

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

**PRELIMINARY ORDER OF DETERMINATION**

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN  
AND TO ALL WATERS OF DIAMOND VALLEY, HYDROGRAPHIC BASIN  
NO. 10-153, ELKO AND EUREKA COUNTIES, NEVADA.

J. K. P.E.  
JASON KING, P.E.  
State Engineer

Dated this 30<sup>TH</sup> day  
of AUGUST, 2018.



## CERTIFICATION OF STATE ENGINEER

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I, Jason King, P.E., State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the Office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Preliminary Order of Determination of the relative rights in and to all waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada. This Preliminary Order of Determination was prepared and filed in the Office of the State Engineer on the 30<sup>TH</sup> day of AUGUST, 2018.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 30<sup>TH</sup> day of AUGUST, 2018.

  
\_\_\_\_\_  
JASON KING, P.E.

State Engineer

**ADJUDICATION**

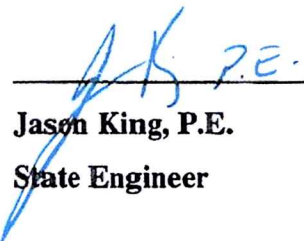
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**DIAMOND VALLEY**

**ELKO AND EUREKA COUNTIES, NEVADA**

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Presented herewith is the Preliminary Order of Determination defining the rights in and to all waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada. This Preliminary Order is prepared under the provisions of Chapter 533 of the Nevada Revised Statutes.

  
\_\_\_\_\_  
**Jason King, P.E.**  
**State Engineer**

Made, filed and caused to be entered of  
record in the Office of the State Engineer  
this 30<sup>TH</sup> day of AUGUST, 2018.

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## I. GENERAL

On October 8, 1982, the State Engineer issued Order 800 entitled *Order Initiating Proceedings* pursuant to NRS § 533.090(2). The *Order* commenced this adjudication to determine the relative rights in and to all waters in the Diamond Valley Hydrographic Basin (10-153), located in Elko and Eureka Counties, Nevada pursuant to the procedure set forth in NRS § 533.087, *et seq.* Also on October 8, 1982, the State Engineer issued Order 801, *Notice of Order and Proceedings*, which underwent publication in the Eureka Sentinel located in Eureka, Nevada, and was served by certified mail to persons identified as owning land within the subject area that could be potential claimants as required by NRS § 533.095.

On November 18, 1982, the State Engineer issued Order 802, *Notice of Order for Taking Proofs to Determine Water Rights*. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before February 10, 1984. A copy of the *Notice of Order* was served by certified mail on November 18, 1982, to persons identified as owning land within the subject area that could be potential claimants. The *Notice* was published in the Eureka Sentinel located in Eureka, Nevada, pursuant to NRS § 533.110.

On December 23, 1983, the State Engineer extended the period of time for all claimants to submit proofs in support of their claims to February 10, 1985 in response to a request from John Buffham of the Romano Ranch. A copy of the *Notice of Extension of Time* was served by certified mail on December 23, 1983, to persons identified as potential claimants within the adjudication area.

On January 25, 1985, the State Engineer extended the period of time for all claimants to submit proofs in support of their claims, to August 12, 1985 in response to a request from Roy Risi of the Hay Ranch. A copy of the *Notice of Extension of Time* was served by certified mail on January 25, 1985, to persons identified as potential claimants within the adjudication area.

On June 11, 2014, Sadler Ranch, LLC requested that the State Engineer adjudicate the relative rights of Big Shipley Hot Springs and Indian Camp Springs in Eureka County, Nevada. On February 10, 2015, the State Engineer deferred the Sadler Ranch request for adjudication citing a large backlog of prior initiated adjudications and that the Big Shipley Hot Springs and Indian Camp Springs issues had been addressed in State Engineer's Ruling 6290.

On August 21, 2015, the State Engineer issued Order 1263, a *Notice of Order and Proceedings to Determine Water Rights, both Surface and Underground* in the matter of the determination of relative rights in and to all waters in the Diamond Valley Hydrographic Basin (10-153), Elko and Eureka Counties, Nevada. The *Order* effectively reinitiated Order 801, which was issued in 1982. A copy of the *Notice of Order* was served by certified mail on August 21, 2015, to persons identified as owning land within the subject area that could be potential claimants. The *Notice* was published in the Elko Daily Free Press located in Elko, Nevada pursuant to NRS § 533.095.

On October 16, 2015, the State Engineer issued Order 1266, a *Notice of Order for Taking Proofs to Determine Water Rights*. The *Order* reestablished the actions initiated by Order 802, issued in 1982. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before May 31, 2016. A copy of the *Notice of Order* was served by certified mail on October 16, 2015, to persons identified as owning land within the adjudication area that could be potential claimants. The *Notice* was published in the Elko Daily Free Press located in Elko, Nevada pursuant to NRS § 533.110.

On March 8, 2016, the State Engineer denied a request from the United States of America, Department of the Interior, Bureau of Land Management (BLM) dated February 22, 2016, to extend the period of time for submitting proofs, citing the issuance of the State Engineer's Order 1264<sup>1</sup>, which designated the basin as a Critical Management Area (CMA). As a CMA, the majority of the water right holders have ten years to develop a Groundwater

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<sup>1</sup> State Engineer's Order No. 1264, dated August 25, 2015, official records in the Office of the State Engineer.



Management Plan. One component of such a plan is the determination of the extent of water rights within the basin's pre-statutory water rights, which are determined via adjudication. Based in part on the amount of time that has passed, the CMA designation and that claims had already been filed by the BLM, the request for an extension was denied.

Pursuant to NRS § 533.140, the State Engineer affixed his signature to the Abstract of Claims on August 30, 2018 and hereby issues this Preliminary Order of Determination.

## **II. WATER SOURCES AND FLOWS**

The sources of water that are the subject of this adjudication are located within Elko and Eureka Counties, Nevada, and consist of groundwater and all streams and springs within the Diamond Valley Hydrographic Area (10-153). Diamond Valley is an inter-mountain valley in east central Nevada. The basin is roughly elliptical in shape, oriented in a generally north-south direction. It is approximately 60 miles long and averages twelve miles in width. The total area of the drainage area is approximately 735 square miles (see Figure 1.).

The basin is bounded on the east by the Diamond Mountains and on the west by the Sulphur Spring Range, Whistler Mountain and the Mountain Boy Range. The southern boundary is formed by the Fish Creek Range.

The lowest part of the valley is the playa at the northern end of the valley at an elevation of about 5,750 feet (1,750 meters). Southward from the playa, the valley floor rises at a gradient of about ten feet per mile. The highest point in the valley is Diamond Peak in the Diamond Range with an elevation of 10,631 feet (3,240.3 meters).<sup>2</sup>

Present day streams are principally confined to a few of the canyons in the mountains, with discharge onto the alluvial fans and valley floors only occurring during the spring freshet or during storm flash-flood events.

The main areas with substantial irrigation along the west side of the valley include the ranches owned by: Ira R. and Montira Renner; Sadler Ranch, LLC; the Bailey Family Trust; and

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<sup>2</sup> Diamond Peak, Nevada , NGS Datasheet, National Oceanic and Atmospheric Administration, Retrieved June 19, 2017

Kobeh Valley Ranch, LLC. Ranches on the east side of the include those owned by: Milton Thompson, Daniel S. Venturacci, Bar D Land and Livestock, LLC, the Beck Family Trust, the Bingham Revocable Living Trust, Mary Bell Fiorenzi and Pernicea Johnson, Nathan and Pernicea Johnson and James E. and Vera L. Baumann. The majority of the streams and springs support stockwatering. The smaller streams are intermittent and only flow during the spring freshet or during storm events during the rest of the year.

Flow measurements of springs, streams and artesian wells recorded during field investigations by staff of the Office of the State Engineer along with historical reported data are publicly available from the website of the Office of the State Engineer<sup>3</sup>. Field reports generated from the field investigations are on record within the Diamond Valley Adjudication in the Office of the State Engineer.

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<sup>3</sup> Nevada Division of Water Resources' Spring and Stream Flow Database, official records in the Office of the State Engineer, available at <http://water.nv.gov/SpringAndStreamFlow.aspx>.



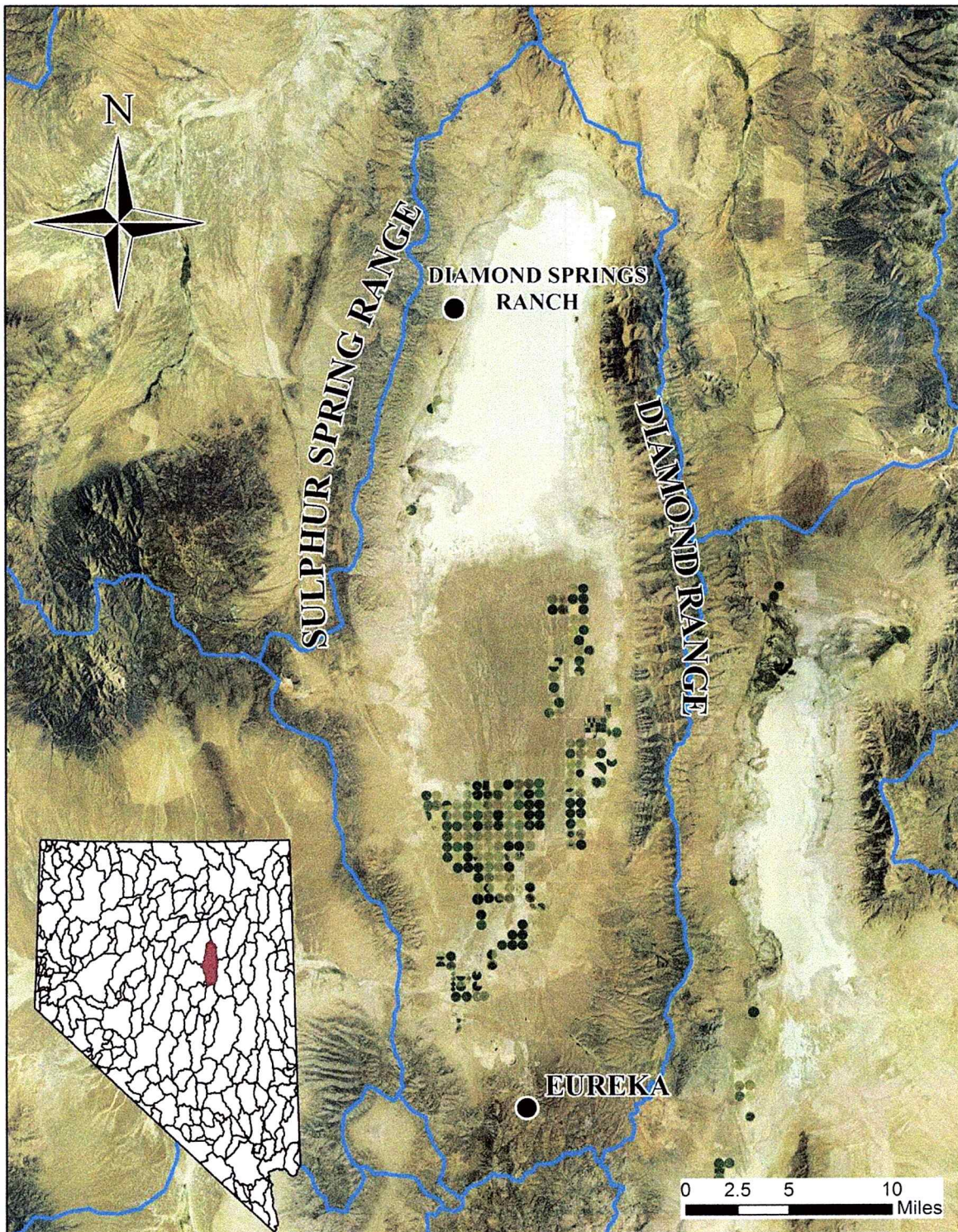


Figure 1. Location map of the Diamond Valley Hydrographic Basin (10-153).

### III. DETERMINATION OF RIGHTS TO THE USE OF WATER

Claims to pre-statutory vested water rights on sources of water were established by filing proofs of appropriation in the Office of the State Engineer and submitting evidence to support the claimed date of priority, manner of use, place of use (POU) and the amount of water actually diverted and applied to beneficial use. Evidence is reviewed in conjunction with records such as, but not limited to permits, applications, proofs, maps, reports of conveyance and field investigations conducted by the Office of the State Engineer. Other data available in the public domain such as property records (Government Land Office (GLO) maps/plats/survey notes, land patents, etc.), census data, recent and historical aerial photography and insurance maps to determine the limit and extent of vested water rights claimed in this proceeding are also utilized.

Priority date is established as the year in which a water source was initially diverted and beneficially used. For surface water pre-statutory claims, water must have been diverted and beneficially used prior to March 1, 1905.<sup>4</sup> For pre-statutory claims to artesian underground sources, prior to March 22, 1913, and prior to March 25, 1939 for percolating underground sources.<sup>5</sup>

The doctrine of relation back may be applicable if the claimant can demonstrate the date at which the diversion of water was commenced and that such work or construction progressed with due and reasonable diligence to completion and beneficial use established (doctrine of “relation back”).

As discussed below, the State Engineer describes the reasoning used to determine duty for the use of water for stockwatering. The limit and extent of water rights issued for all manners of use is limited to the quantity of water reasonably necessary for such use, without waste.<sup>6</sup> The period of use for all manners of use is January 1<sup>st</sup> to December 31<sup>st</sup>, unless otherwise specified.

#### *A. Irrigation*

Duty for irrigation purposes is determined by the class of culture type, identified as harvest, meadow and diversified pasture, further defined as follows:

**Harvest** crop areas include all lands devoted to cultivated crops, such as grains,

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<sup>4</sup> 1905 Nev. Stat. ch. 46.

<sup>5</sup> NRS § 534.080(1).

<sup>6</sup> NRS § 533.035.



truck farm crops (produce) and orchards, but not limited to them. Also all irrigated native or other grass lands which normally receive sufficient water through a defined irrigation system (ditch and/or sprinkler systems) to produce a crop which will justify utilizing either manual or mechanical methods for cutting hay, although sometimes it may be pastured and not cut.

**Meadow/Pasture** crop areas are in production with crops of native and/or domesticated grasses with minimal invasion by weeds and brush and may be classified as good pasture but not of sufficient quality or quantity to be cut. Lands are irrigated as long as water is available through a defined irrigation system (ditch and/or sprinkler systems). Volumes of water utilized for irrigation are less than the amount necessary for harvest. Distinction from harvest is that lands in production are precluded from harvesting due to access, topography and/or rocky field conditions preventing the use of manual or mechanical harvesting methods.

**Diversified Pasture** areas include all grass lands from which brush has not been cleared but which are artificially irrigated by the farmer/rancher to some extent for the production of grasses for pasture. These lands are usually watered only when the stream is in flood stage or when there is excess water above the needs of higher-class culture. In addition, this classification includes those areas in the irrigated fields, which are grown up with willows, and the depression or other areas covered with tule reeds, horsetail rushes and flags (wild iris), if there is grass amongst them. While these latter areas generally receive as much or more water than is required for the higher class of culture, the excess water cannot be considered as being used beneficially, hence the right to divert it should not be recognized.

Water considered drain, waste and/or tail water is defined to be such water that has escaped from the irrigation infrastructure or those waters which have passed from the developed irrigation infrastructure or beneficial use area and is allowed to flow uncontrolled across adjacent ground.

In the Diamond Valley area, the Net Irrigation Water Requirement (NIWR) for alfalfa is 2.5 acre-feet per acre.<sup>7</sup> The State Engineer finds that the duty of water required to be diverted from the source to grow a full season of harvest crop is 3.0 acre-feet per acre, 2.0 acre-feet per acre for meadow/pasture crop and 0.75 acre-feet per acre for diversified pasture. These duties include the waters that would be consumed during transport (ditch loss). Sources of water that are commingled for irrigation at the same POU are limited to a total combined duty dependent on the crop type. Duty is described as acre-feet per annum (afa) if the period of use is year round, or

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<sup>7</sup> *Evapotranspiration and Net Irrigation Water Requirements for Nevada*, Huntington and Allen, 2010, State of Nevada, Division of Water Resources Publication, pp. 258.

acre-feet per season (afs) if the period of use is less than 365 days per calendar year. In Diamond Valley, the State Engineer has determined that the growing season is established as occurring between April 1 and October 31 of each year unless otherwise noted.

The amount of water herein granted in this adjudication represents the historical usage prior to the statutory water law from the water sources. The State Engineer recognizes that full utilization of the diversion rate and delivery of the associated duty is ultimately limited by water availability at the source, and in many years, water at the source is not sufficient to meet crop water demands. It is understood that no rights in excess of that amount are implied or inferred. Generally, throughout Northern Nevada, early July is the common time for harvesting crops of hay, both native/wild and a mixture of domestic pasture grasses. The reason for this date is two-fold: first, the crop of grass has reached its peak growth for harvest at this time, and second, stream flow has receded to a point where there is no longer a sufficient flow to adequately irrigate the crop for a second harvest. However, water may be available for a second irrigation season of a crop if there is upstream storage in a reservoir or if the water source is a spring that has sufficient flow for a longer period of time during the year. Generally, if it is a good water year, then any bonus flow would be used to grow as much grass as possible to be grazed later in the fall.

The filings by non-federal claimants for irrigation purposes in some instances, have claimed portions of places of use controlled by the federal government. The non-federal claimants in this proceeding are the successors in interest to the original appropriators who diverted and put to beneficial use various streams and springs that existed and crossed the federal public lands. Irrigation occurred on the open public lands even though the claimants had no title to the place of use. The prior appropriation system of acquiring waters rights by those who were early settlers on the public domain is recognized by the State Engineer as a way of establishing vested water rights. These acts of settlement were later codified through legislation by Congress, who recognized appropriations of water on the public range for various purposes including agriculture that had been only tacitly recognized before.<sup>8</sup> The State Engineer finds that the waters of this adjudication are non-navigable waters and that the Congressional legislation enacted specifically defined irrigation as a right to the use of the water on the public range.

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<sup>8</sup> Mining Act, 14 Stat. 253, § 9 (1866); Homestead Act, 16 Stat. 218 (1870); Desert Land Act, 19 Stat. 377 (1877), 43 U.S.C. § 321 et seq. (1964).

Even though the original settlers were trespassers on the public range, the federal government did not act to evict them. This lack of action allowed for the conveyance of possessory titles to land and water rights acquired transferring from one holder to another. Some of these possessory claims to land eventually came into private ownership through patents that did not necessarily include the entire place of use where historical irrigation was occurring. The conveyance of possessory rights on the public range for irrigation or stockwater would transfer in the same manner as water appurtenant to private lands. A settler in good faith might convey his possessory interest in the land and in the water right appurtenant thereto by voluntary surrender to one who takes possession from him. The transferee became vested with all the right his predecessor had in the premises.<sup>9</sup> The lands where the possessory claimants and initial appropriators originally irrigated were on unsurveyed public lands and the boundaries of those lands did not necessarily have definite metes and bounds. These appropriations already made on the public lands and recognized by Congress were a confirmation of the right to insist on the use of the waters to the extent necessary for beneficial purposes for the entire place of use before any control of the public domain was exerted by the federal government. The State Engineer previously found that the waters claimed for irrigation are not “federal property.” The State Engineer finds that the claims for irrigation wherein portions of the places of use claimed are lands controlled by the federal government are viable claims unless otherwise determined in this Order.

### ***B. Stockwatering***

Claims filed for stockwater refer to differing quantities for the type of animals from their earliest date of beneficial use to the present. The State Engineer recognizes that livestock are opportunistic and that the number and type of animals that utilize water from the different sources varies, depending on available feed in different parts of the range at different times of year, the amount of water actually available at the source, and on management practices on the public lands. Stockwater duty is quantified based on the number and type of animals that historically used these water sources. Duty is not a measure of water actually available on a perennial basis.

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<sup>9</sup> Hindman v. Rizer, 21 Oreg. 112, 116-118, 27 Pac. 13 (1891).

### ***C. Abandonment***

In Nevada, abandonment of a water right is the voluntary “relinquishment of the right by the owner with the intention to forsake and desert it.” *In re Manse Spring*, 108 P.2d 311, 315 (Nev. 1940). Abandonment requires both action and intent, and under Nevada law is “a question of fact to be determined from all the surrounding circumstances.” *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979). Under Nevada law, a determination of whether there exists an intent to abandon requires a consideration of all the relevant circumstances. *See Revert*, 603 P.2d at 264; *see also In re Manse Spring*, 108 P.2d at 316 (stating that courts must determine the intent of the claimant to decide whether abandonment has taken place and in this determination may take non-use and other circumstances into consideration).<sup>10</sup> Non-use for a period of time may inferentially be some evidence of intent to abandon.<sup>11</sup> Although a prolonged period of non-use may raise an inference of intent to abandon, it does not create a rebuttable presumption.<sup>12</sup> At a minimum, proof of continuous use of the water right should be required to support a finding of lack of intent to abandon.<sup>13</sup>

## **IV. CLAIMS OF VESTED RIGHT**

### ***A. Irrigation***

There are 14 different Owners of Record for 51 Proofs of Appropriation of the use of surface water for irrigation, including: the Bailey Family Trust; Bar D Land and Livestock, LLC; James E. and Vera L. Baumann; Beck Family Trust; the Bingham Revocable Living Trust, dated April 8, 1999; Mary Bell Fiorenzi and Pernicea Johnson; Gary and Melody Garaventa; Nathan and Pernicea Johnson; Kobeh Valley Ranch, LLC; Clement Maggini, Ira R. and Montira Renner; Sadler Ranch, LLC; Milton and Olive Thompson; and Daniel S. Venturacci. The original filing of these claims along with subsequent amendments is described in this section. A complete

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<sup>10</sup> *U.S. v. Alpine Land & Reservoir Company*, 340 F.3d 903 (9th Cir. 2003).

<sup>11</sup> *Franktown Creek Irrigation Co., Inc. v. Marlette Lake Company and the State Engineer of the State of Nevada*, 77 Nev. 348, 354 (1961).

<sup>12</sup> *U.S. v. Orr Water Ditch Company*, 256 F.3d 935,945 (9th Cir. 2001).



**Proof of Appropriation V-01316** was filed by Giulio Minoletti on June 20, 1914, claiming to have diverted approximately 0.25 cfs of water from Rock Spring (POD within the NW¼ SE¼ Section 25, T.21N., R.54E., M.D.B.&M.) via the natural channel to water 40 to 50 cattle with an average of 75 cattle for subsequent years, from April 1 through July 31 with a priority date of 1874. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-01319** was filed by Nels Toft on July 16, 1914, claiming to have diverted one miner's inch (0.025 cfs) of water from Peete Springs (POD within the SE¼ NW¼ Section 31, T.24N., R.55E., M.D.B.&M.) via a pipeline to water 20 cattle from May 1 through October 31 with a priority date of 1901. The current owner of record for this claim is Daniel S. Venturacci.

**Proof of Appropriation V-01320** was filed by Jorgan P. Jacobsen on July 16, 1914, claiming to have diverted six miner's inches (0.15 cfs) of water from Crofut Spring (POD within the SW¼ NE¼ Section 36, T.25N., R.54E., M.D.B.&M.) via a small dam to water 50 to 100 cattle with 200 to 300 cattle and horses in subsequent years from April 1 through November 30 with a priority date of 1880. The current owner of record for this claim is Daniel S. Venturacci.

**Proof of Appropriation V-01327** was filed by Isaac T. Handley on September 3, 1914, claiming to have diverted water from Munroe Spring (POD within the NE¼ SW¼ Section 13, T.22N., R.54E., M.D.B.&M.) via small dams and the natural channel to water 2,000 sheep from April 1 to October 1 with a priority date of 1899. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-01329** was filed by Giulio Minoletti on September 14, 1914, claiming to have diverted water from Little Willows Spring (POD within the SE¼ SW¼ Section 26, T.21N., R.54E., M.D.B.&M.) via the natural channel to water 50 cattle from April 1 through September 30 with a priority date of 1874. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-01423** was filed by A. C. Florio on September 14, 1915, claiming to have diverted water from Spanish Gulsh Springs (POD within the NE¼ NE¼ Section 29, T.19N., R.54E., M.D.B.&M.) via a pipeline to water 300 head of livestock from April 1 through November 30 with a priority date of 1890. An amended proof was filed by A.C. Florio on July 26, 1937, which further defined the POD as Spanish Gulch, defined the number of

utilize this source as a POD.

**Proof of Appropriation V-02281** was filed by Edgar Sadler and Wallace Bailey on September 25, 1934, claiming to have diverted water from Trough Spring (POD within the NW¼ NE¼ Section 14, T.27N., R.53E., M.D.B.&M.) via pipeline and troughs to water 900 cattle from April 1 through October 31 with a priority date of 1887. An amended claim was filed by the Bailey Family Trust and Sadler Ranch, LLC on May 26, 2016, which changed the period of use to April 1 through November 30 and the priority date to 1863. The current owner of record for this claim is Bailey Family Trust and Edgar Sadler.

**Proof of Appropriation V-02324** was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Wood Trough Spring (POD within NE¼ NW¼ Section 14, T.19N., R.54E., M.D.B.&M.) via pipeline and troughs to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

**Proof of Appropriation V-02325** was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Green Spring (POD within NE¼ SW¼ Section 14, T.19N., R.54E., M.D.B.&M.) via an unnamed ditch to a reservoir to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

**Proof of Appropriation V-02326** was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Simpson Number 1 (POD within NE¼ SW¼ Section 23, T.19N., R.54E., M.D.B.&M.) via an unnamed ditch to a reservoir to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

**Proof of Appropriation V-02889** was filed by United Dressed Beef, Inc. on August 26, 1976, claiming to have diverted water from Bank Ranch Stock Water (POD within NW¼ SE¼ Section 28, T.20N., R.54E., M.D.B.&M.) via pools and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. There is not a map filed in the State Engineer's Office in support of this claim. The current owner of record for this claim is Beck Properties. Stockwater Claim V-10816 filed by Beck Properties also utilize this source as a POD.

channel to water 100 cattle from January 1 through December 31 with a priority date of 1866. The proof was amended by James E. and Vera L. Bauman in May 24, 2016, which refined the location of the POD. The current owner of record for this claim is James E. and Vera L. Bauman. Municipal water Claim V-04509 owned by Eureka County also utilize this source as a POD.

**Proof of Appropriation V-09779** was filed by James E. and Vera L. Bauman on September 11, 2008, claiming to have diverted 0.05 cfs of water from Richmond Spring (POD within NW¼ SW¼ Section 19, T.19N., R.54E., M.D.B.&M.) via a small pond and the natural channel to water 100 cattle from January 1 through December 31 with a priority date of 1866. The proof was amended by James E. and Vera L. Bauman in May 24, 2016, which refined the location of the POD. The current owner of record for this claim is James E. and Vera L. Bauman. Municipal water Claim V-04510 owned by Eureka County also utilize this source as a POD.

**Proof of Appropriation V-10809** was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Pastorino East Spring (POD within SW¼ SW¼ Section 2, T.19N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties. PWR Claim V-04236 filed by the BLM also utilize this source as a POD.

**Proof of Appropriation V-10810** was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Pastorino Middle Spring (POD within SW¼ SW¼ Section 2, T.19N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10811** was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Lower Torre Spring (POD within SE¼ NW¼ Section 21, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100

cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

**Proof of Appropriation V-10812** was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Palmer Ranch Spring (POD within NW¼ SE¼ Section 21, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

**Proof of Appropriation V-10813** was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Middle Torre Spring (POD within NW¼ NW¼ Section 27, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

**Proof of Appropriation V-10814** was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre SW Spring (POD within NE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

**Proof of Appropriation V-10815** was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre SE Spring (POD within SE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

**Proof of Appropriation V-10816** was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Banks Ranch Spring (POD within NE¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties. Stockwater Claim V-02889 owned by Beck Properties also utilize this source as a POD.

**Proof of Appropriation V-10817** was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Eunice Place Spring (POD within SW¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10818** was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre NE Spring (POD within NW¼ NE¼ Section 25, T.20N., R.54E., M.D.B.&M.) via the natural channel and pipeline to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10828** was filed by the Bailey Family Trust, Merkley Ranches, Inc., and Little Paris Sheep Company, LLC, on February 4, 2016, claiming to have diverted 0.0128 cfs of water from Badger Spring (POD within NE¼ SE¼ Section 18, T.27N., R.54E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 250 cattle and 1,000 sheep from April 1 through October 31 with a priority date of 1895. The current owner of record for this claim is the Bailey Family Trust, Merkley Ranches, Inc., and the Little Paris Sheep Company, LLC.

**Proof of Appropriation V-10845** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0065 cfs of water from Spring Number 1 (POD within Lot 4 (SE¼ NE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

**Proof of Appropriation V-10846** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 2 (POD within Lot 9 Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

**Proof of Appropriation V-10847** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 3 (POD within NE¼ SE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10883 filed by Ira R. and Montira Renner also utilize this source as a POD.

**Proof of Appropriation V-10848** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 4 (POD within Lot 9 Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

**Proof of Appropriation V-10849** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.013 cfs of water from Spring Number 5 (POD within NE¼ SE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

**Proof of Appropriation V-10850** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 6 (POD within SW¼ NE¼ Section 6, T.25N., R.53E., M.D.B.&M.) via a pipeline into troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of

1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10884 filed by Ira R. and Montira Renner also utilize this source as a POD.

**Proof of Appropriation V-10851** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 7 (POD within SW¼ NW¼ Section 5, T.25N., R.53E., M.D.B.&M.) via a pond and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10885 filed by Ira R. and Montira Renner also utilize this source as a POD.

**Proof of Appropriation V-10852** was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 8 (POD within SE¼ SW¼ Section 5, T.25N., R.53E., M.D.B.&M.) via a pond and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-02432 owned by Ira R. and Montira Renner and irrigation Claim V-10886 filed by Ira R. and Montira Renner also utilize this source as a POD.

**Proof of Appropriation V-10856** was filed by Arc Dome Partners, LLC on May 9, 2016, claiming to have diverted water from Cottonwood Creek (POD within NW¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Arc Dome Partners, LLC.

**Proof of Appropriation V-10857** was filed by Beck Properties on May 9, 2016, claiming to have diverted water from Cottonwood Creek (POD within SE¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10858** was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from North Pasture Spring (POD within SW¼ SE¼ Section 20 T.23N., R.55E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10859** was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Silver Bell Mine Spring (POD within SE¼ NE¼ Section 36 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10860** was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Water Canyon Spring (POD within NW¼ SE¼ Section 25 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10861** was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Monroe Canyon Spring (POD within SW¼ SE¼ Section 24 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

**Proof of Appropriation V-10869** was filed by James and Vera Baumann on May 27, 2016, claiming to have diverted 0.0044 cfs of water from F.G. Spring (POD within SE¼ SE¼ Section 9, T.19N., R.54E., M.D.B.&M.) via a dam and the natural channel to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current owner of record for this claim is James and Vera Baumann.

**Proof of Appropriation V-10870** was filed by James E. and Vera L. Baumann on May 27, 2016, claiming to have diverted 0.0066 cfs of water from Lani Spring (POD within SW¼ SW¼ Section 30, T.19N., R.54E., M.D.B.&M.) via a pipeline to a trough to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current owner of record for this claim is James E. and Vera L. Baumann. Municipal water Claim V-04506 owned by Eureka County also utilize this source as a POD.

**Proof of Appropriation V-10871** was filed by James E. and Vera L. Baumann on May 27, 2016, claiming to have diverted 0.0044 cfs of water from Hornitos Spring (POD within NW¼ NW¼ Section 29, T.19N., R.54E., M.D.B.&M.) via a dam and the natural channel to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current



documents but probably mirrors the beneficial use of irrigation waters on the main Cox Ranch holdings. The tax records for the Willow Field area are generally incorporated into the other holdings of William Cox. This also lends support for the ranch and surrounding holdings having livestock in the range of approximately 125 - 150 horses and cattle prior to 1905 with fewer numbers in subsequent years thereafter. Other historical data includes those materials outlined in the prior discussion of V-02845.

Based on the field investigations (both historical and recent), historical aerial photography, historical maps and data presented in support of the filing, the State Engineer finds a basis for the diversion of 0.61 cfs of water from Judd Canyon, when it is available, to support the irrigation of 102.35 acres of meadow from April 1 through September 15 (168 days), for a total combined duty of 200 afs from all sources, with a priority date of 1885. The State Engineer also finds a basis for the diversion of water for domestic and stockwater use, when it is available, for the needs of 150 cattle and horses from January 1 through December 31 with a priority date of 1885.

### ***B. Stockwater***

There are sixteen different owners of record for the 230 proofs of appropriation claiming the use of surface water for stockwater prior to March 1, 1905. There are two filings for the pre-statutory use of underground water for stockwater in the basin. The sixteen claimants are: Arc Dome Partners, Inc; the Bailey Family Trust; James E. and Vera L. Baumann; the Beck Family Trust; Chad D. and Rosie J. Bliss; Bureau of Land Management; the Chloe Held Trust; Peter J. and Gladys P. Goicoechea; Kobeh Valley Ranch, LLC; Little Paris Sheep Company; Clement Maggini; Merkley Ranches Inc; Ira R. and Montira Renner; Sadler Ranch, LLC; United Dressed Beef, Inc; and Daniel S. Venturacci. The total stockwater duty for each ranch is quantified based on the number and type of animals that were present prior to statutory water law and historically used these water sources. It is not a measure of water actually available on a perennial basis at a given source. If more livestock animals were present on the range after 1905, the additional waters necessary for their support would have to have been obtained through the statutory process.

**Arc Dome Partners, LLC.**

Arc Dome Partners, LLC is an agricultural, domestic limited-liability company in Eureka, Nevada. Chain of title documentation filed in conjunction with the previously mentioned Beck Properties (V-02888 and V-09333) support a pre-statutory use of the surface water by Arc Dome Partners LLC's predecessors with a priority date of 1886. Documentation filed in conjunction with Permit 10824 (Certificate 3012) support a priority date of 1929 for underground waters.

**Proof of Appropriation V-02959** was filed claiming to have diverted 0.25 cfs of water from Holly Well, an underground source, (POD within the NW¼ NE¼ Section 8, T.19N., R.53E., M.D.B.&M.) via pipeline and troughs to water 50 cattle and 250 sheep from January 1 through December 31 with a priority date of 1929. The Holly Well was drilled prior to 1929, based on the Proof of Completion (dated November 10, 1944) and filed in support of Permit 10824. This claim is located within the Arambel Grazing Allotment (NV10031). In this Preliminary Order of Determination, a vested right to divert 0.003 cfs of water from the Holly Well, when it is available, for the stockwatering of 50 cattle 250 sheep with a priority date of 1929 is determined to be valid.

**Proof of Appropriation V-10856** was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.06 cfs of water from Cottonwood Creek (POD within the NW¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch from the natural creek channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The number of animals that would have utilized the source prior to 1905 is not supported by the Beck Family Trust and Beck Properties' supporting documentation. Tax records support animal numbers to be 50 cattle and horses prior to 1905. This claim is located on private property owned by the claimant. In this Preliminary Order of Determination, a vested right to divert 0.002 cfs of water from Cottonwood Creek, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

1866. In this Preliminary Order of Determination, a vested right to divert water from Pinto Pass Spring, when it is available, for the stockwatering of 100 cattle with a priority date of 1866 is determined to be valid.

**Proof of Appropriation V-10879** was filed claiming to have diverted 0.1114 cfs of water from Pedroli Spring (POD within the NW¼ SW¼ Section 33, T.20N., R.54E., M.D.B.&M.) via a trough, to water 300 cattle from January 1 through December 31 with a priority date of 1866. A field investigation conducted by the Office of the State Engineer personnel on April 6, 2017 confirmed the location and extent of this spring source as noted in the Office of the State Engineer "Spring and Surface Water Inventory Form."<sup>276</sup> In this Preliminary Order of Determination, a vested right to divert water from Pinto Pass Spring, when it is available, for the stockwatering of 100 cattle with a priority date of 1866 is determined to be valid.

#### **Beck Family Trust**

The holdings of the Beck Family Trust are located along Torre Creek on the east side of Diamond Valley. The Beck Family Trust have the lease for the Black Point Grazing Allotment (NV10032). The number of animals the Beck Family Trust predecessors possessed based on the supporting tax assessment documentation associated with the irrigation claims suggest that there were up to 50 cattle on the ranch prior to 1905. This would equate to a diversion rate for livestock being 0.002 cfs and total combined duty of 1.13 afa from all sources.

**Proof of Appropriation V-01316** was filed claiming to have diverted 0.25 cfs of water from Rock Springs (POD within the NE¼ SE¼ Section 25, T.21N., R.54E., M.D.B.&M.) via natural spring to water 75 cattle from April 1 through July 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Rock Springs, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-01327** was filed claiming to have diverted 1.0 cfs of water from Munroe Spring (POD within the NE¼ SW¼ Section 13, T.22N., R.54E., M.D.B.&M.) via 8 small dams to water 2000 sheep from April 1 through October 1 with a priority date of 1899. A field investigation conducted by the Office of the State Engineer personnel on July 26, 2017

confirmed the location and extent of this spring source as noted on the Office of the State Engineer "Spring and Surface Water Inventory Form."<sup>277</sup> In this Preliminary Order of Determination, a vested right to divert water from Munroe Springs, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1899 is determined to be valid.

**Proof of Appropriation V-01329** was filed claiming to have diverted enough water for 50 cattle or 0.002 cfs of water from Little Willows Spring (POD within the SE¼ SW¼ Section 26, T.21N., R.54E., M.D.B.&M.) via a small ditch dam to water 50 cattle from April 1 through September 30 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Water Canyon Spring, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-02889** was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.006 cfs of water from Bank Ranch Stock Water (POD within the NW¼ SE¼ Section 28, T.20N., R.54E., M.D.B.&M.) via pools and natural channels from April 1 through November 30 with a priority date of 1886. Banks Ranch Stock Water is located close to the 1/16 line that divides the NW¼ SE¼ of this proof and the NE¼ SW¼ of proof V-10816. The State Engineer believes that Banks Ranch Stock Water is the same springs as the Banks Ranch Spring filed under V-10816. The State Engineer determines that this claim is a duplicate filing of V-10816 and is therefore rejected.

**Proof of Appropriation V-10809** was filed claiming to have diverted 0.03 cfs of water from Pastorino East Spring (POD within the SW¼ SW¼ Section 02, T.19N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Reserved claim R-04236 is filed on this same source. In this Preliminary Order of Determination, a vested right to divert water from Pastorino East Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10810** was filed claiming to have diverted 0.03 cfs of water from Pastorino Middle Spring (POD within the SW¼ SW¼ Section 02, T.19N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500

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<sup>276</sup> File V-10879, official records in the Office of the State Engineer.

<sup>277</sup> File V-01327, official records in the Office of the State Engineer.

sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Pastorino Middle Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10811** was filed claiming to have diverted 0.03 cfs of water from Lower Torre Spring (POD within the SE¼ NW¼ Section 21, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Lower Torre Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10812** was filed claiming to have diverted 0.03 cfs of water from Palmer Ranch Spring (POD within the NW¼ SE¼ Section 21, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Palmer Ranch Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid

**Proof of Appropriation V-10813** was filed claiming to have diverted 0.03 cfs of water from Middle Torre Spring (POD within the NW¼ NW¼ Section 27, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Middle Torre Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10814** was filed claiming to have diverted 0.03 cfs of water from Upper Torre SW Spring (POD within the NE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre SW Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10815** was filed claiming to have diverted 0.03 cfs of water from Upper Torre SE Spring (POD within the SE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1

through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre SE Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10816** was filed claiming to have diverted 0.03 cfs of water from Banks Ranch Spring (POD within the NE¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via natural springs and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Proof V-02889 is also filed on Banks Ranch Spring. In this Preliminary Order of Determination, a vested right to divert water from Banks Ranch Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10817** was filed claiming to have diverted 0.03 cfs of water from Eunice Place Spring (POD within the SW¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via natural springs and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Eunice Place Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10818** was filed claiming to have diverted 0.03 cfs of water from Upper Torre NE Spring (POD within the NW¼ NE¼ Section 25, T.20N., R.54E., M.D.B.&M.) via collection system, pipeline and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre NE Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10857** was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.06 cfs of water from Cottonwood Creek (POD within the SE¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch from the natural creek channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Cottonwood Creek, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10858** was filed claiming to have diverted 0.03 cfs of water from North Pasture Spring (POD within the SW¼ SE¼ Section 20, T.23N., R.55E., M.D.B.&M.) via ditch from the natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from North Pasture Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10859** was filed claiming to have diverted 0.03 cfs of water from Silver Bell Mine Spring (POD within the SE¼ NE¼ Section 36, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Silver Bell Mine Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10860** was filed claiming to have diverted 0.03 cfs of water from Water Canyon Spring (POD within the NW¼ SE¼ Section 25, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. A field investigation conducted by the Office of the State Engineer personnel on July 26, 2017, confirmed the location and extent of this spring source as noted in the Office of the State Engineer “Spring and Surface Water Inventory Form.”<sup>278</sup> Reserved claim R-04262 is filed on this same source. In this Preliminary Order of Determination, a vested right to divert water from Water Canyon Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

**Proof of Appropriation V-10861** was filed claiming to have diverted 0.03 cfs of water from Monroe Canyon Spring (POD within the SW¼ SE¼ Section 24, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Monroe Canyon Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

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<sup>278</sup> File V-10860, official records in the Office of the State Engineer.