

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):

Primary (Please select only one):

Irrigation	<input type="checkbox"/>	Stock water	<input checked="" type="checkbox"/>	Mining and Milling	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
Municipal	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Quasi-Municipal	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Federal Reserved Right	<input type="checkbox"/>	Other (OTH) _____					

Secondary (Select all that may be applicable):

Stock water	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
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NAME OF CLAIMANT Salmon River Cattlemens Association, Inc. (a Nevada corporation)

Address PO Box 284 City of Twin Falls County of Twin Falls

State of ID _____ Telephone No. 208-733-1964 Email Address srcattle@filertel.com

1. Source of water Winter Spring 1
Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion headbox with pipe to two troughs with overflow to a pond
Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):
Water is diverted from its source within the NW ¼ SW ¼ Section 13, T.46N., R.66E., M.D.M., from which the NW corner of Section 3 in T.46N., R.66E., M.D.M. bears N. 38°14'W., 16,636 feet distant. Land is unsurveyed.

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun prior 1905
and completed prior to 1905, reconstructed prior to 1980

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:
Deeded.
Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was not recorded in the office of the County Recorder of _____
(circle one)
_____ County, at Page _____ of Book _____ of _____

7. The amount of water diverted for the claim's purpose has been measured at
.00167 cfs cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second

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17. The dimensions of the enlarged ditch or canal are: Width on bottom _____
width on top _____ feet, depth _____ feet, for _____ lineal feet of
improvement, on a grade of _____ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of _____ inches with a type of pipe
of _____ for _____ lineal feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.
(circle one)

If claimant is an owner in the conduit, state interest held on this line.

20. Crop(s) of _____
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from _____ to _____
of each year. The average number of cuttings in a year is typically _____ cuttings and the maximum number
of cuttings in a year is _____ cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.
(circle one)

23. The years during which no water was used for irrigation or during which the full water right was not used were
(If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending
a sheet if necessary):

24. The characteristics of the soil are _____
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is
_____ cubic feet per second. The quantity of water used to irrigate the claimed place of use
during an average irrigation season is _____ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is _____
cubic feet per second.

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27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acres	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	

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 MAY 16 1905

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

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Salmon River Cattlemens Association, Inc., ("SRCA") is the successor in interest to the private land holdings including the land patented by John Sherer. SRCA was deeded this property in 1947 and has held the property since that time, (see attached Abstract of Title, Exhibit 1). SRCA has also found relevant historical information supporting the claim that cattle grazed these lands prior to 1905 (see Exhibit 2).

Original map supporting this filing was submitted with permit #83141.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by

Salmon River Cattlemens are full and correct to the best of their knowledge and belief.
(Name)

President of Salmon River Cattlemens Assoc. Inc.
If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Kabel Satterwhite Signature Kabel Satterwhite
(Please type or print name) (Please sign in the presence of a Notary Public)

Address PO Box 281, Twin Falls State of ID ZIP Code 83303

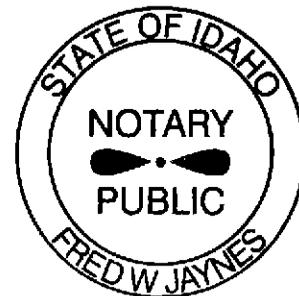
Telephone Number 208-733-1964 Email Address srcattle@fiertel.com

State of ~~Nevada~~ Idaho
County of Twin Falls

Subscribed and sworn to before me on 11/10/15
(Date)

by Kabel Satterwhite

Fred W. Jaynes
Signature of Notary Public Required



Notary Stamp or Seal Required

THE FILING FEE IS \$120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A \$60 FILING FEE.

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CLERK OF DISTRICT COURT

AFFIDAVIT IN SUPPORT OF STOCK-WATER APPLICATION

I [name] Kabel Satterwhite, President, being first duly sworn, depose and say I or my agent filed a water right application(s) with the Nevada Division of Water Resources to appropriate water for stock-watering purposes. Application Numbers (if numbers have already been assigned).

Whereas, Nevada Revised Statute § 533.503(1) provides that the State Engineer shall not issue a permit to appropriate water for the purpose of watering livestock unless:

- (a) The applicant for the permit is legally entitled to place the livestock on the lands for which the permit is sought, **and**:
 - (1) Owns, leases or otherwise possesses a legal or proprietary interest in the livestock on or to be placed on the lands for which the permit is sought; or
 - (2) Has received from a person described in subparagraph (1), authorization to have physical custody of the livestock on or to be placed on the lands for which the permit is sought, and authorization to care for, control and maintain such livestock;
- (b) The forage serving the beneficial use of the water to be appropriated is not encumbered by an adjudicated grazing preference recognized pursuant to law for the benefit of a person other than the applicant for the permit; and
- (c) The lack of encumbrance required by paragraph (b) is demonstrated by reasonable means, including, without limitation, evidence of a valid grazing permit, other than a temporary grazing permit, that is issued by the appropriate governmental entity to the applicant for the permit.

I testify that I am the (1) owner or (2) lessee or (3) possess a legal or proprietary interest in the livestock to be watered under this application (**check applicable criteria**) OR I have received (**check if applicable**) from the person who owns or leases or otherwise possess a legal or proprietary interest in the livestock authorization to have physical custody of the livestock and authorization to care for, control and maintain such livestock.

Please check one: Private Land Public Land

IF THE APPLICATION IS FOR STOCK WATERING ON PRIVATE LAND: I testify that I am the owner or lessee (**check one**) of the place of use where the livestock is to be watered.

IF THE APPLICATION IS FOR STOCK WATERING ON PUBLIC LAND: I testify that I hold the valid federal grazing permit, other than a temporary grazing permit, that is issued by the appropriate governmental entity to the applicant for the water right permit.

I have read all the statements in this Affidavit and the Affiant declares that the statements are true and correct to the best of my knowledge and belief.

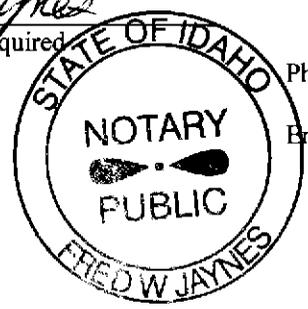
State of Idaho
County of Twin Falls

Signed Kabel Satterwhite
Applicant (Cannot be signed by an agent)

Subscribed and sworn to before me on 11/10/15
by Kabel Satterwhite
Fred W. Jaynes

Address PO Box 284
Street Address or P.O. Box
Twin Falls, ID 83301
City, State, Zip Code
Phone 208-733-1964
Email srcattle@filertel.com

Signature of Notary Public Required



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Exhibit 1
Abstract of Title

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ABSTRACT OF TITLE

FURNISHED BY: Lindy Walsh, Abstracter

EFFECTIVE DATE: 9/9/2015 at 8:00 am, updated 11/5/2015 to include Section 13, T. 46 N., R. 66 E.

NOTE: Chain of title below for patented lands along Cow Creek, westerly of Gollaher Mountain, Elko County, Nevada.

PROPERTY DESCRIPTION:

Elko County, Nevada

T. 46 N., R. 66 E., M.D.B.M.

Sec. 11 NWNE, S2NE

Sec. 12 SWSW

T. 46 N., R. 66 E., M.D.B.M.

Sec. 13 All

Sec. 14 All

Sec. 15 All

Sec. 16 NE, N2SE, SESE

These lands will be referred to as "Subject Lands" below.

Doc Type: Mark and Brand of Stock
 Party 1: Jasper Harroll
 Party 2: Public
 Property: "Shoesole" Brand
 Doc Date: May 1, 1873
 Recorded: May 1, 1873, Elko County Recorder, Brand No. 6
 Comments: One of the first brands to be recorded in Elko County and the State of Nevada. Jasper Harrell was a rancher and is within chain of title for the Subject Lands.

Doc Type: Mark and Brand of Stock
 Party 1: Jasper Harrell
 Party 2: Public
 Property: Brand
 Doc Date: October 6, 1874
 Recorded: October 6, 1874, Elko County Recorder, Brand No. 180
 Comments: Jasper Harrell was a rancher and is within chain of title for the Subject Lands.

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Doc Type: Deed
Party 1: Henry Conway
Party 2: John Sparks and John Tinnin
Property: State Patent Application No. 6427
T. 46 N., R. 66 E.
Sec. 15 NENE, S2NE, SENW, W2SE, SW
Sec. 16 E2SE, NWSE
Sec. 21 NENE
Sec. 22 N2NW

Doc Date: March 16, 1886
Recorded: June 16, 1890, Book 20 Deeds, Page 576
Comments: "Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed
Party 1: Thomas J. Swan
Party 2: John Sparks and John Tinnin
Property: State Patent Application No. 6416
T. 46 N., R. 65 E.
Sec. 11 S2NE, NWNE
Sec. 12 SWNW
Sec. 15 SESW
Sec. 22 W2SE, W2NE, NENW
Sec. 27 W2SE, W2NE, SENE
T. 47 N., R. 66 E.
Sec. 33 NWNE (Patent is for NWSE?)

Doc Date: April 9, 1886
Recorded: June 16, 1890, Book 20 Deeds, Page 586
Comments: "Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed
Party 1: Alex H. Reel
Party 2: John Sparks and John Tinnin
Property: State Patent Application No. 6426
T. 46 N., R. 66 E.
Sec. 14 S2NW, NESW, N2SE
Sec. 21 SENE, NESE
Sec. 22 SENW, NESW
Sec. 23 N2NW, SENW, W2NE, NWSE, NESW

Doc Date: March 16, 1886
Recorded: June 16, 1890, Book 21 Deeds, Page 112
Comments: "Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions remainder and remainders, rents, issues and profits thereof."

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Doc Type: Deed
Party 1: John Sparks and Jasper Harrell
Party 2: The Sparks Harrell Company, a corporation
Property: Swan, Reel and Conway lands listed above and many other lands
Doc Date: July 18, 1891
Recorded: August 10, 1891, Book 21 Deeds, Page 592
Comments: "Also all water, water rights, canals, ditches, flumes, channels, dams and water privileges on belonging to or connected with the lands or any part thereof herein conveyed, together with all and singular the tenements hereditaments and appurtenances therewith belonging, in any wise appertaining, and the reversion or reversions remainder and remainders, rents issues and profits thereof."

Doc Type: Deed
Party 1: Philip Harney
Party 2: The Sparks-Harrell Company, a corporation
Property: State Patent Application No. 11917
T. 46 N., R. 66 E.
Sec. 3 SWNE
Sec. 9 N2NW, N2NE, NWSE, S2SE
Sec. 15 N2NW, SWNW, NWNE
Sec. 16 NE
Doc Date: January 4, 1895
Recorded: February 1, 1895, Book 23 Deeds, Page 139
Comments: "Together with all and singular the tenements, hereditaments, appurtenances and water rights with all ditches and privileges there unto belonging or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed
Party 1: Thomas W. Holder
Party 2: The Sparks-Harrell Company, a corporation
Property: State Patent Application 11971
T. 46 N., R. 66 E.
Sec. 14 NE, N2NW, S2SE, S2SW, NWSW
Sec. 15 E2SE
Sec. 23 SWNW, E2NE
Doc Date: March 2, 1895
Recorded: March 11, 1895, Book 23 Deeds, Page 180
Comments: "Together with all and singular the tenements, hereditaments, appurtenances and rights to use of water with all ditches and privileges thereunto belonging or in any wise appertaining, and the revision and revisions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed
Party 1: Phillip Harney
Party 2: The Sparks-Harrell Company, a corporation
Property: State Patent Application No. 11917
T. 46 N., R. 66 E.

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Sec. 3 SWNE
Sec. 9 N2NW, N2NE, NWSE, S2SE
Sec. 15 N2NW, SWNW, NWNE
Sec. 16 NE

Doc Date: March 12, 1895

Recorded: March 20, 1895, Book 23 Deeds, Page 221

Comments: "Together with all and singular the tenements, hereditaments, appurtenances and rights to use of water with all ditches and privileges thereunto belonging or in any wise appertaining, and the revision and revisions, remainder and remainders, rents, issues and profits thereof."

This document appears to be a re-record of sorts of Book 23, Page 139 above with alterations to the "together with" language.

Doc Type: Deed

Party 1: John V. Sherer

Party 2: The Sparks-Harrell Company, a corporation

Property: State Patent Application No. 11921

T. 46 N., R. 66 E.

Sec. 13 All

Doc Date: February 19, 1895

Recorded: April 4, 1895, Book 23 Deeds, Page 241

Comments: "Together with all and singular the tenements, hereditaments, appurtenances and rights to use of water with all ditches and privileges thereunto belonging or in any wise appertaining, and the revision and revisions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed

Party 1: The Sparks-Harrell Company, a corporation

Party 2: Vineyard Land and Stock Company, a corporation

Property: Subject Lands and many other lands

Doc Date: October 31, 1908

Recorded: January 11, 1910, Book 31 Deeds, Page 622, File No. 78

Comments: "Said party of the first part hereby conveys unto the Grantee herein, all lands situate in the State of Nevada, now owned by it not herein specifically described an it likewise conveys unto said Grantee all land contracts, script locations now belonging to this corporation or in which this corporation may have the legal and valid right to acquire, perfect or secure title to any land or lands, land contracts, script locations or water locations or water rights, subject to any cost, charge or expense due or to become due thereon which said Grantee shall assume and pay; This grant is made subject to all sums now due or to become due unto the State of Nevada as and for principal on land contracts and also for all interest thereon that may accrue from and after November 1st, 1908. Together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed

Party 1: John Sparks and Jasper Harrell

Party 2: The Sparks-Harrell Company, a corporation

Property: Subject Lands and many other lands

Doc Date: July 18, 1891

Recorded: May 31, 1910, Book 32 Deed, Page 156, File No. 1640

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Comments: "Also all water, water rights, canals, ditches, flumes, channels, dams and water privileges on, belonging to or connected with the lands, or any part thereof herein conveyed. Together with all and singular the tenements, hereditaments and appurtenances, thereunto belonging, or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed
Party 1: John Tinnin
Party 2: Jasper Harrell
Property: Swan, Reel and Conway lands listed above and many other lands
Doc Date: January 16, 1891
Recorded: June 15, 1914, Book 35 Deeds, Page 75, File No. 8520
Comments: "Also all water, water rights, canals, ditches, flumes, channels dams and water privileges on, belonging to, or connected with the land or any part thereof herein conveyed. Together with all and singular the tenements hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof."

Doc Type: State of Nevada Land Patent No. 6652
Party 1: State of Nevada
Party 2: Thomas W. Holder
Property: T. 46 N., R. 66 E.
Sec. 14 NE, N2NW, S2SE, S2SW, NWSW
Sec. 15 E2SE
Sec. 23 SWNW, E2NE
Doc Date: December 3, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 2
Comments: Application No. 11971

Doc Type: State of Nevada Land Patent No. 6411
Party 1: State of Nevada
Party 2: Alex H. Reel
Property: T. 46 N., R. 66 E.
Sec. 14 S2NW, NESW, N2SE
Sec. 21 SENE, NESE
Sec. 22 SENW, NESW
Sec. 23 N2NW, SENW, W2NE, NWSE, NESW
Doc Date: May 24, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 36
Comments: Application No. 6426

Doc Type: State of Nevada Land Patent No. 6402
Party 1: State of Nevada
Party 2: Thomas J. Swan
Property: T. 46 N., R. 65 E.
Sec. 11 S2NE, NWNE
Sec. 12 SWNW

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Sec. 15 SESW
Sec. 22 W2SE, W2NE, NENW
Sec. 27 W2SE, W2NE, SENE
T. 47 N., R. 66 E.
Sec. 33 NWSE

Doc Date: May 24, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 110
Comments: Application No. 6416

Doc Type: State of Nevada Land Patent No. 6412
Party 1: State of Nevada
Party 2: Henry Conway
Property: T. 46 N., R. 66 E.
Sec. 15 NENE, S2NE, SENW, W2SE, SW
Sec. 16 E2SE, NWSE
Sec. 21 NENE
Sec. 22 N2NW

Doc Date: May 24, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 119
Comments: Application No. 6427

Doc Type: State of Nevada Land Patent No. 6591
Party 1: State of Nevada
Party 2: Philip Harney
Property: T. 46 N., R. 66 E.
Sec. 3 SWNE
Sec. 9 N2NW, N2NE, NWSE, S2SE
Sec. 15 W2NW, NENW, NWNE
Sec. 16 NE

Doc Date: November 9, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 196
Comments: Application No. 11917

Doc Type: State of Nevada Land Patent No. 6647
Party 1: State of Nevada
Party 2: John V. Sherer
Property: T. 46 N., R. 66 E.
Sec. 13 All
Doc Date: December 3, 1909
Recorded: December 21, 1921, Book 9 State Patents, Page 237
Comments: Application No. 11921

Doc Type: Deed
Party 1: Vineyard Land and Stock Company, a corporation
Party 2: The Utah Construction Company, a corporation
Property: Subject Lands and many other lands
Doc Date: December 24, 1921

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Recorded: December 30, 1921, Book 39 Deeds, Page 349, File No. 31700

Comments: "Together with all springs, water, and water rights situate upon said lands, or appurtenant thereto, or used or usable in connection therewith; and together with all improvements of every name, nature, kind or description situate upon any of said above described premises. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof."

Doc Type: Deed

Party 1: The Utah Construction Company, a corporation

Party 2: Wilkins and Wunderlich, a co-partnership, composed of Russell Wilkins and Martin Wunderlich

Property: "...all of the real property owned, and/or being purchased by the party of the first part in the County of Elko, State of Nevada, and the County of Box Elder in the State of Utah, together with all water and water rights used in connection with or appurtenant to the aforesaid lands."

Doc Date: March 20, 1945

Recorded: March 23, 1945, Book 53 Deeds, Page 186, File No. 85535

Comments:

Doc Type: Deed

Party 1: Russell Wilkins and Martin Wunderlich, a co-partners doing business under the name and style of the U C Land and Cattle Co.

Party 2: Salmon River Canal Company, Limited, a corporation

Property: Subject Lands and many other lands

Doc Date: May 24, 1947

Recorded: November 7, 1947, Book 55 Deeds, Page 539, File No. 97496

Comments: "Together with all water, water rights, rights to the use of water, dams, ditches, canals, reservoirs, pipes, pipe lines and any other means for the diversion and/or use of water appurtenant to and/or now or heretofore used or enjoyed in connection with said land, or any part thereof, including but without limitation thereto, 8000.87 acre feet of water annually out of the aggregate rights decreed and adjudicated to the predecessors of the first parties in the District Court of the United States in and for the District of Idaho, Southern Division, entitled "Twin Falls Salmon River Land and Water Company, A Corporation, Plaintiffs, vs. Vineyard Land and Stock Company, a Corporation, Defendant, and Utah Construction Company, successor in interest to the defendant, Vineyard Land and Stock Company, a Corporation, Defendant No. 405, "as modified by subsequent decisions and order in said cause, and as modified on appeal to the Circuit Court of Appeals, Ninth Circuit (85 Fed. 2nd 769) and in addition thereto the right to continue to permit portions of said lands to be flooded by the spring run-off and overflow and surplus waters of certain tributaries to Salmon River to the extent and in the manner as defined by said United States Circuit Court of Appeals; and all vested rights and all rights growing out of applications to or permits from the State Engineer of the State of Nevada, or any other Board or Tribunal and all rights growing out of appropriation and use of the water, and all rights growing out of any adjudication or decree of any court, whether in favor of the first parties or their or any of their predecessors in interest; and particularly all water rights now vested in Seller which were made appurtenant to the lands hereby conveyed, in that certain proceeding entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of Salmon River and its tributaries in Elko County, Nevada, "as modified and confirmed by the decree of the District Court of the 4th Judicial District of the State of Nevada in and for the County of Elko, dated March 3, 1923; and together with

any and all stock-watering rights owned or enjoyed by the first parties or their predecessors appurtenant to or in connection with any of the above described real estate.”

Doc Type: Deed

Party 1: Salmon River Canal Company, Limited, a corporation

Party 2: Salmon River Cattlemens' Association, Incorporated, a corporation

Property: Subject Lands and many other lands

Doc Date: December 2, 1947

Recorded: December 5, 1947, Book 55 Deeds, Page 591, File No. 97836

Comments: “Party of the first part is reserving all water, water rights, rights to the use of water, dams, ditches, canals, reservoirs, and other means for the diversion or use of irrigation water appurtenant to and/or used or heretofore used or enjoyed in connection with the land above described, or any part thereof, including without limitation thereto, all water rights decreed and adjudicated to the predecessors or the first parties in the District Court of the United State in and for the District of Idaho, Southern Division, entitled “Twin Falls Salmon River Land and Water Company, a corporation, and Salmon River Canal Company, Limited, a corporation, Plaintiffs, vs. Vineyard Land and Stock Company, a Corporation, Defendant, and Utah Construction Company, successor in interest to the defendant, Vineyard Land and Stock Company, a Corporation, Defendant, No. 405”, as modified by subsequent decisions and order in said cause, and as modified on appeal to the Circuit Court of Appeals, Ninth Circuit (85 Fed. 2d 769), and including the spring run-off and overflow and surplus waters of Salmon River and certain of its tributaries to the extent and in the manner/as defined by said United States Circuit Court of Appeals; and all vested rights and all rights growing out of applications to or permits from the State Engineer of the State of Nevada, or any other Board or Tribunal and all rights growing out of appropriation and use of water, and all rights growing out of any adjudication or decree of any court, whether in favor of the first party or its or any of its predecessors in interest; and particularly all water rights now vested in Seller which were made appurtenant to the lands hereby conveyed, in that certain proceeding entitled “In the Matter of the Determination of the Relative Rights in and to the Waters of Salmon River and its tributaries in Elko County, Nevada,” as modified and confirmed by the decree of the District Court of the 4th Judicial District of the State of Nevada in and for the County of Elko, dated March 3, 1923; provided, however, that there are expressly excepted from the foregoing reservation o water rights the following water rights:” - See language in Deed.

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STATE ENGINEERS OF IDAHO

EARLY WATER RIGHTS

Below were filed by Sparks-Harrell Co. in the Water Rights books in the Elko County Recorder's Office. Copies can be obtained.

<u>Book</u>	<u>Page</u>	<u>Year</u>		<u>Lands affected:</u>	
2	202	1892	"Harrell Ditch"	Sec. 9 Sec. 31	T. 45 N., R. 65 E., towards T. 47 N., R. 65 E.
2	209	1893	"Emegrant Springs Ditches"	Sec. 29, 30	T. 44 N., R. 67 E.
2	212	1893	"Hot Creek Ditches"	Sec. 5, 6, 8	T. 47 N., R. 67 E.
2	215	1893	"Rock Springs Ditches"	Sec. 3, 4, 10	T. 44 N., R. 67 E.
2	218	1893	"Trout Creek Ditches"	Sec. 23, 26, 35, 34 Sec. 2	T. 45 N., R. 65 E. T. 44 N., R. 65 E.
2	221	1893	"Loomis Ditch"	Sec. 24, 26	T. 41 N., R. 62 E.
2	224	1893	"Shoshone Creek Ditches"		T. 47 N., R. 64 E. T. 47 N., R. 65 E.
2	226	1893	"Trout Cr. Ditches 3 & 4"	Sec. 15, 22, 27, 34	T. 46 N., R. 65 E.
2	250	1894	"Summit Ditch et al"		T. 43 N., R. 65 E. T. 43 N., R. 66 E. T. 44 N., R. 65 E. T. 44 N., R. 66 E.
2	253	1894	"Spring Creek et al"		T. 41 N., R. 62 E. T. 42 N., R. 62 E.
2	256	1894	"Nall Ditch"		T. 43 N., R. 64 E. T. 43 N., R. 65 E.
2	266	1894	"Thousand Springs Valley Springs"	Sec. 18, 20	T. 40 N., R. 63 E.
2	268	1894	"Trout Creek and Coye Creek"	Sec. 1	T. 44 N., R. 65 E. T. 45 N., R. 66 E.
2	343	1899	"Harrell Ditch"	Sec. 6, 7, 18.	T. 46 N., R. 65 E.

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MISCELLANEOUS RECORDS, WATER RIGHTS

Found in Miscellaneous Records in the Elko County Recorder's Office. Copies can be obtained.

<u>Book</u>	<u>Page</u>	
2	654	1880 Jasper Harrell recorded a "Salmon River Ditch Water Right". Location is not described well but the map included in the record shows it is near "Manassa's Gap" and Jack's Creek off the Salmon River.
3	323	John Sparks, Thousand Springs Creek, T. 41 N., R. 64 E.
	324	John Sparks, Thousand Springs Creek, T. 41 N., R. 65 E.

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Exhibit 2
Relevant Historical Information

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ORIGINAL.

STATE OF NEVADA, } ss. RECORDER'S OFFICE,
County of Elko. }

ELKO, Oct 6th 1874

To all whom it may concern: Be it known that
Jasper Hannell has this day, in
pursuance of an Act of the Legislature of the State of Nevada, entitled
"An Act to Regulate Marks and Brands of Stock," approved February
27th, 1873, delivered to the Recorder of Elko County, his

mark, brand and counter brand for record, and I,
J. A. Rogers County Recorder, in and for
the County aforesaid, do hereby certify, that I am satisfied that such
brand and counter brand is unlike any other mark, brand or counter
brand in said county, of record, and so far as my knowledge extends,
different from any other in the State; and I further certify the following
to be a correct copy and description of such mark, brand and counter
brand:

Copy of Brand. Copy of Counter Brand.

✓ JH

Jame

Copy and Description of Mark.

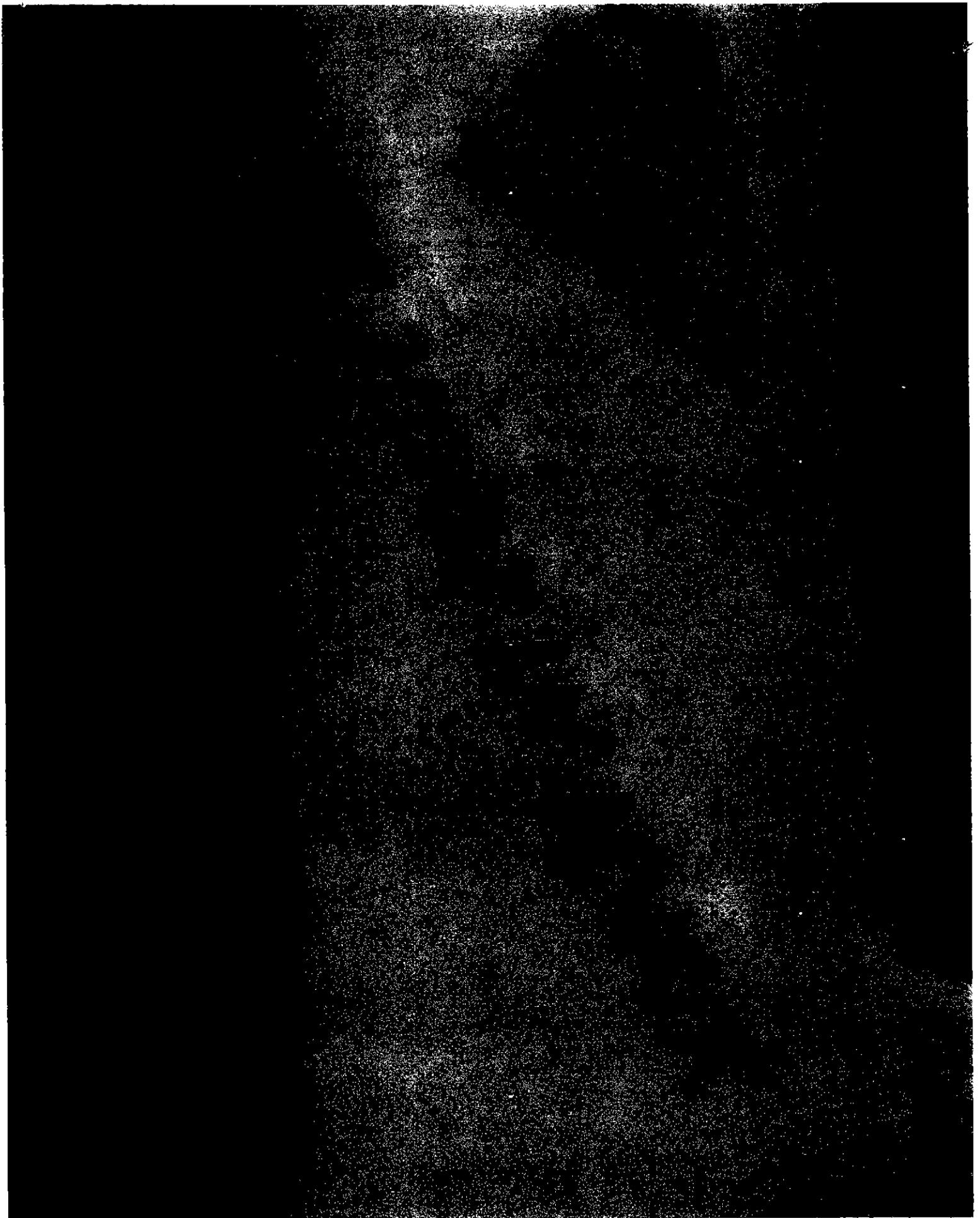


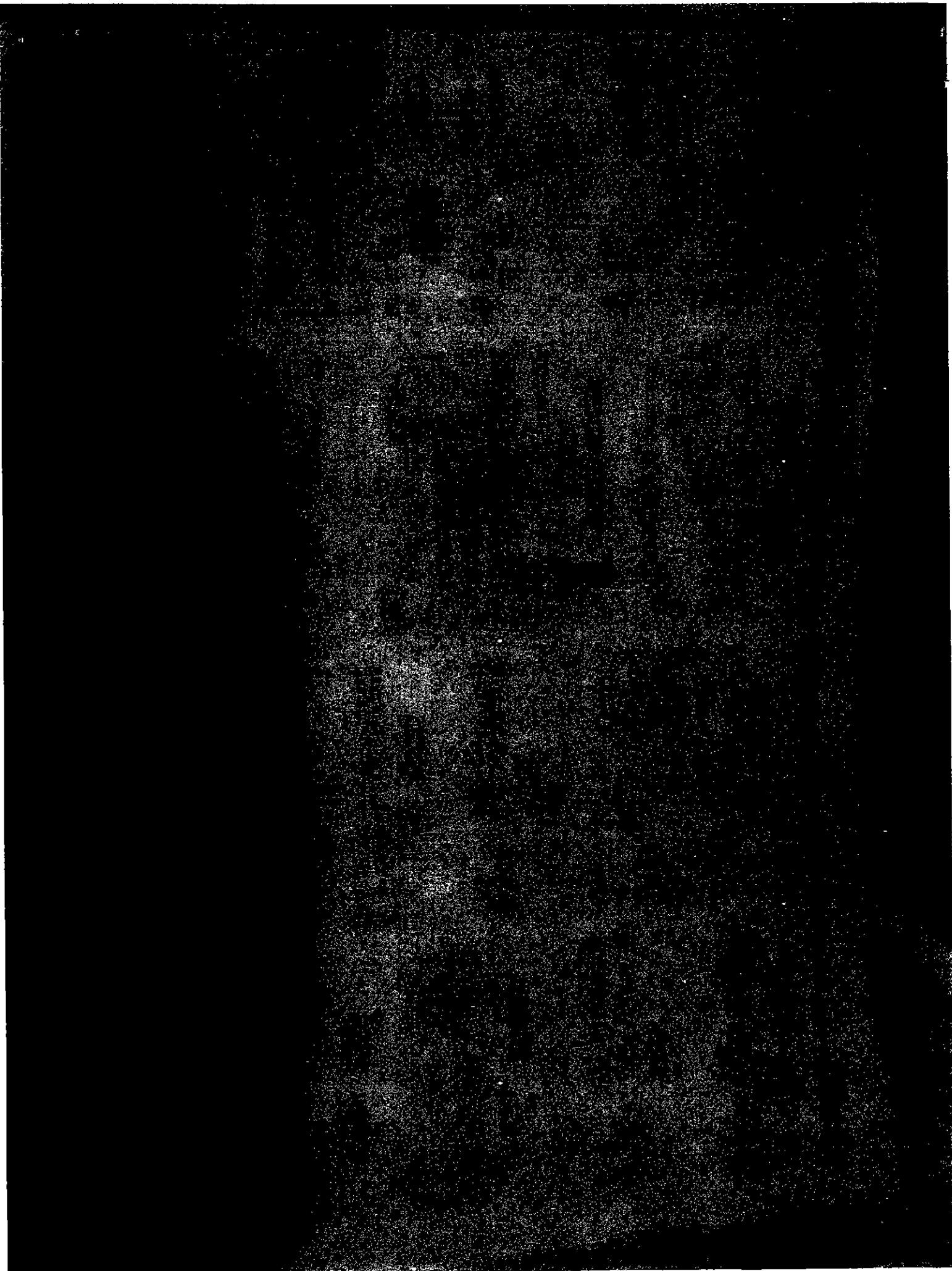
Over Slope in right and
under Slope in left.

Filed for Record and Recorded Oct 6th A. D. 1874

J. A. Rogers County Recorder.
By W. L. Harvey

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JAMES W. HULSE

Wilbur S. Shepperson Series in History and Humanities

Series Editor: Jerome E. Edwards

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Nevada 125th Anniversary Commission.**

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During the era when Bradley and Adams were serving in Carson City, another sprawling cattle dominion arose in northeastern Nevada. The originator in this case was Jasper Harrell, who grew up on a Georgia slave-owning plantation, rushed to California with the gold diggers, and turned to barley raising in the San Joaquin Valley. He began to acquire land adjacent to water holes in the Thousand Springs Valley of northern Elko County in 1870—the year after the driving of the golden spike

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Livestock and the Agricultural Frontier

at Promontory. By 1872, he had several thousand head of cattle on the ranges, most of them on land he did not own but could only be used by one who controlled the strategic springs and creeks. His ranch hands traversed the grasslands and sagebrush country on both sides of the Nevada-Idaho border, moving the cattle as necessary for grazing and warding off threatening intruders—especially sheepmen from Idaho—with their ever-handy rifles.

In 1883, when Harrell was well established, he sold his interests to a pair of Texas-based operators named John Sparks and John Tinnan. Both were southern-born veterans of the Confederate Army. Sparks had been especially successful at cattle raising even as a teenager and had expanded his operations northward to Wyoming after the Civil War. He did not find enough open rangeland there for his growing herds, so he entered Nevada and formed the partnership with Tinnan. Playing a business game that would later be called "take-over mania," the Sparks-Tinnan partnership soon absorbed most of Harrell's domain and called their spread the Rancho Grande. By the late 1880s they had between 80,000 and 90,000 animals on the range—twice as many cows as there were residents of Nevada.

Sparks not only co-managed the vast sagebrush realm in northern Nevada and southern Idaho, but he also operated a showplace ranch—the Alamo—in the Truckee Meadows south of Reno, where he proudly

John Sparks (Nevada politician)

From Wikipedia, the free encyclopedia

John T. Sparks (August 30, 1843 – May 22, 1908) was an American politician. He was the tenth Governor of Nevada, and was nicknamed **Honest John**. Like his predecessor, Reinhold Sadler, Sparks was a cattleman and his rise to political power was evidence of the decline of the mining industry and the rise of the ranching industry in Nevada. He was a member of the Silver – Democratic Party.

Contents

- 1 Biography
 - 1.1 Early life
 - 1.2 Cattleman career
 - 1.3 Political career
 - 1.4 Memorium
- 2 References
- 3 External links

Biography

Early life

Sparks was born on August 30, 1843 in Winston County, Mississippi. His family was one of those known as "new lands families", who specialized in developing land on the frontier and then selling out and moving on as settlement in the area increased. His family followed the frontier through Arkansas, moving on to Texas in 1857 by which point they were moderately wealthy. In Texas they began ranching cattle, and John became a proficient cowboy.

Cattleman career

In 1861, Sparks joined the Texas Rangers, probably to avoid being drafted into the Confederate Army. His unit was tasked with protecting settlers from the Comanche, and he did not fight in the Civil War. After the war, Sparks drove cattle in the huge Longhorn drives of the era, at first working for John Meyers, and later in

John Sparks



10th Governor of Nevada

In office

January 5, 1903 – May 22, 1908

Lieutenant Lemuel Allen
Denver S. Dickerson

Preceded by Reinhold Sadler

Succeeded by Denver S. Dickerson

Personal details

Born August 30, 1843
Winston County, Mississippi, U.S.

Died May 22, 1908 (aged 64)
Carson City, Nevada, U.S.

Resting place Masonic Memorial Gardens
Reno, Nevada, U.S.

Political party Silver – Democratic

partnership with his brothers. In 1872, Sparks married Rachel Knight and they had two daughters, Maude and Rachel.

In 1873, Sparks bought a large herd of cattle in Texas then drove them to Wyoming and established a ranch in the Chugwater River valley near Cheyenne. He sold that ranch and its 2,100 head of cattle the next year to the Swan Brothers. After that, Sparks established a series of ranches along the North Platte River, each of which he quickly sold and invested the money in the next ranch. Sparks also invested in a bank in Georgetown, Texas (his wife's hometown), where he also built a mansion. In 1879 his wife died, and in 1880 Sparks married her half-sister Nancy Elnora "Nora" Knight, they had three sons, Benton, Charles and Leland.

By that time there was no unclaimed rangeland left east of the Rockies, and Sparks cast his eye further west. Joining with fellow Texan John Tinnin, Sparks bought the H-D Ranch in the Thousand Springs Valley north of Elko, Nevada in 1881. In 1883 Sparks-Tinnin purchased all of Jasper Harrell's ranches for \$900,000. At that time, the Harrell ranches consisted of approximately 30,000 head of cattle ranging over a vast area of Nevada and Idaho. Very little of that land was owned outright. Sparks-Tinnin would obtain small portions of land surrounding a water source, and then deny other operations use of that water. This allowed it to control vast areas of public land that it did not own. Sparks-Tinnin would have an employee file for a homestead on the land that it wished to own, and then sell that land back to the company, as an individual could only file for one homestead in a lifetime. At its peak, Sparks-Tinnin was said to control 6% of the land in Nevada.

In 1885, Sparks moved to his 1,640 acre (6.64 km²) Alamo Ranch, located in the Steamboat Springs area just south of Reno, Nevada. There he built a "hobby" herd of pure-blood Hereford cattle. Sparks became famous at western livestock auctions by paying ridiculous sums for pedigreed Hereford cattle. By purchasing stock from other breeders rather than breeding his own, Sparks' herd was soon unbeatable at livestock shows. Sparks' sale of lesser cattle from his herd helped establish the Hereford as the dominant breed in Nevada. Sparks also raised "exotic" animals such as bison and deer at the Alamo Ranch.

The Sparks-Tinnin operation continued to grow throughout the 1880s until it, like all other western cattle operations, suffered a severe setback in the harsh winter of 1889-1890. During that winter the temperature reached -42 degrees Fahrenheit (-41 degrees Celsius) in Elko, and the range was covered in deep snow from January through March. At that time most large cattle operations in Nevada kept their cattle on the open range year round, with no supplemental feed in the winter. Losses of cattle on the range were catastrophic. In the spring of 1890 it was reported that one could walk for a hundred miles along the Humboldt River on cow carcasses, and floating carcasses jammed against bridges in Elko, causing flooding. Sparks later stated that of his herd of about 45,000 head, only 15,000 survived. He also claimed that of the survivors, 90% had the "white faces characteristic of Herefords". These were probably the descendents of Longhorn brood cows and Hereford bulls. As range cattle operations of the day typically ran one bull per twenty brood cows it was far cheaper to improve an existing herd by replacing the bulls then by creating a whole new herd. The survival rate of these Hereford/Longhorn crosses was ascribed to the superior qualities of the Hereford, however Hybrid vigor may have played a role.

Following the winter of 1889-1890, Tinnin could no longer make his mortgage payments to Jasper Harrell, and Harrell took over his shares. Sparks-Tinnin was renamed Sparks-Harrell. Between his expenditures on the Alamo Ranch, and losses in mining speculation, Sparks also ran into financial trouble, and sold his half of Sparks-Harrell back to Jasper Harrell in 1901.

Political career

After an unsuccessful Senate run, Sparks was elected Governor of Nevada in 1902, and re-elected in 1906. During this administration a state railroad commission was formed; the Nevada State Police was organized; an eight-hour work day bill for miners was passed; and a state engineering office was created.

In 1904, the town of Herriman, Nevada in Washoe County, Nevada was renamed Sparks, Nevada in honor of the governor.

Sparks died while still in his second term in office on May 22, 1908. At the time of his death he was reportedly broke, and the Alamo Ranch was quickly sold to settle his debts.

Memorium

The Alamo Ranchhouse, a portion of Sparks' Alamo Ranch, survives and is listed on the U.S. National Register of Historic Places.

References

Cattle in the Cold Desert by James A. Young and B. Abbott Sparks, University of Nevada Press, 1985, reprinted and expanded 2002

External links

- John Sparks (<http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=15090324>) at *Find a Grave*
- Biography (<http://dmla.clan.lib.nv.us/docs/nsla/archives/gov/govbib.htm>)
- Information on Sparks (<http://www.sparkschamber.org/name.html>)

Political offices		
Preceded by Reinhold Sadler	Governor of Nevada 1903 – 1908	Succeeded by Denver S. Dickerson

Retrieved from "https://en.wikipedia.org/w/index.php?title=John_Sparks_(Nevada_politician)&oldid=666195475"

Categories: 1843 births | 1908 deaths | Governors of Nevada | Members of the Texas Ranger Division | Nevada Democrats | Silver Party state governors of the United States | Sheep Wars | Democratic Party state governors of the United States | Nevada Silverites

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Stewardship Alliance of Northeast Elko County
SANE Sagebrush Ecosystem Conservation Plan

December 31, 2014

Prepared for:

NE Elko County Conservation District
c/o Robin Boies
HC 34 Box 300
Wells, NV 89835

Prepared by the:

Stewardship Alliance of Northeast Elko County
and

Sheila Anderson, Editor
Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703
775 / 883-1600



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With Grant Assistance from Public Lands Council and Nevada Department of Wildlife

3. GRAZING HISTORY

The cattle ranching business within the Plan Area dates back to the 1860's and the era of cattle barons and open rangeland grazing in Nevada. Completion of the Central Pacific Railroad made it feasible to raise and ship thousands of cattle to meet the large demands for beef in the Comstock, other mining districts, and the California markets.

Post-Civil War private land acquisitions in the Plan Area were made through federal land grant acts, land purchases from the State of Nevada, and purchases from the Central Pacific Railroad. Private lands throughout most of the Plan Area were originally acquired by Jasper Harrell and John Sparks. Harrell ranches ran approximately 30,000 head of cattle over a vast area of northeast Nevada and southern Idaho. Private land parcels were mostly restricted to areas that could be irrigated or were springs in strategic locations. John Sparks' purchase of Gollaher Mountain was one exception to purchasing only irrigable lands. This was one of the rare examples of a rancher obtaining title to his summer rangelands (Young and Sparks 2002).

Jasper Harrell sold his holdings to John Sparks and John Tinnin making them among the largest ranchers in the West. Their cattle empire on the sagebrush/grasslands ranged from Wells to Pilot Peak on the south and to the Snake River on the north. Their range was overstocked with 70,000 head of cattle grazing year round (Young and Sparks 2002).

Many observers recognized that the range was being overgrazed. In 1886 the State legislature was requested to fund research to find ways to seed and restore the range. The newness and the immensity of the ranching industry was without standards for ranchers to gauge the capacity of the sagebrush/grasslands to sustain continued intense utilization. John Clay, a recognized leader of the industry at the time, suggested tightening the credit system as the key to solving the industry's problems. The idea of range management did not even surface (Young and Sparks 2002).

Rarely does a single climatological event alter the plant and animal ecology or change the social and economic structure of a wide geographical area. However, such a far-reaching and dynamic event was the devastating winter of 1889-90 in the sagebrush/grasslands of western North America.

(J. A. Young and B.A. Sparks)

The "white winter" of 1889-1890, marked the first significant change in open grazing practices, and particularly winter grazing in the sagebrush/grasslands. Months of record low temperatures of -40°F and deep snow caused huge losses of animals dependent upon open range forage and browse. Catastrophic losses of livestock were reported as high as 95 percent. Sparks-Tinnin had branded thirty-eight thousand calves during the 1885 roundup on their Nevada and Idaho holdings. In 1890 they branded only 68 calves (Young and Sparks 2002).

In the spring of 1890, the effect of the enormous winter precipitation was excellent for plant growth. However the impacts of unlimited livestock grazing during the previous two decades had

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selectively exploited perennial grasses and herbs and the advantageous growing conditions favored the remaining shrubs and woody vegetation. This transition brought about a significant change in the forage resources of the sagebrush/grasslands as the era of unrestricted-grazing left a permanent mark on the landscape, the effects of which are still evident and irreversible in some places, even with the best management practices available.

Following the disastrous winter of 1889-1890, the need to grow hay for winter feeding was obvious and irrigation became a common practice that resulted in converting terraces and some alluvial sites from shrubs to irrigated meadow and created many stringer meadows preferred by greater sage-grouse for late brood rearing. By 1894, Sparks had about ten thousand acres under irrigation.

Open grazing continued until 1934 with the passage of the Taylor Grazing Act. Over a period of the next twenty to thirty years, Grazing Districts were formalized, State Grazing Boards were established, and grazing allotments with specific forage allocations were adjudicated, usually to the current land users.

In the 1940's the historic land ownership pattern changed again in the Plan Area. Divisions and parceling of smaller individual ranches occurred that are representative of the current ownership pattern.

President Franklin D. Roosevelt closed the remaining vacant federal lands to acquisition with only approximately six percent of the available public domain (excluding railroad lands) transferred into private ownership in Nevada. With no legal way to obtain title to the acres of rangeland necessary to sustain an economic livestock operation, the best feasible option was to continue using the public lands. As rangeland survey information became available and the science of rangeland ecology and management advanced, the BLM adjusted permitted use (also called "preference") to balance livestock grazing with annual forage production, physiological needs of the plants, and wildlife needs.

Current levels of permitted public land grazing has been reduced significantly over the past several decades. Reductions from 1980 to 1999 were estimated at 44,311 AUMs in the Elko BLM District (RCI 1994). At that time the AUM reduction was estimated to result in an economic loss of \$2.4 million per year.

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