

Serial Filing Number: R08617

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

Source of water: SEVENTY-SIX CREEK

The water is claimed for the following reach:

Beginning Point:			
Township	Range	Sect.	Qtr Qtr
44 N	57 E	24	SWNW
Ending Point:			
Township	Range	Sect.	Qtr Qtr
44 N	57 E	23	SWSE

(1) Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 324 25th Street  
 Ogden, UT 84401

(2) The means of diversion employed: NONE - Water is applied in the channel

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

(4) The nature of the title to the land for which the water is claimed is:

the Treaty of Guadalupe Hidalgo of 1848

(5) The water has been used for channel maintenance from 1 / 01 -- 12 / 31

(6) The water has been used for channel maintenance since: 01/20/1909

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

(8) Total Quantity Claimed

When the streamflow is less than 37 CFS the United States makes no claim for channel maintenance flows

When the streamflow is equal to or greater than 37 CFS but less than 228 CFS the United States claims the streamflow.

When the streamflow is equal to or greater than 228 CFS the United States claims 228 CFS.

(9) Total Consumptive Use Claimed for Present and Future Use is: none, use is nonconsumptive

(10) Present and future uses to which the water is or will be used:

This non-consumptive beneficial use of water is to secure favorable conditions of water flow pursuant to the Organic Administration Act, 16 U.S.C. 475, 30 Stat. 34 (June 4, 1897). The natural flow applied for under this claim will be used non-consumptively to maintain the channel conditions that provide for favorable conditions of water flow.

(11) Reference information:

National Forest: Humboldt

Forest Service Record ID: 04 09 17050102 40 0017

(12) Remarks:

Map ID:

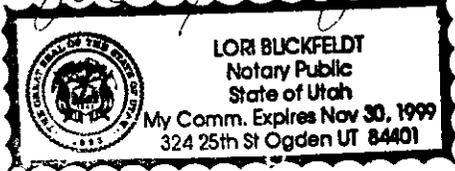
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by \_\_\_\_\_ are full and correct to the best knowledge and belief.

*for* *Jack A. Blackwell*  
\_\_\_\_\_

JACK A. BLACKWELL, Regional Forester

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 1998

Notary Public in and for the County of Weber in the state of Utah

*Lori Buckfeldt*  


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: SEVENTY-SIX CREEK

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
044 N	057 E	23	SWSE		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 GUADALUPE 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 = or < Ql, then the United States claims Qs.

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

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

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

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

Qa = 5.67  
Qb = 39.60  
Ql = 0.45

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

Forest Service Record ID: 04091705010240 0017 C

(14) Remarks:

PROC 832 01/20/1909 35 2215

MAP 101-4, MAP UNIT ID 40-17

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

JUN 25 1994 Subscribed and sworn to before me this 10<sup>th</sup> day of June, 1994

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

