

**ASSIGNED**

AMENDED  
APPLICATION FOR PERMIT

Serial No. 4417

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office APR 30 1917  
Returned to applicant for correction APR 30 1917  
Corrected application filed MAY 14 1917

The undersigned Pete Edera  
Name of applicant.  
of Eureka, County of Eureka  
State of Nevada, hereby makes application for  
permission to appropriate the public waters of the State of Nevada,  
as hereinafter stated. (If applicant is a corporation give date and  
place of incorporation.)

1. The source of the proposed appropriation is Dry Canyon Spring  
Name of stream, lake, or other source.
2. The amount of water applied for is .025 second-feet.  
One second-foot equals 40 miners' inches.
3. The water to be used for Stock-watering and domestic purposes  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. The water is to be diverted from its source at the following  
point: In the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 34, Tp. 20 N. R. 54 E. M. D. B & M  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is \_\_\_\_\_
- (b) Description of land to be irrigated \_\_\_\_\_  
Describe by legal subdivision, or if on unsurveyed land it

should be so stated, and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Irrigation will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
Month.  
\_\_\_\_\_, of each year.  
Month.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located One hundred feet North 45 degrees W. from  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.  
the spring in the 40 acre subdivision described in paragraph 4  
above.
- (f) Point of return of water to stream Not returned.  
Describe in same manner as point of diversion.

(g) Remarks \_\_\_\_\_

DESCRIPTION OF PROPOSED WORKS

Water to be diverted at the spring by means of dam of rock and earth two feet high and 8 feet wide, and conveyed one hundred feet by means of two inch pipe to a reservoir of rock and earth, about twenty feet in diameter and about two feet deep.

- 6. Estimated cost of works \$100.
6. Estimated time required to construct works Three months.
7. Remarks

Pete Edera, Applicant

By

Compared P.P. Jones

This sheet inspected, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times. It is distinctly understood that applicant agrees to the terms herein contained.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.025 cubic feet per second: (One-fortieth)

- Actual construction work shall begin on or before May 30th, 1918.
Proof of commencement of work shall be filed before June 30th, 1918.
Work must be prosecuted with reasonable diligence and be completed on or before August 30th, 1918.
Proof of completion of work shall be filed before September 30th, 1918.
Application of water to beneficial use shall be made on or before May 30th, 1919. Proof of the application of water to beneficial use must be filed with State Engineer on or before June 30th, 1919.

Map filed MAY 14 1917
Proof of labor filed JUN 26 1918
Proof of completion of work filed SEP 27 1918
Proof of beneficial use filed MAY 21 1919

WITNESS MY HAND AND SEAL this 30th day of October, 1917.

J. S. Simpson, State Engineer

Certificate No. 256 Issued 4-12-1917
Recorded 7-16-28 Blk. C Page 210
County Records

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS Pete Edera has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Dry Canyon Spring

through Dry Canyon ditch, reservoir & pipe for Stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: NW 1/4 NE 1/4 Sec. 3, T. 19 N., R. 54

E., M.D.B. & M. Eureka County, State of Nevada.

Now Know YE, That the State Engineer, under the provisions of Section 72 Chapter 140 Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator James Hunter and Edith Mary Hunter

Post-office address Eureka, Nevada

Amount of appropriation 0.0125 C.F.S.

Period of use, from April to November of each year

Date of priority of appropriation April 30, 1917.

Description of works and diversion: The water is diverted by Dry Canon ditch 100 feet leading South Westerly to reservoir with 25 feet of one inch pipe leading out of reservoir to watering troughs located in the NE 1/4 NW 1/4 Section 3, T. 19 N., R. 54 E., M.D.B. & M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer

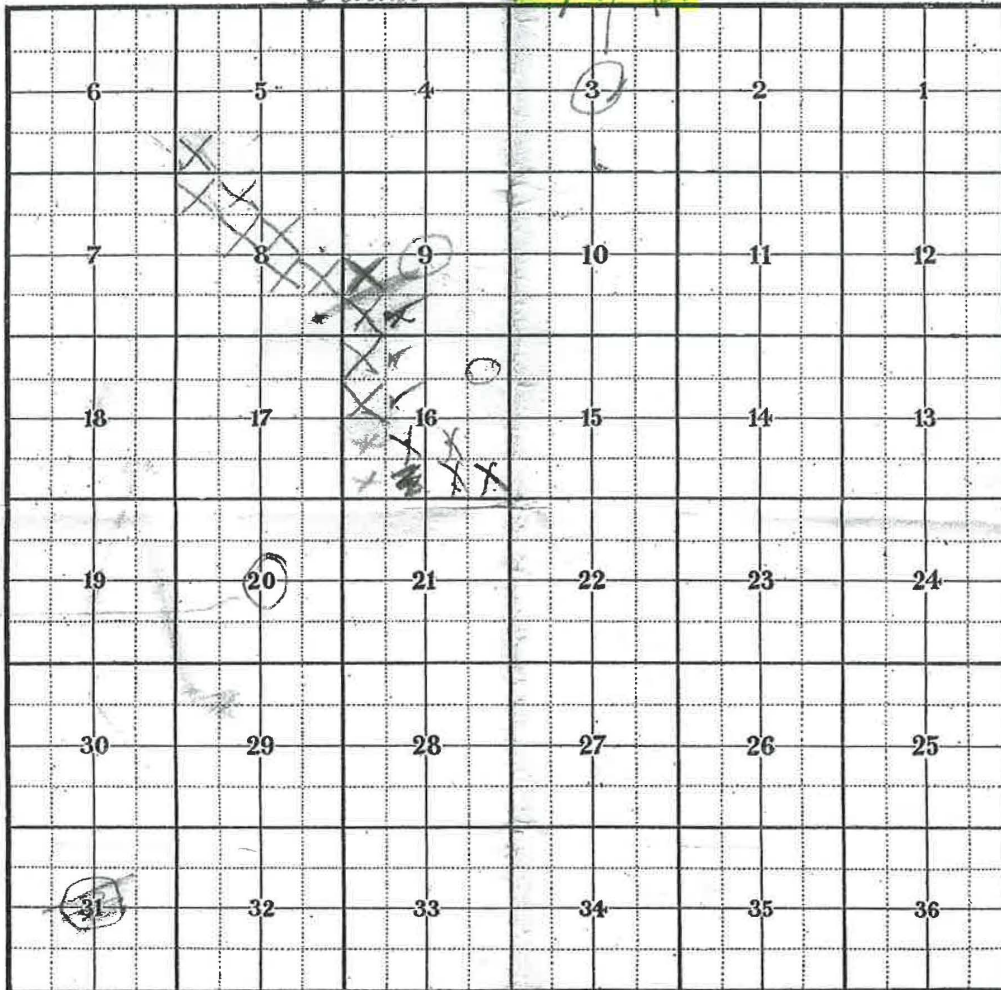
Recorded 2/16/28 By [Signature] Page 2 of Nevada, have hereunto set my hand and the seal of my office, this 13th day of April, A. D. 1928

[Signature] State Engineer.

Compared J.A.P. [Signature]

T. 19 N., R. 34 E.,

Bennet Dry Canyon

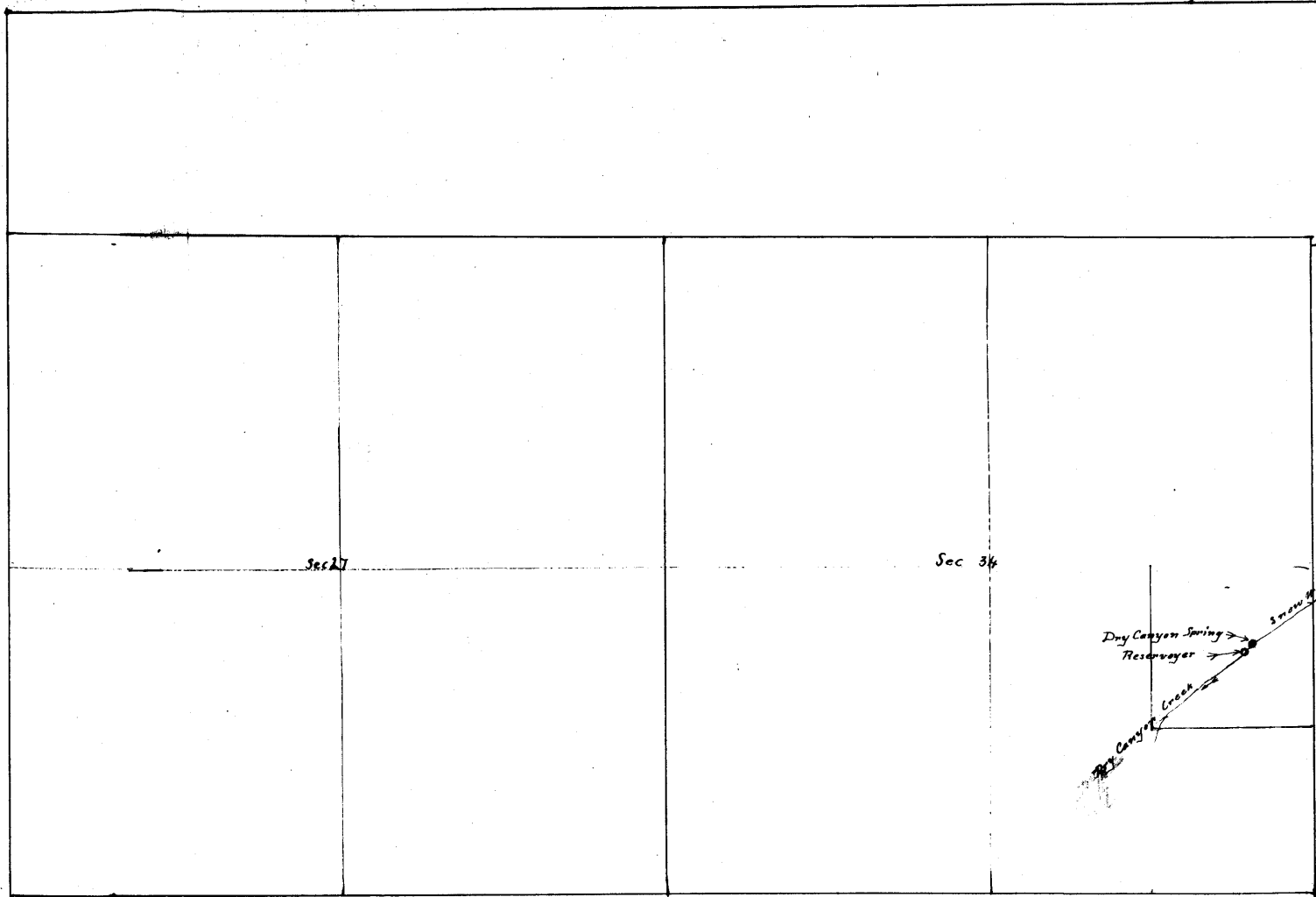


Boison canyon

Scale 1 inch to 1 mile.

Edera place Sec 31 T 20 R 34 E

NEVADA FORM No. 0




T. 20. N.R. 54 E. M.D.B. & M.

5/4/17

Eureka, Nev. May 6<sup>th</sup> 1917.  
 H.C. Wedekind, First being duly sworn deposes and says that the above map is a true and accurate plot of Dry Canyon Spring and was made by me at the instance of Pete Edra, according to a government survey on the 6<sup>th</sup> day of May 1917.

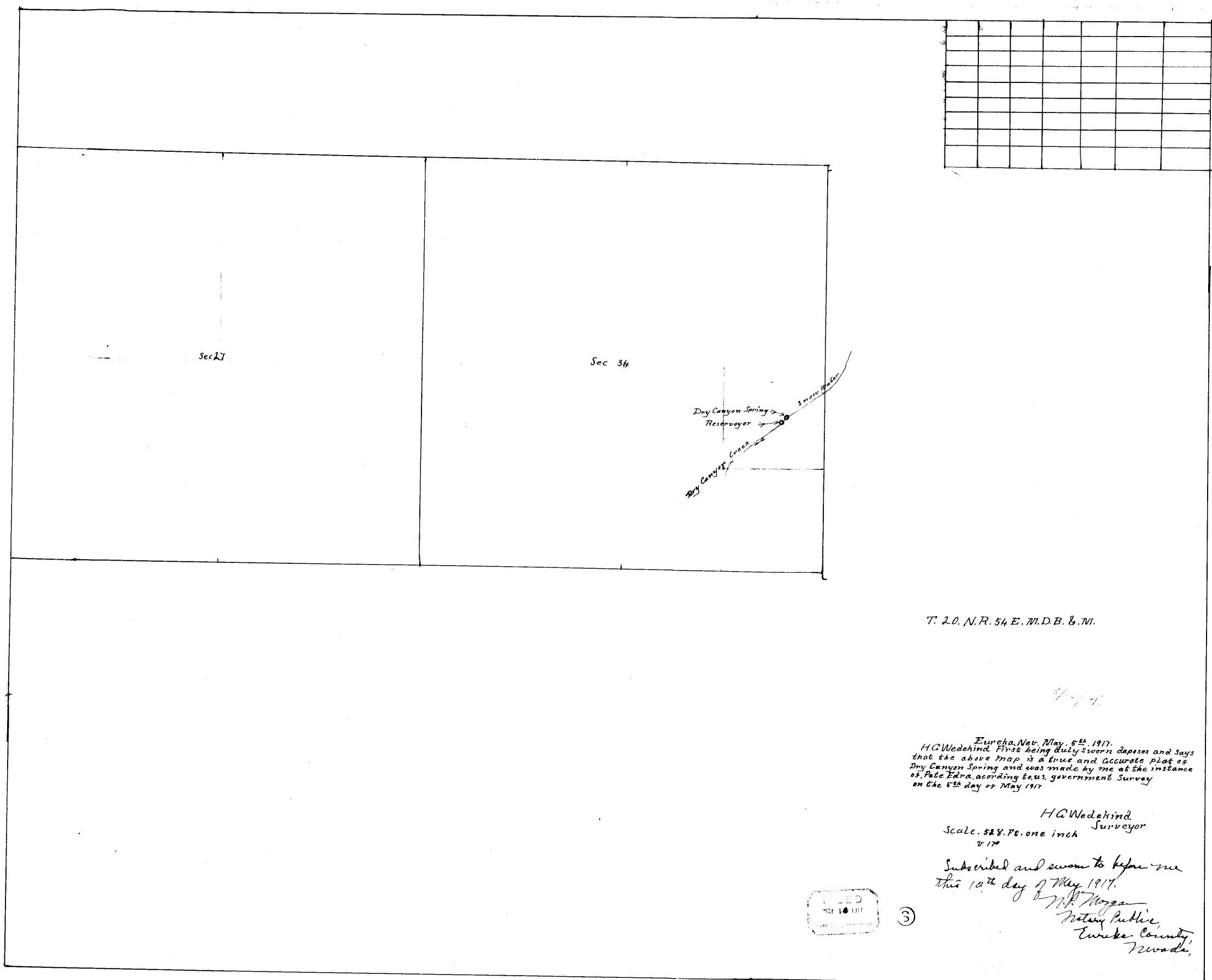
H.C. Wedekind  
 Surveyor  
 Scale 528 Ft. one inch  
 2 1/2"

Subscribed and sworn to before me  
 this 10<sup>th</sup> day of May 1917.

FILED  
 MAY 10 1917  
 STATE ENGINEERS OFFICE

W. P. Morgan  
 Notary Public,  
 Eureka County,  
 Nevada.

4417

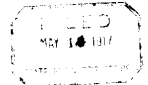


T. 20. N. R. 54 E. M. D. B. & M.

Eureka, Nev. May. 6<sup>th</sup>. 1917.  
 H.C. Wedekind First being duly sworn deposes and says  
 that the above map is a true and accurate plat of  
 Dry Canyon Spring and was made by me at the instance  
 of Pete Edna, according to a government Survey  
 on the 6<sup>th</sup> day of May 1917

H.C. Wedekind  
 Surveyor  
 Scale. 528. Ft. one inch  
 1/17

Subscribed and sworn to before me  
 this 10<sup>th</sup> day of May 1917.



③

J.P. Morgan  
 Notary Public,  
 Eureka County,  
 Nevada.

4417

**From:** Jake Tibbitts [natresmgr@eureka-nv.org](mailto:natresmgr@eureka-nv.org)  
**Subject:** FW: Permit 4417, Certificate 1356 - Dry Canyon Spring(s).  
**Date:** May 4, 2016 at 12:27 PM  
**To:** Baumanns [simpsoncreekranch@gmail.com](mailto:simpsoncreekranch@gmail.com)



Jake Tibbitts  
Natural Resources Manager  
Eureka County, NV  
PO Box 682  
Eureka, NV 89316

Phone: 775-237-6010  
Fax: 775-237-6012

**From:** Jake Tibbitts [<mailto:natresmgr@eureka-nv.org>]  
**Sent:** Wednesday, May 04, 2016 12:26 PM  
**To:** 'Steve Walmsley' <[swalmsley@water.nv.gov](mailto:swalmsley@water.nv.gov)>  
**Cc:** 'Dan Taylor' <[dtaylor@water.nv.gov](mailto:dtaylor@water.nv.gov)>  
**Subject:** RE: Permit 4417, Certificate 1356 - Dry Canyon Spring(s).

Thanks, Steve. They are two separate springs. Permit 4417 legal description and Certificate 1356 legal description don't match – they are roughly a mile apart and in separate drainages. The spring in Pastorino Canyon under Cert 1356 is correctly described and is and has been used by Jim and his predecessors. But it is not up Dry Canyon (also locally called Four-eyed Nick Creek). Pastorino spring is on the opposite side of the grazing allotment boundary (not on Jim's allotment) and is piped to a trough that splits the boundary fence. It is the only water available to Jim's livestock in this area. It is also specifically listed in various deeds that Jim now holds. As you note, it just doesn't match Permit 4417 or the map. Note that the map that you reference does not have a north arrow but if you look at the section numbering, "up" on the map is actually east so the channel does run northwest. This does coincide with the location up Dry Canyon where there is a "green" seepy area but no distinct spring. The permit and map depict a "reservoir" that was likely a dirt tank and the seep could have been excavated and supplied some flow in the past. We can't see evidence of the reservoir any longer. Regardless, Dry Canyon is not on Jim's allotment and he has no interest in the spring under Permit 4417 as he can't access it anyways. He just wants to ensure he does have the right to Pastorino spring under Cert 1356. Robert Beck (who just recently bought the neighboring ranch) recently filed a claim on the same spring and Jim is fearful that Mr. Beck might shut off any flow to the trough. Jim is planning on filing a Proof on it just to cover his bases, but he wanted to meet with Mr. Beck to go over the history and show him his certificate. I guess if you can't find the right map, then we are truly at a dead end except for the Cert 1356 that matches the POD and works.

Thanks for looking.

Jake Tibbitts  
Natural Resources Manager  
Eureka County, NV  
PO Box 682  
Eureka, NV 89316

EUREKA, NV 89310

Phone: 775-237-6010

Fax: 775-237-6012

**From:** Steve Walmsley [<mailto:swalmsley@water.nv.gov>]  
**Sent:** Wednesday, May 04, 2016 11:58 AM  
**To:** 'natresmgr@eurekanv.org' <[natresmgr@eurekanv.org](mailto:natresmgr@eurekanv.org)>  
**Cc:** Dan Taylor <[dtaylor@water.nv.gov](mailto:dtaylor@water.nv.gov)>  
**Subject:** Permit 4417, Certificate 1356 - Dry Canyon Spring(s).

Jake and Jim:

I have completely gone through the file for Permit 4417, along with the 1917 and 1927 maps, and cannot make any sense regarding the location of this spring either in Dry Canyon Creek or Pastorino Canyon. The drainages in this area all run from east to west or northwest. The illustration on both maps illustrate the stream channel running to the south/southwest. At this point your guess is as good as mine regarding the location of this spring. If you believe that this spring is in Pastorino Canyon, then you should file a new Proof of Appropriation on the source if you have not already done so.

If you have any other suggestions, please enlighten me.

Thanks,

Steve Walmsley  
Supervisor III, Water Resource Specialist  
Adjudication Section  
Nevada Division of Water Resources  
901 S. Stewart Street, Suite 2002  
Carson City, Nevada 89701

[swalmsley@water.nv.gov/](mailto:swalmsley@water.nv.gov/)

(775) 684-2820

(775) 684-2811 FAX



**Application No.: 4417 Application Status: CER Certificate No.: 1356**

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**Owner(s): BAUMANN, JAMES E.; Status: CERTIFICATE**

**Basin: 153 Basin Name: DIAMOND VALLEY Sub Basin:**

**Basin Status: DESIGNATED (ID) Region: CENTRAL County: EUREKA**

**Source: SPRING Source Description: DRY CANYON SPRING**

**Project Name: Decree Name: Use: STOCKWATERING**

**Period Start: 0401 Period End: 1130**

<b>Point of Diversion Information: Qtr-Qtr: NW Qtr: NE Sec: 03 Twn: 19N Rng: 54E</b>
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**Duty Balance: 1.89 MGS Div Balance: 0.01**

**Acre-Foot Storage: 0 Well Log Nos.:**

**Remarks 1:**

**Application No.: 4417 Application Status: CER Certificate No.: 1356**

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**Assigned By: Effective Date:**

**Ownership Information**

Owner	Type	Div Rate	Duty	Acres	Change By	Description
BAUMANN, VERA L.	C	0	0	0		
BAUMANN, JAMES E.	C	0	0	0		

**Original Owner(s)**

<b>Owner</b>
DEPAOLI, ANGELO
EDERA PETE

**Remarks 5: 300 CATTLE AND 2500 SHEEP**

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<a href="#">Webmaster</a>			



State of Nevada  
 Department of Conservation & Natural Resources  
**Division of Water Resources**  
 Tracy Taylor, P. E. State Engineer

### Water Rights Database, Page 2

*Due Dates and Maps*

[New Search](#)   [General Information](#)   [Maps and Due Dates](#)   [Place of Use](#)   [Abrogations/Protests/Rulings](#)

[Ownership/Title](#)

**Application No.:** [4417](#) **Application Status:** [CER](#) **Certificate No.:** [1356](#)

Filing Date: [04-30-1917](#)      Priority Date: [04-30-1917](#)      Return Date: [04-30-1917](#)  
 Sent for Publication Date: [05-18-1917](#)    Last publication Date: [06-23-1917](#)    Ready for Action Date:  
 Permit Date: [10-30-1917](#)              Withdrawn Date:                      Forfeit Date:  
 Cancel Portion:                      Cancellation Date:                      Cancellation Rescind Date:  
 Denied Date:

#### *Maps*

<u>Filed Under</u>	<u>Date</u>	<u>Filed Under</u>	<u>Date</u>
Proposed POD: <a href="#">4417</a>	<a href="#">05-14-1917</a>	Existing POD:	
Proposed POU:		Existing POU:	

#### *Proofs of Completion and Beneficial Use*

<u>Due Date:</u>	<u>Rcvd:</u>	<u>Filed:</u>	<u>Ext. Due:</u>	<u>Ext Rcvd:</u>
POC: <a href="#">09-30-1918</a>		<a href="#">09-27-1918</a>		
PBU: <a href="#">06-30-1919</a>		<a href="#">05-21-1919</a>		

#### *Other Dates and Requirements*

Cultural Map:                                              PBU Map Received:    PBU Map Filed Under:    Certificate Date: [04-13-1928](#)  
 Forfeiture Due Date:              Extension required?:    Forfeiture Portion:      Forfeiture Received:    Forfeiture Filed:  
 Temporary Expiration Date:    Other Date:              Reporting Required?:  
 Remarks 2:

ORIGINAL

STATE OF NEVADA  
ENGINEER'S OFFICE  
Carson City, Nevada

OCT. 29, 1917. , 191

RECEIPT NO.

PETE EDERA,  
EUREKA, NEVADA.

7893

SERIAL NO. 4417

To THE STATE OF NEVADA, Dr.

OCT. 29, 1917	TO FEE FOR ISSUING & RECORDING PERMIT NO. 4417	\$5.00



STATE OF NEVADA  
ENGINEER'S OFFICE  
Carson City, Nevada

ORIGINAL

OCT. 3, 1918. , 191

RECEIPT NO.

PETE EDERA,

EUREKA, NEVADA.

9324

SERIAL NO. ~~4416, 4417~~

To THE STATE OF NEVADA, Dr.

OCT. 3, 1918	FOR FILING FEES AFFIDAVITS OF COMPLETION OF WORK NOS. 4416, 4417.	\$2.00

Remittance in P.O.M.O. NO. 86840 EUREKA, NEV. FOR \$2.00

Received payment,

*Seymour Case*  
State Engineer.

Posted in Fee Book by

*Paul J. ...*  
By

6 3M-12-26-17



STATE OF NEVADA  
ENGINEER'S OFFICE

ROBERT A. ALLEN  
STATE ENGINEER  
JOHN V. MUELLER  
ASSISTANT STATE ENGINEER

CARSON CITY June 2, 1924.

Subject: Poison Canyon Spring, etc.

In replying, refer to Nos. 4416, 4417, 6225, 01085, 01089, 01133, 01512.

James and Edith Mary Hunter  
% Edgar Eather  
Attorney at Law  
Eureka, Nevada

Dear Sir and Madam:

Assignment was

received and filed in this office under the above-mentioned  
serial number son May 15, 1924.

Official receipt covering filing fee is inclosed herewith.  
No. 15759.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert A. Allen".

State Engineer.



STATE OF NEVADA  
ENGINEER'S OFFICE

ROBERT A. ALLEN  
STATE ENGINEER  
JOHN V. MUELLER  
ASSISTANT STATE ENGINEER

CARSON CITY July 10, 1925

Replying to your letter of

In your reply refer to Nos. 4416, 4417, 01089, 01133, 01512 and 01085

Mr. James Hunter,  
Eureka, Nevada

Dear Sir:

Pursuant to your verbal request to Mr. Payne while in Eureka recently, we have prepared copies of filings of record in this office originally made by Mr. Depaoli and now standing in your name, also copies of certificates issued under 01089, 01133 and 01085, and the proofs of beneficial use filed under Nos. 4416 and 4417. Bill for preparing these copies is inclosed.

Our records do not show any filings for water from any springs within Sec. 14, T. 19 N., R. 54 E.

We are inclosing blank applications in case you desire to make filings.

Yours very truly,

Robert A. Allen  
State Engineer

By *John V. Mueller*  
Office Engineer

Inc.  
HP AQ



STATE OF NEVADA  
ENGINEER'S OFFICE

ROBERT A. ALLEN  
STATE ENGINEER  
JOHN V. MUELLER  
ASSISTANT STATE ENGINEER

CARSON CITY February 9, 1926.

Replying to your letter of January 30, 1926.

In your reply refer to Nos. 4416 and 17.

Mr. James Hunter,  
Eureka, Nevada,

Dear Sir:-

We note the contents of your letter. Inasmuch as the maps already filed under permits Nos. 4416 and 4417 do not appear to have been made with a great deal of accuracy we suggest that, for your own protection, a survey be made and other maps prepared. This should be done after you have installed the troughs at the two springs and the maps can then show the completed work.

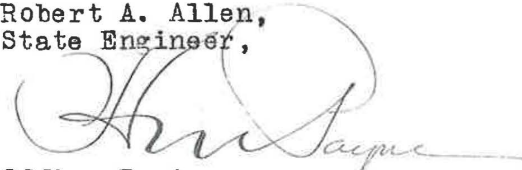
Mr. L.A. Harris is a State Water Right Surveyor as well as Mr. Johnson.

As soon as the maps are received we can issue certificates <sup>under</sup> Nos. 4416 and 17.

Yours very truly,

Robert A. Allen,  
State Engineer,

By

  
Office Engineer.

HMP MC



Eureka, Nev.  
Nov. 7-27

Mr. James Hunter,  
Eureka, Nevada  
Dear Sir:

Enclosed please find  
affidavit covering Dry Canyon  
Spring. Before bringing it in to Eureka  
look over your original application to  
find date (month & year) of application and  
fill in the space where I have marked  
the blanks. I have stated that you are a  
citizen of the U.S. if not I will have to  
change that part. you will have to  
send a filing fee of \$1.00 with affidavit;  
also will have to go before a Notary  
Public in Eureka

P.S.

Very truly yours  
L.A. Harris

Did you ever make an  
amended application on the Spring?



ALFRED MERRITT SMITH  
STATE ENGINEER

STATE OF NEVADA  
OFFICE OF STATE ENGINEER  
CARSON CITY

HUGH A. SHAMBERGER  
ASSISTANT

November 12, 1943

IN YOUR REPLY REFER TO NO. S. 4416, 4417, 6225, 7242, 10831 and 10967  
01089, 01133 and 01512

Mr. James Hunter  
Eureka  
Nevada

Dear Mr. Hunter:

This will acknowledge receipt of your letter of October 21, 1943.

It is not necessary for you to file new applications on water sources that you already have a right to use by virtue of permits or claims of vested right.

To date you have the following water filings on record in this Office:-

*Read*  
Application No. 4416, filed on April 30, 1917, for the waters of Poison Canyon Spring. The application was approved on January 5, 1918. Certificate No. 1357 was issued on April 13, 1928, for 0.0022 c.f.s. of water for stockwatering purposes.

Application No. 4417, filed on April 30, 1917, for the waters of Dry Canon Springs. The application was approved on October 30, 1917. Certificate No. 1356 was issued on April 13, 1928, for 0.0125 c.f.s. of water for stockwatering purposes.

Application No. 6225, filed on July 30, 1920, to change the point of diversion and place of use of the waters claimed under Proof of Appropriation of Water Serial No. 01085 on Simpson Creek with a priority of 1877. This application was approved on July 30, 1925, and Certificate No. 1951 was issued on April 12, 1933.

Application No. 7242, filed on October 31, 1924, for the waters of Depaoli Creek Spring. The application was approved on September 23, 1925, and Certificate No. 1952 was issued on April 12, 1933, for 0.003 c.f.s. of water for stockwatering purposes.

Application No. 10831, filed on May 29, 1942, for the underground water of Diamond Well. This application was protested by A. C. Florio on November 17, 1942. No action has been taken.

Application No. 10967, filed on July 3, 1943, for the waters of Simpson No. 2 Spring. No action has been taken. *Certified*



ALFRED MERRITT SMITH  
STATE ENGINEER

STATE OF NEVADA  
OFFICE OF STATE ENGINEER  
CARSON CITY

HUGH A. SHAMBERGER  
ASSISTANT

December 22, 1943

IN YOUR REPLY REFER TO NO. 10967

~~Mr. James Hunter~~  
Eureka  
Nevada

Dear Mr. Hunter:

Enclosed herewith is the report of the field investigation I made on Simpson No. 2 Spring last week.

You will note that a permit can be issued under this application and accordingly we are enclosing herewith our official notice calling for the statutory fee of Ten Dollars for the issuance of same.

I recall that you asked me regarding the ownership of Permits Nos. 4416 and 4417. This is covered in the last paragraph of the first sheet of the report of the investigation.

May I extend to you and your family the Season's greetings?

With kind regards, we are

Yours very truly,

ALFRED MERRITT SMITH  
State Engineer

By

  
Hugh A. Shamberger  
Assistant State Engineer

HAS:RMA  
Encls.

*Simpson No 2  
Poison Canyon water?*

IN THE OFFICE OF THE STATE ENGINEER OF NEVADA

In the Matter of Application No. 10967 )  
filed by James Hunter to appropriate )  
the Waters of Simpson No. 2 Spring and )  
which was protested informally by Mrs. )  
E. C. Boston. )

Report of Field  
Investigation

Application No. 10967 was filed on July 3, 1943, by James Hunter to appropriate the waters of Simpson No. 2 Spring for stockwatering purposes. The location of the source was given as being in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 19 N., Range 54 E., M.D.B.& M.

On July 28, 1943, Mrs. E. C. Boston made an informal protest against the granting of a permit under this application on the grounds that the source is located on their property and the water is piped across the road for use on her property.

On December 14, 1943, I made a field investigation of this application and it became evident that when Mrs. Boston wrote this Office she was confused as to the location of the source. Simpson Creek, upon which are located the ranches of Mrs. Boston and Mr. Hunter, has its source, Simpson Spring, located at a point about 1 $\frac{1}{2}$  miles above the Hunter ranch. From this point the canyon splits, one fork running in a northeasterly direction and the other in a southerly direction. It is in this latter fork that Simpson Spring No. 2 is located and is about two miles from Simpson Spring.

According to Mr. Hunter Simpson Spring is more of a seepage area and the spring does not flow at present. Should a permit be issued under this application Mr. Hunter plans to develop the spring.

Mr. Hunter has been running range cattle in this area for many years and by virtue of other stockwatering rights in the immediate vicinity of Simpson No. 2 Spring and continuous range usage has established range rights in this area.

Mr. Hunter is the owner of Permit No. 4416 which is the subject of Certificate No. 1357 for the waters of Poison Canyon Spring for stockwatering purposes. This source is located about

2½ miles in a northwesterly direction from Simpson Spring No. 2; of Permit No. 4417 the subject of Certificate No. 1356 for the waters of Dry Canyon Springs for stockwatering purposes. This spring is located about 4 miles in a northerly direction, of Permit No. 7242, the subject of Certificate No. 1952 for the waters of Depaoli Creek Spring for stockwatering purposes. This source is located about one mile northerly from Simpson Spring No. 2. In addition to the above, Mr. Hunter is the owner of certain irrigation and stockwatering rights on Simpson Creek/

I was informed by Mrs. Boston that they had run no range cattle in this area for many years.

From the foregoing it is apparent that Application No. 10967 can be approved without interfering with any prior rights on the source.

Respectfully submitted,

s/ Hugh A. Shamberger

Assistant State Engineer

Dated December 22, 1943.

HUGH A. SHAMBERGER  
STATE ENGINEER  
EDMUND MUTH  
ASSISTANT STATE ENGINEER  
C. E. THIEX  
ADMINISTRATIVE ASSISTANT

ADDRESS ALL COMMUNICATIONS  
TO THE STATE ENGINEER



STATE OF NEVADA  
OFFICE OF STATE ENGINEER  
CARSON CITY, NEVADA

F. N. DONDERO  
DEPUTY STATE ENGINEER  
E. J. DERICCO  
FIELD DEPUTY STATE ENGINEER  
DONALD K. JEWETT  
OFFICE ENGINEER  
HERBERT E. WINCHESTER  
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NOS. 4435 and 4417.

June 5, 1956.

James & John Hunter,  
Box 1044,  
Eureka, Nevada.

Dear Mr. Hunter:

Reference is made to your letter of June 2. A search of our records show the following:

There is no filings for the appropriation of water in Sec. 4, Township 19 N., 54 E., M.D.B.&M.

As to Sec. 2, Township 19 N., R. 54 E., our records show that Martin Etchemendy was issued, on May 13, 1917, Permit No. 4435 for 0.025 c.f.s. of the waters of Sheep Spring, to be diverted at a point in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 2 for stockwatering and domestic purposes. The Permit has been perfected, but no certificate issued. This right was assigned by Martin Etchemendy, on September 4, 1917, to Gaston Uhalde.

As to Sec. 3, Township 19 N., 54 E., our records show that Certificate No. 1356 was issued to James Hunter and Edith Mary Hunter for 0.0125 c.f.s. of the waters of Dry Canyon Spring. This is the right referred to in your letter. *April 30, 1917*

There are no filings for the appropriation of water in Sec. 35, T. 20 N., R. 54 E., M.D.B.&M.

Vested water rights may exist in the sections referred to in your letter. A record of which rights, if any exist, have not been made in this office by the filing of Proofs of Appropriation of water.

Very truly yours,

HUGH A. SHAMBERGER  
STATE ENGINEER

By

*F. N. Dondero*  
Deputy State Engineer

FND:BB

4-6-77 - The water in Dry Canyon was filed for irrigation up the canyon above the BLM line - (about 3/4 mi. or more) - Also Cuck spring was supposed to be in our BLM allotment. There was as much poison up there we didn't mind letting Raymond <sup>Eureka, Nevada</sup> cut down too far up there - The BLM line was <sup>June 7, 1956</sup> remain water right -

Mr. Hugh Shamberger  
State Engineer  
Mr. F. N. Dondero  
Deputy State Engineer  
Carson City, Nevada

Dear Friends:

Your letter of June 5th was written on Dad's birthday. He was 85 years old. I'm glad he wasn't home to read it as it was quite a shock to us, let alone Dad, to learn there had been another filing on our Dry Canyon water, which we had always regarded as our own.

Dad hasn't been well for several months, and is now visiting my sister in Paradise, California. He hopes to regain enough strength to return to the ranch soon as that is where his heart and soul are. In the meantime I'm trying to fill the old man's boots, and I'm afraid to tell him anything about this as problems about water and range upset him so. We have fought so hard to hold our range and water against the encroachments of powerful sheep and cattle interests.

From what I know personally, from reading written documents, and from what I have been able to learn from old time residents and applicants for the water of Dry Canyon, these are the facts regarding the waters of Dry Canyon. A few days ago when we were trying to establish a divisional line between the LaBarry Sheep Company and James and John Hunter, Monte Rohr, the Taylor Grazing representative, claimed his map showed a Sheep Spring located on his map in Dry Canyon. I have been in that district for forty years, and had never heard of a Sheep Spring in Dry Canyon, nor have I been able to find anyone who is familiar with the district who has.

The Edera Family, which is comprised of several grown people, distinctly remember when they filed on Dry Canyon as the original locators. They live here in Eureka, and I have just returned from an interview with them.

The Pete Edera's received their appropriation with an April 30, 1917 priority on water of Dry Canyon in the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec 5, T 19, R 54E., certificate 4417. Their neighbor, Martin Echemendy, who lived on what is now the Bank Ranch, long vacant except for grazing by LaBarry Sheep Co., filed an application under what must be Sheep Spring, file number 4435 (18 applications later than Pete Edera) in the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 2, T 19, R 54 E., and was granted a permit on May 15, 1917. (Ac-

ording to your letter no certificate was ever issued) This was thirteen days after Edera's certificate for those waters had been granted.

Pete Edera accounts for the difference in location in the canyon between his survey and Martin Etchemendy's survey as due to the conditions under which the waters in Dry Canyon rise. In the spring of the year when the water was filed on, there is often a big creek flowing down the canyon to the William's Ranch about a miles below. We now own the William's Ranch, and we claim vested rights to all tributaries entering it for irrigation purposes. Early in the year it is often hard to locate the main uprising of water in a narrow canyon where the water raises in the ditch. Upon the advise of the engineer, the place picked for the appropriation was where the most water appeared to rise. The difference in location between the two surveys could be as little as  $\frac{1}{4}$  mile. To the best of my knowledge, it has always been in this locality, that the first filing and certificate of appropriation on a stream secured the waters for their use. Mr. Etchemendy must have believed that too, because after trespassing once on the Dry Canyon waters, Pete Edera threatened to call the sheriff, and Martin Etchemendy withdrew. He didn't trespass again as long as Pete Edera was on the ranch.

Angelo DePaoli bought all of Pete Edera's holdings, including Dry Canyon Spring, described in the deeds. In 1920 we bought all DePaoli's holdings, including Dry Canyon spring. In thirty-six <sup>years</sup> since living at the ranch, no one has claimed a spring in Dry Canyon. ~~Therefore~~ <sup>we</sup> therefore request that any certificate for application No. 4435 on so called Sheep Spring be denied.

During the recent drought years nearly all the waters in Dry Canyon have localized around the Etchemendy survey. Since our water appropriation is below the Etchemendy survey, would you advise us to apply for a new appropriation and have a new survey covering this upper water? We have used this range continuously, and it is 39 years since this appropriation of Etchemendy's was issued and not certified by a certificate, and we would like to know if it is possible for LaBarry's to substantiate a claim in our canyon.

Please advise us if there is a water certificate issued or an appropriation in Sec. 33, T. 20, R 54 E., M.D.B & M.

Sincerely yours,  
*John Hunter*  
James and John Hunter  
by John Hunter  
Box 1044  
Eureka, Nevada





HUGH A. SHAMBERGER  
STATE ENGINEER  
EDMUND MUTH  
ASSISTANT STATE ENGINEER  
C. E. THIEX  
ADMINISTRATIVE ASSISTANT

ADDRESS ALL COMMUNICATIONS  
TO THE STATE ENGINEER

STATE OF NEVADA  
OFFICE OF STATE ENGINEER  
CARSON CITY, NEVADA

F. N. DONDERO  
DEPUTY STATE ENGINEER  
E. J. DERICCO  
FIELD DEPUTY STATE ENGINEER  
DONALD K. JEWETT  
OFFICE ENGINEER  
HERBERT E. WINCHESTER  
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 4435, and 01084

June 18, 1956

JAMES AND JOHN HUNTER,  
Box 1044,  
Eureka, Nevada.

ATTENTION: John Hunter

Gentlemen:

Reference is made to your letter of June 7. Due to the nature of your letter, it required much time to go through the records. In this connection, I found a complete abstract of live filings in township 19 N., R. 54 E., M.D.B.&M. This abstract was found in file No. 01084.

A verifax copy of a portion of said abstract is enclosed herewith, which will give you full knowledge of the water rights within your livestock range.

As to your request that Certificate under Permit No. 4435 of Gaston Uhalde be denied, this cannot be done until an investigation is made on the ground of this source. A notation has been made to this effect on our records.

As to filings in Sections 32-36, inclusive, T. 20 N., R. 54 E., M.D.B.&M., referred to in the plat, which was submitted with your letter, our records show the following live filings:

Certificate No. 1356, issued April 13, 1928 to James and Edith Mary Hunter under Permit No. 4417. This certificate was issued for 0.00125 c.f.s. of the waters of Dry Canyon Spring diverted at a point in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 3, T. 19 N., R. 54 E., M.D.B.&M., for stockwatering and domestic purposes in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 3. The priority of this right is April 30, 1917, and the period of use of water is from April to November of each year.

Permit No. 4434, issued to Gaston Uhalde, Assignee of Martin Etchemendy. This permit was issued for certain waters of Moritz Nager Creek, to be diverted in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 34, T. 20 N., R. 54 E., M.D.B.&M for stockwatering and domestic purposes. This Permit has been perfected, but no certificate issued.

Certificate No. 2101 issued to Marcos Legarra under Permit No. 8515. This certificate was issued for 0.025 c.f.s. of the waters of Cash Spring, diverted at a point in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, T. 29 N., R. 5 $\frac{1}{4}$  E., M.D.B.&M., for watering four thousand sheep and five horses during the period of April 1 to November 1 of each year under a priority of appropriation of April 23, 1928.

Proof of Appropriation of water, No. 01424, was filed September 14, 1915 by A. C. Florio. In this proof, a claim is made to certain waters of Cash Spring, diverted in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, T. 20 N., R. 5 $\frac{1}{4}$  E., M.D.B.&M., for stockwatering purposes under a Priority of Appropriation of the year 1903. If further information is desired on this appropriation, it will be given to you upon request.

Very truly yours,

HUGH A. SHAMBERGER  
STATE ENGINEER

By

F. W. Anderson  
Deputy State Engineer

FND:bb

Enclosure.