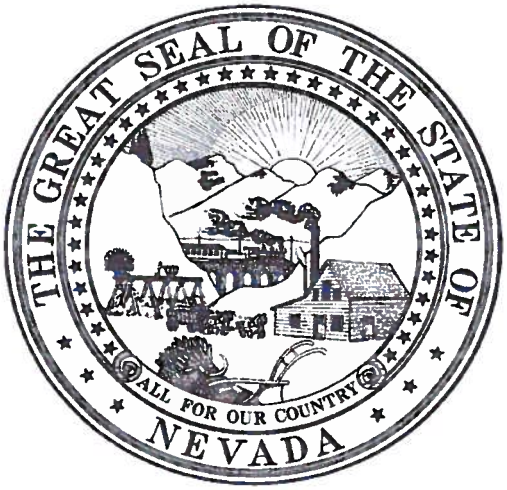
PRELIMINARY ORDER OF DETERMINATION

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF PONY CANYON CREEK AND TRIBUTARIES, LOCATED WITHIN THE UPPER REESE RIVER VALLEY HYDROGRAPHIC BASIN (56), LANDER COUNTY, NEVADA.

P.E.

JASON KING, P.E.
State Engineer

Dated this 27th **day**
of July, 2015.



CERTIFICATION OF STATE ENGINEER

* * * * * * *

I, Jason King, P.E., 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 defining the relative rights *In the Matter of the Determination of the Relative Rights In and To the Waters of Pony Canyon Creek and Tributaries Located Within the Upper Reese River Valley Hydrographic Basin (56), Lander County, Nevada.* This Preliminary Order of Determination was prepared and filed in the Office of the State Engineer on the 27th day of July, 2015.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 27th day of July, 2015.

P.E.

JASON KING, P.E.
State Engineer

ADJUDICATION

* * * * * *

PONY CANYON CREEK AND TRIBUTARIES

LANDER COUNTY, NEVADA

* * * * * *

Presented herewith is the Preliminary Order of Determination defining the relative rights *In the Matter of the Determination of the Relative Rights In and To the Waters of Pony Canyon Creek and Tributaries Located Within the Upper Reese River Valley Hydrographic Basin (56), Lander County, Nevada.* This Preliminary Order is prepared under the provisions of Chapter 533 of the Nevada Revised Statutes.

P.E.

JASON KING, P.E.
State Engineer

Made, filed and caused to be entered of
record in the Office of the State Engineer
this 27th day of July, 2015.

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I. GENERAL

On November 4, 1997, the Lander County Sewer and Water District Number 2 requested that the State Engineer determine the relative rights to all surface waters tributary to Pony Creek a.k.a. Pony Canyon Creek, Lander County, Nevada.

On December 10, 1997, the Sixth Judicial District Court of the State of Nevada in and for the County of Lander in the case of *Jay Gandolfo v. County of Lander and Lander County Sewer and Water District Number 2*, Case No. 7670, issued an Order Staying Proceeding and requiring the State Engineer to determine the relative rights in and to the waters of Pony Canyon Creek and its tributaries located in Lander County, Nevada.

On January 6, 1998, the State Engineer issued Notice of Order No. 1139, Initiating Proceedings to Determine Water Rights in *In the Matter of the Determination of the Relative Rights in and to The Waters of Pony Canyon Creek and Tributaries, Lander County, Nevada*. The Order initiated proceedings to adjudicate prestatutory vested rights to waters in the described area according to Nevada Revised Statutes (NRS) §§ 533.090 through 533.320, inclusive. The Notice was published pursuant to NRS § 533.095(3) in the Battle Mountain Bugle located in Battle Mountain, Nevada. The Battle Mountain Bugle is a newspaper of general circulation within the boundary of the subject adjudication area.

On September 13, 2013, the State Engineer issued Notice of Order No. 1230, which was a reissuance of Order No. 1139, initiating the proceedings. The Notice was published pursuant to NRS § 533.095(3) in the Battle Mountain Bugle located in Battle Mountain, Nevada.

On October 18, 2013, the State Engineer issued the Notice of Order No. 1231 for Taking Proofs of Appropriation for the Determination of the Relative Rights in and to all surface waters occurring within the confines of Pony Canyon Creek and tributaries (Marshall Canyon Creek) located within the Upper Reese River Valley, Lander County, State of Nevada, pursuant to NRS § 533.110. This Notice set forth the requirement that all those making claims to these waters were required to make proof of their claims between December 23, 2013, and February 28, 2014. A copy of the Notice of Order for Taking Proofs to Determine Water Rights was served by certified mail October 30, 2013, to persons identified as owning land within the subject area that could be potential claimants. The Notice was published in the Battle Mountain Bugle located in Battle Mountain, Nevada pursuant to NRS § 533.110.

Field investigations of the Proofs of Appropriation (claims) were conducted by staff of the Office of the State Engineer on several dates between 2013 and 2014 for claims in Pony Canyon Creek and Marshall Canyon Creek drainage areas. The field investigators' observations and measurements were reduced to reports of field investigation and are within the Pony Canyon Creek Adjudication files in the Office of the State Engineer.

Pursuant to NRS § 533.140, the State Engineer has affixed his signature to the Abstract of Claims and hereby issues this Preliminary Order of Determination (see Appendix A).

II. WATER SOURCES AND FLOW PATTERNS

The sources of water that are the subject of this adjudication include the waters of Pony Canyon Creek, Marshall Canyon Creek and their tributaries and various spring sources within the drainage area (Figure 1). The area is located within portions of T.19N., R.43E., M.D.B.&M. and T.19N., R.44E., M.D.B.&M., all within Lander County, Nevada. The crest of the divide delineating the eastern limit of the Pony Canyon Creek and Marshall Canyon Creek drainage basin range is near 8,000 feet above mean sea level (2,440 meters) and the terminous of the Pony Canyon Creek drainage where it intersects the Reese River is approximately 5,650 feet above mean sea level (1,725 meters) in elevation. Springs are generally restricted to the drainages themselves in the adjudication area. Streams within the adjudication area generally flow in a westerly direction into the Reese River Valley. Typical of Nevada's mountain streams, runoff peaks in the spring and then recedes during the summer months until there is minimal to zero flow. Streamflow within the drainages is intermittent with the waters going subsurface for considerable distances then resurfacing as spring areas within the stream bed where the canyon becomes more restricted in width and the thickness of the alluvial streambed material thins. Pony Canyon Creek disappears into the alluvium between the creek's drain exit and the rodeo grounds below the Town of Austin and does not reappear for the rest of its extent to the Reese River except during periods of high runoff. Marshall Canyon Creek behaves in a similar manner and is for all practical purposes a dry wash below the 6,400 foot (1,950 meter) contour. Total annual discharge from the springs and streams appears to be heavily dependent on winter snowfall and varies from year to year.

Flow measurements of springs and streams recorded during field investigations by staff of the Office of the State Engineer along with historical reported data are shown in Table 1.

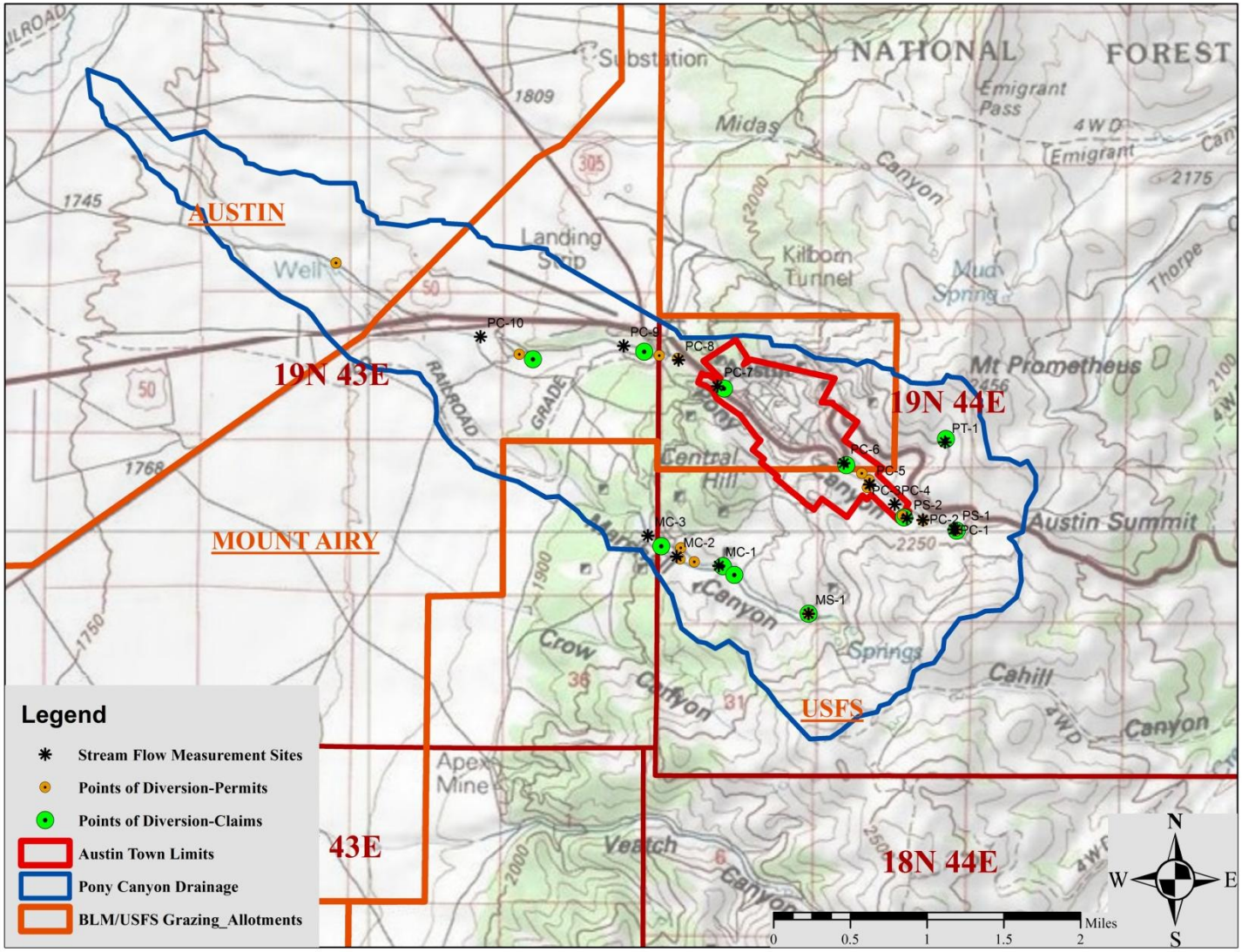

Figure 1: ADJUDICATION VICINITY MAP

NOTE: This map is intended solely for the purpose of illustrating the environs for this report. This map should not be relied upon as a legal description for any specific proof of appropriation or permit.

Table 1: Flow Measurements

Source	1997^	1998^	2003^	2004^	2005^	2007^	9/25/13	4/29/14	7/2/14	9/23/14
Pony Springs*	20.00	18.14	8.01	8.54	13.69	8.88	13.00	15.00	15.00	15.00
Marshall Springs*	15.00	18.15	1.90	2.17	8.53	4.51	N.R.	14.00	N.R.	N.R.
MC-1	--	--	--	--	--	--	1.79	9.90	31.92	2.21
MC-2	--	--	--	--	--	--	--	--	7.50	3.00
MC-3	--	--	--	--	--	--	Dry	Dry	Dry	Dry
MS-1	--	--	--	--	--	--	--	6.00	1.50	0.10
PC-1	--	--	--	--	--	--	Dry	1.00	<0.50	Dry
PC-2	--	--	--	--	--	--	--	12.00	4.25	3.00
PC-3	--	--	--	--	--	--	--	0.15	0.15	0.17
PC-4	--	--	--	--	--	--	--	7.00	1.00	Dry
PC-5	--	--	--	--	--	--	<0.50	10.00	1.50	Dry
PC-6	--	--	--	--	--	--	Dry	Dry	Dry	Dry
PC-7	--	--	--	--	--	--	10.00	10.00	5.92	5.92
PC-8	--	--	--	--	--	--	8.50	3.60	1.30	1.30
PC-9	--	--	--	--	--	--	Dry	Dry	Dry	Dry
PC-10	--	--	--	--	--	--	Dry	Dry	Dry	Dry
PS-1	--	--	--	--	--	--	N.M.	N.M.	N.M.	N.M.
PS-2	--	--	--	--	--	--	--	0.67	0.11	0.60
PT-1	--	--	--	--	--	--	--	Dry	Dry	Dry

All measurements are in gallons per minute. *Spring flow data from Lander County. ^Average flow from quarterly data. N.R. is Not Reported. N.M. is Not Measured.

III. DETERMINATION OF RIGHTS TO THE USE OF WATER

Claims to prestatutory vested water rights on sources of water subject to this adjudication were established by filing proofs of appropriation in the Office of the State Engineer and submitting evidence to support the claimed date of priority, manner of use, place of use and the amount of water actually diverted and applied to beneficial use. Submitted evidence is reviewed in conjunction with records such as, but not limited to, permits, applications, proofs, maps, reports of conveyance and field investigations conducted by the Office of the State Engineer along with other data available in the public domain such as property records, census data, recent and historical aerial photography, insurance maps, etc. to determine the limit and extent of vested water rights claimed in this proceeding.

Priority dates for irrigation are established in this adjudication as the year in which a water source was initially placed to beneficial use (NRS § 533.035) at its current place of use as documented by claimants, or the date at which the diversion of water was commenced and that such work or construction progressed with due and reasonable diligence to completion and beneficial use established. The State Engineer has found that

any work done by the claimant to promote additional beneficial use of water after March 1, 1905, does not support the use of the doctrine of "relation back" as any additional use of water after that date required an application to be filed with and approved by the State Engineer.[1] If the work was done prior to March 1, 1905, and the doctrine of "relation back" applies, the priority date for an irrigation water right would be established as the year in which steps were first taken to obtain that right.

As discussed below, the State Engineer describes the reasoning used to determine duty for the use of water for stock watering and quasi-municipal purposes. The limit and extent of water rights issued for all manners of use is limited to the quantity of water reasonably necessary for such use. The period of use for all manners of use is January 1st to December 31st, unless otherwise specified.

A. Stock Watering

Claims filed for stock watering refer to differing numbers and types of animals from their earliest date of beneficial use to the present. The State Engineer recognizes that livestock are opportunistic and that the number and type of animals that utilize water from various sources varies depending on available feed in different parts of the range at different times of year and on management practices on the public lands. In this proceeding, stock-water duty is quantified based on the cumulative number and type of animals currently using these water sources. Duty is not a measure of water actually available on a perennial basis.

B. Municipal

The duty for minicipal use is quantified based on the diversion rate and total amount of water placed to beneficial use. The diversion rate and total amounts are determined by the number and types of entities (clientele) utilizing the water service.

The State Engineer recognizes that delivery of this water is limited by availability at the source, and in many years water at the source is not sufficient to meet demand and may need to be comingled and supplemented by water from other sources.

IV. BASIS OF CLAIMS

A. Irrigation Uses

Documentation to support proof of the continuous use of surface water for irrigation prior to March 1, 1905, was filed by two claimants. The two vested claims of water rights for irrigation in this adjudication are for waters in Pony Canyon Creek and Marshall Canyon Creek.

[1] State of Nevada, Office of the State Engineer Ruling No. 6290, dated August 15, 2014.

1. Claimant Austin Manhattan Consolidated Mining Company

The claimant on Marshall Canyon Creek (Austin Manhattan Consolidated Mining Company) state in their Claim of Vested Right V-00811 filed on May 14, 1910, that the area had been irrigated for the previous 25 years or more by S. L. Fuller, G. W. McHardy, M. J. Murphy, C. Mestratio and J. A. Miller who irrigated a small garden of potatoes, vegetables and grass with a combined area of between six and seven acres. The Austin Manhattan Consolidated Mining Company is no longer in existence and the place of use decribed under the claim does not appear to have been in production for decades.

2. Claimant Town of Austin

The claimant on Pony Canyon Creek (Town of Austin) cite in their Claim of Vested Right V-05325, filed August 15, 1991, a deed from William Schwin dated August 16, 1894, which deeded the conduit from him to the Austin Cemetery Association to serve the cemetaries as the basis for their priority date of 1894. Schwin was involved in a lawsuit with the Austin Silver Mining Company in February 1894 concerning a diversion dispute upstream of Schwin's diversion on Pony Canyon Creek that served a placer mining operation that was leased and operated by George Leet.[2] Transcripts of the lawsuit suggest that the pipeline was not in place to serve the cemetery at the time of the lawsuit, and that portion of Mr. Schwin's development of his property was still in the planning stage. Therefore, the pipeline was built and the cemetery irrigation system was brought into fruition sometime between February of 1894 and the sale of the conduit (pipeline) to the Austin Cemetery Association in August of 1894. The cemeteries are currently serviced by the Lander County Sewer and Water District Number 2 through the municipal water system and not from Pony Canyon Creek directly.

B. Stock Watering and Wildlife Uses

Proofs of Appropriation claiming the continuous use of surface water for stock watering purposes prior to March 1, 1905, were filed by three claimants. The basis of the claims for each of the three parties is discussed in this section. These claimants are those who originally filed the proofs of appropriation or are successors to past ranch operators with a long history of utilizing range and water resources.

1. Claimant United States Department of Agriculture-Forest Service (USFS)

The USFS filed claims on three sources in the Pony Canyon Creek and Marshall Canyon Creek drainages.

The USFS filed a Proof of Appropriation (V-03392) on Pony Canyon Spring in the Pony Canyon Creek drainage area for stock water with a priority date of 1863. The claim indicates that the "original user" watered during the first year of 1863, 1,000 head of cattle and 50 deer. The proof states that the nature of the claimant's title to the land upon which the source of water and place of use are located is "reserved from public

[2] *William Schwin v. Austin Silver Mining Company,* District Court of Nevada in and for Lander County, 1894.

domain land for National Forest purposes on 3-1-1907, and remains so today." The Proof of Appropriation indicates that the USFS has closed the area around this source to livestock grazing because it is within the Austin Town watershed, but indicates that approximately 100 deer currently utilize the source and approximately 100 cattle trail through the area each year.

The USFS filed a Proof of Appropriation on Marshall Canyon Creek (V-03474) for stock water with a priority date of 1863. The claim indicates that the "original user" watered during the first year of 1863, 600 head of cattle and 50 deer. The proof states that the nature of the claimant's title to the land upon which the source of water and place of use are located is "reserved from public domain land for National Forest purposes on 2-20-1909, and remains so today." The proof also states that approximately 450 cattle and 100 deer currently utilize the water from Marshall Canyon Creek from June through September and about 100 deer utilize the creek.

The USFS filed a Proof of Appropriation on Central Spring (V-03476) in the Marshall Canyon Creek drainage for stock water with a priority date of 1863. The claim indicates that the "original user" watered during the first year of 1863, 600 head of cattle and 50 deer. The proof states that the nature of the claimant's title to the land upon which the source of water and place of use are located is "reserved from public domain land for National Forest purposes on 2-20-1909, and remains so today." The proof also states that approximately 450 cattle currently utilize the water from Central Spring from June through September and about 100 deer utilize the spring.

2. Claimant Gandolfo

William J. Gandolfo claims a stock-water right on Pony Canyon Creek and Marshall Canyon Creek and their associated springs and tributaries with a priority date of 1855 to 1859, when Howard Egan and John Reese developed a cattle trail through the area in 1855 (exact numbers and locations from this activity are difficult to determine). J. H. Simpson, U.S. Army Corps of Topographical Engineers, directed 3 large wagon trains and "over 1000 cattle" owned by Russell, Majors and Waddell (a.k.a. Russel & Co.) through this area in 1859.[3] Jacobsville is regarded as the first settlement in the area, which was established in 1859 and had several smaller ranches established in the vicinity along the Reese River prior to that.[4] The present day Gandolfo Ranch is south of this site. Documentation submitted in support of the proof (V-05316) shows a direct chain of title to the original transfer of title from the United States to Nevada in 1872. The lands were probably occupied by Gandolfo's predecessors prior to this transfer. Portions of Pony Canyon Creek and Marshall Canyon Creek lie within the boundaries of the Mount Airy Allotment, on which Gandolfo is the currently licensed operator. Other portions of these drainages lie within other grazing allotments managed by the United States Bureau of Land Management and United States Forest Service where Gandolfo is not the current licensed operator.

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[3] J. H. Simpson (Captain), *Report of Explorations Across the Great Basin of the Territory of Utah for a Direct Wagon-Route from Camp Floyd to Genoa in Carson Valley, in 1859*, Government Printing Office, Washington, D.C., 1876.

[4] Nevada Historic Preservation Office, Carson City, Nevada.

3. Claimant Mock

Karen Mock claims a stock-water and/or wildlife right on a spring in Marshall Canyon (V-01513) with the place of use within the S. C. Baker patented mining claim (MS#100). Documentation provided with the claim consisted of the deed from which Karen O. Sayler (now Karen O. Mock), who purchased the claim from Elvera Ostberg in 1995. No location of the point of diversion, priority date, diversion rate or number of animals was stated in the proof or mentioned in the supporting documents.

C. Quasi-Municipal and Municipal

A claim of Vested Right of the continuous use of surface water for quasi-municipal and municipal uses prior to March 1, 1905, was filed by one claimant. The basis of the claim is discussed in this section. The claimant in this proceeding is the original claimant.

1. Claimant Lander County Sewer and Water District Number 2

The Lander County Sewer and Water District Number 2 claims a municipal water right (V-07314) on Pony Canyon Creek and tributaries, which also includes springs, seeps and mine openings that emit water in the Pony Canyon Creek drainage area. The District claims a priority date of 1863, which is the year that the Town of Austin was established.

D. Mining and Milling

1. Claimant Austin Manhattan Consolidated Mining Company

The Austin Manhattan Consolidated Mining Company claims a mining and milling water right (V-00785) on a tunnel and dam that fed a pipeline that supplied water to the "old Manhattan Mill", which was above Austin on Pony Canyon Creek. This water development and the mill it served were constructed approximately 30 years prior to the date of the claim application. The claim was filed in 1910, which would yield a priority date of 1880. No diversion rate is stated in the claim. The Austin Manhattan Consolidated Mining Company is no longer in existence and the point of diversion and place of use decribed under the claim does not appear to have been in production for nearly a century.

V. FINDINGS OF THE STATE ENGINEER UPON REVIEW OF CLAIMS

The following lists of claims of prestatutory vested water rights, and permitted and certificated water rights, are for surface water sources within the area encompassed by this adjudication proceeding. These claims and appropriations were established pursuant to Chapter 533 and 534 of the Nevada Revised Statutes. The limit and extent of all claims and of all permitted and certificated water rights within the adjudication area are described in detail in the Table of Relative Rights of Appropriators located in Appendix B.

A. Proofs Determined to be Valid or Partially Valid

Proof of Appropriation V-05316 was filed on July 8, 1991, by Willaim J. Gandolfo for 0.2 cubic feet per second (cfs) of the waters of Pony Canyon Creek for stock-watering purposes at a point located within the SW¼ NW¼ of Section 24, T.19N., R.43E., M.D.B.&M. with a priority date of prior to 1900. The claim states that 150 cattle, 100 horses and 4,000 sheep historically utilized the source year round, but current permitted stock numbers were 400 cattle (1991). An amended Proof of Appropriation V-05316 was filed on April 8, 2014, along with a place of use map and documentary evidence to substantiate the claim. The amended proof claims 0.2 cfs of the waters from Pony Canyon Creek and Marshall Canyon Creek along their entire reach, from their headwaters to their juncture with the Reese River with a priority date of 1855-1859. The amended claim states that 1,250 cattle and 50 horses initially utilized the source with variable numbers of livestock utilizing the source thereafter. The period of use is listed as occurring between January 1st and December 31st of the year.

The evidence provided with claims in this adjudication support prestatutory vested water rights to stock water by William J. Gandolfo. Gandolfo is a successor to several of the original cattle ranches that were in existence in 1859 in the vicinity of Jacobsville, approximately 10 miles west of present day Austin, Nevada. Gandolfo also holds the grazing lease for the Gandolfo and Veach pastures within the Mount Airy Grazing Allotment administered by the United States Bureau of Land Managment. These two pastures are partially encompassed by the Pony Canyon Creek and Marshall Canyon Creek drainages, which are the focus of this adjudication. The number of animals allowed is 284 cattle with the period of use for these two pastures as set forth by the grazing lease is from May 1st to August 15th of each year. In this Preliminary Order of Determination, a vested right for stock watering of 284 head of cattle from the above-named source with a priority date of 1859 is determined to be valid. However, this right does not provide for ingress or egress onto public, private or corporate lands which the water right holder does not control nor does it compel other users to divert water to service this water right if the water could not reach the lands controlled by the right holder under current circumstances.

Proof of Appropriation V-07314 was filed by Lander County Water and Sewer District No. 2 on December 5, 1995, claiming a vested right on Pony Canyon Creek and its tributaries for municipal use in the Lander County Water and Sewer District service area (in and around the town of Austin, Nevada). A priority date of 1863 was claimed. An amended Proof of Appropriation was filed on February 26, 2014, which changed the place of use by increasing the size of the service area from approximately 560 acres to approximately 1,760 acres and stated a diversion rate of approximately 0.5 cfs. Evidence provided by the claimant supports a priority date of 1863 and a diversion rate of approximately 0.5 cfs. However, Sanborn insurance maps of the town of Austin from 1886 to 1907[5] suggest a service area as being less than 50 acres. Since the service area as outlined in the original filing dated Decmber 5, 1995, was 560 acres, there is not any evidence to suggest that the service area was this large nor is there sufficient evidence to

[5] The Sanborn Map Company, New York, New York.

support the service area being 1,760 acres as outlined in the amended Proof filed on February 26, 2014. The State Engineer finds that the evidence supports a diversion rate of 0.5 cfs with a priority date of 1863 with a service area of approximately 50 acres.

B. Rejected Proofs of Appropriation

Proofs of Appropriation V-02472, V-03392 and V-03476 were filed by the United States Department of Agriculture-Forest Service (USFS) claiming a vested right from Pony Canyon Spring, Marshall Canyon Creek and Central Spring, respectively with a priority date of 1863 to divert 0.015 cfs (per source) for stockwatering purposes.

The Congress of the United States severed the land and waters constituting the public domain and recognized the prior appropriation of water on federal lands by private citizens. *California Oregon Power Co. v. Beaver Portland Cement Co.*, 295 U.S. 142, 161, 55 S.Ct. 725, 730, 79 L.Ed. 1356, 1363 (1935). "This general policy [of prior appropriation] was approved by the silent acquiescence of the federal government, until it received formal confirmation at the hands of Congress by the Act of 1866." *California Oregon Power Co. v. Beaver Portland Cement Co.*, 295 U.S. 142, 154, 55 S.Ct. 725, 727, 79 L.Ed. 1356, 1359 (1935). Congress left the appropriation of water up to the individual states. *Idaho Dept. of Water Resources v. U.S.*, 122 Idaho 116, 124, 832 P.2d 289, 297 (1992). After March 1, 1905, to appropriate surface water in Nevada for stock-watering purposes the appropriator had to apply to the Nevada State Engineer and be granted a permit. Those water rights developed prior to March 1, 1905, are known as pre-statutory vested water rights. Nevada recognized pre-statutory stock-water rights and in an effort to protect those rights (and also permitted water rights), enacted Assembly Bill 148 in 1925, which was an act relating to the use of water for watering livestock. The preamble to the 1925 stock-water act notes that use of water for watering livestock and particularly range livestock is of great importance to the State of Nevada and that the value of the right to water livestock is directly dependent on the availability to the **owner of such right** of the grazing use of the public range in the vicinity of **his** watering place. Section 2 of the stock-water act provides that:

> Whenever one or more persons shall have a subsisting right to water **range livestock** at a particular place, and in sufficient numbers to utilize substantially all that portion of the public range readily available to livestock watering at that place, no appropriation of water from either the same or a different source shall subsequently be made by another for the purpose of watering range livestock in such numbers and in such proximity to the watering place first mentioned, as to enable the proposed appropriator to deprive **the owner or owners of the existing water right** of the grazing use of said portion of the public range, or to substantially interfere with or impair the value of such grazing use and of such water right. (Emphasis added.)

The State Engineer finds that while the plenary control of the public range exists with the federal government, this control does not include the water.[6] The USFS has not shown through a chain of title that they are the successors in interest to the original stockmen whose cattle grazed and consumed the waters on the public range. The State Engineer finds the nature of the USFS's claimed title is due to the fact that the land was reserved from the public domain. The USFS is deriving its claim from the cattle that are on the range, not from the cattlemen. Neither the USFS nor the United States owned livestock. The owners of the livestock were, and are, private individuals. The claim of a vested water right from a surface-water source requires that the use of that source be initiated prior to March 1, 1905, and the use has been reasonably continued since. The State Engineer determines that the proofs filed by the USFS for claims of a vested water right for stock-watering purposes are invalid and rejected.

Proof of Appropriation V-10513 was filed by Karen Mock on February 27, 2014, for stock water from a spring in Marshall Canyon. The proof was filed with many deficiencies, which included: an undefined point of diversion; an undefined place of use; an undefined diversion rate; an unstated date of first use and no evidence to substantiate a claim of vested right. The State Engineer therefore determines that Proof V-10513 is not valid and is rejected.

C. Abandoned Proofs of Appropriation

In Nevada, abandonment of a water right is the voluntary "relinquishment of the right by the owner with the intention to forsake and desert it." *In re Manse Spring*, 108 P.2d 311, 315 (Nev. 1940). Abandonment requires both action and intent, and under Nevada law is "a question of fact to be determined from all the surrounding circumstances." *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).[7]

[U]nder Nevada law, a determination of whether there exists an intent to abandon requires a consideration of all the relevant circumstances. *See Revert*, 603 P.2d at 264; *see also In re Manse Spring*, 108 P.2d at 316 (stating that courts must determine the intent of the claimant to decide whether abandonment has taken place and in this determination may take non-use and other circumstances into consideration).[8]

Non-use for a period of time may inferentially be some evidence of intent to abandon.[9] Although a prolonged period of non-use may raise an inference of intent to abandon, it does not create a rebuttable presumption.[10]

At a minimum, proof of continuous use of the water right should be required to support a finding of lack of intent to abandon.[11]

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[6] Desert Land Act of March 3, 1877, codified, as amended at 43 U.S.C. § 321.
[7] *U.S. v. Alpine Land & Reservoir Company*, 340 F.3rd 903 (9th Cir. 2003).
[8] *U.S. v. Alpine Land & Reservoir Company*, 340 F.3rd 903 (9th Cir. 2003).
[9] *Franktown Creek Irrigation Co., Inc. v. Marlette Lake Company and the State Engineer of the State of Nevada*, 77 Nev. 348, 354 (1961).
[10] *U.S. v. Orr Water Ditch Company*, 256 F.3d 935,945 (9th Cir. 2001).
[11] *U.S. v. Alpine Land & Reservoir Company*, 291 F.3rd 1062, 1077 (9th Cir. 2002).

Proof of Appropriation V-00785 was filed by the Austin Manhattan Consolidated Mining Company on May 14, 1910, for the water developed by a tunnel driven in Pony Canyon for mining and milling water with a suggested priority date of 1880. The claimed period of use was year round and was to supply water by pipeline to the Austin Manhattan Consolidated mill on the opposite side of the Town of Austin in Pony Canyon. The Austin Manhattan Consolidated Mining Company went into receivership and is no longer in existence with the property sold to a Henry C. Fownes of Pittsburgh, Pennsylvania on October 1, 1914. Title to this proof has not been updated and remains in the name of the Austin Manhattan Consolidated Mining Company. Interpretation of aerial photography and field visits to the point of diversion and place of use show that these facilities (both tunnel and reduction mill) are derelict and the water has not been put to beneficial use for decades, if not for close to a century. The last correspondence concerning this claim was in 1910. The State Engineer determines from all the facts and circumstances that Proof V-00785 is abandoned and does not support a claim of a prestatutory vested water right.

Proof of Appropriation V-00811 was filed by the Austin Manhattan Consolidated Mining Company on May 19, 1910, for the irrigation of approximately six to seven acres of garden consisting potatoes, vegetables and grass from Marshall Canyon Creek with a suggested priority date of 1884. The proof states that the Marshall Canyon Ranch (a.k.a. the Fuller Ranch and the McHardy Ranch) garden was irrigated by Marshall Canyon Creek and utilized all flows that were available. The proof mentioned lean years when water was not sufficient to irrigate the garden, but does not elaborate. The Austin Manhattan Consolidated Mining Company went into receivership and is no longer in existence with the property sold to a Henry C. Fownes of Pittsburgh, Pennsylvania on October 1, 1914. Title to this proof has not been updated and remains in the name of the Austin Manhattan Consolidated Mining Company. Interpretation of aerial photography and field visits to the place of use suggest that the area has not been irrigated and put to beneficial use for decades, if not for close to a century. The last correspondence concerning this claim was in 1915. The State Engineer determines from all the facts and circumstances that Proof V-00811 is abandoned and does not support a claim of a prestatutory vested water right.

Proof of Appropriation V-05325 was filed by the Town of Austin on August 15, 1991, for 1.85 cfs of water from Pony Canyon Creek to irrigate 6.1 acres of ground located within the cemeteries to the west of Austin, Nevada. The proof claims a priority date of 1894. The evidence filed with the claim does provide sufficient evidence of a prestatutory water right for irrigation with a priority date of 1894. However, the cemetery is presently supplied water by the Lander County Sewer and Water District No. 2 and the diversion, tank and pipeline from Pony Canyon Creek are no longer in existence since at least 1977 when the storm drain for the town of Austin was installed.[12] The State Engineer therefore determines that Proof V-05325 has been abandoned and is no longer valid.

[12] Affidavit of Louis A. Lani, filed in support of Proofs V-05325 and V-07314, February 18, 2014.

D. Permitted and Certificated Water Rights

There are many permitted and certificated water rights for surface water sources within the area encompassed by this adjudication proceeding. These appropriations were acquired pursuant to Chapter 533 of the Nevada Revised Statutes. These permits and certificates are not part of this adjudication and are provided solely for background information only. The limit and extent of these existing permitted and certificated water rights are described in detail in Appendix C.

VI. CHANGES TO WATER RIGHTS DETERMINED IN THIS PROCEEDING

All water rights established under this adjudication shall be appurtenant to the place of use designated herein. NRS § 533.040. Any water user desiring to change the point of diversion, manner of use or place of use of the water rights established herein must make application to the State Engineer for permission to make a change pursuant to NRS §§ 533.325 and 533.345.

Existing permitted and certificated rights that are superceded by vested claims are subject to being voided upon finalization of the decree. Voiding of existing permitted or certificated rights will occur if the State Engineer determines the permit or certificate to be redundant to a decreed water right.

VII. AVAILABLE WATERS

The State Engineer determines that the streams and springs named herein are fully appropriated under the claims of vested rights determined to be valid in this proceeding and/or under existing permits and certificates issued by the State Engineer. For all other sources of surface water within the area subject to this adjudication, there is no surplus water in an average year for any additional consumptive uses.

APPENDIX A: ABSTRACT OF CLAIMS

ABSTRACT OF CLAIMS

TO THE USE OF SURFACE WATER IN NEVADA WITHIN THE DRAINAGE AREA OF *THE WATERS OF PONY CANYON CREEK AND TRIBUTARIES, LOCATED WITHIN THE UPPER REESE RIVER HYDROGRAPHIC BASIN (NO. 56), LANDER COUNTY, NEVADA.*

* * * * * * *

Presented herewith is the Abstract of Claims of all surface water users claiming vested or appropriative rights to the use of surface water in Nevada within the drainage area of *Pony Canyon Creek and Tributaries, Located Within The Upper Reese River Hydrographic Basin (No. 56), Lander County, Nevada*. This Abstract of Claims was prepared under the provisions of Chapter 533.140 of the Nevada Revised Statutes.

P.E.

JASON KING, P.E.
State Engineer

Made, filed, and caused to be entered of record in the Office of the State Engineer, this 27th day of July, 2015.

CERTIFICATION OF STATE ENGINEER

* * * * * * *

I, Jason King, State Engineer 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 Abstract of Claims of all claimed vested appropriative rights to the use of surface water in Nevada within the drainage area of *Pony Canyon Creek and Tributaries, Located Within The Upper Reese River Hydrographic Basin (56), Lander County, Nevada*. This Abstract of Claims was prepared and filed in the State Engineer's Office on the 27th day of July, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada this 27th day of July, 2015.

P.E.

JASON KING, P.E.
State Engineer

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-00785	AUSTIN MANHATTAN CONSOLIDATED MINING COMPANY	UNNAMED, OTHER GROUND WATER	SW¼SW¼, SEC. 20, T.19N., R.44E., M.D.B.&M. AT A POINT BEARING S62°35'E A DISTANCE OF 6,930 FEET FROM THE E¼ CORNER OF SEC. 24, T.19N., R.43E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	MINING AND MILLING 1880 (?)	0		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
SW	NW	19	T.19N.	R.43E.		NO DIVERSION RATE GIVEN WITH CLAIM. POINT OF DIVERSION AND PLACE OF USE DETERMINED FROM MAP SUBMITTED WITH THE CLAIM.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-00811	AUSTIN MANHATTAN CONSOLIDATED MINING COMPANY	MARSHALL CANYON CREEK	NE¼SW¼, SEC. 30, T.19N., R.44E., M.D.B.&M. AT A POINT BEARING S17°30'E A DISTANCE OF 7,240 FEET FROM THE E¼ CORNER OF SEC. 24, T.19N., R.43E., M.D.B.&M.	APRIL 1 TO AUGUST 1	IRRIGATION 1880	0		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
N½	SW	30	T.19N.	R.44E.	6.5	NO DIVERSION RATE GIVEN WITH CLAIM. POINT OF DIVERSION AND PLACE OF USE DETERMINED FROM MAP SUBMITTED WITH THE CLAIM.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-03392	UNITED STATES OF AMERICA-FOREST SERVICE	PONY CANYON SPRING	SE¼SE¼, SEC. 20, T.19N., R.44E., M.D.B.&M. OR A POINT FROM WHICH THE S¼ CORNER OF SEC. 20, T.19N., R.44E., M.D.B.&M. BEARS S60° 0'W AT 2,120 FEET.	JANUARY 1 TO DECEMBER 31	STOCKWATER 1863	0.015		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
SE	SE	20	T.19N.	R.44E.		RESERVED FROM PUBLIC DOMAIN LAND FOR NATIONAL FOREST USES ON 3-1-1907. SUFFICIENT TO WATER 1,000 HEAD OF CATTLE AND 50 DEER. CURRENTLY 100 DEER UTILIZE THIS SOURCE WHICH IS WITHING THE AUSTIN TOWN WATERSHED AND IS CLOSED TO LIVESTOCK GRAZING. APPROXIMATELY 100 HEAD OF CATTLE TRAIL THROUGH THE AREA EACH YEAR.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-03474	UNITED STATES OF AMERICA-FOREST SERVICE	MARSHALL CREEK	SW¼NW¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR A POINT FROM WHICH THE SE COERNER OF SAID SEC. 30 BEARS S63°15'E AT 6,040 FEET.	MARCH 1 TO NOVEMBER 30	STOCKWATER 1863	0.015		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
SW	NW	30	T.19N.	R.44E.		RESERVED FROM PUBLIC DOMAIN LAND FOR NATIONAL FOREST USES ON 2-20-1909. SUFFICIENT TO WATER 600 HEAD OF CATTLE AND 50 DEER. CURRENTLY 450 CATTLE UTILIZE THIS SOURCE FROM JUNE THROUGH SEPTEMBER. APPROXIMATELY 100 DEER ALSO UTILIZE THE CREEK.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-03476	UNITED STATES OF AMERICA-FOREST SERVICE	CENTRAL SPRING	NW¼SE¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE SE CORNER OF SAID SEC. 30 BEARS S62°30'E AT 2,940 FEET.	MARCH 1 TO NOVEMBER 30	STOCKWATER 1863	0.015		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
SW	NW	25	T.19N.	R.43E.		RESERVED FROM PUBLIC DOMAIN LAND FOR NATIONAL FOREST USES ON 2-20-1909. SUFFICIENT TO WATER 600 HEAD OF CATTLE AND 50 DEER. CURRENTLY 450 CATTLE UTILIZE THIS SOURCE FROM JUNE THROUGH SEPTEMBER. APPROXIMATELY 100 DEER ALSO UTILIZE THE SPRING.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-05316	WILLIAM J. GANDOLFO	PONY CANYON CREEK AND TRIBUTARIES AND ASSOCIATED SPRING SOURCES	SW¼NW¼, SEC. 9, T.19N., R.43E., M.D.B.&M. (TERMINUS OF STREAM AT REESE RIVER)	JANUARY 1 TO DECEMBER 31	STOCKWATER 1855	0.2		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
PORTION OF		9	T.19N.	R.43E.		CLAIM IS FOR THE ENTIRE REACH OF PONY CANYON CREEK AND ITS TRIBUTARIES AND ASSOCIATED SPRINGS INCLUDING THE MARSHALL CANYON CREEK DRAINAGE, WHICH IS A TRIBUTARY OF PONY CANYON CREEK.
PORTION OF		14	T.19N.	R.43E.		
PORTION OF		15	T.19N.	R.43E.		
PORTION OF		16	T.19N.	R.43E.		
PORTION OF		22	T.19N.	R.43E.		
PORTION OF		23	T.19N.	R.43E.		
PORTION OF		24	T.19N.	R.43E.		
PORTION OF		25	T.19N.	R.43E.		
PORTION OF		26	T.19N.	R.43E.		
PORTION OF		19	T.19N.	R.44E.		
PORTION OF		20	T.19N.	R.44E.		
PORTION OF		29	T.19N.	R.44E.		
PORTION OF		30	T.19N.	R.44E.		
PORTION OF		31	T.19N.	R.44E.		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-05325	TOWN OF AUSTIN	PONY CANYON CREEK	SE¼NW¼, SEC. 19, T.19N., R.44E., M.D.B.&M. AT A POINT WHICH BEARS S69°34'53"E 2421.70 FEET FROM THE E¼ OF SEC 24, T.19N., R.43E., M.D.B. & M.	JANUARY 1 TO DECEMBER 31	IRRIGATION 1894	1.85		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
PORTION	NE	24	T.19N.	R.43E.	6.1	WATER IS USED FOR THE BENEFIT OF THE CEMETERIES.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-07314	LANDER COUNTY SEWER & WATER DISTRICT # 2	PONY CANYON CREEK AND TRIBUTARIES	SW¼NE¼, SEC. 29, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE N¼ CORNER OF SAID SEC. 29 BEARS N10°45'W, A DISTANCE OF 1,680.0 FEET SE¼SE¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SEC. 30 BEARS N3°57'E, A DISTANCE OF 4,968.0 FEET SE¼NE¼, SEC. 24, T.19N., R.43E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SAID SEC. 24 BEARS S47°29'01"E, A DISTANCE OF 674.73 FEET	JANUARY 1 TO DECEMBER 31	MUNICIPAL 1863	0.07		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
PORTIONS OF		13	19N	43E	1,760 ACRES TOTAL	PLACE OF USE IS THE TOWN OF AUSTIN WATER DISTRIBUTION SYSTEM.
PORTIONS OF		24	19N	43E		
ALL OF		19	19N	44E		
PORTIONS OF		20	19N	44E		
PORTIONS OF		29	19N	44E		
PORTIONS OF		30	19N	44E		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-10513	KAREN MOCK	UNNAMED, SPRING	SEC.30, T.19N., R.44E., M.D.B.&M.	MARCH 1 TO AUGUST 31	STOCKWATER 1995	0		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		NO SUPPORTING MAP WAS SUBMITTED, NO DIVERSION RATE WAS STATED, NO PLACE OF USE STATED, CONSTRUCTION OF WORKS WAS STATED AS 1995

APPENDIX B: TABLE OF RELATIVE RIGHTS DETERMINED TO BE VALID

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-05316	WILLIAM J. GANDOLFO	PONY CANYON CREEK AND TRIBUTARIES AND ASSOCIATED SPRING SOURCES	SW¼NW¼, SEC. 9, T.19N., R.43E., M.D.B.&M. (TERMINUS OF STREAM AT REESE RIVER)	JANUARY 1 TO DECEMBER 31	STOCKWATER 1855	0.2		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
PORTION OF		23	T.19N.	R.43E.		CLAIM IS FOR THE ENTIRE REACH OF PONY CANYON CREEK AND ITS TRIBUTARIES AND ASSOCIATED SPRINGS INCLUDING THE MARSHALL CANYON CREEK DRAINAGE, WHICH IS A TRIBUTARY OF PONY CANYON CREEK WITHIN THE MOUNT AIRY ALLOTMENT.
PORTION OF		24	T.19N.	R.43E.		
PORTION OF		25	T.19N.	R.43E.		
PORTION OF		26	T.19N.	R.43E.		
PORTION OF		19	T.19N.	R.44E.		
PORTION OF		20	T.19N.	R.44E.		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-07314	LANDER COUNTY SEWER & WATER DISTRICT # 2	PONY CANYON CREEK AND TRIBUTARIES	SW¼NE¼, SEC. 29, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE N¼ CORNER OF SAID SEC. 29 BEARS N10°45'W, A DISTANCE OF 1,680.0 FEET SE¼SE¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SEC. 30 BEARS N3°57'E, A DISTANCE OF 4,968.0 FEET SE¼NE¼, SEC. 24, T.19N., R.43E., M.D.B.&M. OR AT A POINT FROM WHICH THE E¼ CORNER OF SAID SEC. 24 BEARS S47°29'01"E, A DISTANCE OF 674.73 FEET	JANUARY 1 TO DECEMBER 31	MUNICIPAL 1863	0.07		0

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	QTR	SECTION	TOWN-SHIP	RANGE		
PORTIONS OF		19	19N	43E	APPROX. 50 ACRES TOTAL	PLACE OF USE IS THE HISTORICAL TOWN LIMITS OF AUSTIN.

APPENDIX C: TABLE OF PERMITTED AND CERTIFICATED RIGHTS

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
10956 **CERT NO.** 2813	H.R. FISHER AND W.L. PETERSEN	PONY CANYON	SW¼NW¼, SEC. 19, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE NW CORNER OF SAID SECTION 19 BEARS N0°23'E, 1,530 FEET	JANUARY 1 TO DECEMBER 31	MINING AND MILLING MAY 15, 1943	1		723.97

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	**QTR**	**SECTION**	**TOWN-SHIP**	**RANGE**		
SW	NW	24	T.19N.	R.43E.		MILLING FACILITIES AND MINING AREA HAVE BEEN RECLAIMED AND NO LONGER IN EXISTENCE

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
11999 **CERT NO.** 3631	MOLLY MAGEE	MARSHAL CANYON CREEK	NW¼SW¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE W¼ CORNER OF SAID SEC. 30 BEARS N55°35'W, 885 FEET.	JANUARY 1 TO DECEMBER 31	MINING AND MILLING SEPTEMBER 4, 1947	1		723.966

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	**QTR**	**SECTION**	**TOWN-SHIP**	**RANGE**		
NW	SW	30	T.19N.	R.44E.		ACRE FEET/ ANNUM IS CALCULATED FROM THE DIVERSION RATE. MILLSITE IS IN RUINS AND NO LONGER FUNCTIONAL.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
14643 **CERT NO.** 4564	BIG CREEK MINING AND MILLING CO.	CLIFTON TUNNEL	SW¼NW¼, SEC. 19, T.19N., R.44E., M.D.B.&M.	JANUARY 1 TO DECEMBER 31	MINING AND MILLING NOVEMBER 28, 1952	0.25		180.992

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	**QTR**	**SECTION**	**TOWN-SHIP**	**RANGE**		ACRE FEET/ ANNUM IS CALCULATED FROM THE DIVERSION RATE. MILLSITE IS IN RUINS AND NO LONGER FUNCTIONAL.
NW	NW	19	T.19N.	R.44E.		

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
20157 **CERT NO.** 5883	LANDER COUNTY SEWER & WATER DISTRICT #2	UNNAMED, OTHER SURFACE WATER	SW¼NE¼, SEC. 29, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE N¼ CORNER OF SAID SECTION 29 BEARS N10°45'W, A DISTANCE OF 1,680.0 FEET	JANUARY 1 TO DECEMBER 31	MUNICIPAL NOVEMBER 17, 1961	0.5		361.98

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	**QTR**	**SECTION**	**TOWN-SHIP**	**RANGE**		PLACE OF USE IS THE TOWN OF AUSTIN WATER DISTRIBUTION SYSTEM.
SW	NE	19	T.19N.	R.44E.		
SE	NW	19	T.19N.	R.44E.		
NW	SE	19	T.19N.	R.44E.		
NE	SW	19	T.19N.	R.44E.		

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
20158 **CERT NO.** 5884	LANDER COUNTY SEWER & WATER DISTRICT #2	MARSHALL CANYON & TRIBUTARIES	SE¼SE¼, SEC. 30, T.19N., R.44E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 30 BEARS N3°57'E, A DISTANCE OF 4,965.0 FEET.	JANUARY 1 TO DECEMBER 31	MUNICIPAL NOVEMBER 17, 1961	0.5		361.975

PLACE OF USE 40 ACRE DESCRIPTION					ACRES PER SECTION	REMARKS
QTR-QTR	**QTR**	**SECTION**	**TOWN-SHIP**	**RANGE**		PLACE OF USE IS THE TOWN OF AUSTIN WATER DISTRIBUTION SYSTEM.
SW	NE	19	T.19N.	R.44E.		
SW	NW	19	T.19N.	R.44E.		
NW	SE	19	T.19N.	R.44E.		
NE	SW	19	T.19N.	R.44E.		

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