

1 **BEFORE THE STATE ENGINEER, STATE OF NEVADA**  
2 **DEPARTMENT OF CONSERVATION AND NATURAL**  
3 **RESOURCES, DIVISION OF WATER RESOURCES**

4 IN THE MATTER OF ADJUDICATION OF  
5 THE VESTED WATER RIGHTS

**PETITION FOR ADJUDICATION OF  
WATER RIGHTS**

6 - of -

7 SMOKE CREEK HYDROGRAPHIC BASIN  
8 #21 IN WASHOE COUNTY, NEVADA  
9 \_\_\_\_\_

10  
11 TO THE STATE ENGINEER OF THE STATE OF NEVADA:

12 The Petitioner David Rumsey is the owner of certain real property and vested water rights in  
13 Smoke Creek Hydrographic Basin #21. Real property owned by petitioner is known as The Parker  
14 Ranch ("Ranch") and is located within the area of Range 21 East and Townships 32 and 33 North  
15 near Gerlach, Nevada. The Ranch itself consists of 1400 deeded acres with 600 acres of contiguous  
16 property in the flat lands and 800 acres of non-contiguous parcels in the upland. The Petitioner is  
17 the owner of certain vested and certificated water rights associated with the operation of the Ranch.

18 The Ranch is in the process of being transformed from a cattle operation into a conservation  
19 habitat for native species, migratory birds and other flora and fauna that will enhance the beauty and  
20 ecological quality of the area. Petitioner has invested considerable time and money developing  
21 water resources on the Ranch to convert his water rights from agriculture to conservation and  
22 wildlife. There is currently a pending Application to Construct a Coal-Fired Power Plant ("Sempra  
23 Power Plant"), the location of which is eight miles northeast of the Ranch in the Smoke Creek  
24 Basin. It is Petitioner's belief that the construction and operation of the power plant will interfere  
25 with the above mentioned vested water rights to which he is entitled.

26 To the best of Petitioner's knowledge the water basin has not been adjudicated. It is  
27 imperative that the vested rights of Smoke Creek Water Basin be promptly adjudicated as provided  
28 by law. The Petitioner hereby requests a determination of the relative rights of various claimants of

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1 the water of the Smoke Creek Hydrographic Basin #21 as provided for in NRS 533.090.

2 I hereby state that I have read the forgoing petition and know the contents thereof, and to the  
3 best of my knowledge believe the statements therein to be accurate and true.

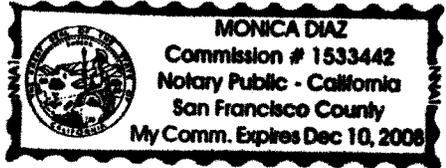
4 Dated: Jan. 25th, 2005

5 David Rumsey  
6 DAVID RUMSEY

7 Petitioner  
8 Parker Ranch  
9 P.O. Box 232  
Gerlach, Nevada 89412

10 State of California  
11 County of San Francisco }

12 Subscribed and sworn to (or affirmed) before me on this 25<sup>th</sup> day of January,  
13 2005, by David MacIver Rumsey, ~~personally known to me or proved to~~  
14 me on the basis of satisfactory evidence to be the person(s) who appeared before me.



18 [Seal]

18 Signature: \_\_\_\_\_

20 Dated: January 25, 2005

21 McQUAID BEDFORD & VAN ZANDT LLP

22 Michael J. Van Zandt

23 Michael J. Van Zandt  
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