Serial No. 207220

AMENDED

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR
WILDERNESS PURPOSES

Source of Water: all streams, lakes, ponds, springs, seeps or other natural sources of water, including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Alta Toquima Wilderness Area. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for livestock, wildlife and the public.

The water is diverted from its source: water is diverted without physical structures and consumptively used by wildlife, the public and for administrative uses necessary to fulfill the purposes of the Wilderness at all locations in the Alta Toquima Wilderness where natural sources of water exist (see attached map). Consumptive use is de minimus; primary use is for instream flows and in situ uses which are non-consumptive.

(1) Name of Claimant: United States of America - Forest Service

324 25th Street
Ogden, UT 84401
(801) 625-5360

(2) The means of diversion employed: no diversion.

(3) The date of the survey of ditch, canal, or pipe line was: Not applicable

(4) The construction of the ditch or other works was begun N/A and completed N/A.

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom N/A feet, width on top N/A feet, depth N/A feet, on a grade of N/A feet per thousand feet.

(6) The conduit has not been enlarged.

(7) The work of enlargement of the ditch or canal was begun N/A and completed N/A.

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom N/A feet, width on top N/A feet, depth N/A feet, on a grade of N/A feet per thousand feet.

(9) The claimant is (is not) an owner in the above-described conduit. N/A.

R07220

(10) The nature of the title to the land for which the water right is claimed is: ownership rests with the United State of America which acquired the land from Mexico by purchase through the Treaty of Guadelupe Hidalgo of 1848; the land is administered by the USDA Forest Service pursuant to the Organic Administration Act of 1897 (30 Stat. 34), the Multiple-Use Sustained-Yield Act of 1960 (Pub.L. 86-517, 74 Stat. 215, 16 U.S.C. 528 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), and the Nevada Wilderness Protection Act of 1989 (Pub. L. 101-195; 103 Stat. 1784);

(11) Crops of N/A have been grown upon the land irrigated.

(12) The water has been used for irrigation from N/A to N/A of each year. Note: water will be used from January 1 through December 31 of each year.

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivision, appending extra sheets if necessary. N/A.

(14) The maximum acreage irrigated in any year was N/A acres.

(15) The water claimed has (has not) been used for irrigation each and every year since the right was initiated. N/A.

(16) The years during which no water was used for irrigation or during which the full water right was not used were N/A.

(17) The claimant's water right was not recorded in the office of the County Recorder.

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: consumptively used by wildlife, the public and for administrative uses necessary to fulfill the purposes of the Alta Toquima Wilderness at all locations in the Alta Toquima Wilderness where natural sources of water exist (see attached map). Consumptive use is de minimus; primary use is for instream flows and in situ uses which are non-consumptive. The amount of water necessary for this purpose is the entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, December 5, 1989.

(19) The character of the soil is variable. A continuous flow of N/A cfs has been used to irrigate N/A acres of land and N/A acre-feet per acre per annum have been used to irrigate the crops.

R07220

(20) Remarks: the water is reserved for the purposes set forth in the Nevada Wilderness Protection Act of 1989 (Pub. L. 101-195; 103 Stat. 1784) (copy attached); and the Wilderness Act (16 U.S.C. 1131, et seq.) (copy attached): to administer and provide for the use and enjoyment of the Wilderness by the American people in such a manner as will leave it unimpaired for future use and enjoyment as wilderness; for the protection of the Wilderness and the protection and management of its natural conditions; for the preservation of the wilderness character; and, for the gathering and dissemination of information regarding the use and enjoyment as wilderness. The Wilderness is administered to provide for scenic, scientific, educational, and historical values, as well as recreation.

The amount of water necessary for this purpose is the entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, December 5, 1989.

The Alta Toquima Wilderness is administered by the Toiyabe National Forest

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United States of America - USDA Forest Service are full and correct to the best of his or her knowledge and belief.

United States of America - Forest Service
Claimant

By _____
GRAY F. REYNOLDS,

Regional Forester

_____

Subscribed and sworn to before me this _____ day of January _____, 1994.

Notary Public in and for the County of Weber
My commission expires December 11, 1996

Serial No. R07220

ORIGINAL

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR WILDERNESS PURPOSES

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United States of America - USDA Forest Service are full and correct to the best of his or her knowledge and belief.

United States of America - Forest Service
Claimant

By [signature]
for ROBERT C. JOSLIN,
Acting Regional Forester

Subscribed and sworn to before me this 28th day of February, 1994.

Sandra S. Carlson
Notary Public in and for the County of Weber
My commission expires 12-11-96

SANDRA S. CARLSON
NOTARY PUBLIC - STATE of UTAH
[illegible] SOUTH MAIN
P.O. BOX 306
WILLARD, UTAH 84340
COMM. EXP. 12-11-96