

United States  
Department of  
Agriculture

Forest  
Service

Humboldt National Forest  
Toiyabe National Forest

2035 Last Chance Road  
Bunko, Nevada 89801-4808  
(702) 738-5171

File Code: 2540

Date: October 29, 1997

Water Resources Division  
Michael R. Turnipseed, State Engineer  
123 West Nye Lane  
Carson City, Nevada 89710

Dear Mr. Turnipseed,

Please find enclosed Amended mylar map #6-2 with corrections made. The found corner was incorrectly marked as Township 44N when it should be Township 45N.

Sincerely,

*David P. Quicker*  
for  
BEN G. SIMINOE  
Assistant Forest Supervisor

Enclosure  
cc:C.Butler  
bi

THE STATE OF NEVADA  
AMENDED  
PROOF OF APPROPRIATIONS OF WATER FOR CHANNEL MAINTENANCE PURPOSES  
UNDER THE ORGANIC ADMINISTRATION ACT OF 1897  
FEDERAL RESERVED WATER RIGHT

(1) Name of Claimant: United States of America - Forest Service  
324 25th Street  
Ogden, UT 84401  
(801) 625-5279

(2) Source: VAN DUZER CREEK

(3) The water is quantified at the following point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>	<u>Meridian</u>
045 N	054 E	30	NENW		ELKO	MOUNT DIABLO

(4) The means of diversion employed: WATER IS NOT DIVERTED FROM THE STREAM CHANNEL.

(5) The claimant is an owner in the above described stream channel.

(6) The nature of the title to the land for which the water right is claimed is the TREATY OF GUADELUPE HIDALGO OF 1848.

(7) The water has been used for channel maintenance from JANUARY 1 to DECEMBER 31 of each year

(8) The water claimed has been used for channel maintenance each and every year since 01/20/1909.

(9) The claimint's water right was not recorded in the office of the County Recorder of Elko County.

(10) Total Quantity Claimed: The parameters describing the reserved water right are described as follows:

- Qa = average annual flow
- Qb = bankfull flow
- Q1 = base flow
- Qs = actual stream flow

When Qs = or < Q1, then the United States claims Qs  
When Qs > Q1 but < Qa, the United States claims Q1

When Qs = or > Qa but < Qb, then the United States claims water based on the following formula:

$$Q1 + [(Qs-Q1)X[(Qs-Qa)/(Qb-Qa)]]$$

When  $Q_s = \text{or} > Q_b$ , then the United States claims  $Q_b$

$Q_a = 12.55$   
 $Q_b = 38.73$   
 $Q_1 = 1.13$

The United States claims the above instream flow components, quantified proportionally, for the entire reach of each stream and all its named and unnamed tributaries lying upstream and downstream of the quantification point, excluding intervening private and state lands.

- (11) Total consumptive use claimed For Present and Future Use Is: NONE, USE IS NON CONSUMPTIVE.
- (12) Present and future uses to which the water is or will be used: The water is needed and reserved to fulfill the primary purposes for which the National Forests were created; namely, to secure favorable condition of water flow and to provide a continuous supply of timber as set forth in the Organic Administration Act, 16 U.S.C. 475, 30 Stat. 34 (June 4, 1897)
- (13) REFERENCE INFORMATION:

National Forest: HUMBOLDT

Forest Service Record ID: 04091705010452 0036C

- (14) Remarks:

PROC 832 01/20/1909 35 2215

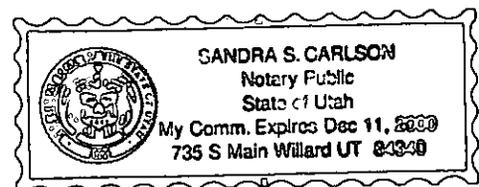
MAP 6-2, MAP UNIT ID 52-36

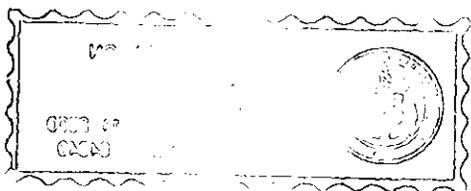
The undersigned, being duly sworn, deposes and says that the facts relative to the appropriation of water by the United States of America, USDA - Forest Service, are full and correct to my best knowledge and belief.

By *Jack A. Blackwell*  
(for) JACK A. BLACKWELL  
Acting Regional Forester

Subscribed and sworn to before me this 3<sup>rd</sup> day of November, 1997

*Sandra S. Carlson*  
Notary Public in and for the County of WEBER  
My commission expires:





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THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR CHANNEL MAINTENANCE PURPOSES  
 UNDER THE ORGANIC ADMINISTRATION ACT OF 1897  
 FEDERAL RESERVED WATER RIGHT

(1) Name of Claimant: United States of America - Forest Service  
 Address: 324 25th Street  
 Ogden, UT 84401  
 (801) 625-5360

(2) Source: VAN DUZER CREEK

(3) The water is quantified at the following point:

Township	Range	Section	Tract	Gov't Lot	County	Meridian
045 N	054 E	30	SENW		ELKO	MOUNT DIABLO

(4) The means of diversion employed: WATER IS NOT DIVERTED FROM THE STREAM CHANNEL.

(5) The claimant is an owner in the above described stream channel.

(6) The nature of the title to the land for which the water right is claimed is the TREATY OF GUADELUPE HIDALGO OF 1848.

(7) The water has been used for channel maintenance from JANUARY 1 to DECEMBER 31 of each year.

(8) The water claimed has been used for channel maintenance each and every year since 01/20/1909

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

(10) Total Quantity Claimed: The parameters describing the reserved water right are described as follows:

- Qa = average annual flow
- Qb = bankfull flow
- Ql = base flow
- Qs = actual stream flow

When  $Qs = \text{or} < Ql$ , then the United States claims  $Qs$ .

When  $Qs > Ql$  but  $< Qa$ , then the United States claims  $Ql$ .

When  $Qs = \text{or} > Qa$  but  $< Qb$ , then the United States claims water based on the following formula:

$$Ql + [(Qs - Ql) \times ((Qs - Qa) / (Qb - Qa))]$$

EL  
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When  $Q_s =$  or  $> Q_b$ , then the United States claims  $Q_b$ .

Qa = 12.55  
Qb = 38.73  
Ql = 1.13

The United States claims the above instream flow components, quantified proportionally, for the entire reach of each stream and all its named and unnamed tributaries lying upstream and downstream of the quantification point, excluding intervening private and state lands.

- (11) Total consumptive use claimed For Present and Future Use is: NONE, USE IS NONCONSUMPTIVE.
- (12) Present and future uses to which the water is or will be used: the water is needed and reserved to fulfill the primary purposes for which the National Forests were created; namely, to secure favorable condition of water flow and to provide a continuous supply of timber as set forth in the Organic Administration Act, 16 U.S.C. 475, 30 Stat. 34 (June 4, 1897).

(13) REFERENCE INFORMATION:

National Forest: HUMBOLDT  
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(14) Remarks:

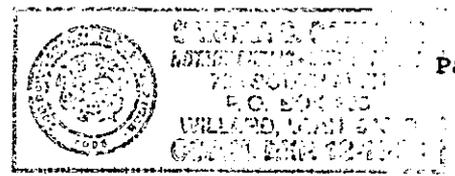
PROC 832 01/20/1909 35 2215  
MAP 6-2, MAP UNIT ID 52-36

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

By Peter J. Stender  
for DALE N. BOSWORTH  
Regional Forester

Subscribed and sworn to before me this 10<sup>th</sup> day of June, 1994

Landra S. Carlson  
Notary Public in and for the County of WEBER  
My commission expires DECEMBER 11, 1996





File Code: 2540

Date: December 9, 1997

Water Resources Division  
Michael R. Turnipseed, State Engineer  
123 West Nye Lane  
Carson City, Nevada 89710

Dear Mr. Turnipseed,

Enclosed are Proof of Appropriation of Water forms that have been amended as follows:

- R-07328 You requested Point of Use for this well and it is:  
NENE Section 24, T.45N., R. 53E., MDBM
- R-07933 Van Duzer Creek  
45N, 54E, Section 30 Tract SENW changed to read Tract NENW
- R-07970 Van Duzer Creek  
45N, 54E, Section 30 Tract SENW changed to read Tract NENW

Enclosed is Proof Of Appropriation for Mahoney Spring #2. We failed to file this along with Map #1-1.

If you have any questions feel free to contact Chris Butler at (702) 738-5171.

Sincerely,

  
BEN G. SEMINOE  
Assistant Forest Supervisor

encl.  
cc:C. Butler  
bi

