Proof No. 40865

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	☐	Stock water	☑	Mining and Milling	☐	Domestic	☐
Municipal	☐	Industrial	☐	Quasi-Municipal	☐	Commercial	☐
Federal Reserved Right	☐	Other (OTH)					

Secondary (Select all that may be applicable):

Stock water ☐ Domestic ☐

NAME OF CLAIMANT Alder Creek Denio Ranch, LLC

Address P. O. Box 228 City of Denio County of Humboldt

State of Nevada Telephone No. 775-941-2247 Email Address aldercreek5@yahoo.com

1. Source of water South Willow Springs

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 natural channel

Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):

NW¼ SW¼ Section 11, T. 44 N., R. 30 E., M. D. B. & M.

GPS coordinates = 41.700478 N., -118.59366 W.
Coordinate location and 40-acre subdivisions based on U. S. BLM Geocommunicator Site

(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 1873

and completed _____

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Public domain with appurtenant grazing permit

Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / 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

0.21 cubic feet per second cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

Pine Forest Valley
2-29
HV

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):

Unsurveyed. ~~SE¼ SW¼ Section 25, T. 44 N., R. 29 E., M. D. B. & M.~~
NW¼ SW¼ Section 11, T44N, R30E, M.D.B.&M.

DT per email 8/18/2016

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of 1873/1892 (Year) was

4000 cattle 32 horses _____ sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 through December 31

10. The approximate number of animals watered by the claimant in subsequent years was:

1,000 cattle _____ horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Cattle water in the natural channel
Trough(s), tank(s)s, pool(s), reservoir, natural channel, etc.

QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was _____

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

14. The dimensions and type of pipeline as originally constructed were: Diameter of _____ inches with a type of pipe of _____ for _____ feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged.
(circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced _____ and completed _____

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

Claimant is the successor in interest to the original patentee (Patent No. 3915, issued on July 18, 1898 recorded in Book 34, Pages 485-487 in the office of the Humboldt County Recorder) who filed a possessory claim prior to 1898. The original patentee was Francis A. Hassey. Please see V-05238 for number of animals taken from Humboldt County tax assessment rolls.

In addition, the present day ranching operation at the Alder Creek Denio Ranch was part of the "vast" Miller and Lux ranching operations which actively grazed cattle in the area, from at least 1873. Please see Attachment No. 1, a brief biography of Henry Miller. The Miller and Lux operations were organized as the "Pacific Live Stock Company". Under this name, several water right applications were made within the environs of the present Alder Creek Ranch.

This spring roughly coincides with the location of V-02911,which was filed on for Irrigation purposes. The Owners of Proof V-02911 claim a 1905 priority. Alder Creek Denio Ranch, LLC claims a 1873 Priority, based on the presumption that stock watered from the Spring, before it was developed for Irrigation purposes.

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

Alder Creek Denio Ranch, LLC are full and correct to the best of their knowledge and belief.
(Name)

Sam E. Monteleone is the authorized by the Claimant to file this Proof.
If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Sam E. Monteleone Signature Sam E Monteleone
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 2426 Haida Court State of Nevada ZIP Code 89509-9118

Telephone Number 775-843-4419 Email Address oldnevadanwater@gmail.com

State of Nevada

County of Carson City

Subscribed and sworn to before me on May 12, 2016
(Date)

by Sam E. Monteleone

Susan Cox
Signature of Notary Public Required

SUSAN COX
NOTARY PUBLIC
STATE OF NEVADA
No. 08-06308-12 My Appt. Exp. April 11, 2017

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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Alder Creek Denio Ranch,
LLC Stock Water Proofs
(V10862 through V10866)

Attachment One

Part I

Henry Miller: The Cattle King of California (1827-1916)

- Home »
- Entries »
- Henry Miller: The Cattle King of California

Henry Miller immigrated to the United States in 1847. After building up a thriving butcher business in San Francisco, he engaged in cattle rearing and farming, invested heavily in irrigation systems, and formed a partnership with fellow German immigrant Charles Lux in 1858. By the end of the nineteenth century Miller & Lux had become America's largest integrated cattle and meatpacking enterprise, owning close to 1.3 million acres of land in California, Nevada, and Oregon.

Author » Britta Waldschmidt-Nelson, German Historical Institute **Published:** May 06, 2013 **Updated:** September 05, 2013

Henry Miller (born July 21, 1827, in Brackenheim, Kingdom of Württemberg; died October 14, 1916 in San Francisco, CA) immigrated to the United States in 1847. He arrived in San Francisco on September 24, 1850, with only six dollars in his pocket but soon became one of the most successful entrepreneurs on the West Coast. After building up a thriving butcher business in San Francisco, he engaged in cattle rearing and farming, invested heavily in irrigation systems, and formed a partnership with fellow German immigrant Charles Lux in 1858. By the end of the nineteenth century *Miller & Lux* had become America's largest integrated cattle and meatpacking enterprise, owning close to 1.3 million acres of land in California, Nevada, and Oregon. Miller became famous as "the Cattle King of California." By the time of his death in 1916 (Lux had died in 1887), his estate was appraised at about $40 million (approximately $820 million in 2010$), and he had played a decisive role in reshaping large tracts of California's natural landscape, laying the foundations for the rise of the state's modern, agribusiness economy.[1]

By the 1870s, the partners already owned more than 300,000 acres of land in California. In the next two decades, they further expanded their holdings, eventually crossing into Oregon and

Nevada (where Miller began to buy up ranches and brands in the 1880s and established the Pacific Livestock Company).[23] By the end of the nineteenth century, *Miller& Lux*'s property consisted of about 1.4 million acres of land, and Miller liked to boast that he could ride from Mexico to Oregon, sleeping on his own land every night. Moreover, the strategic locations of his ranches, as well as favorable water rights and leasing arrangements, allowed the company to control ten times as much land as it actually owned, according to many sources.[24] The total number of animals it possessed varied constantly, but in 1888 it was estimated that *Miller & Lux* owned at least 100,000 head of cattle and 80,000 sheep.[25]

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[23]Cf., e.g., Igler 55-59, 149-154; Scheuring, 72-75; Bancroft, 378; Birmingham, 38-42; Atherton, 177-179. In order to simplify proof of ownership, all of the *Miller & Lux* cattle in California were eventually branded or rebranded with the HH brand; the Oregon cattle received the "S-wrench brand" (with the S reversed), and the Nevada ones a "7" or an "L.F.," which were the brands Miller had purchased there. Sawyer, 29; and Treadwell, 46-62, 95-148.

[24] James Rawls and Walter Bean, *California: An Interpretive History* (New York: McGraw-Hill, 2003), 185. Miller himself stated once that his company controlled about ten times as much land as it owned. Miller, "Dictation," 19. The *East Oregon Herald* proclaimed on October 30, 1895, that Miller's company had monopolized 14,439,300 acres of land, and various other newspapers printed similar statements throughout the 1890s. When Miller died in 1916, a number of papers reported that he left an estate of over fourteen million acres. Sawyer, 24; Igler, 153; also see 227n3. This vastly exaggerated number is still incorrectly cited by more recent sources today; cf. e.g. Birmingham, 42; and Bernard Taper, "He Owned California: Henry Miller – Story of an Empire Builder," *San Francisco Chronicle,* August 20, 1954.

[25] Besides cattle and sheep, the company owned many hogs, horses, and mules. Igler, 143; Miller, "Dictation," 19; Press Reference Library, *Notables of the Southwest* (Los Angeles: *Los Angeles Examiner*, 1912), 255. According to a report cited by Bancroft, *Miller & Lux* supplied the San Francisco market in 1881 alone with more than 83,000 animals (among them 12,818 steers, 2,682 cows, 6,564 calves, 21,202 lambs, and 7,631 hogs), Bancroft 281.

Part II

History of the Soldier Meadows Ranch and Lodge(soldiermeadows.com/htm/history.html)

In the 1860's, Nevada sold lands at Soldier Meadows to individuals to raise money for the State. The first record of taxes paid on Ranch interests at Soldier Meadows began in 1866. Various small ranches were started and operated by individuals throughout the area over the next several years until the 1880's when Doc Glenn and E.W. Crutcher (the larger holders of Ranch lands in the area) sold out to Cattle Barons Miller and Lux. To control the region, Miller and Lux began to acquire the other smaller ranches in the late 1800's. They called the region "Black Rock Ranch." Growing and cutting hay for winter feed, raising Horses, Cattle and Sheep, the Black Rock region was a part of Miller and Lux's Pacific Livestock Company which was formed in 1887.

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Part III

Also please see documents and chain's of title on file in the State Engineer's Office for Decrees on Piute Creek, Battle Creek, and Bartlett Creek. Miller and Lux (Pacific Livestock Company) and or their predecessors were active in the northern Humboldt County region since at least 1867.

Part IV

Excerpt from *Humboldt County, 1905*, Allen C. Bragg. Page 39-40.

"Miller and Lux own ten ranches in this section besides numerous camps. They are: Soldier Meadows, Piute Meadows, Battle Creek, Leonard Creek, Nut Creek, Alder Creek, Virgin Valley, Hot Springs, Big Creek, and Quinn River Crossing."

Part V

Excerpt from:

The
Oregon
History
Project

This website is created by the
Oregon
Historical
Society
www.ohs.org

Henry Miller and Charles Lux, another immigrant butcher from Germany, formed a partnership in 1858, quickly becoming prosperous selling beef during the California Gold Rush. Over the course of the next several decades Miller and Lux acquired a massive land empire, owning outright over 1.25 million acres of land that stretched from California's San Joaquin Valley across **northwestern Nevada** and northward over much of Oregon's Harney County and Idaho's Owhyee County into the Blue Mountains of Baker and Grant counties, Oregon.

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Organized as the "Pacific Live Stock Company," Miller and Lux's string of Oregon ranches were overseen by their trusted lieutenant John Gilchrist. The initials P.L.S.C. soon became a detested symbol of "ruthless monopoly" to many of the region's smaller ranchers and other newer residents. Although arriving with a contingent of *Californio vaqueros*, Gilchrist soon initiated a "hire-local" policy for buckaroos and other ranch hands so as to build good will with the company's growing number of white neighbors. Still, P.L.S.C. found its hay fields subject to late-summer arson fires and its herds to ongoing rustling by disgruntled settlers.

Lake County also had large absentee-owned livestock operations, the most significant of which came late in the nineteenth century when James "Turk" Haggin—Miller and Lux's main California competitor, as well as their fierce opponent in various water-right legal battles—bought up rich pastureland along the Chewaucan River, which Haggin and his descendants steadily developed into the sprawling ZX Ranch.

The massive herds of the "cattle barons" had a signficiant influence on southeastern Oregon's landscape. In his classic study, On the Cattle Ranges of the Oregon Country, historian J. Orin Oliphant documents that overgrazing during the late nineteenth and early twentieth centuries contributed to the widespread conversion of the high desert's bunchgrass-studded hillsides to far less desirable sagebrush.