

AMENDED

STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER

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

USE(S):.

Primary (Please select only one):

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

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Secondary (Select all that may be applicable):

Stock water	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
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NAME OF CLAIMANT Robert F. Beck and Karen A. Beck, trustees of the Beck Family Trust dated 04-19-2005

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Upper Torre SE Spring

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

2. The means of diversion Natural spring and channel

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

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

Within the SE¼ SW¼ of Section 25, Township 20 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 21, Township 20 North, Range 54 East M.D.M., bears North 61° 39' 12" West a distance of 20,637 feet.

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

4. The date of construction of the ditch or other works was begun \_\_\_\_\_

and completed specific dates unknown but most likely late 1920's to early 1930's

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

Possessory interest prior to land being patented and then subsequently deeded to current owner.

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

6. The claimant's water right was not recorded in the office of the County Recorder of \_\_\_\_\_

(circle one)

County, at Page \_\_\_\_\_ of Book \_\_\_\_\_ of \_\_\_\_\_

7. The amount of water diverted for the claim's purpose has been measured at

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Within the SE¼ SW¼ of Section 25, Township 20 North, Range 54 East M.D.M.

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

**QUESTIONS REGARDING WATERING OF LIVESTOCK**

9. The approximate number of animals watered by the claimant during the first year of 1886 was  
Year  
100 cattle          horses 500 sheep          other (describe in remarks)

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

10. The approximate number of animals watered by the claimant in subsequent years was:  
\*\* cattle          horses \*\* sheep          other (describe in remarks)

11. The water is impounded in Natural spring pool, natural channel and small pond  
Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

**QUESTIONS WITH REGARD TO IRRIGATION**

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

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

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

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

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

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

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

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

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

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

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

have been grown upon the land(s) irrigated.

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

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

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

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

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

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

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

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



**ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING**

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

\*\*Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Family Trust dated 04-19-2005 are full and correct to the best of their knowledge and belief.  
(Name)

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Robert Beck, Trustee Signature [Handwritten Signature]  
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

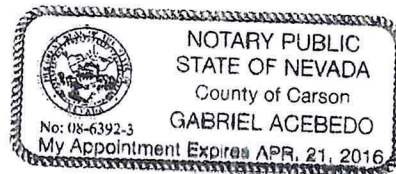
State of Nevada  
County of Carson City

Subscribed and sworn to before me on 4/21/16  
(Date)

by Robert Beck

[Handwritten Signature]

Signature of Notary Public Required



Notary Stamp or Seal Required

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

## Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

# Exhibit – 1



THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR
STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

Street and No. or P.O. Box No. of Eureka City or town
Nevada State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should

be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date
and completed Date

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

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

County, at Page of Book of
NOTE--Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE



See AFFIDAVIT  
9/22/76 L.E.P.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975,  
Date  
was 100 cattle 500 horses 500 sheep or Other. The watering  
was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep  
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given.

(11) The amount of water which has been necessary to be diverted for this purpose has been All the source produces which varies from summer to winter  
448.83 gal. per min. equals 1 cubic foot per second.  
cubic feet per second.

(12) The works are located at NW 1/4 of SE 1/4 Section 28 T. 20N., R54E.  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed  
land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock  
recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropri-  
ation of water by United Dressed Beef, Inc.  
are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

United Dressed Beef, Inc.  
Claimant

By Donald D. Eldridge

Street and No., or P.O. Box No.

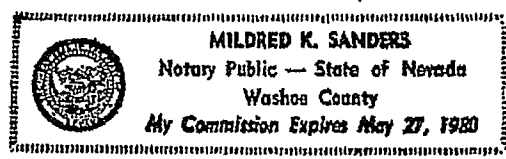
Carson City, Nevada  
City, State, Zip Code No.

Subscribed and sworn to before me this 2<sup>nd</sup> day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980



**\$10 FILING FEE MUST ACCOMPANY PROOF**

A F F I D A V I T

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, <sup>11 (Brinker)</sup> Held Spring - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: Sept 22, 1976.

Raymond Labarry, Jr.  
RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,  
this 22 day of Sept,  
1976, by \_\_\_\_\_

Willis A. DePaoli  
Notary Public

WILLIS A. D. PAOLI  
Notary Public — State of Nevada  
Eureka County  
My Commission Expires Oct. 14, 1981

FILED  
OCT 12 1976  
STATE ENGINEER'S OFFICE



**WESTERN FARM MANAGEMENT COMPANY**

P.O. BOX 320 RENO, NEVADA 89501  
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter  
Division of Water Resources  
201 South Fall Street  
Carson City, Nevada 89710

Re: - Water Rights - LaBarry-Harris - United Dressed Beef Inc.  
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 asks about the year of priority of First Beneficial Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~that~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms  
encl.

**Exhibit – 2**

AMENDED  
APPLICATION FOR PERMIT

ASSIGNED  
Serial No. 8812

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office: JAN 17 1929  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed AUG 22 1929

The undersigned Handley Brothers  
Name of applicant  
of Eureka, County of Eureka

State of Nevada, hereby make 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 Cottonwood Canyon Springs and Creek (No. 2 or South Branch)  
Name of stream, lake, or other source
2. The amount of water applied for is one-fourth second-foot.  
One-second-foot equals 40 miners' inches
3. The water to be used for Stockwatering 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:  
At a point in the SE 1/4 SW 1/4 of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the NE corner on the W. boundary of said Sec. 13.  
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) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_ of each year.  
Month Month

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

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located in the SE 1/4 SW 1/4 of Sec. 13, T. 20 N; R. 54 E.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.
- (h) Use will begin about April 1 and end about Oct. 1 of each year.  
Month Month
- (i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.



DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the local subdivisions.

- 5. Estimated cost of works \$200.00
- 6. Estimated time required to construct works Works already completed.
- 7. Remarks For use of applicant

HANDLEY BROTHERS Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before

Oct. 1, 1933. Proof of the application of water to beneficial

use must be filed with State Engineer on or before Nov. 1, 1933

Map filed AUG 22, 1929

Proof of labor filed - 10-23-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed - MAY 21, 1933

Certificate No. 1021

WITNESS MY HAND AND SEAL this 30th day

of April 1930

State Engineer.

Recorded County Records

By Assistant State Engineer

AMENDED  
APPLICATION FOR PERMIT

ASSIGNED  
Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed AUG 22 1929

The undersigned Handley Brothers

Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make 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 Saw Mill Spring and Creek  
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.  
One-second-foot equals 40 miners' inches

3. The water to be used for Stockwatering 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:

At a point in the SE 1/4 NE 1/4 of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the NE corner on the West boundary of said Sec. 13.

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) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_ of each year.  
Month Month

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

(d) Power to be developed is \_\_\_\_\_ horsepower.

(e) Works to be located in the SE 1/4 NE 1/4 Sec. 13 T. 20 N; R. 54 E.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1 of each year.  
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

- 5. Estimated cost of works: \$400.00
- 6. Estimated time required to construct works: Additional one year.
- 7. Remarks: For use of applicant

HANDLEY BROTHERS, Applicant.

By: Harvey M. Payne

Compared: M.E.-C.T.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second, or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930.

Proof of commencement of work shall be filed before Nov. 1, 1930.

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931.

Proof of completion of work shall be filed before Nov. 1, 1931.

Application of water to beneficial use shall be made on or before

Oct. 1, 1933. Proof of the application of water to beneficial

use must be filed with State Engineer on or before Nov. 1, 1933.

Map Filed Aug. 22, 1929

Proof of labor filed May 2, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed Nov. 21, 1933

Certificate No. 11111 Issued Nov. 21, 1933

Recorded By \_\_\_\_\_ Page \_\_\_\_\_

County, Oklahoma

WITNESS MY HAND AND SEAL this 30th day

of APRIL 1930

State Engineer

By: \_\_\_\_\_ ASSISTANT STATE ENGINEER

AMENDED  
APPLICATION FOR PERMIT

ASSIGNED  
Serial No. 8815

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed AUG 22 1929

The undersigned Handley Brothers  
Name of applicant  
of Eureka, County of Eureka  
State of Nevada, hereby make 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 Cottonwood Springs and Creek (No. 1 or main branch).  
Name of stream, lake, or other source
2. The amount of water applied for is one-fourth second-foot.  
One second-foot equals 40 miners' inches
3. The water to be used for stockwatering 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:  
At a point in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 13, T. 20 N; R. 54 E., which bears  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unurveyed land, it should be so stated.  
S. 61 $^{\circ}$  27' E., 5298.32 feet from the E corner of the West boundary  
of said Sec. 13.

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 unurveyed 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) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_ of each year.  
Month Month

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

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 13, T. 20 N; R. 54 E.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered 150 cattle and  
6000 sheep.
- (h) Use will begin about Apr. 1 and end about Oct. 1 of each year.  
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoirs should be given with reference to the legal subdivisions.

- 5. Estimated cost of works: \$150.00
- 6. Estimated time required to construct works: additional One year.
- 7. Remarks: For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey W. Payne

Compared: M.F.-C.T.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second, or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed - 10-30-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed - NOV 12 1933

Certificate No. 2003 signed Nov 22 1933

Recorded

County Records

WITNESS MY HAND AND SEAL this 30th day

or April 1930

State Engineer

By [Signature]

Exhibit – 3



THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic

purpose: The point of diversion of water from the source is as follows: S. 39. 37. E. 27. 31. ft. from the 1/4 Cor. on the W. 1/2 Sec. 15, T. 20 N., R. 54 E., M.D. B. 33. or in the SW 1/4 Sec. 15, T. 20 N., R. 54 E., M.D. B. 33. situated in 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: Handley Brothers
Post-office address: Eureka, Eureka County, Nevada.
Amount of appropriation: 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.
Period of use, from April 1st to Nov. 1st of each year
Date of priority of appropriation: January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 30 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SW 1/4 Sec. 15, T. 20 N., R. 54 E., M.D. B. 33.

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

of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

[Handwritten signature of George W. Malone]

State Engineer.

Recorded 12/1/33 by B Page 83
E.A. H. County Recorder

THE STATE OF NEVADA  
CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAINE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a source in the State of Nevada

from Saw Mill Spring and Creek through pipeline and troughs for Stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: N. 22 E. 13 T. 20 N. R. 54 E. M. D. B. M. Sec. 13. From the 4 Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M. D. B. M. Sec. 13 situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of Nevada, 1915, 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: Handley Bros.

Post office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to November 1st of each year

Date of priority of appropriation: January 17th, 1928

Description of works of diversion and use:

About 10 ft. of 2 inch pipe draws water from the springs to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 16 feet long. Place of use is in the S. 1/4 NW 1/4 Sec. 13, T. 20 N., R. 54 E., M. D. B. M.

The right to water hereby determined is limited to the amount which can be beneficially used, and 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

of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, 1935

*Handwritten signatures and stamps*

Recorded 12/1/35 Eureka County Records

THE STATE OF NEVADA  
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch)

through pipeline and troughs for Stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: S. 31° 27' E., 5296.32 ft., from 1/2 Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B. 2M. or in the SW 1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B. 2M. situated in 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: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot, per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use:

A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1 1/2 inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SW 1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B. 2M.

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

of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1929

*[Handwritten signature of Geo. W. Malone]*  
State Engineer.

Recorded 17/1/29 at Eureka Page 55

Exhibit – 4

AMENDED  
APPLICATION FOR PERMIT

ASSIGNED  
Serial No. 8995

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 26 1929  
Returned to applicant for correction SEP 23 1929  
Corrected application filed AUG 22 1929

The undersigned Handley Brothers  
Name of applicant  
of Eureka, County of Eureka

State of Nevada, hereby make 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 Dipping Corral Spring  
Name of stream, lake, or other source
2. The amount of water applied for is one-fourth second-foot.  
One second-foot equals 40 minims inches
3. The water to be used for stockwatering 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:  
NW 1/4 NE 1/4 of Sec. 14, T. 20 N; R. 54 E., at a point which bears N,  
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.  
46° 24' 34" West, 3247.56 feet from the 1/4 corner on the E. boundary  
of said Sec. 14.

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) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_, of each year.  
Month Month

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

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located NW 1/4 NE 1/4 Sec. 14, T. 20 N; R. 54 E.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered 6000 sheep and 150  
cattle
- (h) Use will begin about Jan. 1 and end about Dec. 31, of each year.  
Month Month

(i) Remarks Applicants and their predecessors have used water from  
this spring for many years prior to 1906, and ranged stock in the vicini-  
ty thereof, and claim a vested right thereby, which right is not  
waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

- 5. Estimated cost of works \$200.00
- 6. Estimated time required to construct works Already completed
- 7. Remarks For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.F.-C.T.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before

Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929. WITNESS MY HAND AND SEAL this 30th day

Proof of labor filed May 2, 1930 of April 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 27 1933

Certificate No. 1072 State Engineer

By [Signature]



**Exhibit – 5**

THE STATE OF NEVADA  
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAXIE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from about 1 1/2 miles S. of the State Engineer's Office to Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: N. 46° 25' W. 3247.86 ft. from 1 Cor. on E. 1/4 Sec. 14, T. 20 N., R. 54 E., M.D.B. 31E. or from the NW 1/4 NE 1/4 Sec. 14, T. 20 N., R. 54 E., M.D.B. 31E. situated in Eureka County, State of Nevada.

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

Name of appropriator: Handley Brothers  
Post-office address: Eureka, Eureka County, Nevada  
Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.  
Period of use, from: January 1st to December 31st of each year  
Date of priority of appropriation: July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 8 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and then is served in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to dipping vats and corrals. Place of use in the NW 1/4 NE 1/4 Sec. 14, T. 20 N., R. 54 E., M.D.B. 31E.

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. MAHON, State Engineer

of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

Received 12/1/33 B. Eureka

State Engineer