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No. 2866

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

* * * *

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO)
THE WATERS OF PETE HANSON CREEK)
AND ITS TRIBUTARIES IN EUREKA)
COUNTY, NEVADA.)

Received Aug 25, 1974
Filed Oct 8, 1974
John H. Hargis, Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

This matter came on regularly for hearing on the 13th day of March, 1975, before the Honorable John F. Sexton, District Judge presiding. Pete Hanson Creek and its tributaries are exemplified in these proceedings as being within Eureka County, State of Nevada. Judge Sexton is a District Court Judge designated by NRS 533.165 to have jurisdiction to hear the above entitled matter, of the State Engineer's determination of the relative rights of the claimants to the use of the waters of the stream system of Pete Hanson Creek and its tributaries. The Order of Determination and all related documentary evidence had been filed with the Clerk of said District Court by the State Engineer.

Harry W. Swainston, Deputy Attorney General, Starr Hill, Jr., Surface Water Engineer, and L. Edward Parmenter, Adjudication Engineer, appeared in the hearing and proceedings on behalf of the State of Nevada and the Office of the State Engineer.

The record disclosed that the claimants had received a certified copy of the Court Order Setting Time For Hearing on the Order of Determination.

Harry W. Swainston, thereupon, at the hearing, offered verified affidavits, files and records of the State Engineer's

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Office, all contained in support of the rights of the claimants in and to the above named stream system.

On March 13, 1975, the Court, having considered the entire record and the evidence introduced and received, directed the State Engineer to prepare the Findings of Fact, Conclusions of Law, and Judgment and Decree affirming the Order of Determination, in accordance with NRS 533.185.

FINDINGS OF FACT

I.

The Court Finds: That on November 2, 1921, a petition was submitted by Kate W. Cockrill, to the State Engineer requesting the determination of the relative rights of claimants to the waters of Pete Hanson Creek and its Tributaries in Eureka County, Nevada.

That a field investigation was made of the stream system on July 29, 1971, by Brian A. Randall, Hydraulic Engineer and Starr Hill, Jr., Surface Water Engineer, both of the Division of Water Resources.

That the State Engineer after due consideration decided that, the facts and conditions as determined by the investigation justified the granting of the petition and that proceedings should be initiated to proceed with such determination.

That on August 30, 1971, the State Engineer entered an Order granting the petition and made proper arrangements to proceed with the determination of the relative rights of the water users in accordance with NRS 533.090.

That the investigation initiated by the State Engineer disclosed that the waters of Pete Hanson Creek and its tributaries were being placed to beneficial use on the lands of Eureka

1 Livestock Co. and the Diamond Land and Cattle for irrigation
2 and stock watering and domestic purposes. Evidence contained
3 in the title documents and proofs of appropriation submitted
4 by the present claimants indicates that they are successors
5 in interest to vested rights initiated by their predecessors.

6 That on September 4, 1971, and once each week for
7 four succeeding weeks, the State Engineer did cause to be
8 published a Notice of Order and Proceedings to Determine the
9 Water Rights in and to the waters of Pete Hanson Creek and
10 its tributaries in Eureka County, State of Nevada, and that
11 notice was duly given to all claimants as required by law.
12 That on October 6, 1971, there was filed in the Office of the
13 State Engineer an affidavit of the editor of the Eureka Sentinel,
14 exemplifying the Proof of Publication of Notice of Order and
15 Proceedings.

16 That the State Engineer did cause to be published on
17 October 16, 1971, and once each week for four succeeding weeks,
18 a Notice of Order for Taking Proofs to Determine Water Rights, in
19 and to the waters of Pete Hanson Creek in Eureka County, State
20 of Nevada; and that notice was duly given to all claimants as
21 required by law. That on November 15, 1971, there was filed in
22 the Office of the State Engineer an affidavit of the editor of
23 the Eureka Sentinel, exemplifying the Proof of Publication of
24 the Notice of Order for Taking Proofs.

25 That thereafter, in accordance with NRS 533.125, the
26 State Engineer did file in the records of his office on July 10,
27 1972, a request to extend the time in which proofs may be filed.
28 That he did grant an extension of time to file proofs and that
29 notices thereof were duly given to all claimants.

30 That the State Engineer, in accordance with NRS 533.140,

1 did file in the records of his office on September 18, 1973, an
2 Abstract of Claims, a Preliminary Order of Determination, and a
3 Notice and Order Fixing and Setting Time and Place of Inspection,
4 stating when and where the evidence taken by or filed with him
5 and the proofs of claims were open to the inspection of all
6 interested persons; and that notice thereof was duly given to all
7 claimants as required by law.

8 That on November 26, 1973, Objections to the Pre-
9 liminary Order of Determination were filed in the State Engineer's
10 Office by Dorothy S. Gallagher on behalf of Diamond Land and
11 Cattle Company.

12 That on February 20, 1974, a Hearing on the Objections
13 to the Preliminary Order of Determination was held before the
14 State Engineer of the State of Nevada pursuant to NRS 533.150.

15 That the State Engineer, in accordance with NRS 533.160
16 entered in the records of his office, on August 2, 1974, an
17 Order of Determination defining the rights of the claimants and
18 appropriators to the waters of Pete Hanson Creek and its
19 tributaries and that notice thereof was duly given to all
20 claimants as required by law.

21 That upon the filing of the certified copy of the
22 Order of Determination and the original evidence with the Clerk
23 of the Court of Eureka County, State of Nevada, the Court, at
24 the request of the State Engineer, made and entered an Order on
25 January 9, 1975, setting a time for hearing on the Order of
26 Determination on Thursday the 13th day of March, 1975, at
27 10:00 o'clock in the forenoon in the courtroom of the courthouse
28 in Eureka, Eureka County, Nevada; and that the Clerk of said
29 Court did furnish the State Engineer with a certified copy
30 thereof.

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

That on January 18, 1975, and once each week for four succeeding weeks, the State Engineer did cause to be published the Court Order Setting Time For Hearing, and that thereafter on February 18, 1975, there was filed in the Office of the State Engineer an affidavit of the editor of the Reese River Reveille, exemplifying the Proof of Publication of the Court Order Setting Time For Hearing.

That the Court finds that all and singular, the Proceedings, Orders, and Notices required by Chapter 533 of NRS were duly had, made, and given as required by law, and that all and singular, the matters and things contained in the record were done, performed, given and made in strict compliance with the statutes, and that this Court had and has jurisdiction to hear and determine this matter.

II.

The Court Further Finds: That Pete Hanson Creek and its tributaries exemplified in these proceedings is situated wholly within Eureka County, State of Nevada.

III.

The Court Further Finds: That the names of the claimants and appropriators of the waters of Pete Hanson Creek and its tributaries, the source of water supply, the period of use, the duty of water, the diversion of water and method of use, measurement of waters, stock watering and domestic use, change of place of use, and the rights of appropriation of the water, all as set forth in the Order of Determination are true, proper and correct, and all and singular, the same should be

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approved and confirmed.

I. SOURCE

The headwaters of Pete Hanson Creek originate immediately below Roberts Creek Mountain and Cooper Peak at elevations in excess of 9,000 feet on the west flank of the Roberts Mountains, approximately 30 miles northwest of the town of Eureka, in Eureka County. The creek flows westerly, northerly and northeasterly into Garden Valley where there is a confluence of Pete Hanson Creek and Henderson Creek and their commingled waters continue northerly for several miles in the valley. These proceedings adjudicate all stream waters tributary to both Pete Hanson Creek and Henderson Creek.

Henderson Creek, the principal east tributary to the drainage basin, transports stream waters from the east flank of the Roberts Mountains and the western slopes of the Sulphur Springs Range south of Table Mountain.

Several perennial springs situated in the stream system as well as snow melt waters, contribute to the flow of the stream system.

II. PERIOD OF USE

The irrigation season shall begin on March 15th and extend to November 1st of each year.

III. DUTY OF WATER

The seasonal duty of water on lands irrigated from Pete Hanson Creek and tributaries is herein fixed and shall not exceed:

Class A ... Harvest Crop	3.00 ac.ft./ac./season
Class B ... Meadow Pasture	1.50 ac.ft./ac./season
Class C ... Diversified Pasture ...	0.75 ac.ft./ac./season

IV. DIVERSION OF WATER AND METHOD OF USE

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The claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

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

Existing reservoirs are determined to be regulatory in nature and are to be used to cumulate decreed waters. Diversion of waters to such reservoirs shall be consistent with quantities of water and priorities as herein determined. The aggregate amount of water diverted from a reservoir is not to exceed the total duty of water allotted to lands as herein established.

V. MEASUREMENT OF WATER

All measurements of water diverted are to be made at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location if not selected by the State Engineer is to be approved by him. The claimants shall install and maintain at their own expense, substantial and easily operated regulating headgates and measuring devices in their ditch or ditches or channel. Due allowance for losses in ditches will be made by the State Engineer in case it becomes necessary.

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

VI. STOCK WATERING AND DOMESTIC

The right to the diversion and use of water for stock

CONCLUSIONS OF LAW

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

I.

That the State Engineer had the right, authority and jurisdiction pursuant to Chapter 533 of NRS to make the investigation made by him, receive the proofs and maps, enter and file in his office the original Order of Determination and file a certified copy thereof in this Court, and to determine the relative rights of claimants and appropriators in and to the waters of Pete Hanson Creek and its tributaries in Eureka County, State of Nevada; that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of NRS.

That each and every notice required by law to be given herein to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by statute, and that the notices contained all of the statements required by law, and that the claimants and appropriators of the waters of the above named stream system and its tributaries duly received the information and notices, as required by law.

II.

That the Third Judicial District Court of the State of Nevada, in and for the County of Eureka, had and has jurisdiction to hear and try this matter, and has jurisdiction to find, make and enter the foregoing Findings of Fact and these Conclusions of Law and enter its Decree herein.

III.

That Eureka Livestock Co. and Diamond Land and Cattle

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are the only claimants of vested rights recognized in this Decree on the date the Order of Determination was filed with the Clerk of the Court, and on the date of the hearing on this matter.

IV.

That the irrigation season shall begin on March 15th and extend to November 1st of each year.

V.

That the seasonal duty of water on lands irrigated from Pete Hanson Creek and tributaries is herein fixed and shall not exceed:

Class A ... Harvest Crop	3.00 ac.ft./ac./season
Class B ... Meadow Pasture	1.50 ac.ft./ac./season
Class C ... Diversified Pasture ..	0.75 ac.ft./ac./season

VI.

That the claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty in acre feet as established herein.

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

That existing reservoirs are determined to be regulatory in nature and are to be used to cumulate decreed waters. That diversion of water to such reservoirs shall be consistent with quantities of water and priorities as herein determined. That the aggregate amount of water diverted from a reservoir is not

1 to exceed the total duty of water allotted to lands as herein
2 established.

3 VII.

4 That all measurements of water diverted are to be
5 made at a point where the main ditch enters or becomes adjacent
6 to the land to be irrigated or as near thereto as is practicable;
7 that the location, if not selected by the State Engineer, is to
8 be approved by him. That the claimants shall install and main-
9 tain at their own expense, substantial and easily operated
10 regulating headgates and measuring devices in their ditch or
11 ditches or channel. That due allowance for losses in ditches
12 will be made by the State Engineer in the event it becomes
13 necessary.

14 That priorities are fixed by years and where the
15 years are the same, the priorities are equal.

16 VIII.

17 That the right to the diversion and use of water for
18 stock watering and domestic purposes shall be continued by the
19 claimants named herein or their successors in interest at any
20 time during the year that stock are grazing on the range, except
21 as otherwise specified under stock watering rights of appropria-
22 tion, and such diversions shall be according to the dates of
23 priorities of such users and limited to the quantity of water
24 reasonably necessary for such use.

25 That the amount of water diverted for irrigation
26 purposes shall not be increased by any amount to be used for
27 stock watering and domestic purposes, but the quantity allowed
28 and diverted for irrigation during the irrigation season shall
29 include water for stock watering and domestic purposes.

30 IX.

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

X.

That from the Order of Determination and the documentary evidence submitted in support thereof, the Court concludes that the names of the claimants and appropriators of the waters of Pete Hanson Creek and its tributaries, the source of the water supply, the manner of use of the water, the means of diversion, the points of diversion for beneficial use, the period of use, the years of priority, the cultural acreages, the places of use, the legal subdivisions, sections, townships, ranges, and the duty of water are as listed, stated and set forth.

XI.

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

JUDGMENT AND DECREE

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

I.

That the State Engineer made all necessary and proper orders as required by law, and that each and every notice required by law was duly given to the claimants and appropriators. That the claimants and appropriators had full opportunity to appear and be heard in objection to and file exceptions to the

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Order of Determination. That Eureka Livestock Co. and Diamond Land and Cattle are the only claimants of vested rights recognized in this Decree as appropriators of the waters of Pete Hanson Creek and its tributaries and that this Decree determines the limit and extent of all vested water rights on the source.

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

II.

That the flow of water from Pete Hanson Creek and its tributaries is being placed to beneficial use by Eureka Livestock Co. and Diamond Land and Cattle for irrigation, stock watering, and domestic purposes.

III.

That the irrigation season shall begin on March 15th and extend to November 1st of each year.

IV.

That the seasonal duty of water on lands irrigated from Pete Hanson Creek and its tributaries is herein fixed and shall not exceed:

Class A ... Harvest Crop	3.00 ac.ft./ac./season
Class B ... Meadow Pasture	1.50 ac.ft./ac./season
Class C ... Diversified Pasture ..	0.75 ac.ft./ac./season

V.

That the claimants shall have the right to divert 2.5 cubic feet per second of water per 100 acres of land irrigated, but not to exceed the seasonal duty as established herein.

That the claimants or their successors in interest will not be required to take or use the amount of water allotted

1 to them in a continuous flow, but may cumulate the same or any
2 part thereof in rotation or periodic turn within the seasonal
3 limits, with the approval of the water commissioner and subject
4 to the control and direction of the State Engineer.

5 That existing reservoirs are determined to be regulatory
6 in nature and are to be used to cumulate decreed waters. That
7 diversions of water to such reservoirs shall be consistent with
8 quantities of water and priorities as herein determined. That
9 the aggregate amount of water diverted from a reservoir is not
10 to exceed the total duty of water allotted to lands as herein
11 established.

12 VI.

13 That all measurements of water diverted are to be made
14 at a point where the main ditch enters or becomes adjacent to the
15 land to be irrigated or as near thereto as is practicable; that
16 the location, if not selected by the State Engineer, is to be ap-
17 proved by him. That the claimants shall install and maintain at
18 their own expense, substantial and easily operated regulating
19 headgates and measuring devices in their ditch or ditches or
20 channel. That due allowance for losses in ditches will be made
21 by the State Engineer in the event it becomes necessary.

22 That priorities are fixed by years and where the
23 years are the same, the priorities are equal.

24 VII.

25 That the right to the diversion and use of water for
26 stock watering and domestic purposes shall be continued by the
27 claimants named herein or their successors in interest at any time
28 during the year that stock are grazing on the range, except as
29 otherwise specified under stock watering rights of appropriation,
30 and such diversions shall be according to the dates of priorities

1 of such users and limited to the quantity of water reasonably
2 necessary for such use.

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

8 VIII.

9 That all water allotted in the Decree shall be appurten-
10 ant to the place of use designated herein. That any water user
11 desiring to change the point of diversion, manner of use, or place
12 of use of the waters allotted herein, must make application to the
13 State Engineer for permission to make the change pursuant to NRS
14 533.345.

15 IX.

16 That the names of the claimants and appropriators of
17 the waters of Pete Hanson Creek and its tributaries, the source
18 of the water supply, the manner of use of the water, the means
19 of diversion, the points of diversion for beneficial use, the
20 period of use, the years of priority, the cultural acreages and
21 places of use, the legal subdivisions, sections, townships,
22 ranges, and duty of water are hereby adjudged as follows:

23 PROOF NO.: 01201
24 CLAIMANTS: Diamond Land and Cattle
25 SOURCE: Willow Creek, Birch Creek and Kelley
26 Creek, Tributaries of Pete Hanson Creek
27 USE: Irrigation, Stock Watering and Domestic
28 MEANS OF DIVERSION: Dams and Ditches*
29 POINTS OF DIVERSION: 1. Kelley Creek, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28,
30 T.24N., R.50E., M.D.B.&M., or at
a point from which the NE corner of
Section 21, T.24N., R.50E., M.D.B.&M.

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PROOF NO.: 01201 (Continued)

bears N. 26° 30' E., a distance of 8,520 feet.

2. Birch Creek, NW¼ NW¼ Section 27, T.24N., R.50E., M.D.B.&M., or at a point from which the NW corner of Section 22, T.24N., R.50E., M.D.B.&M. bears N. 5° 55' W., a distance of 5,430 feet.

3. Willow Creek, SE¼ NE¼ Section 22, T.24N., R.50E., M.D.B.&M., or at a point from which the NW corner of said Section 22 bears N. 65° 48' W., a distance of 4,780 feet.

4. Willow Creek, NW¼ NW¼ Section 23, T.24N., R.50E., M.D.B.&M., or at a point from which the E¼ corner of Section 14, T.24N., R.50E., M.D.B.&M. bears N. 61° 00' E., a distance of 6,100 feet.

PRIOR- ITY	CULTURAL ACREAGE : HARVEST :	SUB- DIV. :	LOCATION			DUTY OF WATER	
			SEC.:	TWP.:	RGE.:	C.F.S.	AC.FT.
				N.	E.		
1884	6.40	SW¼ NE¼	14	24	50	0.160	19.20
1884	5.10	SE¼ NW¼	14	24	50	0.128	15.30
1884	29.90	NW¼ SE¼	14	24	50	0.747	89.70
1884	14.00	SW¼ SE¼	14	24	50	0.350	42.00
1884	37.00	NE¼ SW¼	14	24	50	0.925	111.00
1884	20.70	SE¼ SW¼	14	24	50	0.518	62.10
1884	4.80	NW¼ SW¼	14	24	50	0.120	14.40
1884	18.80	SW¼ SW¼	14	24	50	0.470	56.40
1884	8.60	SE¼ NE¼	22	24	50	0.215	25.80
1884	<u>4.60</u>	SW¼ NE¼	22	24	50	<u>0.115</u>	<u>13.80</u>
TOTAL	149.90					3.748	*449.70

* Water is diverted from Kelley Creek, Birch Creek and Willow Creek into the Carletti Ditch and the commingled waters irrigate all of the land described above under Proof 01201. The total

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PROOF NO.: 01201 (Continued)

rate of flow from any one or any combination of these three sources shall not exceed 2.5 cubic feet per second per 100 acres. The total acre feet of water from all sources shall be limited to the quantities listed above.

PROOF NO.: 01800

CLAIMANTS: Diamond Land and Cattle

SOURCE: Pete Hanson Creek and Tributaries

USE: Irrigation and Stock Watering

MEANS OF DIVERSION: Dams, Reservoir and Ditches

- POINTS OF DIVERSION:
1. Ditches Nos. 1 & 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.25N., R.51E., M.D.B.&M., or at a point from which the NW corner of Section 6, T.25N., R.51E., M.D.B.&M., bears N. 9° 16' W., a distance of 5,440 feet.
 2. Ditch No. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.26N., R.51E., M.D.B.&M., or at a point from which the NW corner of Section 6, T.25N., R.51E., M.D.B.&M., bears S. 33° 19' W., a distance of 2,990 feet.
 3. Ditch No. 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T.26N., R.51E., M.D.B.&M., or at a point from which the NW corner of said Section 30, bears N. 17° 05' W., a distance of 1,350 feet.
 4. Ditches Nos. 5 & 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19, T.26N., R.51E., M.D.B.&M., or at a point from which the SW corner of said Section 19, bears S. 15° 54' W., a distance of 2,630 feet.

PRIOR- ITY :	CULTURAL ACREAGE:		SUB- DIV. :	LOCATION			DUTY OF WATER	
	HARVEST	MEADOW PASTURE		TWP.:	RGE.:	SEC.:	N.	E.
1876	2.10	11.60	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6	25	51	0.342	23.70
1876	1.60	23.00	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6	25	51	0.615	39.30
1876	33.46	- -	NW $\frac{1}{4}$ SW $\frac{1}{4}$	6	25	51	0.836	100.38
1876	25.10	3.50	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6	25	51	0.715	80.55
1876	40.00	- -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	6	25	51	1.000	120.00
1876	32.00	- -	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6	25	51	0.800	96.00

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PROOF NO.: 01800 (Continued)

PRIOR- ITY :	CULTURAL ACREAGE:		SUB- DIV. :	LOCATION			DUTY OF WATER	
	HARVEST:	MEADOW PASTURE		TWP.:	RGE.:	SEC.:	N.	E.
1876	20.00	5.20	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6	25	51	0.630	67.80
1876	38.59	2.40	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6	25	51	1.025	119.37
1876	1.43	- -	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6	25	51	0.036	4.29
1876	5.70	- -	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6	25	51	0.142	17.10
1876	0.64	- -	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	25	50	0.016	1.92
1876	3.16	- -	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	25	50	0.079	9.48
1876	8.80	23.00	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31	26	51	0.795	60.90
1876	1.70	28.30	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31	26	51	0.750	47.55
1876	- -	2.60	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31	26	51	0.065	3.90
1876	- -	13.20	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	26	51	0.330	19.80
1876	4.20	- -	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31	26	51	0.105	12.60
1876	2.80	- -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31	26	51	0.070	8.40
1876	6.00	- -	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31	26	51	0.150	18.00
1876	13.20	- -	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31	26	51	0.330	39.60
1876	9.50	- -	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	26	51	0.238	28.50
1876	2.30	- -	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	26	51	0.057	6.90
1876	- -	6.91	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30	26	51	0.173	10.37
1876	- -	3.09	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25	26	50	0.077	4.63
1876	2.80	10.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$	19	26	51	0.320	23.40
1876	25.20	8.80	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19	26	51	0.850	88.80
1876	0.90	4.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24	26	50	0.123	8.70
1876	27.50	5.30	SW $\frac{1}{4}$ SW $\frac{1}{4}$	18	26	51	0.820	90.45
1876	29.50	1.70	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18	26	51	0.780	91.05
1876	30.00	0.50	SW $\frac{1}{4}$ NW $\frac{1}{4}$	18	26	51	0.763	90.75
1876	30.00	3.00	NW $\frac{1}{4}$ NW $\frac{1}{4}$	18	26	51	0.825	94.50
1876	9.84	- -	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13	26	50	0.246	29.52

STATE OF NEVADA
DIVISION OF WATER
RESOURCES
DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES
MYE BUILDING
301 S. FALL STREET
CARSON CITY, NEVADA
89701



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PROOF NO.: 01800 (Continued)

PRIOR- ITY :	CULTURAL ACREAGE:			LOCATION			DUTY OF WATER			
	HARVEST:	MEADOW	SUB- DIV. :	TWP.:	RGE.:	SEC.:	N.	E.	C.F.S.	AC.FT.
1876	1.79	- -	NE $\frac{1}{4}$ SE $\frac{1}{4}$	13	26	50			0.045	5.37
1876	2.11	- -	SE $\frac{1}{4}$ NE $\frac{1}{4}$	13	26	50			0.053	6.33
1876	7.56	- -	NE $\frac{1}{4}$ NE $\frac{1}{4}$	13	26	50			0.189	22.68
1876	34.00	1.10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	7	26	51			0.877	103.65
1876	30.30	- -	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7	26	51			0.758	90.90
1876	18.90	3.90	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7	26	51			0.570	62.55
1876	- -	33.00	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7	26	51			0.825	49.50
1876	- -	0.50	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7	26	51			0.012	00.75
1876	16.30	- -	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12	26	50			0.408	48.90
1876	18.70	- -	NE $\frac{1}{4}$ SE $\frac{1}{4}$	12	26	50			0.467	56.10
1876	20.20	2.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12	26	50			0.555	63.60
1876	- -	21.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12	26	50			0.525	31.50
1876	- -	18.10	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1	26	50			0.453	27.15
1876	- -	20.00	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	26	50			0.500	30.00
1876	- -	20.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	26	50			0.500	30.00
1876	- -	20.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	1	26	50			0.500	30.00
1876	- -	40.00	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6	26	51			1.000	60.00
1876	- -	9.10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6	26	51			0.227	13.65
1876	- -	1.00	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6	26	51			0.025	1.50
1876	- -	37.20	NW $\frac{1}{4}$ SW $\frac{1}{4}$	6	26	51			0.930	55.80
1876	- -	35.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6	26	51			0.875	52.50
1876	- -	32.00	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6	26	51			0.800	48.00
TOTAL	557.88	450.00							25.197	2,348.64

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PROOF NO.: 01801
 CLAIMANTS: Diamond Land and Cattle
 SOURCE: Pete Hanson Creek and Tributaries
 USE: Irrigation and Stock Watering
 MEANS OF DIVERSION: Dams and Ditches
 POINTS OF DIVERSION: 1. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.24N., R.50E.,
 M.D.B.&M., or at a point from which
 the NW corner of said Section 2, bears
 N. 86°40" W., a distance of 2,250 feet.
 2. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.25N., R.50E.,
 M.D.B.&M., or at a point from which
 the NE corner of said Section 25, bears
 N. 6°20' E., a distance of 2,480 feet.

PRIOR-: ITY	CULTURAL ACREAGE MEA. PAST.:	SUB- DIV.:	LOCATION			DUTY OF WATER	
			SEC.:	TWP.: N.	RGE.: E.	C.F.S.	AC.FT.
1876	19.86	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2	24	50	0.497	29.79
1876	21.14	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2	24	50	0.528	31.71
1876	14.60	SE $\frac{1}{4}$ SW $\frac{1}{4}$	35	25	50	0.365	21.90
1876	0.40	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35	25	50	0.010	0.60
1876	1.38	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35	25	50	0.035	2.07
1876	17.80	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35	25	50	0.445	26.70
1876	0.92	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35	25	50	0.023	1.38
1876	5.56	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35	25	50	0.139	8.34
1876	10.44	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	25	50	0.261	15.66
1876	0.90	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36	25	50	0.022	1.35
1876	0.50	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	25	50	0.013	0.75
1876	1.20	SE $\frac{1}{4}$ SW $\frac{1}{4}$	25	25	50	0.030	1.80
1876	1.90	SW $\frac{1}{4}$ SE $\frac{1}{4}$	25	25	50	0.047	2.85
1876	5.00	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	25	50	0.125	7.50
1876	3.70	SE $\frac{1}{4}$ NE $\frac{1}{4}$	25	25	50	0.093	5.55
1876	7.02	SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	25	51	0.175	10.53
1876	<u>10.08</u>	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30	25	51	<u>0.252</u>	<u>15.12</u>
TOTAL	122.40					3.060	183.60

1 PROOF NO.: 01555
 2 CLAIMANT: Eureka Livestock Company
 3 SOURCE: Henderson Creek, a Tributary of Pete
 4 Hanson Creek
 5 USE: Irrigation, Stock Watering and Domestic
 6 MEANS OF DIVERSION: Dams and Ditches
 7 POINTS OF DIVERSION: 1. NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.24N., R.51E.,
 8 M.D.B.&M., or at a point from which the
 9 NE corner of said Section 13, bears N.
 10 42°45' E., a distance of 3,314 feet.
 11 2. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T.25N., R.51E.,
 12 M.D.B.&M., or at a point from which
 13 the NW corner of said Section 35 bears
 14 N. 30°15' W., a distance of 2,492 feet.

12	CULTURAL ACREAGE			LOCATION			DUTY OF WATER		
	PRIOR- ITY	HARVEST: PASTURE:	MEADOW PASTURE:	SUB- DIV.:	TWP.:	RGE.:	C.F.S.	AC. FT.	
13				SEC.:	N.	E.			
14	1872	- -	12.12 /	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13	24	51	0.303	18.18
15	1872	- -	21.78 /	NE $\frac{1}{4}$ NW $\frac{1}{4}$	13	24	51	0.545	32.67
16	1872	- -	19.84 /	SE $\frac{1}{4}$ SW $\frac{1}{4}$	12	24	51	0.496	29.76
17	1872	- -	11.26 /	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12	24	51	0.281	16.89
18	1872	- -	1.26 /	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12	24	51	0.032	1.89
19	1872	- -	32.59 /	SW $\frac{1}{4}$ NW $\frac{1}{4}$	12	24	51	0.815	48.88
20	1872	- -	25.95 /	NW $\frac{1}{4}$ NW $\frac{1}{4}$	12	24	51	0.649	38.92
21	1872	- -	12.30 /	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	24	51	0.307	18.45
22	1872	- -	0.20 /	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2	24	51	0.005	0.30
23	1872	- -	22.60 /	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2	24	51	0.565	33.90
24	1872	- -	6.20 /	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	24	51	0.155	9.30
25	1872	10.10	- -	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35	25	51	0.252	30.30
26	1872	13.67	- -	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	25	51	0.342	41.01
27	1872	7.30	- - /	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34	25	51	0.182	21.90
28	1872	<u>29.06</u>	<u>3.64</u>	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34	25	51	<u>0.818</u>	<u>92.64</u>
29	TOTAL	60.13	169.74					5.747	435.00

1 PROOF NO.: 02781
 2 CLAIMANT: Eureka Livestock Company
 3 SOURCE: Henderson Creek, a Tributary of Pete
 4 Hanson Creek
 5 USE: Irrigation and Stock Watering
 6 MEANS OF DIVERSION: Dikes and Ditches
 7 POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.23N., R.51E.,
 8 M.D.B.&M., or at a point from which
 9 the NE corner of said Section 24,
 bears N. 51° 34' E., a distance of
 6,020 feet.

	CULTURAL ACREAGE			LOCATION			DUTY OF WATER		
	PRIOR- ITY :	MEADOW PASTURE:	DIVERS. PASTURE:	SUB- Div. :	TWP.: SEC.:	RGE.: N. E.	C.F.S.	AC.FT.	
12	1893	1.83	- -	Lot 4	19	23	52	0.046	2.75
13	1893	12.81	- -	Lot 5	19	23	52	0.320	19.21
14	1893	16.94	- -	Lot 9	19	23	52	0.424	25.41
15	1893	3.14	- -	Lot 8	19	23	52	0.078	4.71
16	1893	11.16	- -	Lot 10	19	23	52	0.279	16.74
17	1893	6.86	- -	SW $\frac{1}{4}$ NE $\frac{1}{4}$	24	23	51	0.172	10.29
18	1893	3.72	- -	SE $\frac{1}{4}$ NW $\frac{1}{4}$	24	23	51	0.093	5.58
19	1893	3.14	1.65	NW $\frac{1}{4}$ SW $\frac{1}{4}$	24	23	51	0.120	5.95
20	1893	<u>11.03</u>	<u>6.86</u>	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24	23	51	<u>0.447</u>	<u>21.69</u>
21	TOTAL	70.63	8.51					1.979	112.33

23 PROOF NO.: 01199
 24 CLAIMANT: Diamond Land and Cattle
 25 SOURCE: Upper Dry Creek Springs, a Tributary of
 26 Pete Hanson Creek
 27 USE: Stock Watering
 28 MEANS OF DIVERSION: Open Cuts and Reservoirs
 29 POINT OF DIVERSION: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.24N., R.50E.
 30 M.D.B.&M., (unsurveyed) or at a point
 from which the N $\frac{1}{4}$ corner of Section 23,
 T.24N., R.50E., M.D.B.&M., bears N. 26°
 05' W., a distance of 14,550 feet.

1 PROOF NO.: 01199 (Continued)
 2 PERIOD OF USE: September 1st of each year to
 3 March 1st of the following year.
 4 PRIORITY: 1901
 5 AMOUNT OF APPROPRIATION: 0.01156 c.f.s. or sufficient to
 6 water 300 cattle and 70 horses
 7 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
 8 Livestock are watered from reservoirs
 9 developed in the natural spring area
 10 of Upper Dry Creek Springs, the
 11 location being described above under
 12 point of diversion.

11 PROOF NO.: 01200
 12 CLAIMANT: Diamond Land and Cattle
 13 SOURCE: Lower Dry Creek Springs, a Tributary
 14 of Pete Hanson Creek
 15 USE: Stock Watering
 16 MEANS OF DIVERSION: Open Cuts and Reservoirs.
 17 POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T.24N., R.50E.
 18 M.D.B.&M., (unsurveyed), or at a
 19 point from which the N $\frac{1}{4}$ corner of
 20 Section 23, T.24N., R.50E., M.D.B.&M.
 21 bears N. 24° 00' W., a distance of
 22 11,310 feet.
 23 PERIOD OF USE: September 1st of each year to March
 24 1st of the following year.
 25 PRIORITY: 1901
 26 AMOUNT OF APPROPRIATION: 0.009375 c.f.s. or sufficient to
 27 water 300 cattle.
 28 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
 29 Livestock are watered from reservoirs
 30 developed in the natural spring area
 of Lower Dry Creek Springs, the
 location being described above under
 point of diversion.

29 PROOF NO.: 01392
 30 CLAIMANT: Eureka Livestock Company

1 PROOF NO.: 01392 (Continued)
 2 SOURCE: Rabbit Spring, not a tributary but
 3 in the same drainage basin as Pete
 Hanson Creek
 4 USE: Stock Watering
 5 MEANS OF DIVERSION: Pipe and Trough
 6 POINT OF DIVERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.24N., R.51E.,
 7 M.D.B.&M.
 8 PERIOD OF USE: April, May, June, July, August and
 September of each year.
 9 PRIORITY: 1885
 10 AMOUNT OF APPROPRIATION: 0.009375 c.f.s. or sufficient to water
 11 300 cattle.

12 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
 13 Livestock are watered in a trough
 14 filled by a pipe conveying water
 from the spring area.

15 PROOF NO.: 02784
 16 CLAIMANT: Eureka Livestock Company
 17 SOURCE: Pete Hanson Creek and Tributaries
 18 USE: Stock Watering
 19 MEANS OF DIVERSION: Natural Channel
 20 POINT OF DIVERSION: The natural channels of Pete Hanson
 21 Creek and tributaries, upstream from
 22 the intersection of the creek and
 23 the section line common to Sections
 4 and 5, T.23N., R.50E., M.D.B.&M.
 (unsurveyed) from which the NW
 24 corner of Section 7, T.23N., R.49E.,
 M.D.B.&M. bears N. 69° 55' W., a
 distance of 11,249 feet, to their
 25 headwaters.
 26 PERIOD OF USE: March 1 to November 1 of each year.
 27 PRIORITY: 1900
 28 AMOUNT OF APPROPRIATION: 0.0203 c.f.s. or sufficient to
 water 250 cattle and 2000 sheep.

29 DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
 30 Livestock are watered in the reaches

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PROOF NO.:

02784 (Continued)

of the natural channel of Pete
Hanson Creek and its tributaries,
traversing through the following
sections: Sections 2, 3, 4, 9,
10 and 11, all in T.23N., R.50E.,
M.D.B.&M. (unsurveyed).

DATED this 8th day of October, 1976.

Stanley A. Smart
District Judge