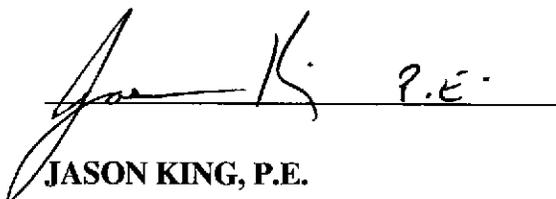


IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

**PRELIMINARY ORDER OF DETERMINATION**

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE OWYHEE RIVER (SOMETIMES CALLED THE EAST FORK OWYHEE RIVER) AND ITS TRIBUTARIES LOCATED WITHIN THE EAST FORK OWYHEE RIVER AREA, ELKO COUNTY, NEVADA.

  
JASON KING, P.E.  
STATE ENGINEER

Dated this 29<sup>TH</sup> Day  
of APRIL, 2010.

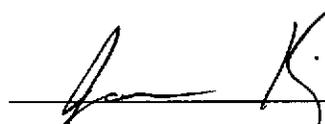


# CERTIFICATION OF STATE ENGINEER

\*\*\*\*\*

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 the waters, both surface and underground, within the drainage area of the Owyhee River (sometimes called the East Fork Owyhee River) and its tributaries, located within the East Fork Owyhee River Area, Elko County, Nevada. This Preliminary Order of Determination was prepared and filed in the State Engineer's Office on the 29<sup>TH</sup> day of APRIL, 2010.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 29<sup>TH</sup> day of APRIL, 2010.

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

**ADJUDICATION**

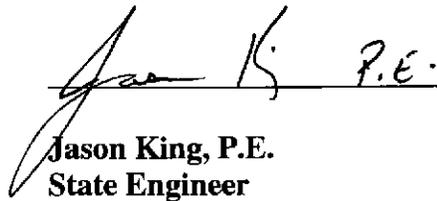
\* \* \* \* \*

**EAST FORK OWYHEE RIVER AREA**

**ELKO COUNTY, NEVADA**

\* \* \* \* \*

Presented herewith is the Preliminary Order of Determination defining the rights in and to the waters, both surface and underground, of the drainage areas of the Owyhee River (sometimes called the East Fork Owyhee River) and its tributaries, located within the East Fork Owyhee Area, Elko County, 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 29<sup>TH</sup> day of APRIL, 2010.

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## I. GENERAL

A “PETITION FOR THE DETERMINATION OF WATER RIGHTS BEFORE THE STATE ENGINEER OF NEVADA”, dated January 21, 1924, “IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS TO THE WATERS OF THE OWYHEE RIVER AND ITS TRIBUTARIES” was filed on January 28, 1924, by Henry Winter and Barney Monestario of Whiterock, Nevada.

On January 24, 1925, the State Engineer<sup>1</sup>, issued an order “In the Matter of the Determination of the Relative Rights in and to the Waters of the Owyhee River and its Tributaries, in Elko County, State of Nevada” to determine the rights within said drainage. It was further ordered that the proceedings “shall begin on the 2nd day of March, 1925.

The “NOTICE OF ORDER AND PROCEEDINGS”, dated January 24, 1925, was sent to publication in the Elko Independent newspaper and was published for five consecutive weeks beginning on January 27 and ending on February 24, 1925.

The original adjudication process failed to progress from the 1925 notice of proceedings and the adjudication stagnated until 1989 when the Federal Government directed the states of Nevada and Idaho to commence with the adjudication of the Snake River and tributaries.

On July 14, 1989, the State Engineer, pursuant to the provisions of NRS § 533.090(2), issued Order No. 995 Reinstating Proceedings for the adjudication of the relative vested water rights of claimants to the surface and underground waters of the East Fork Owyhee River and its tributaries and the natural drainage areas of said system in Elko County, Nevada. In accordance with the provisions of Nevada Revised Statutes § 533.090 through 533.320, inclusive, the State Engineer also issued a Notice of Order and Proceedings to Determine Water Rights. On August 25, 1989, the State Engineer issued Order No. 1001, the Notice for Taking Proofs to Determine Water Rights, setting forth the requirement that all those making claims to water rights in the surface and underground waters of the East Fork Owyhee River and its tributaries drainage areas were required to make proof of their claims between November 30, 1989, and November 30, 1990. The notice was published weekly commencing on September 22, 1989, and ending on October 20, 1989, in the Elko Daily Free Press, a newspaper of general circulation within Elko County, which is within the boundaries of the hydrographic systems.

On September 5, 1989, the State Engineer sent, by certified mail to each potential claimant that could be reasonably ascertained, the Order Reinstating Proceedings, the Notice of Order and Proceedings to Determine Water Rights and Notice of Order for Taking Proofs to Determine Water Rights.

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<sup>1</sup> Robert A. Allen, State Engineer of the State of Nevada.

Pursuant to requests from several potential claimants, the State Engineer extended the period for filing Proofs of Appropriation to November 30, 1991. Since the initiation of the adjudications on the Owyhee River, South Fork of the Owyhee River, Bruneau River and Jarbidge River was done in conjunction with the Snake River Adjudication in Idaho, by letter dated September 4, 1991, the State Engineer again extended the deadline for filing Proofs of Appropriation until June 15, 1992, in recognition that tribal water rights were being considered in a negotiation process on the East Fork Owyhee River.

The State Engineer again received requests to extend the deadline for filing Proofs of Appropriation, and on May 5, 1992, granted those requests and extended the deadline until June 15, 1993, with additional extensions being granted on January 7, 1994, until June 14, 1994, and on May 20, 1994, until December 15, 1994.

Field investigations of the hydrographic system, ditches diverting water, and lands irrigated from there were conducted on May 13-16, June 17-25, July 22-29 and August 19-25, 27 and 28, 1997, May 24 through May 28, 1999, June 18 and 21, 2001, July 17, 19 and 20, 2001, and August 20-22, 2001. The field investigators' observations and measurements were reduced to reports of field investigations. Surveys and their corresponding maps were caused to be executed and submitted by the claimants to the Division of Water Resources, Office of the State Engineer.

Pursuant to Nevada Revised Statute § 533.140, on April 29<sup>th</sup> 2010, the State Engineer affixed his signature to the Abstract of Claims, and hereby issues this Preliminary Order of Determination.

## **II. SHOSHONE-PAIUTE AGREEMENT**

Pursuant to a Memorandum of Understanding (See Appendix B) dated April 9, 1991, the Shoshone-Paiute Tribes of the Duck Valley Reservation, the United States and the State of Nevada began negotiation of the water rights claimed by the United States for the Duck Valley Reservation. On July 22, 1992, Amendment No. 1 was added to the Memorandum of Understanding. In 2006, the parties signed a settlement agreement of negotiated claims. The *AGREEMENT TO ESTABLISH THE RELATIVE WATER RIGHTS OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION AND THE UPSTREAM WATER USERS, EAST FORK OWYHEE RIVER*<sup>2</sup> ("Duck Valley Settlement") was signed by all of the parties subject to said agreement on various dates beginning on January 15, 2006, with the

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<sup>2</sup>Attached to this Preliminary Order of Determination as "Exhibit I with Addendums A-D".

final signature being obtained on November 15, 2006. The Agreement was ratified by the United States Congress on March 30, 2009, and was titled: Subtitle C - Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement<sup>3</sup>.

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation shall have the right to 111,476 acre-feet of surface water from the East Fork Owyhee River Basin; 2,606 acre-feet of groundwater based on all groundwater historically or currently used on the Reservation; the entire flow of all springs and creeks originating within the exterior boundaries of the Reservation; and a potential for additional groundwater if it can be substantiated pursuant to the Agreement (Appendix B).

The priority of the Tribe's water right is April 16, 1877 and the period of use shall be January 1 through December 31 of each year.

### **III. WATER SOURCES AND FLOWS**

The sources of water that are the subject of this adjudication are all located in Elko County, Nevada, and consist of groundwater and all streams and springs located within the East Fork Owyhee River (hereinafter "Owyhee") drainage (Figure 1. Small general location map). The Owyhee drainage originates in Nevada and flows north into Idaho and continues to Oregon where it discharges into the Snake River.

The streams and springs that are the subject of this adjudication are fed from melting snow and rain from the upper elevations of the Independence Mountain Range that forms the western boundary of the drainage and a series of discontinuous mountains that forms the eastern boundary of the drainage. The Owyhee basin is bounded by the North Fork Humboldt River drainage to the south, the South Fork Owyhee River drainage to the west and the Bruneau River drainage to the east.

The headwaters of the Owyhee are located within Sections 25 through 28, T.42N., R.55E., M.D.B.&M. Irrigated acreage upstream of the confluence of Clear Creek and the Owyhee is dependent on intermittent streamflow that generally ceases sometime in late June through July.

Most of the tributary streams produce the bulk of their runoff within a short period of time in the spring and rapidly recedes in the late spring and early summer. Much of the water in this type of stream system cannot be captured for irrigation and passes into Wildhorse Reservoir

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<sup>3</sup>Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, Section 10801-10809 (2009).

or into the main stem of the East Fork Owyhee River.

Hanks Creek is the first tributary to the Owyhee from the east with irrigation claims and permits. Sufficient water for irrigation occurs during spring and early summer runoff. Sufficient water exists on Hanks Creek for stock watering later in the summer.

Clear Creek is a perennial spring-fed stream that enters the Owyhee from the east side of the drainage. Sufficient flow exists to irrigate acreage plus provides commingled water to irrigate ground also claimed under the East Fork Owyhee River.

Crooked Creek and Jacks Creek enter the Owyhee River from the west approximately 1½ miles north of the Clear Creek confluence. These streams are perennial spring-fed sources that arise on the alluvial fan on the east side of the Independence Mountain Range. A narrow band of acreage is irrigated on both sides of the stream channels.

Deep Creek with tributaries Clear and Riffe Creeks are the next major tributaries entering the Owyhee River. Deep Creek and Clear Creek are intermittent streams in the canyon that emanates from the east slope of the Independence Range. The major component of discharge from these two sources are generated from melting snow during the spring and early summer months and convective rain storms in the summer months. Riffe Creek is spring fed and is supplemented by snowmelt and rainfall runoff. Deep Creek discharges directly into Wildhorse Reservoir. Penrod Creek is the next tributary that discharges directly into Wildhorse Reservoir from the east. Penrod Creek begins at the confluence of Martin Creek and Gold Creek. Hay Meadow Creek enters Penrod Creek from the east about three-quarters of a mile downstream from the Gold Creek confluence. Like most of the tributary streams, Gold Creek is an intermittent stream that is spring fed in its upper reaches, with useable irrigation flows originating as snowmelt or rainfall runoff. The major portion of the runoff in Penrod Creek is spring runoff and rainfall events. Spring sources that arise within the drainage generally provide water in a localized area of the stream system but do not produce enough water to sustain sufficient flow rates throughout the entire irrigation season.

Gold Creek produces runoff water from snowmelt and rainfall events. Water is also discharged from Sunflower Reservoir at the headwaters of Gold Creek. Currently, Sunflower Reservoir collects and stores water within its own drainage basin. Martin Creek and several other smaller drainages have been diverted into the reservoir in the past through a series of diversion structures and collection ditches. Currently, the diversions and ditches are in a state of disrepair.

Hendricks Creek is the last significant tributary to flow into Wildhorse Reservoir. Tributaries to Hendricks Creek include Warm Creek, Poorman Creek and Chicken Creek. Warm Creek and Poorman Creek are spring fed and tend to be perennial in nature although they do not produce enough water to adequately irrigate all of the acreage throughout the entire growing season. Chicken Creek is dependent on snowmelt and storm runoff for the bulk of its irrigation flow.

Beaver Creek enters the Owyhee from the west side of the river just downstream from the Wildhorse dam. Beaver Creek has some springs in its upper reaches, but becomes intermittent in

the lower portion from mid to late summer. There are no irrigation claims for water diverted directly from this tributary.

Badger Creek enters the Owyhee from the Independence Range within the canyon and above the first irrigated acreage below Wildhorse Reservoir. This stream is spring fed in its upper reaches, but becomes intermittent in the lower reaches much the same as Beaver Creek. No irrigation use occurs within the Badger Creek drainage.

Allegheny Creek enters the Owyhee drainage from the east through the first irrigated acreage below Wildhorse Reservoir. It provides irrigation water to 80.1 acres of land and supplements Owyhee water on land adjacent to the river. This stream has springs in its upper reaches, but irrigation flow is dependent upon snowmelt and rainfall runoff.

Van Duzer (Duser) Creek enters the Owyhee from the Independence Mountain Range. Van Duzer is a perennial stream that is spring fed and dependent on snowmelt runoff for its irrigation water. Trail Creek is the major tributary to Van Duzer Creek and is also a perennial spring fed stream. This drainage has the largest area of irrigation on a tributary below Wildhorse Reservoir and south of the Duck Valley Shoshone-Paiute Reservation. In excess of 1,100 acres are irrigated within the Van Duzer and Trail Creek system.

Mill Creek enters the Owyhee from the west at the abandoned mining town of Patsville. Minimal acreage is irrigated from Mill Creek because of mill tailings covering a large portion of the original acreage and acid mine runoff emanating from the tailings impoundment. Work has been under way in recent years to neutralize the acid mine runoff from the tailings located within the drainage.

California Creek flows into the Owyhee from the east approximately one mile upstream from Mountain City. The majority of the irrigated acreage is located approximately three and one-half miles upstream from Nevada State Route 51, with a smaller portion being just east of the highway. Any remaining water discharged into the Owyhee supplements the irrigation of fields along the river. California Creek is an intermittent stream with its primary source of water being snowmelt.

Slaughterhouse Creek enters the Owyhee from the east approximately one-half mile north of Mountain City. Slaughterhouse is a spring fed perennial stream that is supplemented by snowmelt runoff from early spring to mid-summer. Slaughterhouse is the last major tributary to the Owyhee before the river flows onto the Duck Valley Shoshone-Paiute Reservation.

The Owyhee flows unimpeded through the Duck Valley Reservation to China Dam, located approximately one and one-half miles south of the town of Owyhee. Water is diverted at China Dam into the Duck Valley Shoshone-Paiute Indian Reservation irrigation system. Several other diversion dams and associated canals are used for irrigation and recreation purposes within the Duck Valley Shoshone-Paiute Reservation.

The Duck Valley Canal transfers water from the Owyhee River drainage west to Sheep Creek Reservoir. Discharge from Sheep Creek Reservoir enters the Petan Ranch, within the South Fork Owyhee River drainage.

#### **IV. PERIOD OF USE**

The period of use for irrigation shall be from April 15<sup>th</sup> to October 15<sup>th</sup><sup>4</sup> of each year as set forth in the Duck Valley Settlement, unless otherwise noted. The period use for any other manner of use is from January 1<sup>st</sup> to December 31<sup>st</sup> of each year unless otherwise specified.

#### **V. DUTY OF WATER**

Duty of water for all lands irrigated under the claims determined to be valid in this preliminary order from streams located in the East Fork Owyhee River Area is herein fixed and shall not exceed 2.80 acre-feet per acre annually<sup>5</sup> for irrigated acreage designated as hay meadow, and 1.80 acre-feet per acre annually<sup>6</sup> for irrigated acreage designated as diversified pasture, unless otherwise specified under existing permitted and/or certificated water right appropriations.

#### **VI. DIVERSION OF WATER**

Historically, diversion of water in the East Fork Owyhee River Area has been accomplished via earthen, rock, canvas, gabion, concrete and board dams located in the stream channel where the diversion ditch begins. The nature of the stream systems and wide variation in flows do not constitute the immediate need for regulation. Therefore, it is not necessary to maintain a measuring device or mechanical headgate for diversions on streams upstream of the Duck Valley Indian Reservation. The diversions of water by the respective parties to which they are recognized are to be up to the extent and in the amount and manner determined, or allowed by permits and their associated certificates at the times set forth in this preliminary order or in the permits that have been issued by the State Engineer.

All tributaries to the East Fork Owyhee River including the East Fork Owyhee River shall be subject to the period of use from April 15<sup>th</sup> to October 15<sup>th</sup><sup>4</sup> as stated under Section IV PERIOD OF USE.

Priority dates will be recognized as decreed for the Upstream Water Users. This means

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<sup>4</sup> Duck Valley Settlement, Article V, §1.a.

<sup>5</sup> Duck Valley Settlement, Article V, §1.a.i.

<sup>6</sup> Duck Valley Settlement, Article V, §1.a.i.

that all vested water claims will have the same priority as the Duck Valley Shoshone-Paiute Reservation and the decreed priority dates will be utilized as a tool by the State Engineer for the resolution of disputes and regulation of diversions between the Upstream Water Users. All permitted and certificated water rights will be subject to the priority dates as established through the appropriation process outlined in NRS Chapter 533.

The State Engineer may order proper diversion structures and measuring devices installed in order to accomplish distribution in the event it becomes necessary.

The State Engineer reserves the right to order a rotation method of irrigation; if it is determined that stream discharge can no longer satisfy crop-water demand during the irrigation season. True rotation does not violate the doctrine of priority, but is a variation in its administration. The methodology employed, if rotation is invoked, will be determined by the State Engineer.

## **VII. MEASUREMENT OF WATER**

Measurement of water delivered for consumptive uses is to be made at a point where the main ditch or stream enters or becomes adjacent to the land to be irrigated or as near thereto as practicable; the location, if not selected by the State Engineer, is to be approved by him. Measurements of diversion rates are to be made at the point at which water is diverted from the natural channel to a ditch, pipeline or other means of conveyance to the place of use. As stated earlier, measurement devices are not required at this time. The State Engineer reserves the right to require the installation of measuring devices.

## **VIII. STOCK WATERING, DOMESTIC AND MINING USES**

The limit and extent of the rights claimed and certificates issued for watering livestock, mining and domestic purposes shall be according to the dates of priorities of such users and limited to the quantity of water reasonably necessary for such use. The priority date for stock watering shall be consistent with the priority date for irrigation as set forth in the Settlement Agreement, being April 16, 1877. Priority dates that are published for each claim shall be used as a basis for regulation by the State Engineer should any dispute arise between any of the "Upstream Water Users" regarding senior versus junior appropriators. If a claimant is not in priority for irrigation water, that claimant is not in priority for stock water and domestic water for all irrigation claims where stock water is claimed as an associated use. The amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock watering and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season shall include water for stock watering and domestic purposes. The number and type of livestock shall be a sufficient measure for determination of the quantity of water under each claim. Additionally, livestock are opportunistic and will consume water from various

sources and varying quantities depending on available feed. Therefore, total water consumption under individual claims for watering stock in a range area that contain multiple water sources is not additive and is limited by the total number of livestock using all water sources located within a specific grazing area. The period of use for mining, stock watering and domestic purposes shall be from January 1st to December 31st of each year.

Stock water shall be administered subject to the limits and provisions set forth under the Duck Valley Settlement<sup>7</sup>.

## **IX. CHANGE IN POINT OF DIVERSION, MANNER AND PLACE OF USE**

All water allotted under this preliminary order shall be appurtenant to the place of use designated herein. Any water user desiring to change the point of diversion, manner of use or place of use of the waters allotted herein must make application to the State Engineer for permission to make a change pursuant to NRS § 533.345.

The amount of water allowed to be changed shall not exceed the amount of water available for beneficial use during a year of average runoff. For streams which do not have sufficient data to accurately represent actual runoff characteristics and volumes, additional studies may be deemed necessary by the State Engineer prior to the approval or denial of any application to change. The change applications for ground water will be subject to additional determination and evaluation with respect to the effects on existing water rights and the resource within the groundwater basin.

The State Engineer or authorized personnel shall have the right to enter the premises of any owner or proprietor where any stream, spring or well mentioned in this preliminary order is situated at any reasonable hour of the day for the purposes of investigating and carrying out the duties required for the administration of this order.

Once decreed, the State Engineer requests that the Court expressly reserve jurisdiction over all matters that are the subject of this adjudication.

## **X. WATER RIGHT PROOFS OF APPROPRIATION DETERMINED TO BE VALID**

**Proof of Appropriation V-01020** was filed on December 27, 1910, by Joseph R. Paleni and is currently assigned to Dennis R. and Marcia J. Bieroth claiming a vested right from Van

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<sup>7</sup> Appendix B, Duck Valley Settlement, Article IV. § 1. F.(Pgs. 11-12).

Duzer Creek for the irrigation of 128.88 acres of land. In this Preliminary Order of Determination, a vested right for 128.88 acres of irrigation and domestic uses from the above-named source is established under this proof. **Application 23601** was filed on January 12, 1967, to appropriate the waters of the Owyhee River to irrigate 34 acres between the Mountain City Highway and the East Fork Owyhee River within Sections 19 and 30 of T.45N., R.54E., M.D.B.&M. This acreage has been historically irrigated and is currently irrigated by Van Duzer Creek. In this proceeding the State Engineer finds that the waters of the East Fork Owyhee River are totally appropriated. Therefore, the State Engineer determines that Application 23601 is denied in these proceedings. **Application 23602** was filed on January 12, 1967, to appropriate the waters of Van Duzer Creek to irrigate 34 acres between the Mountain City Highway and the East Fork Owyhee River within Sections 19 and 30 of T.45N., R.54E., M.D.B.&M. **Application 23604** was filed on January 12, 1967, to appropriate the waters of Van Duzer Creek to irrigate 98.1 acres on the east and west sides of Van Duzer Creek within portions of Section 25, T.45N., R.53E., M.D.B.&M. and portions of Sections 30 and 31, T.45N., R.54E., M.D.B.&M. The State Engineer determines that these acreages are the same as claimed under Proof of Appropriation No. V-01020 and the granting of permits from the same water source for the same acreage would not be in the public interest. Therefore, the State Engineer determines that Applications 23602 and 23604 are denied in this proceeding. **Permit 6003, Certificate 764**, was filed to appropriate the waters of Van Duzer Creek on March 1, 1920, and the certificate was issued on June 22, 1925, for the same 12.73 acres located within a portion of the same place of use as Proof V-01020. The State Engineer determines that Proof of Appropriation V-01020 supersedes Permit 6003, Certificate 764.

**Proof of Appropriation V-01246** was filed on October 14, 1912, by John R. Hardman and is currently assigned to Ellison Ranching Company, claiming a vested right from Martin or Penrod Creek for irrigation of 85.33 acres of land. An amended proof was filed on October 30, 1990, claiming a vested right from Martin Creek for a reduced acreage of 73.87 acres of land.

On July 7, 1999, the Cal Worthington Trust was assigned 2.26 acres of irrigated land under the original proof of appropriation, filed June 5, 1913, but it was not included under the amended proof filed by the Schmidtleins.

Field investigations on June 19, July 24 and August 21, 1997, by staff<sup>8</sup> of the Division of Water Resources did not reveal any evidence of irrigation on the 2.26 acres in the name of the Cal Worthington Trust, located within the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 8, T.44N., R.56E., M.D.B.&M. and north of the property owned by the Schmidtleins. In this Preliminary Order of

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<sup>8</sup> Steve Walmsley, Staff Engineer III, Kirk Owsley, Engineering Technician II and Pamela Marshman, Engineering Technician III.

Determination the State Engineer determines that the rights on the above-described 2.26 acres have been abandoned.

In this Preliminary Order of Determination the State Engineer determines that the amended proof of appropriation is the true and correct representation of water rights under this claim. Therefore, a vested right for 73.87 acres of irrigation and domestic uses on land owned by Ellison Ranching Company from the above-named source is established under this proof.

**Proof of Appropriation V-01247** was filed on October 14, 1912, by John R. Hardman and is currently assigned to Ellison Ranching Company, claiming a vested right from Flannigan Gulch Creek for irrigation of 3.0 acres of land. An amended proof was filed on October 30, 1990, claiming a vested right from Flannigan Gulch Creek for 16.64 acres of land. Field investigations on June 19, July 24 and August 21, 1997, by staff<sup>8</sup> of the Division of Water Resources revealed that the 16.64 acres described in the amended proof of appropriation is the true and correct acreage irrigated by Flannigan Gulch Creek.

In this Preliminary Order of Determination, a vested right for 16.64 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-01856** was filed on October 23, 1924, by Chester L. Woodward and is currently assigned to Marjorie and John Vipham claiming a vested right from Trail Creek for the irrigation of 22.90 acres of land. Field investigations on May 26, 1999, and August 22, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 22.90 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-02275** was filed on November 8, 1933, by Thomas B. Stinton and is currently assigned to the Wilson Family Trust claiming a vested right from Unnamed Springs for stock watering and domestic purposes for fifty head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water pp. 11-12.

**Proof of Appropriation V-02276** was filed on November 8, 1933, by Thomas B. Stinton and is currently assigned to the Wilson Family Trust claiming a vested right from East Fork Owyhee River for the irrigation of 230.91 acres of land. 3.82 acres of land are determined to be

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<sup>9</sup> Robert K. Martinez, Hearing Officer and Steve Walmsley, Staff Engineer III.

<sup>10</sup> Steve Walmsley, Staff Engineer III and Daniel T. Taylor, Engineering Technician III.

fallow within Homestead Entry Survey (H.E.S.) No. 76 and 10.18 acres within H.E.S. No. 63 through the negotiation process between the Upstream Water Users and the Duck Valley Shoshone-Paiute Tribe. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map, and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 230.91 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-02277** was filed on November 8, 1933, by Thomas B. Stinton and is currently assigned to the Wilson Family Trust claiming a vested right from East Fork Owyhee River for the irrigation of 72.47 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 72.47 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-02570** was filed on September 27, 1966, by Lorraine E. Irland and is currently assigned to Marjorie and John Vipham claiming a vested right from Trail Creek and tributaries for the irrigation of 102.82 acres of land. Field investigations on May 26, 1999, and August 22, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 102.82 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-02597** was filed on January 23, 1967, by George G. and Rose S. Hanson and is currently assigned to Marjorie and John Vipham claiming a vested right from Trail Creek and tributaries for the irrigation of 108.50 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources and supporting map for Proof of Appropriation V-02597 revealed that Trail Creek cannot irrigate 0.5 acres in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 2.1 acres in the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and 1.02 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 11, T.44N., R.53E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 104.88 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof. **Applications 23625 and 23626** were filed on January 23, 1967, to appropriate water from the same points of diversion and to be used within the same place of use as water claimed under Proofs of Appropriation V-02597 and V-02598. The State Engineer determines that it would not be in the public interest to grant permits for the same water sources to irrigate acreage that already has an earlier priority date under a claim of vested right. Therefore, the State Engineer determines that Applications 23625 and 23626 are denied in this proceeding

**Proof of Appropriation V-02598** was filed on January 23, 1967, by George G. and Rose

S. Hanson and is currently assigned to Marjorie and John Vipham claiming a vested right from Road Canyon Creek, AKA Dry Creek, for the irrigation of 81.4 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. Most of the acreage irrigated by Road Canyon Creek is wholly or partially supplemental to land irrigated from Trail Creek. Land that is not supplemented by Trail Creek is described as 7.80 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 3.60 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  and 6.32 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 11, T.44N., R.53E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 81.40 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof. See the denial of **Applications 23625 and 23626** under Proof of Appropriation V-02597.

**Proof of Appropriation V-02616** was filed on April 7, 1967, by Hugh C. Bieroth and is currently assigned to Dennis R. and Marcia J. Bieroth claiming a vested right from Chicken Creek and drain and waste water from Van Duzer Creek via the McClay Ditch for the irrigation of 45.6 acres of land. Field investigations on May 26, 1999, and August 21, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 45.6 acres of irrigation and domestic uses from the above-named sources is established under this proof. **Applications 23603 and 23605** were filed on January 12, 1967, to appropriate the waters of Van Duzer Creek and Chicken Creek, respectively, to irrigate the same 45.6 acres as claimed under Proof of Appropriation No. V-02616. The State Engineer determines that this acreage is the same as acreage claimed under Proof of Appropriation No. V-02616 and the granting of a permit from the same water sources for the same acreage would not be in the public interest. Therefore, the State Engineer determines that Applications 23603 and 23605 are denied in this proceeding.

**Proof of Appropriation V-02650** was filed on December 21, 1967, by Josephine J. Williams and Henry B. Jarvis and is currently assigned to Philip Mason and Diana Lee Parten, claiming a vested right from Van Duzer Creek for the irrigation of 114.30 acres of land. Field investigations on May 26, 1999, and August 21, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources revealed that an additional 8.83 acres is being irrigated between the natural channel of Van Duzer Creek, Ditch No. 2 and Ditch No. 4, further described as 1.90 acres within Lot 1 and 0.20 acres within Lot 2 of Section 3, T.44N., R.53E., M.D.B.&M. and 4.53 acres located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and 2.20 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 34, T.45N., R.53E., M.D.B.&M. The field investigations and review of orthophoto quadrangle maps revealed that 4.70 acres located within Lot 3 (2.41 acres), Lot 4 (0.25 acres), Lot 5 (0.26 acres) and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  (1.78 acres) of Section 2, T.44N., R.53E., M.D.B.&M. are covered by corrals, barns and equipment sheds. Therefore, this acreage is determined to be abandoned in these proceedings. Based on these findings the State Engineer determines that Proof of Appropriation

V-02650 be amended to include the acreage discovered to be irrigated and amended to remove acreage determined to be abandoned by the field investigations. In this Preliminary Order of Determination, a vested right for 118.43 acres of irrigation and domestic uses from the above-named source is established under this proof. **Application 24016** was filed on July 26, 1967, to appropriate the waters of Van Duzer Creek to irrigate an additional 12.2 acres of land between ditch nos. 2 and 4 all located within H.E.S. 66, further described as 1.9 acres within the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and 0.2 acres within the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 3, T.44N., R.53E., M.D.B.&M. and 0.9 acres within the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 7.0 acres within the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and 2.2 acres within the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 34, T.45N., R.53E., M.D.B.&M. The State Engineer finds that this acreage was taken into consideration in the review of Proof of Appropriation No. V-02650 and finds that the place of use was modified under said proof to include an additional of 8.83 acres as described in the second sentence under above listed Claim No. V-02650. The State Engineer determines that these acreages are the same as determined under Proof of Appropriation No. V-02650 and the granting of an additional permit from the same water source for the same acreage would not be in the public interest. Therefore, the State Engineer determines that Application 24016 is denied in this proceeding.

**Proof of Appropriation V-02863** was filed on September 5, 1975, by Donald or Norma Rizzi and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation claiming a vested right from the East Fork Owyhee River for the irrigation of 212.9 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. **Permit 1842, Certificate 170**, is filed on the same acreage as Proof of Appropriation V-02863. Therefore, the State Engineer determines that Proof of Appropriation V-02863 supersedes Permit 1842, Certificate 170. The following acreage is supplemented by water from the Allegheny Creek under Proof of Appropriation V-02866: 2.10 acres in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 3.80 acres in the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and 2.10 acres in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 29, T.45N., R.54E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 212.9 acres of irrigation and domestic uses from the above-named source is established under this proof. **Application 29992** was filed on February 11, 1976, to appropriate water from the same point of diversion and to be used within the same place of use as claimed under Proof of Appropriation V-02863. The State Engineer determines that it would not be in the public interest to grant a permit for the same water source to irrigate acreage that already has a better priority date under a claim of vested right. Therefore, the State Engineer determines that Application 29992 is denied in this proceeding.

**Proof of Appropriation V-02866** was filed on December 4, 1975, by Donald or Norma Rizzi and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation claiming a vested right from Allegheny Creek for the irrigation of 80.1 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water

Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. **Permit 1841, Certificate 169**, is filed on the same acreage as Proof of Appropriation V-02866. Therefore, the State Engineer determines that Proof of Appropriation V-02866 supersedes Permit 1841, Certificate 169. The following acreage is supplemented by water from East Fork Owyhee River under Proof of Appropriation V-02863: 2.10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 3.80 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and 2.10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 29, T.45N., R.54E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 80.1 acres of irrigation and domestic uses from the above-named source is established under this proof. **Applications 29989, 29990 and 29991** were filed on February 11, 1976, to appropriate water from the same points of diversion and to be used within the same place of use as claimed under Proof of Appropriation V-02866. The State Engineer determines that it would not be in the public interest to grant permits for the same water source to irrigate acreage that already has a better priority date under a claim of vested right. Therefore, the State Engineer determines that Applications 29989, 29990 and 29991 are denied in this proceeding.

**Proof of Appropriation V-02871** was filed on April 1, 1976, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right from Penrod Creek for the irrigation of 95.40 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources revealed that irrigated acreage located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  (0.80 acres), Section 26, T.44N., R.55E., M.D.B.&M. and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  (1.30 acres) and NE $\frac{1}{4}$ SE $\frac{1}{4}$  (5.80 acres) Section 27, T.44N., R.55E., M.D.B.&M. has reverted to sage interspersed with grass. Therefore, this acreage is reclassified from harvest to diversified pasture. Proof of Appropriation V-02907 claims the same place of use as Proof of Appropriation V-02871. In this Preliminary Order of Determination, a vested right for 95.40 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-02907** was filed on November 19, 1976, by Raymond and Toni Mendive and is currently assigned to Ellison Ranching Company, a Nevada Corporation, claiming a vested right from the Penrod Creek for the irrigation of 95.40 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources revealed that irrigated acreage located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  (0.80 acres), Section 26, T.44N., R.55E., M.D.B.&M. and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  (1.30 acres) and NE $\frac{1}{4}$ SE $\frac{1}{4}$  (5.80 acres) Section 27, T.44N., R.55E., M.D.B.&M. has reverted to sage interspersed with grass. Therefore, this acreage is reclassified from harvest to diversified pasture. Proof of Appropriation V-02871 claims the same place of use as Proof of Appropriation V-02907, but describes two additional points of diversion. In this Preliminary Order of Determination, a supplemental vested right for 95.40 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-03307** was filed on March 20, 1980, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right from Poorman Creek for the irrigation of 40.58 acres of land. A field investigation on June 21, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 40.58 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-03308** was filed on March 20, 1980, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right from Spring No. 1 for the irrigation of 3.0 acres of land. A field investigation on June 21, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 3.0 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-03309** was filed on March 20, 1980, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right from Spring No. 2 for the irrigation of 5.25 acres of land. A field investigation on June 21, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 5.25 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof. **Applications 38078 and 38124** were filed on May 1, 1979 and May 8, 1979, respectively, by Jack Utter to appropriate water from the same point of diversion as claimed under Proof of Appropriation V-03309. The State Engineer determines that it would not be in the public interest to grant additional permits from a spring that is being fully utilized to irrigate land and provide stock water under Proof of Appropriation V-03309. Therefore, the State Engineer determines that Applications 38078 and 38124 are denied in this proceeding.

**Proof of Appropriation V-03706** was filed on October 16, 1981, by August J. and Marjorie Vitale claiming a vested right from the East Fork Owyhee River for the irrigation of 34.15 acres of land. A field investigation on May 27, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 34.15 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-03707** was filed on October 16, 1981, by Byington Steel Treating, Inc. and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested

right from the East Fork Owyhee River for the irrigation of 44.40 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 44.40 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-04060** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Archie's Spring to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04062** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Unnamed Spring No. 3 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04064** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Unnamed Spring No. 3 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04068** was filed on February 11, 1983, by Rancho Grande, Inc. claiming a vested right from Big Bend Creek to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04070** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Russell Land and Cattle Company claiming a vested right from Hot Creek to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04071** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from

Unnamed Spring No. 2 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04072** was filed on February 11, 1983, by Rancho Grande, Inc. claiming a vested right from Martin Creek to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04073** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Chicken Creek to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04074** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Unnamed Spring No. 8 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04079** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Poorman Spring to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04080** was filed on February 11, 1983, by Rancho Grande, Inc. claiming a vested right from Martin Creek to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04081** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Unnamed Spring "A" to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the

settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04082** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Unnamed Spring “B” to water 900 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04083** was filed on February 11, 1983, by Rancho Grande, Inc. and is currently assigned to the Cal Worthington Trust claiming a vested right from Fuzzie Spring to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04086** was filed on February 11, 1983, by Rancho Grande, Inc. claiming a vested right from Unnamed Spring No. 18 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04087** was filed on February 11, 1983, by Rancho Grande, Inc. claiming a vested right from Unnamed Spring No. 17 to water 2,800 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04088** was filed on March 28, 1983, by Mountain City Water and Sewer Users, Inc., claiming a vested right from Miller Springs for municipal purposes within the City of Mountain City, Nevada. In this Preliminary Order of Determination, a vested right for municipal use from Miller Springs is established under this proof. Application 45017 was filed on November 3, 1981, to appropriate water from the same water source and to be used within the same place of use as claimed under Proof of Appropriation V-04088. The State Engineer determines that it would not be in the public interest to grant a permit for the same water source to irrigate acreage that already has a better priority date under a claim of vested right. Therefore, the State Engineer determines that Application 45017 is denied in this proceeding.

**Proof of Appropriation V-04132** was filed on February 8, 1984, by Byington Steel

Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Spring Creek and Spring Creek Spring #1 and #2 to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04133, V-04135, V-04136, V-04137, V-04139 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04133** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Deer Creek, Upper Deer Spring and Lower Deer Spring to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04135, V-04136, V-04137, V-04139 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04135** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Red Springs #1 and Red Spring #2 to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04133, V-04136, V-04137, V-04139 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04136** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Little Chicken Creek, Little Chicken Spring, Unnamed Spring #6 and tributary to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04133, V-04135, V-04137, V-04139 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04137** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Dry Creek, Dry Creek Spring and Unnamed Spring #5 to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04133, V-04135, V-04136, V-04139 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the

settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04139** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Laurel Creek, Laurel Creek Spring, McCall Spring and Unnamed Springs #1, #2 and #4 to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04133, V-04135, V-04136, V-04137 and V-04141 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04141** was filed on February 8, 1984, by Byington Steel Treating, Inc., and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Cobb Creek, Cobb Spring, Unnamed Spring #3 and tributaries to water 500 head of cattle from April 15 through December 31 of each year. Proof of Appropriation Nos. V-04132, V-04133, V-04135, V-04136, V-04137 and V-04139 are supplemental water sources filed for the same 500 head of cattle. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-04551** was filed on March 3, 1986, by Estella L. Morse claiming a vested right from Morse Spring for the irrigation of 2.0 acres of land. Field investigations on May 26, 1999 and August 21, 2001, by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 2.0 acres of irrigation and domestic uses from the above-named source is established under this proof.

The acreage irrigated by Morse Spring is totally supplemental to water from Timber Gulch Creek under Proof of Appropriation V-04552.

**Proof of Appropriation V-04552** was filed on March 3, 1986, by Estella L. Morse claiming a vested right from Timber Gulch Creek for the irrigation of 24.4 acres of land. A field investigation on August 21, 2001, by staff<sup>8</sup> of the Division of Water Resources indicated that the acreage figure is based on the Homestead Entry boundary and not the actual irrigated acreage. Therefore, the acreage is reduced by 0.30 acres in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 6.00 acres in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 1.04 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and 3.05 acres in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 16, T.44N., R.53E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 14.01 acres of irrigation and domestic uses from the above-named source is established under this proof.

A portion of the acreage irrigated by Timber Gulch Creek is supplemented by water from Trail Creek under Proof of Appropriation V-04553 as follows: 2.26 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and

9.55 acres in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 16, T.44N., R.53E., M.D.B.&M.

**Proof of Appropriation V-04553** was filed on March 3, 1986, by Estella L. Morse claiming a vested right from Trail Creek for the irrigation of 31.8 acres of land. A field investigation on August 21, 2001, by staff<sup>10</sup> of the Division of Water Resources indicates that Proof of Appropriation V-04553 utilizes the homestead boundary on the east side of Trail Creek that does not match the actual configuration of the irrigated acreage. Therefore, the acreage is reduced by 1.04 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and 3.05 acres in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 16, T.44N., R.53E., M.D.B.&M.; 6.06 acres in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and 1.77 acres in the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 21, T.44N., R.53E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 19.88 acres of irrigation and domestic uses from the above-named source is established under this proof.

A portion of the acreage irrigated by Trail Creek is supplemented by water from Timber Gulch Creek under Proof of Appropriation V-04552 as follows: 2.26 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and 9.55 acres in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 16, T.44N., R.53E., M.D.B.&M.

**Proof of Appropriation V-05184** was filed on September 25, 1990, by Peter L. and Karan E. Mori and is currently assigned to the Wilson Family Trust, claiming a vested right from Van Duser Creek (AKA Van Duzer) for the irrigation of 130.0 acres of land. A field investigation on August 20, 2001, and subsequent recalculation of irrigated acreage by staff<sup>10</sup> of the Division of Water Resources indicates that the acreage located within Homestead Entry Survey No. 54 is reduced to 105.90 acres. In this Preliminary Order of Determination, a vested right for 105.90 acres of irrigation and stock water uses from the above-named source is established under this proof.

**Proof of Appropriation V-05185** was filed on September 25, 1990, by Peter L. and Karan E. Mori and is currently assigned to the Wilson Family Trust, claiming a vested right from the Owyhee River and tributaries, California Creek and tributaries, Slaughterhouse Creek and tributaries, Harris Gulch and tributaries, plus springs and beaver ponds to water 515 cow/calf pairs and 25 bulls from April 15 through December 21 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05186** was filed on September 25, 1990, by Peter L. and Karan E. Mori and is currently assigned to the Wilson Family Trust, claiming a vested right from California Creek and tributaries for the irrigation of 72.974 acres of land. Field investigations on June 18, July 26 and August 25, 1997, indicated that portions of the claimed acreage consisted of corrals and were no longer being irrigated. Therefore, the acreage is reduced by 7.102 acres in the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 31 and 1.332 acres in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 32, Section 32, T.46N., R.54E., M.D.B.&M. In this Preliminary Order of Determination, a vested right for 64.540 acres

of irrigation and stock water uses from the above-named source is established under this proof, stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05187** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from Slaughterhouse Creek and tributaries to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05188** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from Unnamed Gulch and tributaries to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05189** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from ten Unnamed Springs to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05190** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from Hansen Gulch and tributaries to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05191** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from the Slaughter House Creek for the irrigation of 37.70 acres of land. A field investigation on May 27, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 37.70 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-05192** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from Coyote Gulch and tributaries to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination a vested water right with a priority date of 1870 for stock watering purposes from Coyote Gulch and

tributaries is determined to be valid.

**Proof of Appropriation V-05193** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from China Gulch and tributaries to water 153 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05496** was filed on October 11, 1991, by John Wood Griswold and Jeanne B. Griswold, Trustees of the J. Griswold Family Trusts; Walter I. Leberski and Wanda E. Leberski; and John H. Martin, Jr. and Mary Ellen Martin and Margaret M. Martin, and is currently assigned to John H. Martin Jr., Mary Ellen Martin and The W. Leberski Trust, claiming a vested right from the Gold Creek and Springs for irrigation of 6.46 acres of land. A field investigation on May 27, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources revealed that the irrigated acreage had been partially obliterated by a placer mining operation. Review of additional information submitted on October 17, 2003, indicated that the placer mining and disturbance occurred between 1991 and 1998. Application 57029 was filed on December 20, 1991, to change the point of diversion and place of use of a portion of Claim V-05496. This application proposes to change the place of use of 5.56 acres of ground to land claimed under Proof of Appropriation No. V-05496. In this Preliminary Order of Determination, a vested right for 6.46 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof with a priority date of 1874. A permit will be issued under Application 57029 that proposes to change the point of diversion and place of use of a portion, 5.56 acres, of Proof of Appropriation V-05496 at such time this claim is decreed by the court with jurisdiction over this matter.

**Proof of Appropriation V-05497** was filed on October 11, 1991, by John Wood Griswold and Jeanne B. Griswold, Trustees of the J. Griswold Family Trusts; Walter I. Leberski and Wanda E. Leberski; Margaret M. Martin, John H. Martin, Jr. and Mary Ellen Martin, and is currently assigned to John H. Martin Jr., Mary Ellen Martin and The W. Leberski Trust, claiming a vested right from the Coleman Canyon Creek and springs for irrigation of 1.442 acres of land. A field investigation on May 27, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources revealed that the irrigated acreage had been partially obliterated by a placer mining operation. Review of additional information submitted on October 17, 2003, indicated that the placer mining and disturbance occurred between 1991 and 1998. Application 57030 was filed on December 20, 1991, to change the point of diversion and place of use of a portion of Claim V-05497. This application proposes to change the place of use of 0.965 acres of land to ground claimed under Proof of Appropriation No. V-05497. In this Preliminary Order of Determination, a vested right for 1.442 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof with a priority date of 1874. A permit will be issued under

Application 57030 that proposes to change the point of diversion and place of use of a portion, 1.442 acres, of Proof of Appropriation V-05497 at such time this claim is decreed by the court with jurisdiction over this matter.

**Proof of Appropriation V-05498** was filed on October 11, 1991, by John Wood Griswold and Jeanne B. Griswold, Trustees of the J. Griswold Family Trusts; Walter I. Leberski and Wanda E. Leberski; Margaret M. Martin, John H. Martin, Jr. and Mary Ellen Martin, and is currently assigned to John H. Martin Jr., Mary Ellen Martin and The W. Leberski Trust, claiming a vested right from Gold Creek and springs for the irrigation of 6.525 acres of land. A field investigation on May 27, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 6.525 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-05689** was filed on February 14, 1992, by Rex C. Claridge and Susan Y. Claridge claiming a vested right from Martin Creek and tributaries to water 50 head of cattle from May 1 through November 1 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05690** was filed on February 14, 1992, by Rex C. Claridge and Susan Y. Claridge claiming a vested right from Sweet Creek and tributaries to water 250 head of cattle from May 1 through November 1 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-05933** was filed on June 3, 1993, by Petan Company of Nevada, Inc., claiming a vested right from Mill Creek and tributaries and Four Unnamed Springs, #22, #23, #24 and #25, to water 3,110 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06520** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Haystack Creek, together with all tributaries thereto and springs within the drainage area to water 266 head of cattle from April 1 to June 1 or October 1 to December 15 of each year on a deferred rotation basis. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water,

pp. 11-12.

**Proof of Appropriation V-06521** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Allegheny Creek, springs and tributaries to water 266 head of cattle from April 1 to December 15 and five horses from May 1 to September 1 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06522** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Devil's Gate Draw, springs and tributaries to water 266 head of cattle from April 1 to June 1 or October 1 to December 15 of each year on a deferred rotation basis. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06523** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Spring No. 1 to water 25 head of cattle from October 1 to December 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06524** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Spring No. 2 and channel to water 25 head of cattle from October 1 to December 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06525** was filed on June 6, 1994, by Donald R. and Norma Rizzi, and is currently assigned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, claiming a vested right from Hot Springs for the irrigation of 10.14 acres of land. A field investigation on August 22, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 10.14 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06533** was filed on June 15, 1994, by Guy Vega claiming a vested right from the Owyhee River (Jacks Creek) for the irrigation of 34.94 acres of land. A field investigation on August 20, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 34.94 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06534** was filed on June 15, 1994, by Guy Vega claiming a vested right from the Owyhee River for the irrigation of 175.47 acres of land. A field investigation on August 20, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 175.47 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06543** was filed on June 15, 1994, by RJD Cattle Company and is currently assigned to Masini Investments, a Nevada Partnership, (owner of a portion) and Wildhorse Cattle Company (owner of a portion) and several miscellaneous owners that have not filed "Reports of Conveyance", claiming a vested right from Deep Creek and tributaries for the irrigation of 2,073.77 acres of land. **Permit 2858, Certificate 1863**, was filed on December 18, 1913, by Miss Flora A. Morse and is currently assigned to Archie F. Corbari, was certificated on November 22, 1932, for the irrigation of 163.2 acres located within the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 20.8 acres, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, 63.6 acres, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 38.8 acres, Section 14; and the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 40.0 acres (0.25 acres fallow, reduce acreage to 39.75), Section 23, all located within T.43N., R.54E., M.D.B.&M. Correspondence filed under Permit 2858, Certificate 1863, indicates that no water had been placed to beneficial use on this land prior to the issuance of said permit. Therefore, lands claimed under Proof of Appropriation V-06543 that correspond with said certificate are withdrawn from consideration as vested rights in this proceeding. Further investigation indicates that 0.25 acres located within the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 23, T.43N., R.54E., M.D.B.&M. are determined to be fallow. Therefore, the total acreage irrigated is reduced from 163.20 acres to 162.95 acres in this proceeding. **Permit 3904, Certificate 1862**, was filed on April 14, 1916, by Robert Y. Reed and is currently assigned to Archie F. Corbari, Jr., was certificated on November 22, 1932, for the irrigation of 285.4 acres located within the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 28.8 acres, Section 22; SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 18.0 acres, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, 79.3 acres, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 40.0 acres, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, 79.3 acres, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 40.0 acres, Section 23, all located within T.43N., R.54E., M.D.B.&M. Correspondence filed under Permit 3904, Certificate 1862, indicates that no water had been placed to beneficial use on this land prior to the issuance of said permit. Therefore, lands claimed under Proof of Appropriation V-06543 that correspond with said certificate are withdrawn from consideration as vested rights in this proceeding. **Permit 3905, Certificate 1861**, was filed on

April 14, 1916, by Robert Y. Reed and is currently assigned to Archie F. Corbari, Jr., was certificated on November 22, 1932, for the irrigation of 274.4 acres located within the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 28.8 acres, Section 13; N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, 79.8 acres, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, 39.4 acres, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, 75.8 acres, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 40.0 acres, Section 14, all located within T.43N., R.54E., M.D.B.&M. Correspondence filed under Permit 3905, Certificate 1861, indicates that no water had been placed to beneficial use on this land prior to the issuance of said permit. Therefore, lands claimed under Proof of Appropriation V-06543 that correspond with said certificate are withdrawn from consideration as vested rights in this proceeding. **Permit 3967, Certificate 4064**, was filed on May 9, 1916, by Annie Johnson and is currently assigned to Archie Frank Corbari, Jr., to change to point of diversion of Permit 2838. Certificate 4064 was issued on February 24, 1954, for the irrigation of 41.3 acres located within the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 10.75 acres, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 16.05 acres, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 12.10 acres, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 2.40 acres, all located within Section 8, T.43N., R.55E., M.D.B.&M. Correspondence filed under Permit 2838 and Permit 3967, Certificate 4064, indicates that no water had been placed to beneficial use on this land prior to the issuance of said permit. Therefore, lands claimed under Proof of Appropriation V-06543 that correspond with said certificate are withdrawn from consideration as vested rights in this proceeding.

Correspondence and documentation in the preceding permits indicates that the land certificated under those permits was not irrigated prior to March 1, 1905. Therefore, the State Engineer determines that the following 795.16 acres are removed from further consideration as a vested right under Claim V-06543: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (6.87 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.26 acres), NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (3.45 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (2.37 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (4.43 acres) Section 13; NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (0.47 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.23 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (20.54 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (9.27 acres), SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (11.58 acres), SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (5.66 acres) Section 14; SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (0.83 acres) Section 15; SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.79 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (18.72 acres), SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (17.30 acres), SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (17.25 acres) Section 21; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (35.65 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (0.91 acres), SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (12.77 acres), SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (38.51 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (2.16 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (18.45 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (19.42 acres), NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (27.20 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (25.17 acres), SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (10.88 acres), SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (26.38 acres) Section 22; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (4.87 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (5.43 acres), SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (22.41 acres), SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (1.30 acres), NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (10.44 acres), NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (38.74 acres), SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (22.64 acres), SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (40.10 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (40.14 acres), NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (39.29 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (37.35 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (25.47 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (39.46 acres), SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (5.67 acres) Section 23; NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (1.66 acres) Section 24; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (0.24 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (3.42 acres), NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (8.32 acres), SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (1.63 acres) Section 28; all located within T.43N., R.54E., M.D.B.&M.; NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (0.02 acres), SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (20.77 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (7.79 acres), NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (8.66 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (22.40 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (36.85 acres) Section 5; NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (7.43 acres), NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (1.62 acres) Section 8; NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (0.52 acres) Section 18; all located within T.43N., R.55E., M.D.B.&M.

In this Preliminary Order of Determination, Proof of Appropriation V-06543 is accepted in part and rejected in part. The State Engineer determines that a vested right for 1,259.59 acres of irrigation and domestic use from the above-named source is established under this proof.

**Proof of Appropriation V-06544** was filed on June 15, 1994, by Richard T. Marvel and Mary O. Marvel, Co-Trustee of the Richard T. Marvel Trust, John W. Marvel and Wilburta S. Marvel, Co-Trustee of the John W. Marvel Trust and John E. Marvel and Karen U. Marvel claiming a vested right from Warm Creek and tributaries for the irrigation of 73.585 acres of land. A field investigation on June 21, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination a vested right for 73.585 acres of irrigation, domestic and stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Permit 4469, Certificate 764**, was filed to appropriate the waters of Warm Creek on June 15, 1917, and the certificate was issued on June 29, 1923, for the same 73.585 acres. The State Engineer determines that Proof of Appropriation V-06544 supersedes Permit 4469, Certificate 764.

**Proof of Appropriation V-06545** was filed on June 15, 1994, by Raymond Y. and Toni L. Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right for the waters of Martin Creek and tributaries stored in Little Sunflower Flat Reservoir for the irrigation of 178.10 acres of land. A field investigation on May 26, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. Proofs of Appropriation V-02871 and V-02907 irrigate 95.40 acres of the 178.10 acres of land claimed under this proof. Therefore, Proof of Appropriation V-06545 irrigates 82.70 acres of non-supplemental acreage. In this Preliminary Order of Determination, a vested right for 178.10 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof. The State Engineer also determines that the original mining rights for water stored in Little Sunflower Flat Reservoir and stream flow in Gold Creek or Hope Gulch were sold to Prudencio Mendive, predecessor in interest to Ellison Ranching Company. Therefore, the State Engineer determines that Proof of Appropriation V-06545 supersedes abandoned Permit 9768, Certificate 2755; Permit 9796, Certificate 2751; Permit 9797, Certificate 2752; Permit 9954, Certificate 2753; Permit 9955, Certificate 2754; and Permit 10002, Certificate 2756.

**Proof of Appropriation V-06546** was filed on June 15, 1994, by Raymond Y. and Toni L. Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right for the waters of Warm Creek and tributaries for the irrigation of 84.40 acres of land. Field investigations on May 24, 1999 and June 21, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 84.40 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06547** was filed on June 15, 1994, by Raymond Y. and Toni L. Mendive and is currently assigned to the Ellison Ranching Company, a Nevada Corporation, claiming a vested right for the waters of Chicken Creek and tributaries for the irrigation of 78.81 acres of land. A field investigation on May 24, 1999 of this claim by staff<sup>9</sup> of the Division of Water Resources revealed that 14.02 acres located within the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (2.10 acres), SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (3.24 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (8.55 acres) and the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (0.13 acres) Section 28, T.45N., R.55E., M.D.B.&M. has reverted to sage interspersed with grass. Therefore, this acreage is reclassified from harvest to diversified pasture. In this Preliminary Order of Determination, a vested right for 78.81 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06548** was filed on June 15, 1994, by Dennis R. and Marcia J. Bieroth and is currently assigned to Dennis R. and Marcia J. Bieroth and Old Dog LLC, claiming a vested right for the waters of Mill Creek and tributaries for the irrigation of 75.29 acres of land. A field investigation on July 19, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources revealed that the upstream 49.51 acres located within the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (1.30 acres), SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (1.30 acres) Section 3; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (13.60 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (3.00 acres) Section 10; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (7.41 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (7.00 acres) NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (6.70 acres), NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (9.20 acres) Section 11; T.45N., R.53E., M.D.B.&M. are buried by mine tailings from the Rio Tinto copper mine. In this Preliminary Order of Determination, a vested right for 25.78 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06564** was filed on June 15, 1994, by the North Fork Cattle Co. and is currently assigned to the Cal Worthington Trust. This proof claimed a vested right for the waters of Gold Creek and tributaries for irrigation purposes on 18.42 acres of land. The irrigation portion of this proof was withdrawn from further consideration in this adjudication proceeding per letter dated March 20, 2006, and signed by Cal Worthington, Trustee, of the Cal Worthington Trust. The same letter requested that the supplemental stock water use for 175 head of cattle from April 1 to November 30 of each year be retained. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06565** was filed on June 15, 1994, by the North Fork Cattle Co. and is currently assigned to the Cal Worthington Trust. This proof claimed a vested right for the waters of an unnamed spring that is tributary to Penrod Creek for irrigation purposes on 18.42 acres of land. The irrigation portion of this proof was withdrawn from further consideration in this adjudication proceeding per letter dated March 20, 2006, and signed by Cal Worthington, Trustee, of the Cal Worthington Trust. The same letter requested that the supplemental stock water use for 175 head of cattle from April 1 to November 30 of each year be

retained. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06577** was filed on June 15, 1994, by the North Fork Cattle Co. and is currently assigned to the Ellison Ranching Company claiming a vested right for the waters of Penrod Creek and tributaries for the irrigation of 245.79 acres of land. Field investigations on May 26, 1999, and June 19, 2002, of this claim by staff<sup>9,10</sup> of the Division of Water Resources revealed that the acreage had not been irrigated for some time and now is a mixture of meadow and diversified pasture comprised of native grasses, big sage and willow clumps. In this Preliminary Order of Determination, a vested right for 245.79 acres of irrigation, stock watering and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06578** was filed on June 15, 1994, by Dennis and Marcia Bieroth claiming a vested right from Dry Creek and tributaries to water 150 head of cattle from April 1 through November 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06579** was filed on June 15, 1994, by Dennis and Marcia Bieroth claiming a vested right from Rocky Gulch Creek and tributaries to water 150 head of cattle from April 1 through November 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06580** was filed on June 15, 1994, by Dennis and Marcia Bieroth claiming a vested right from Rabbit Draw Creek and tributaries to water 150 head of cattle from April 1 through November 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06581** was filed on June 15, 1994, by Dennis and Marcia Bieroth claiming a vested right from Chicken Creek and tributaries to water 255 head of cattle from April 1 through November 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06582** was filed on June 15, 1994, by Dennis and Marcia Bieroth claiming a vested right from Mill Creek and tributaries to water 255 head of cattle from April 1 through November 30 of each year. In this Preliminary Order of Determination stock

watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06583** was filed on June 15, 1994, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, claiming a vested right from Hay Meadow Creek and tributaries to water 900 head of cattle from May 1 to August 31 and 7,000 sheep that are trialing from and to the forest allotment during June 15 to July 1 and October 15 to October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06584** was filed on June 15, 1994, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, claiming a vested right from Hot Creek and tributaries to water 175 head of cattle from May 15 to November 15 and 10,200 sheep from June 15 to July 1 and October 15 to October 31 plus 1,200 sheep from June 1 to June 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06585** was filed on June 15, 1994, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, claiming a vested right from Penrod Creek and tributaries to water 1,000 head of cattle from April 15 to May 15 and August 15 to September 30 plus 200 sheep from June 1 to August 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06586** was filed on June 15, 1994, by Raymond and Toni Mendive and is currently assigned to the Ellison Ranching Company, claiming a vested right from Warm Creek and tributaries to water 175 head of cattle from May 15 to November 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06588** was filed on June 15, 1994, by the North Fork Cattle Company and is currently assigned to the Cal Worthington Trust, claiming a vested right from Warm Creek and tributaries to water 524 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06589** was filed on June 15, 1994, by the North Fork Cattle Company and is currently assigned to the Cal Worthington Trust, claiming a vested right from Poorman Creek and tributaries to water 524 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06590** was filed on June 15, 1994, by the North Fork Cattle Company and is currently assigned to the Cal Worthington Trust, claiming a vested right from Penrod Creek and tributaries to water 524 head of cattle from March 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06595** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from Badger Creek and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06596** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from Van Duzer Creek and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06599** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from Deep Creek and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06600** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from Beaver Creek and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water,

pp. 11-12.

**Proof of Appropriation V-06601** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from the East Fork Owyhee River and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06602** was filed on June 15, 1994, by the Agri Beef Company and is currently assigned to Doby George, LLC, claiming a vested right from Trail Creek and tributaries to water 5,500 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06609** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Chicken Creek and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06610** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Delaware Creek and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06611** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from the East Fork Owyhee River and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06612** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Hanks Creek and tributaries to water 775 head of cattle from January 1 through December 31

of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06615** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Hot Creek and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06616** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Clear Creek and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06617** was filed on June 15, 1994, by the RJD Cattle Company and is currently assigned to the Wildhorse Cattle Company, claiming a vested right from Deep Creek and tributaries to water 775 head of cattle from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06646** was filed on June 15, 1994, by the Ellison Ranching Company claiming a vested right from Penrod Creek and tributaries to water 700 head of cattle from May 1 to October 15 and 7,000 sheep trailing to and from the forest allotments for 15 days during June and October of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06677** was filed on June 15, 1994, by Guy H. Vega claiming a vested right from the East Fork Owyhee River and tributaries to water 200 head of cattle from April 1 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06678** was filed on June 15, 1994, by Guy H. Vega claiming a vested right from Hot Creek and tributaries to water 200 head of cattle from April 1 through

October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06680** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from Van Duzer Creek for the irrigation of 357.87 acres of land. A field investigation on May 26, 1999, and August 21, 2001, of this claim by staff<sup>9,10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 357.87 acres of irrigation and domestic uses from the above-named source is established under this proof. **Applications 23678, 23679, 23680, 23681, 23682, 23683 and 23684** were filed on February 9, 1967, to appropriate water from the same points of diversion and to be used within the same place of use as claimed under Proof of Appropriation V-06680. The State Engineer determines that it would not be in the public interest to grant permits for the same water source to irrigate acreage that already has a superior priority date under a claim of vested right. Therefore, the State Engineer determines that Applications 23678, 23679, 23680, 23681, 23682, 23683 and 23684 are denied in this proceeding.

**Proof of Appropriation V-06681** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from Badger Creek and tributary Cow Canyon Creek and tributaries to water 350 head of cattle from April 1 through June 1 and November 1 through December 15 (Gravel Creek allotment) and June 1 through September 1 and November 1 through December 15 (Badger-Wildhorse-Beaver allotments) of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06682** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from Beaver Creek and tributaries to water 350 head of cattle from April 1 through June 1 and November 1 through December 15 (Gravel Creek allotment) and June 1 through September 1 and November 1 through December 15 (Badger-Wildhorse-Beaver allotments) of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06683** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from Gravel Creek (Branch of Trail Creek) and branches and tributaries to water 350 head of cattle from April 1 through June 1 and November 1 through December 15 (Gravel Creek allotment) and June 1 through September 1 and November 1 through December 15 (Badger-Wildhorse-Beaver allotments) of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as

Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06684** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from the Owyhee River and tributaries to water 350 head of cattle from April 1 through June 1 and November 1 through December 15 (Gravel Creek allotment) and June 1 through September 1 and November 1 through December 15 (Badger-Wildhorse-Beaver allotments) of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06685** was filed on June 15, 1994, by Betty and Ted Conley Baker claiming a vested right from South Wild Horse Creek and tributaries to water 350 head of cattle from April 1 through June 1 and November 1 through December 15 (Gravel Creek allotment) and June 1 through September 1 and November 1 through December 15 (Badger-Wildhorse-Beaver allotments) of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06690** was filed on June 15, 1994, by M.L. Investment Company claiming a vested right from Miller Creek and Unnamed Springs #4 and #5 and tributaries to water 1,690 head of cattle from June 15 through September 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06691** was filed on June 15, 1994, by M.L. Investment Company claiming a vested right from Browns Gulch and tributaries to water 1,690 head of cattle from June 15 through September 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06693** was filed on June 15, 1994, by M.L. Investment Company claiming a vested right from Slaughterhouse Creek and tributaries to water 1,690 head of cattle from June 15 through September 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06694** was filed on June 15, 1994, by M.L. Investment Company claiming a vested right from Cow Creek, Unnamed Spring #6 and tributaries to water 1,690 head of cattle from June 15 through September 30 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as

Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06695** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Sheep Creek and (Tributary Salmon Creek) and tributaries to water 1,025 head of cattle and horses from January 1 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06709** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Allegheny Creek, Unnamed Springs #5, #6, #7, #8, #9, #10, Transient Spring, Jenkins Spring and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06710** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Dip Creek, Unnamed Spring #4 and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06711** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Big Spring Creek and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06712** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Ross Gulch and Branch of Ross Gulch, Unnamed Spring #11 and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06713** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from the North Fork of California Creek, Unnamed Springs #1, #2, #12, and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06714** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Baker Creek and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06715** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from the South Fork of California Creek and Unnamed Spring #4 and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06716** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Negro George Draw and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06717** was filed on June 15, 1994, by Simplot Livestock Company claiming a vested right from Pixley Creek and tributaries to water 900 head of cattle from June 25 through October 9 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06718** was filed on June 15, 1994, by Byington Steel Treating, Inc. and is currently assigned to Philip Mason and Diana Lee Parten claiming a vested right from Van Duzer Creek and tributaries (Lime, Banty Gulch, Haystack and Unnamed Branch), Airport Spring, Three Springs, Unnamed Springs #6, #7, #8, #9, and tributaries to water 500 head of cattle from April 15 through December 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06766** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Crooked Creek and springs and tributaries for the irrigation of 134.47 acres of land. A field investigation on August 20, 2001, of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 134.47 acres of irrigation and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06767** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Hanks Creek and springs and tributaries for the irrigation of 37.97 acres of land. A field investigation on June 18, 2001, and June 17, 2002 of this claim by staff<sup>10</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 37.97 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06768** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from the Owyhee River and springs and tributaries for the irrigation of 55.21 acres of land. A field investigation on April 28, 1999, of this claim by staff<sup>9</sup> of the Division of Water Resources revealed that the land has reverted to a big sage and grass mixture. Therefore, this land is reclassified as diversified pasture. In this Preliminary Order of Determination, a vested right for 55.21 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06769** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Jacks Creek and springs and tributaries for the irrigation of 120.51 acres of land. A field investigation on April 28, 1999, of this claim by staff<sup>11</sup> of the Division of Water Resources did not reveal any discrepancies between the proof, supporting map and what was observed on the ground. In this Preliminary Order of Determination, a vested right for 120.51 acres of irrigation, stock water and domestic uses from the above-named source is established under this proof.

**Proof of Appropriation V-06770** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Clear Creek (Branch of Deep Creek) and tributaries to water 260 head of cattle from June 15 through October 31 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

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<sup>11</sup> Steve Walmsley, Staff Engineer III and Kirk Owsley, Hydraulic Technician II.

**Proof of Appropriation V-06771** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to Calvin Worthington, Trustee of the Cal Worthington Trust, claiming a vested right from the Owyhee River to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06772** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to Calvin Worthington, Trustee of the Cal Worthington Trust, claiming a vested right from Machado Creek and tributaries to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06773** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to Calvin Worthington, Trustee of the Cal Worthington Trust, claiming a vested right from Allegheny Creek and (Tributary Cold Springs Creek) and Six Unnamed Springs to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06774** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to Calvin Worthington, Trustee of the Cal Worthington Trust, claiming a vested right from Lost Meadows Creek, Two Unnamed Springs and tributaries to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06775** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Calvin Worthington, Trustee of the Cal Worthington Trust, claiming a vested right from North Wildhorse Creek, Two Unnamed Springs and tributaries to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06776** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership,

claiming a vested right from Hendricks Creek (tributaries Gardner and Warm Creeks) and Four Unnamed Springs to water 1,000 head of cattle from June 15 through October 15 of each year. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06777** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from the Owyhee River, Five Unnamed Springs and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06778** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Crooked Creek, One Unnamed Spring and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06779** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Delaware Creek and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06780** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Clear Creek and Unnamed Spring #1 and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06781** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Hanks Creek, Branch of Hanks Creek, Three Unnamed Springs and

tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06782** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Chicken Creek and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-06783** was filed on June 23, 1994, by the Elias Fernando Goicoechea Family Trust Agreement and is currently assigned to the Holland Ranch Partnership, claiming a vested right from Jacks Creek, Four Unnamed Springs and tributaries to water 14,860 head of cattle from May 1 through December 31 on land managed by the Bureau of Land Management and from January 1 through December 31 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-08961** was filed on June 22, 1994, by the United States of America as Trustee on Behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation claiming a vested right with a priority date of April 16, 1877, from East Fork Owyhee River, tributary and non-tributary streams, springs and underground sources for the irrigation of 26,715.5 practicable irrigable acres of land within the states of Nevada and Idaho. Water from these sources is also claimed for stock water and wildlife; lake level maintenance for irrigation, livestock, recreation, wildlife and fish habitat; DCMI hydropower generation; and industrial use; underground water for domestic wells to serve 3,292 home sites and municipal wells. In this Preliminary Order of Determination, the State Engineer determines this claim to be valid within the terms and conditions as set forth in the *AGREEMENT TO ESTABLISH THE RELATIVE RIGHTS OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION AND THE UPSTREAM WATER USERS, EAST FORK OWYHEE RIVER* and the ratification of the agreement by the United States Congress on March 30, 2009 under *Subtitle C -*

**Proof of Appropriation V-09406** was filed on November 25, 2003, by Betty J. Corbari as Trustee of the Corbari Credit Shelter Trust claiming a vested right from Hot Creek Springs and tributaries to water 300 head of cattle from March 1 through November 30 of each year on private land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09460** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09461** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09462** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09463** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09464** was filed on May 24, 2004, by the 5 C Living Trust,

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<sup>12</sup>Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, Section 10801-10809 (2009).

Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09465** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09466** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09467** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09468** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from Hanks Creek to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09469** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from an unnamed spring to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

**Proof of Appropriation V-09470** was filed on May 24, 2004, by the 5 C Living Trust, Gary Carrigan, Trustee, claiming a vested right from Hot Creek to water 775 head of cattle from March 15 through November 30 on patented land. In this Preliminary Order of Determination stock watering is accepted as set forth in the settlement agreement, attached as Appendix B, as described under Article V, § 1.f. Stock Water, pp. 11-12.

## **XI. REJECTED PROOFS OF APPROPRIATION.**

**Proof of Appropriation V-0743** was filed on September 16, 1909, by James T. Martin claiming a vested right from Slaughterhouse Creek for the irrigation of 35 acres of land. This proof did not list a point of diversion or place of use by township, range and section. No supporting map was filed in support of this proof. NRS § 533.100(2)(c) states that the State Engineer shall “Prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations he may adopt.”

No supporting map delineating the point(s) of diversion and place of use of the waters of Slaughterhouse Creek has been submitted in support of Proof V-0743. NRS § 533.115 (8) states that the “area and location of the lands which are intended to be irrigated” must be described in the context of the proof. Proof V-0743 does not meet these requirements.

**Proof of Appropriation V-05191** was filed on September 27, 1990, by August J. and Marjorie S. Vitale claiming a vested right from Slaughterhouse Creek for the irrigation of 37.70 acres of land. Proof V-05191 is filed for the same acreage and water source as claimed under Proof V-0743. Proof V-05191 meets all of the criteria for filing a proof and supporting map as outlined under NRS § 533.100 and 533.115. In this Preliminary Order of Determination, the State Engineer determines that Proof of Appropriation V-05191 supersedes Proof of Appropriation V-0743.

**Proof of Appropriation V-01462** was filed on June 17, 1916, by J. F. Baker and is currently assigned to the Ellison Ranching Company, claiming a vested right from Penrod Creek for the irrigation of 83.0 acres of land. **Proof of Appropriation V-02871** was filed on April 1, 1976, by Raymond and Toni Mendive and is currently assigned to Ellison Ranching Company claiming a vested right from Penrod Creek for the irrigation of 95.40 acres of land. Proof V-02871 covers the entire acreage and utilizes the same water source as claimed under Proof V-01462. In this Preliminary Order of Determination, the State Engineer determines that Proof of Appropriation V-02871 supersedes Proof of Appropriation V-01462.

**Proof of Appropriation V-01571** was filed on July 3, 1918, by Robert Y. Reed claiming a vested right from Deep Creek; Lake Creek, tributary to Deep Creek; Branch of Deep Creek and Clear Creek; for the irrigation of 1,068.60 acres of land. **Proof of Appropriation V-06543** was filed on June 15, 1994, by RJD Cattle Company and is currently assigned to the RJD Cattle Company (Owner of a portion) and the Wildhorse Cattle Company (Owner of a portion) claiming a vested right from Deep Creek for the irrigation of 2,073.77 acres of land. The State Engineer determines that the portion of Proof V-06543 that overlays V-01571 is a more accurate representation of the current irrigated acreage. In this Preliminary Order of Determination, the State Engineer determines that a portion of Proof of Appropriation V-06543 supersedes Proof of Appropriation V-01571.

**Proof of Appropriation V-01845** was filed on March 28, 1924, by the Kearns Corporation claiming a vested right from Hot Creek for the irrigation of 15.63 acres of land. This proof did not list a point of diversion. No map was filed in support of this proof. NRS § 533.100 (2)(c) states that the State Engineer shall “Prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations he may adopt.” No supporting map delineating the point(s) of diversion and place of use of the waters of Hot Creek has been submitted in support of Proof V-01845. Proof V-01845 has not met these requirements. The place of use of said proof has been inundated by the construction of Wildhorse Dam and filling of the associated reservoir, therefore, the place of use no longer exists for this claim of vested right.

In this Preliminary Order of Determination, the State Engineer determines that Proof of Appropriation V-01845 is rejected based on these findings.

**Proof of Appropriation V-01846** was filed on March 28, 1924, by the Kearns Corporation claiming a vested right from Warm Creek for the irrigation of 42.09 acres of land. This proof did not list a point of diversion. No supporting map was filed in support of this proof. NRS § 533.100(2)(c) states that the State Engineer shall “Prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations he may adopt.” No supporting map delineating the point(s) of diversion and place of use of the waters of Warm Creek has been submitted in support of Proof V-01846. Proof V-01846 has not met these requirements. The place of use of said proof has been inundated by the construction of Wildhorse Dam and filling of the associated reservoir, therefore, the place of use no longer exists for this claim of vested right. In this Preliminary Order of Determination, the State Engineer determines that Proof of Appropriation V-01846 is rejected based on these findings.

**Proof of Appropriation V-05242** was filed on February 21, 1991, by James Clark Talley, Sr., Virginia I. Talley, James Clark Talley, Jr. and Kenny Kirk Talley claiming a vested right from Maggie Creek (Springs) tributary to Trail Creek for mining, milling and domestic purposes from January 1 through December 31 of each year. Review of Claim V-05242 indicates that insufficient information exists to be able to quantify water use on this mining claim. A field investigation of the mine site was conducted in the fall of 2001. Evidence was found that the site had been mined, but had not been active for many years. Therefore, the State Engineer determines that Proof of Appropriation V-05242 is rejected in these proceedings.

**Proof of Appropriation V-06613** was filed on June 15, 1994, by the RJD Cattle Company claiming a vested right from Penrod Creek and tributaries to water an unspecified number of cattle for an unspecified time period of each year. No priority date is claimed for this proof. NRS § 533.115 states “the claimant shall present in writing all particulars necessary for the determination of his right in or to the waters of the stream system...” The State Engineer finds that the applicant has not provided the necessary information to determine if a claim of vested right

exists under Proof of Appropriation No. V-06613. In this Preliminary Order of Determination the State Engineer determines that a vested water right under Claim No. V-06613 is not recognized for stock watering purposes from Penrod Creek and tributaries.

**Proof of Appropriation V-06614** was filed on June 15, 1994, by the RJD Cattle Company claiming a vested right from Hay Meadow Creek and tributaries to water an unspecified number of cattle for an unspecified time period of each year. No priority date is claimed for this proof. NRS § 533.115 states “the claimant shall present in writing all particulars necessary for the determination of his right in or to the waters of the stream system...” The State Engineer finds that the applicant has not provided the necessary information to determine if a claim of vested right exists under Proof of Appropriation No. V-06614. In this Preliminary Order of Determination the State Engineer determines that a vested water right under Claim No. V-06614 is not recognized for stock watering purposes from Hay Meadow Creek and tributaries.

**Proof of Appropriation V-06679** was filed on June 15, 1994, by Doris I. Widerburg claiming a vested right from Mill Creek for mining and milling purposes at the Rio Tinto Mine. Historic accounts of the Rio Tinto mine indicate that copper was discovered in 1932. Surface water must have been placed to beneficial use prior to March 1, 1905, in order to be considered as a vested right in these proceedings. Permit 9609, Certificate 2400, was filed on July 11, 1932, for mining purposes to appropriate water for the Town of Rio Tinto. No evidence exists to support Proof of Appropriation V-06679 claim of beneficial use of water for mining, milling or municipal purposes prior to 1905. In this Preliminary Order of Determination the State Engineer determines that Claim No. V-06679 is rejected.

## **XII. CONDITIONALLY WITHDRAWN CERTIFICATED WATER RIGHTS.**

**Permit 9610, Certificate 2382**, for the waters of Mill Creek has been conditionally withdrawn by Dennis R. Bieroth and Marcia J. Bieroth by a letter, dated November 16, 2003, in favor of Proof of Appropriation No. V-06548 on following grounds:

“This is in response to your letter of April 4, 2003, concerning a water right owned by the undersigned, which your field investigation indicated was not in use. In that letter, you requested our consideration for the withdrawal of certificate 2382, under Permit No. 9610, to irrigate 75.07 acres in order to approach the total irrigated acreage of the Upstream Water Users which had been tentatively established for agreement with the Tribes above the Duck Valley Indian Reservation. The remaining acreage is top filed by Proof of Appropriation No. V-06548 in the name of Dennis R. and Marcia J. Bieroth.

Please be advised that we would tentatively agree to inclusion of a statement as to the withdrawal of those rights in the final agreement with the Shoshone-Paiute Tribe for the limited purpose of settlement discussions, subject to our final approval of that agreement. It is emphasized that our agreement in allowing this statement to be included is strictly conditional

upon our approval of the proposed final agreement and that our participation in these negotiations may be withdrawn at any time for any reason. This should not be interpreted as indication of abandonment of that certificated right, but as an effort to complete negotiations for the final agreement.”

**Permit 2656, Certificate 481**, for the waters of Van Duzer Creek has been conditionally withdrawn by Ted Baker and Betty Baker a letter dated November 16, 2003 in favor of Proof of Appropriation No. V-06680 on following grounds:

“This is in response to your letter of April 4, 2003 concerning a water right owned by the undersigned. In that letter, you requested our consideration for the withdrawal of permit No. 2656 owned by us, as it is superseded by Proof of Appropriation No. V-02650 on land owned by Pat Dalton, and Proof of Appropriation No. V-06680 on land owned by Ted Conley Baker and Betty Baker. The withdrawal of Permit No. 2656 will not result in the reduction of acreage.

Please be advised that we would tentatively agree to inclusion of a statement as to the withdrawal of those rights in the final agreement with the Shoshone-Paiute Tribe for the limited purpose of settlement discussions, subject to our final approval of that agreement. It is emphasized that our agreement in allowing this statement to be included is strictly conditional upon our approval of the proposed final agreement and that our participation in these negotiations may be withdrawn at any time for any reason. This should not be interpreted as indication of abandonment of that certificated right, but as an effort to complete negotiations for the final agreement.”

**Permit 5083, Certificate 1529**, for the waters of Buster Springs in the name of Guy Buster has been conditionally withdrawn in favor of Proof of Appropriation No. V-06577; **Permit 5219, Certificate 1049, and Permit 5220, Certificate 1050**, for the waters of Gold Creek in the name of the Ellison Ranching Company are conditionally withdrawn; **Permit 5497, Certificate 2381**, for the waters of Warm Creek in the name of the Ellison Ranching Company has been conditionally withdrawn in favor of Proof of Appropriation No. V-06546; **Permit 5514, Certificate 2324**, for the waters of Chicken Creek in the name of the Ellison Ranching Company has been conditionally withdrawn in favor of Proof of Appropriation No. V-06547; **Permit 5983, Certificate 1217**, for the waters of Sam’s Creek in the name of Samuel Baker, has been conditionally withdrawn in favor of Proof of Appropriation No. V-06577; and **Permit 30129, Certificate 10064**, for Martin Creek and tributaries storage in Little Sunflower Flat Reservoir in the name of Ellison Ranching Company have been conditionally withdrawn in favor of Proof of Appropriation No. V-06545 by Bill Hall, General Manager of Ellison Ranching Company, by a letter, dated January 8, 2004 on following grounds:

“This is in response to your letter of April 4, 2003 concerning water rights owned by Ellison Ranching Company which your field investigation indicated were not in use. In that letter, you requested our consideration for the withdrawal of those water rights in order to approach the total irrigated acreages of the Upstream Water Users, which had been tentatively

established for agreement with the Tribes, above the Duck Valley Indian Reservation.

Please be advised that we would tentatively agree to the inclusion of a statement as to the withdrawal of those rights in the final agreement with the Shoshone Paiute Tribe for the limited purpose of settlement discussions, subject to our final approval of that agreement. It is emphasized that our agreement in allowing this statement to be included is strictly conditional upon our approval of the proposed final agreement and that our participation in these negotiations may be withdrawn at any time for any reason. This should not be interpreted as indication of abandonment of the certificated right, but as an effort to complete negotiations for the final agreement.”

**Permit 1529, Certificate 428**, in the name of John Angell for the waters of Van Duzer Creek has been conditionally withdrawn by Daniel J. Wilson by a letter, dated December 24, 2003 in favor of Proof of Appropriation No. V-05184 on following grounds:

“This is in response to your letter of April 4, 2003, concerning a water right owned by the undersigned which your field investigation indicated was not in use.

**WILSON RANCH**

Permit 1529, Certificate 428, in the name of Daniel J. Wilson Revocable Trust for the waters of Van Duzer Creek is superseded by Proof of Appropriation No. V-05184. Therefore, Certificate 428 should be withdrawn from further use in favor of Proof V-05184.

Please be advised that we would tentatively agree to the inclusion of a statement as to the withdrawal of those rights in the final agreement with the Shoshone-Paiute Tribe for the limited purpose of settlement discussions, subject to our final approval of that agreement. It is emphasized that our agreement in allowing this statement to be included is strictly conditional upon our approval of the proposed final agreement and that our participation in these negotiations may be withdrawn at any time for any reason. This should not be interpreted as indication of abandonment of that certificated right, but as an effort to complete negotiations for the final agreement.”

**Permit 1491, Certificate 328**, in the name of James T. Martin for the waters of Slaughterhouse Creek has been conditionally withdrawn by Marjorie Vitale, William Jarvis and August Vitale by a letter, dated December 12, 2003, in favor of Proof of Appropriation No. V-05191 on following grounds:

“This is in response to your letter of April 4, 2003 concerning a water right owned by the undersigned. It is our desire to comply with the Division of Water Resources request for a commitment for the withdrawal of Permit 1491, Certificate 328, in the name of James T. Martin for the waters of Slaughterhouse Creek.

Please be advised that we would tentatively agree to inclusion of a statement as to the withdrawal of this right in the final agreement with the Shoshone Paiute Tribe for the limited purpose of settlement discussions, subject to our final approval of that agreement. It is emphasized that our agreement in allowing this statement to be included is strictly conditional

upon our approval of the proposed final agreement and that our participation in these negotiations may be withdrawn at any time for any reason. This should not be interpreted as indication of abandonment of that certificated right, but as an effort to complete negotiations for the final agreement.”

### **XIII. CERTIFICATED WATER RIGHTS DETERMINED TO BE ABANDONED, PARTIALLY ABANDONED OR FORFEITED.**

**Permit 2531, Certificate 276**, in the name of United States of America–Forest Service for the waters of Penrod Creek at the Gold Creek Ranger Station has a reduced place of use. The State Engineer determines that the certificated 32.50 acres are reduced to 26.60 acres based on the field investigation of July 28, 1998, and computer redrafting of the place of use based on said investigation. The acreage is described as being located within SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (7.63 acres), SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (2.87 acres), NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (1.90 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (14.20 acres), Section 32, T.45N., R.56E., M.D.B.&M.

**Permit 2562, Certificate 14010**, for the waters of Dry Lake Creek in the name of the Holland Ranch Partnership is partially superseded by Proof of Appropriation No. V-06768. Field investigations indicate that a large portion of the acreage has reverted to big sage. Therefore, 54.16 acres of the 83.97 certificated acres under Certificate 14010 are determined to be abandoned. The State Engineer determines that the certificate is reduced to 29.81 acres located within the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (15.10 acres), NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (7.69 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.04 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.61 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (3.06 acres) and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (1.31 acres), Section 9, T.42N., R.55E., M.D.B.&M.

**Permit 2858, Certificate 1863**, was filed on December 18, 1913, by Miss Flora A. Morse and is currently assigned to Archie F. Corbari, was certificated on November 22, 1932, for the irrigation of 163.2 acres located within the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 20.8 acres, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, 63.6 acres, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, 38.8 acres, Section 14; and the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 40.0 acres (0.25 acres outside of the Corbari Ranch land with no evidence of irrigation since parceling, therefore the acreage is reduced to 39.75 acres within the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), Section 23, all located within T.43N., R.54E., M.D.B.&M. This land is further described as being south and east of the intersection of Ruby Avenue and Diamond Avenue. Also, refer to the explanation for acreage reduction under Proof V-06543 in the section titled: “IX. WATER RIGHT PROOFS OF APPROPRIATION DETERMINED TO BE VALID”.

**Permit 3109, Certificate 1096**, for the waters of Hanks Creek in the name of G. Arnold Stevens, Jr. has not been irrigated for many years. Therefore, the State Engineer determines that this certificate to irrigate 45.70 acres is declared abandoned in this proceeding.

**Permit 3110, Certificate 1097**, for the waters of Hanks Creek in the name of G. Arnold Stevens, Jr. has not been irrigated for many years. Field investigations indicate that Hanks Creek currently is supporting some meadow along the natural stream channel. Based on these findings the State Engineer determines that this certificate to irrigate 35.30 acres is declared abandoned in this proceeding.

**Permit 4065, Certificate 1173**, for the waters of Clear Creek in the name of the Estate of Guadalupe Goicoechea consists of two natural meadow areas. The smaller meadow/pasture in the north part has been almost completely invaded by big sage. A remnant of the certificated acreage remains as a natural meadow in the southern part. There is no indication of any irrigation other than what occurs naturally. Therefore, the State Engineer finds that irrigation on a portion of the irrigated acreage has been abandoned and determines that Certificate 4064 to irrigate 78.20 acres is reduced to 12.65 acres located within NW $\frac{1}{4}$ SW $\frac{1}{4}$  (6.93 acres) and SW $\frac{1}{4}$ SW $\frac{1}{4}$  (5.72 acres) Section 25, T.43N., R.55E., M.D.B.&M.

**Permit 5117, Certificate 928, and Permit 5118, Certificate 1123**, for the waters of unnamed springs in the name of the Holland Ranch Partnership has been top-filed by Proof of Appropriation No. V-06767. The State Engineer determines that Proof V-06767 accurately depicts the current irrigation of land at the headwaters of Hanks Creek. Therefore, the State Engineer determines that Certificates 928 and 1123 for irrigation of 9.72 and 48.22 acres, respectively, are superseded by Proof of Appropriation No. V-06767 in this proceeding.

**Permit 5167, Certificate 954**, for the waters of Crooked Creek in the name of the Holland Ranch Partnership has been partially top-filed by Proof of Appropriation No. V-06766. The remainder of the certificated land located west of the Mountain City highway and between Crooked Creek and Jacks Creek has been used as a gravel pit and does not reveal any remnants of irrigation. Therefore, the State Engineer determines that Certificate 954 for irrigation of 62.30 acres has been abandoned in this proceeding.

**Permit 3904, Certificate 1862, and Permit 3905, Certificate 1861**, for the waters of Deep Creek and the North Fork Deep Creek (Deep Creek), respectively, in the name of Archie F. Corbari, Jr. has not been irrigated for many years. Deep Creek does not produce enough water throughout the irrigation season to irrigate the alluvial land in addition to the bottomlands that were originally irrigated. Field investigations revealed no irrigated remnants exist on the alluvial areas between the naturally occurring meadows located within the certificated place of use. Therefore, the State Engineer determines Certificate 1862 to irrigate 285.40 acres and Certificate 1861 to irrigate 274.40 acres are declared abandoned in this proceeding.

**Permit 3967, Certificate 4064**, for the waters of Deep Creek in the name of Archie F. Corbari, Jr. has not been irrigated for many years. It is located south of Proof V-06543 near the

north boundary of said proof. The land has been subdivided and is covered by numerous trailers/vacation cabins near the south end of Wildhorse Reservoir. Therefore, the State Engineer determines that Certificate 4064 to irrigate 44.30 acres is declared abandoned in this proceeding.

**Permit 6517, Certificate 3989**, for the waters of Deep Creek in the name of Archie F. Corbari, Jr. has not been irrigated for many years. Field investigations revealed that the diversion for this acreage no longer exists due to flooding and the down cutting of the Deep Creek stream channel. All of the land located on the south side of Deep Creek has reverted to native vegetation. Therefore, the State Engineer determines that Certificate 3989 for the irrigation of 560.00 acres is reduced to 336.23 acres all located north of the Deep Creek main channel within the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (29.10 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (38.32 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (28.00 acres) and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (15.35 acres), Section 14, T.43N., R.54E., M.D.B.&M.; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (36.80 acres), NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (0.60 acres), SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (12.70 acres), SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (40.00 acres), NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (1.70 acres), SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (23.43 acres), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (25.04 acres), NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (24.03 acres), NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (35.20 acres) and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (11.12 acres), Section 22, T.43N., R.54E., M.D.B.&M. and NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (14.84 acres), Section 23, T.43N., R.54E., M.D.B.&M.

**Permit 4804, Certificate 920; Permit 4805, Certificate 921; and Permit 4806, Certificate 921**, for the waters of Unnamed Springs in the name of Archie F. Corbari, Jr. has not been irrigated for many years. Field investigations revealed that the acreage has reverted to big sage with some grass interspersed between the sagebrush. Therefore, the State Engineer determines that Certificates 920, 921 and 922 to irrigate 12.33, 7.60 and 18.03 acres, respectively, are declared abandoned in this proceeding.

**Permit 2839, Certificate 569**, for the waters of Deep Creek in the name of the United States of America (Indian Service) and Permit 7068, Certificate 2108, for the waters of Penrod Creek in the name of Kearns Corporation are totally inundated by Wildhorse Reservoir. These acreages have not been irrigated since Wildhorse Dam was constructed and filled. Field investigations have substantiated the fact that this land resides under the footprint of said reservoir. Therefore, the State Engineer determines that Certificate 569 to irrigate 139.60 acres and Certificate 2108 to irrigate 126.90 acres are declared abandoned in this proceeding.

**Permit 6831, Certificate 1762**, for the waters of Clear Creek in the name of Guy H. Vega ½ Interest, and Evelyn Jack, Della Bastida Ray, Anna Billings Karr, Diana Vega Keogh, Aldo Vega, Jule Vega, Manuel Vega, Jr. and Aldo Lee Vega, a 1/16 interest each, has not been irrigated for many years. Field investigations revealed that the acreage has been seeded with crested wheat grass that does not require irrigation. No remnants of ditches or diversion structures were noted in the field. Therefore, the State Engineer determines that Certificate 1762 to irrigate 15.40 acres is declared abandoned in this proceeding.

**Permit 7207, Certificate 1128**, for the waters of Hines Springs and floodwaters in the name of Cynthia Burrows on lands owned by the Gary Carrigan Trust has not been irrigated for many years. Field investigations revealed that most of the acreage has reverted to native vegetation, primarily, big sage. Therefore, the State Engineer determines that Certificate 1128 to irrigate 82.33 acres is declared abandoned in this proceeding.

**Permit 8415, Certificate 2157**, for the waters of Trail Creek and tributaries in the name of John R. and Marjorie Vipham has not been irrigated for many years. Field investigations revealed that most of the acreage has reverted to native vegetation. Some remnants of ditches are evident, but showed no recent usage. Some natural meadow exists within the place of use, but no physical diversion of water for their irrigation is evident. Negotiations with the Viphams led to a reduction of acreage to the meadow areas within the certificated place of use. Therefore, the State Engineer determines that Certificate 2157 to irrigate 137.42 acres is reduced to 10.42 acres of natural meadow located within the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (5.04 acres), NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (0.13 acres), Section 10 and SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (1.97 acres), SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (3.28 acres), Section 11 all located within T.44N., R.53E., M.D.B.&M.

**Permit 9768, Certificate 2755**, for the waters of Martin Creek stored in Gold Creek Reservoir, aka Little Sunflower Reservoir, in the name of Frank McGregor for mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company, through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2755 to store 1,500 acre-feet of water in Gold Creek Reservoir, aka Sunflower Reservoir, for mining purposes is declared abandoned in this proceeding.

**Permit 9796, Certificate 2751**, for the waters of Mill Creek stored in Gold Creek Reservoir, aka Little Sunflower Reservoir, in the name of Frank McGregor for mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company, through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2751 to store 500 acre-feet of water in Gold Creek Reservoir, aka Sunflower Reservoir, for mining purposes is declared abandoned in this proceeding.

**Permit 9797, Certificate 2752**, for the waters of Big Ben Creek stored in Gold Creek Reservoir, aka Little Sunflower Reservoir, in the name of Frank McGregor for mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company,

through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2752 to store 500 acre-feet of water in Gold Creek Reservoir, aka Sunflower Reservoir, for mining purposes is declared abandoned in this proceeding.

**Permit 9954, Certificate 2753**, for the waters of Big Ben Creek stored in Gold Creek Reservoir, aka Little Sunflower Reservoir, in the name of Frank McGregor for mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company, through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2753 to store 500 acre-feet of water in Gold Creek Reservoir, aka Sunflower Reservoir, for mining purposes is declared abandoned in this proceeding.

**Permit 9955, Certificate 2754**, for the waters of Mill Creek stored in Gold Creek Reservoir, aka Little Sunflower Reservoir, in the name of Frank McGregor for mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company, through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2754 to store 500 acre-feet of water in Gold Creek Reservoir, aka Sunflower Reservoir, for mining purposes is declared abandoned in this proceeding.

**Permit 10002, Certificate 2756**, for the waters of Gold Creek or Hope Gulch in the name of Frank McGregor for placer mining purposes was purchased by Prudencio Mendive, predecessor in interest to Ellison Ranching Company, through a sale because of delinquent taxes. Field investigation of this permit indicated that water has not been used for placer mining purposes for many years. The State Engineer finds that the original owner of record no longer owns this right and it has not been used for mining purposes since the mid-1950's. Therefore, the State Engineer determines that Certificate 2756 to divert 2.0 c.f.s. of water from Gold Creek or Hope Gulch for placer mining purposes is declared abandoned in this proceeding.

**Permit 10149, Certificate 2677**, for the waters of an underground source in the name of Mountain City Copper Company for milling and domestic purposes has not been used for many years. Field investigation of this permit indicated that the Rio Tinto mine site has been reclaimed and the town site has been abandoned. The State Engineer finds that the nonuse of

this right for more than five successive years constitutes forfeiture of the right. Therefore, the State Engineer determines that Certificate 2677 to divert 0.35 c.f.s. of water from an underground source for milling and domestic purposes is declared forfeited in this proceeding.

**Permit 10156, Certificate 2678**, for the waters of an underground source (mine shaft) in the name of Mountain City Copper Company for milling and domestic purposes has not been used for many years. Field investigation of this permit indicated that the Rio Tinto mine site has been reclaimed and the town site has been abandoned. The State Engineer finds that the nonuse of this right for more than five successive years constitutes forfeiture of the right. Therefore, the State Engineer determines that Certificate 2677 to divert 0.35 c.f.s. of water from an underground source for milling and domestic purposes is declared forfeited in this proceeding.

**Permit 10203, Certificate 2685**, for the waters of the East Fork Owyhee River in the name of Mountain City Copper Company for milling and domestic purposes has not been used for many years. Field investigation of this permit indicated that the Rio Tinto mine site has been reclaimed and the town site has been abandoned. The State Engineer finds that the mine site has been reclaimed and the necessity of water for milling and domestic purposes from the East Fork Owyhee River no longer exists. Therefore, the State Engineer determines that Certificate 2685 to divert 0.333 c.f.s. of water from East Fork Owyhee River for milling and domestic purposes is declared abandoned in this proceeding.

**Permit 22760, Certificate 7547**, for the waters of an underground source (mine shaft) in the name of Mountain City Copper Company and later assigned to James H. and Catherine E. Dinsdale as joint tenants, an undivided  $\frac{1}{2}$  interest, and Richard L. and Doris I. Widerberg as joint tenants, an undivided  $\frac{1}{2}$  interest, for milling and domestic purposes has not been used for many years. Field investigation of this permit indicated that the Rio Tinto mine site has been reclaimed and the town site has been abandoned. The State Engineer finds that the nonuse of this right for more than five successive years constitutes forfeiture of the right. Therefore, the State Engineer determines that Certificate 7547 to divert 3.32 c.f.s. of water from an underground source for milling and domestic purposes is declared forfeited in this proceeding.

**Permit 25625, Certificate 8183**, for the waters of an underground source (mine shaft) in the name of Mountain City Copper Company for milling and domestic purposes has not been used for many years. Field investigation of this permit indicated that the Rio Tinto mine site has been reclaimed and the town site has been abandoned. The State Engineer finds that the nonuse of this right for more than five successive years constitutes forfeiture of the right. Therefore, the State Engineer determines that Certificate 7547 to divert 3.32 c.f.s. of water from an underground source for milling and domestic purposes is declared forfeited in this proceeding.

#### **XIV. PERMITTED AND CERTIFICATED WATER RIGHTS AFFIRMED WITH NO CHANGES.**

**Permit 9551, Certificate 2264**, for the waters of an unnamed spring was filed on April 7, 1967, by the U. S. Forest Service claiming a vested right for the irrigation of 0.25 acre of land. Field investigations did not reveal any discrepancies between the certificate, supporting map and what was observed on the ground. In this Preliminary Order of Determination, the State Engineer confirms the irrigation of 0.25 acre of lawn and landscaping.

#### **XV. APPLICATIONS TO APPROPRIATE THE PUBLIC WATERS DENIED IN THIS PROCEEDING.**

**Application 6783**, for the waters of the South Fork Owyhee River (Hanks Creek) in the name of Elias Goicoechea was filed on October 10, 1922, to appropriate 1.0 c.f.s. of water to irrigate 53.56 acres. Field investigation of this application indicates that sufficient flow does not occur within the Hanks Creek drainage to support additional irrigation. The State Engineer finds that it would not be in the public interest to issue additional permits on a stream that does not have sufficient flow to irrigate additional acreage. Therefore, the State Engineer determines that Application 6783 to appropriate 1.0 c.f.s. of water from the South Fork Owyhee River (Hanks Creek) for irrigation purposes is denied in this proceeding.

**Application 28336**, for the waters of the East Fork Owyhee River in the name of August J. and Marjorie S. Vitale was filed on May 16, 1974, to appropriate 1.0 c.f.s. of water to irrigate 100.00 acres of land adjacent to the Owyhee River within Homestead Entry Survey No. 72. Field investigation of this application indicates that this is the same acreage that is being irrigated under Proof of Appropriation No. V-03706. The State Engineer finds that it would not be in the public interest to issue additional permits for lands already covered by a water right from the same source that has as superior priority under said proof. Therefore, the State Engineer determines that it would not be in the public interest to issue a new permit from the same water source. Therefore, Application 28336 is denied in this proceeding.

**Application 46552**, for the waters of no name spring in the name of Norma Rizzi was filed on January 18, 1983, to appropriate 0.010 c.f.s. of water for stock watering purposes for 350 head of cattle. Research of land ownership records for the point of diversion and place of use of this application reveals that the applicant no longer owns the base ranch. The State Engineer finds that it would not be in the public interest to issue additional permits for lands already covered by a water right from the same source that has as superior priority under said proof. Therefore, the State Engineer determines that it would not be in the public interest to issue a new permit from the same water source. Therefore, Application 46552 is denied in this proceeding.

## FEDERAL CLAIMS

### UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT CLAIMS FOR PUBLIC WATER RESERVES PURSUANT TO EXECUTIVE ORDER DATED APRIL 17, 1926.

In the East Fork Owyhee River Adjudication, the United States Department of the Interior, Bureau of Land Management, filed Public Water Reserve Claim Nos. R-05347, R-05348, R-05349, R-05350, R-05351, R-05352, R-05353, R-05354, R-05355, R-05356, R-05357, R-05358, R-05359, R-05360, R-05361, R-05362, R-05363, R-05388, R-05389, R-05390, R-05391, R-05392, R-05393, R-05394, R-05395, R-05396, R-05397, R-05398, R-05399, R-05400, R-05401, R-05402, R-05403, R-05404, R-05405, R-05406, R-05407, R-05408, R-05409, R-05410, R-05411, R-05412, R-07989, R-07990, R-08014, R-08015, R-08016, claiming implied federal reserved water rights for livestock and domestic purposes on various spring sources under the provision of Executive Order 107, dated April 17, 1926. On certain proofs the Bureau of Land Management indicated, "spring source will provide water to approximately '50, 100 or 150' deer".<sup>13</sup>

The executive order, Public Water Reserve 107, provides:

"Every smallest legal subdivision of public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or waterhole and all land within one quarter mile of every spring or waterhole, located on unsurveyed public land, be and the same is hereby withdrawn from settlement, location, sale or entry, and reserved for public use in accordance with the provisions of Section 10 of the Act of December 29, 1916."

The existence of a federal reservation does not in and of itself denote a reservation of water. Rather, there must be a determination of the precise federal purpose to be served, a determination that the purpose would be frustrated without water, and a determination of the minimum quantity of water required to fulfill the purpose.<sup>14</sup>

The authority for a public water reserve (PWR 107) was established by President Coolidge's Executive Order of April 17, 1926, signed pursuant to § 10 of the Stock Raising Homestead Act of 1916 (SRHA),<sup>15</sup> which provided that public lands containing water holes and

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<sup>13</sup> See, File No.'s R-05347 through R05363.

<sup>14</sup> United States v. City and County of Denver, 656 P. 2d 1, 18 (Colo. 1982).

<sup>15</sup> Formerly 43 U.S.C. § 300.

other bodies of water might be reserved under the Pickett Act<sup>16</sup> "for...public purposes to be specified in the orders of withdrawal."<sup>17</sup>

Debate has gone on for decades as to what are the purposes for a PWR 107 withdrawal. In 1979, then Solicitor of the United States Department of the Interior, Krulitz opined that the language of the legislative history of the public spring and water hole withdrawals, as well as Departmental regulations, compelled a conclusion that the purposes for withdrawal of the land upon which public springs and water holes existed were relatively narrow and specific indicating that § 10 of the SRHA was part of a congressional plan to implement a system of stock raising homesteads in the western United States. A House Committee on Public Lands described the purpose of § 10 of SRHA as a new section which authorized the Secretary of the Interior to withdraw from entry and hold open for the general use of the public, important water holes, springs, and other bodies of water that are necessary for the large surrounding tracts or country, so that no person could monopolize or control a large territory by locating as a homestead the only available water supply for stock in that vicinity.<sup>18</sup> Secretary Krulitz opined that it was obvious that the purpose for which public water holes and springs were withdrawn included stock watering and human consumption (among other uses later discarded by subsequent Solicitor Coldiron and courts).<sup>19</sup>

In 1983, Solicitor Coldiron<sup>20</sup> found the reasoning of the Colorado Supreme Court to be persuasive, modified Solicitor Krulitz's analysis, and determined that the purposes for which springs and water holes were withdrawn were relatively narrow and specific, and only included stock watering and human consumption on important springs and water holes.

In 1998, the Supreme Court of Idaho<sup>21</sup> held that PWR 107 provided a valid reservation of water rights by the federal government for the limited purpose of stock watering by permittees under the Taylor Grazing Act. The court noted that when the Executive Order of 1926 was

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<sup>16</sup> Formerly 43 U.S.C. §§ 141-143.

<sup>17</sup> 43 U.S.C. § 141 (repealed 1976).

<sup>18</sup> See, Solicitor's Opinion, M-36914, 86 I.D. 553, June 25, 1979 ("Krulitz"); H.R. Rep. No.35, Jan.11, 1916, 64<sup>th</sup> Cong. 1<sup>st</sup> Sess.

<sup>19</sup> See, Solicitor's Opinion, M-36914 (Supp. II), 90 I.D. 81, Feb. 16, 1983 ("Coldiron"). Solicitor Coldiron found that the judicial interpretation found in the case of the U.S. v. City and County of Denver, 656 P.2d 1 (Colo. 1982) that the implied reservation was only applicable to "important" springs, and for the narrow purpose of human and animal consumption was consistent with the United States Supreme Court's holding in United States v. New Mexico, 438 U.S. 696 (1978), and that Solicitor Krulitz was wrong in his analysis that the entire yield of the source was reserved.

<sup>20</sup> See, Solicitor's Opinion, M-36914 (Supp. II), 90 I.D. 81, Feb. 16, 1983.

<sup>21</sup> United States v. Idaho, 959 P.2d 449 (Idaho 1998).

transmitted to President Coolidge by the Secretary on April 17, 1926, it was accompanied by a letter that recited that the control of water in the semi-arid regions of the west possibly meant control of millions of surrounding acres, and that in view of the pending bill to authorize the leasing of grazing land upon the unreserved public domain,<sup>22</sup> it was believed important to retain title to and supervision of such springs and water holes as had not already been appropriated. In the Idaho case, the United States asserted that the purpose of PWR 107 was to reserve water for public use and appropriation as a source for permittees under the Taylor Grazing Act.

The court found that the United States had persuasively argued that such a reservation of stock water was needed to ensure the perpetual use of water for stock watering purposes by whichever member of the public happened at any time to have the grazing permit for the lands containing the relevant springs and water holes. The United States argued that if the water was available for private appropriation individuals could monopolize the water rights for their permanent exclusive use, thereby precluding stock watering access to those holding the grazing permits.<sup>23</sup>

The State Engineer finds that the purpose for which PWR 107 lands were reserved was to assure that no person could monopolize or control a large territory by locating as a homestead the only available water supply for stock in that vicinity and for general public purposes. The State Engineer finds that pursuant to the land withdrawal is also an implied federal reserved water right for the purpose of general public use in accordance with the Stock Raising Homestead Act, and for human and domestic animal (stock watering) consumption by those who are authorized permittees to be running stock in the area under permits granted pursuant to the Taylor Grazing Act.

Other than the Krulitz opinion,<sup>24</sup> nothing construing the documents that created PWR 107 suggests an intent to reserve water for wildlife. The Supreme Court of Colorado,<sup>25</sup> after emphasizing the "primary purpose" test of United States v. New Mexico,<sup>26</sup> considered that the reserving documents could fairly be read to only reserve water for "animal and human consumption."<sup>27</sup> Bearing in mind the anti-monopoly purpose of the reservation, it is appropriate to limit animals to domestic livestock. Nowhere in the reserving documents does there appear Congressional or Presidential concern for reserving water for wildlife under PWR 107.

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<sup>22</sup> This legislation later became known as the Taylor Grazing Act.

<sup>23</sup> United States v. Idaho, 959 P.2d at 452-453.

<sup>24</sup> 86 I.D. at 571.

<sup>25</sup> United States v. City and County of Denver, 656 P.2d 1, 34-35 (Colo. 1982).

<sup>26</sup> 438 U.S. 696 (1978).

<sup>27</sup> United States v. City and County of Denver, 656 P.2d 1, 31 (Colo. 1982).

Accordingly, the State Engineer finds that the prescribed narrow reading of those documents would exclude wildlife as a purpose of the reservation and the purposes for which water was impliedly reserved under PWR 107 are limited to human and domestic animal consumption.

In 1979, Solicitor Krulitz defined that for purposes of the Executive Order of April 17, 1926, the term "spring" means a discrete natural flow of water emerging from the earth at a reasonably distinct location whether or not such flow constitutes a source of or is tributary to a water course, pond or other body of surface water.<sup>28</sup> The term "water hole" meant a dip or hole in the earth's surface where surface or ground water collects and which may serve as a watering place for man or animals, and that PWR 107 withdrawals do not withdraw artificially developed sources of water or man-made structures. Solicitor Krulitz found that the Executive Order applied only to "important springs"<sup>29</sup> that existed as of that date on vacant, unappropriated, unreserved public lands and have a priority date of April 17, 1926, unless the spring or water hole naturally comes into existence at a later date, then the priority is the date the source came into existence.<sup>30</sup>

States and State Engineers have disagreed over the years as to whether a PWR 107 claim applies to waters that are tributary to another source. In 1976, a federal district court noting that there was confusion even in the Department of Interior with respect to its position as to the applicability of the reservation of the executive order to the spring at issue, also noted that it has been consistently held, by administrative interpretation, that the effect of the PWR 107 was to withdraw those springs and water holes which are not tributary to a running stream.<sup>31</sup> But in 1982, the Colorado Supreme Court<sup>32</sup> held that an implied federal reserved water right under a PWR 107 claim can go to either tributary or non-tributary sources.<sup>33</sup> In 1985 the Nevada State Engineer concluded in State Engineer's Ruling No. 3219, that a PWR 107 is operative as to both

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<sup>28</sup> See, Summary of the Effect of the 1926 Order, Solicitor's Opinion, M-36914, 86 I.D. 533, June 25, 1979 ("Krulitz").

<sup>29</sup> Krulitz determined that the reservation was not to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water for the use of one family and its domestic animals, that it withdraws only those sources capable of providing enough water for general use for watering purposes.

<sup>30</sup> The Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702 et seq. (1980), repealed authority to create new withdrawals under the Pickett Act and SRHA effective October 21, 1976, but left withdrawals then existing in place. Therefore, springs or water holes that had come into existence after October 21, 1976, cannot be withdrawn under the April 17, 1926, Executive Order. See, Krulitz, 86 I.D. at 588.

<sup>31</sup> Hyrup v. Kleppe, 406 F.Supp. 214, 216 (D. Colo. 1976).

<sup>32</sup> United States v. City and County of Denver, 656 P.2d 1 (Colo. 1982).

<sup>33</sup> Id. at 13.

tributary and non-tributary sources.<sup>34</sup> But in 1999, the Nevada State Engineer found that if springs are alongside and tributary to perennial streams they do not qualify as a PWR 107 source, because the source is not an important water source in view of the fact that since only 40 acres can be withdrawn the water source cannot be monopolized.<sup>35</sup> It is relevant to note that during the argument of the Hyrup case it was conceded by counsel for the Department of the Interior that if a spring is tributary to a river it would not be subject to the executive order of withdrawal and the statutory authority under which that order was issued.

In State Engineer's Ruling 3219,<sup>36</sup> the then Nevada State Engineer, adopting Krulitz, found that it is not necessary that a source has been identified or designated by an official finding to accomplish the withdrawal. In State Engineer's Ruling Nos. 4705 and 4706,<sup>37</sup> the Nevada State Engineer found that lands where springs are located that were the subject of the relevant applications had never been withdrawn for the purposes of a public water reserve because the land status maps provided by the BLM indicate that the springs are on lands that the records indicate are vacant and eligible for homestead or Desert Land Entry, and thus, the lands from which the springs arose never were withdrawn for the purpose of a public water reserve.

The State Engineer finds that if a claim of PWR is alongside or tributary to a perennial stream, it would be impossible for the homesteader to monopolize or control vast areas of land through homesteading the spring, therefore, the primary purpose of a PWR 107 withdrawal is not served and there is no reservation. The State Engineer finds that nearly 77 years after the adoption of Executive Order 107, the public and his office are entitled to rely on those records put forth by the BLM as to land status, and if the land status indicates the lands are open for homestead or Desert Land Entry there is no indication that the lands are in any way reserved. The State Engineer finds that PWR 107 only applies to identified springs that are important, isolated and of satisfactory quality to satisfy the need for human and animal consumption. The State Engineer finds that if the water source does not flow freely or is just wet enough to cause a green area, the area does not qualify as a PWR water source. The water source must make a watercourse and be an important spring.

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<sup>34</sup> However, in footnote 43, State Engineer Morros noted that the Federal District Court in the case of Hyrup v. Kleppe, 406 F.Supp. 214 (D. Colo. 1976) held otherwise. State Engineer's Ruling No. 3219, dated July 26, 1985, official records in the office of the State Engineer.

<sup>35</sup> State Engineers Ruling No.'s 4705 and 4709, dated March 1, 1999, official records in the office of the State Engineer.

<sup>36</sup> State Engineer's Ruling No. 3219, dated July 26, 1985, official records in the office of the State Engineer.

<sup>37</sup> State Engineer's ruling No.'s 4705 and 4709, dated March 1, 1999, official records in the office of the State Engineer.

The State Engineer finds that only one spring or water hole per 40-acre subdivision can be claimed as a PWR 107 water source. The State Engineer further finds that a PWR 107 claim is not operative upon artificially developed sources or where the developer held a valid, vested or appropriative water right under Nevada law at the time of the development. Nor is it operative upon pre-1926 artificially developed sources after their abandonment.

In 1925, the United States Department of the Interior published Circular No. 1028,<sup>38</sup> containing regulations which, as later codified,<sup>39</sup> survived until withdrawn in 1981.<sup>40</sup> These regulations (which until 1976<sup>41</sup> construed PWR 107) contemplated appropriation, pursuant to state law, of water from sources reserved by PWR 107.<sup>42</sup> In 1979, Krulitz opined that a PWR 107 withdrew the entire yield of the source. In 1982, the Colorado Supreme Court<sup>43</sup> found that the law of prior appropriation still governed the allocation of excess waters, and held that the U.S.'s claim that the entire yield was reserved was not well founded.<sup>44</sup> In 1983, Solicitor Coldiron opined that the quantity reserved was only a minimum amount needed to serve the needs of homesteaders and their livestock and modified Krulitz's opinion to that effect.<sup>45</sup> For a

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<sup>38</sup> 51 L.D. 186 (1925).

<sup>39</sup> See, 43 C.F.R. Subpart 2311 (1979).

<sup>40</sup> 46 Fed.Reg. 5805 (Jan. 19, 1981).

<sup>41</sup> The Federal Land Policy and Management Act of 1976, 43 U.S.C. § § 1702 et seq. (1980) (FLMPA) repealed authority to create new withdrawals under the Pickett Act and SRHA effective October 21, 1976, but left withdrawals then existing in place. See, Solicitor's Opinion, M-36914, 86 I.D. at 553, 588, June 25, 1979.

<sup>42</sup> The Executive Order of April 17, 1926, creating PWR 107, can be read to reserve only land, and not the water sources it contains:

"[I]t is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land, be and the same is hereby withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the Act of December 29, 1916 (39 Stat. 862) [SRHA], and in aid of pending legislation." However, it has been held that the Order withdrew the water from appropriation under state law. Krulitz, Id., 86 I.D. at 580, citing Jack A. Medd, 60 I.D. 83, 99 (1947). That view is consistent with the "primary purpose" of the reservation, to the extent of the minimal requirements of that purpose. See, United States v. New Mexico, 438 U.S. 696, 699-701 (1978).

<sup>43</sup> United States v. City and County of Denver, 656 P.2d 1 (Colo. 1982).

<sup>44</sup> United States v. City and County of Denver, 656 P.2d 1, 31-33 (Colo. 1982).

<sup>45</sup> Coldiron, 90 I.D. at 83. In the mid-1980's a witness for the BLM testified to a guideline of 210 gallons per day as a minimum threshold; but this same witness testified that this guideline had been abolished by the BLM, and not replaced. In the Monitor Valley Adjudication, the

member of the public to go to these sources to get a drink or fill his canteen, for his horse or pack string to get a drink would consume a very small quantity of water, and as would stock roaming over a large area of land. The State Engineer finds that the amount reserved is only a minimal quantity to serve the needs of homesteaders, grazers and their livestock, and the right to use water for any other uses can be obtained pursuant to state law,<sup>46</sup> thereby recognizing that water from PWR sources can be appropriated under state law. The State Engineer finds the entire quantity of water or the entire flow from the source is not reserved unless necessary to accomplish the primary purpose of the reservation and there are no senior water rights on the source.

The State Engineer finds the issue in this adjudication is whether the springs upon which the BLM filed its PWR claims are important springs or water holes which make them special by their location so that no person could monopolize or control vast areas of land by controlling the only available water supply, and that the water source be an important source in the area.

The State Engineer has previously held that if a spring source is not capable of producing at least 2.0 acre-feet annually (afa) (the quantity of water the Nevada legislature has determined is necessary to supply one domestic unit) it cannot qualify as a public water reserve source. The Department of the Interior Regulations, noted by the Colorado Supreme Court in U.S. v. City and County of Denver, which recognized the limited domestic drinking and stock watering purposes of the 1926 reservation codified in 43 C.F.R. § 2311.0-3(a)(2) (1980), indicate that the Executive Order of April 17, 1926, was not designed to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water for the use of one family and its domestic animals. It withdraws those springs and water holes capable of providing enough water for general use for watering purposes."

In conclusion the State Engineer finds that no evidence exists that proves the importance and necessity of the preceding PWR 107 claims. No proof of land withdrawals for public water reserves exist that would support any of these claims. Therefore, it is the finding of the State Engineer that Public Water Reserve Claim Nos. R-05347, R-05348, R-05349, R-05350, R-05351, R-05352, R-05353, R-05354, R-05355, R-05356, R-05357, R-05358, R-05359, R-05360, R-05361, R-05362, R-05363, R-05388, R-05389, R-05390, R-05391, R-05392, R-05393, R-05394, R-05395, R-05396, R-05397, R-05398, R-05399, R-05400, R-05401, R-05402, R-05403, R-05404, R-05405, R-05406, R-05407, R-05408, R-05409, R-05410, R-05411, R-05412, R-07989, R-07990, R-08014, R-08015, and R-08016 are rejected.

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BLM stated in its objection to claims of vested water rights that sources capable of producing 283 gallons per day should qualify as public water reserves.

<sup>46</sup> Coldiron, 90 I.D. at 83.

## FEDERAL LEGISLATION REGARDING THE CREATION OF NATIONAL FORESTS

### 1. UNDERLYING LEGISLATION AUTHORIZING A NATIONAL FOREST RESERVATION - ORGANIC ADMINISTRATION ACT OF 1897.

It was not until the 1960 and 1970's that the courts began to look at implied federal reserved water rights for federal enclaves such as national forests. The Supreme Court in the case of U.S. v. New Mexico and its progeny provide a good history regarding the Organic Administration Act of 1897 and national forest reservations. The cases establish the following history.

During the last half of the nineteenth century, forests on the public lands were seriously endangered by logging, **grazing**, and fires. *New Mexico*, 438 U.S. at 705, 98 S.Ct. at 3017. As the **forest cover** was depleted, Congress and the United States Department of the Interior became concerned that stream flow **for irrigation purposes** would be compromised. *See* S.Exec.Doc. No. 28, 43d Cong., 1st Sess.2-4 (1874); H.R.Rep. No. 259, 43d Cong., 1st Sess. 6-7, 20-25 (1874). Experience in Europe demonstrated that the **depletion of forest areas** surrounding the headwaters of rivers removed the **natural vegetative cover that ordinarily reduced evaporation and slowed snowmelt and water flow in the rivers** during the spring. *Id.* When the natural forces regulating stream flow were removed, rapid snowmelt in the spring caused immediate flooding and an inevitable drought in later months when a steady supply of water was most needed for irrigation. *See* 1 F. Hough, *Report Upon Forestry* 288 (1878).<sup>47</sup> (Emphasis added.)

In response to the depredations on the forest land, Congress enacted the Creative Act of March 3, 1891, ch. 561, § 24, 26 Stat. 1095, 1103 (1891), [footnote omitted] which authorized the President to "set apart and reserve [lands], in any state or Territory having public land bearing forests, in any part of the public lands **wholly or in part covered with timber or undergrowth, whether of commercial value or not**, as public reservations..." 16 U.S.C. § 471 (repealed 1976). Although the purpose of the Creative Act was not made explicit, the legislative history of the 1891 Act makes clear that **its purpose was to**

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<sup>47</sup> U.S. v. Jesse, 744 P.2d 491, 494-495 (Colo. 1987).

**preserve natural forest cover** in an effort to maintain uniform water flows in streams. [Footnote omitted.]<sup>48</sup> (Emphasis added.)

The report of the Secretary of Agriculture in 1892 reflected the Congressional concerns:

There can hardly be any doubt, however, as to what objects and considerations should be kept in view in reserving such lands and withdrawing them from private occupancy. These are first and foremost of economic importance, not only for the present but more specifically for the future prosperity of the people residing near such reservations, namely, first, *to assure a continuous forest cover of the soil on mountain slopes and crests for the purpose of preserving or equalizing water flows in streams which are to serve for purposes of irrigation, and to prevent formation of torrents and soil washing*; second, to assure a continuous supply of wood material from the timbered areas by cutting judiciously and with a view to reproduction. H.R.Exec.Doc. No. 2, 52d Cong., 1st Sess. pt. 6, at 224 (1892) (emphasis added).<sup>49</sup>

Despite reservations of forest lands under the Creative Act, depletion of the forest cover continued, as the new national forests were not adequately protected and irresponsible and indiscriminate logging continued. *New Mexico*, 438 U.S. at 706, 98 S.Ct. at 3017. Comprehensive legislation on the national forests languished in Congress from 1894 to 1896 [footnote omitted] until widespread withdrawals of forest land by President Cleveland angered many western constituents and prompted Congress to enact the Organic Administration Act of 1897, Ch. 2, 30 Stat. 34 (1897) (the Organic Act) (codified as amended at 16 U.S.C. § § 475-482 (1976). *Id.* The Organic Act defined the purposes for which national forests could be reserved and provided a charter for forest management and economic uses within the forests, and provided in pertinent part:

*No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of*

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<sup>48</sup> U.S. v. Jesse, 744 P.2d at 495.

<sup>49</sup> U.S. v. Jesse, 744 P.2d at 495.

*timber for the use and necessities of citizens of the United States*; but it is not the purpose or intent of these provisions, or the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purpose.<sup>50</sup>

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[I]n *United States v. New Mexico*, 438 U.S. 696, 98 S.Ct. 3012, 57 L.Ed.2d 1052 (1978), the Supreme Court rejected claims for reserved instream water rights [under the Multiple Use Sustained Yield Act] and held that the Organic Act and its predecessor bills evidence a congressional intent to reserve the national forest for only two purposes: (1) to secure favorable conditions of water flows, and (2) to furnish a continuous supply of timber for the use and necessities of the people. 438 U.S. at 707-08, 98 S.Ct. at 3017-18.<sup>51</sup>

Review of the Organic Administration Act itself and its legislative history evidences that Congress authorized the national forest system principally as a means of enhancing the quantity of water for those irrigating areas off the particular forests, and enhancing the quantity of timber that would be available to support present and future prosperity of people residing near such reservations. It was the forest cover that was the central concern, i.e., wood for people to use and forests to cover the soil to regulate the flow of water and prevent floods and erosion.

## **2. DOCUMENTS RESERVING THESE NATIONAL FORESTS FROM THE PUBLIC DOMAIN.**

As the courts have indicated, besides looking at the authorizing legislation, in this case the Organic Administration Act of 1897, the State Engineer must also review the specific legislation setting aside the forest reservation at issue here in order to determine whether any implied federal reserved water right exists and the scope of any such right. The State Engineer finds that no specific documentation has been provided by the U.S. Forest Service as to the reservation of the Humboldt National Forest or to support its claim for instream flows; however, the State Engineer believes that like the Toiyabe National Forest in Nevada, it is more likely than not that this national forest was reserved as were others in Nevada to address the concern of

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<sup>50</sup> U.S. v. Jesse, 744 P.2d at 496.

<sup>51</sup> U.S. v. Jesse, 744 P.2d at 497.

overgrazed ranges and nomadic sheep.

The Independence Forest Reserve<sup>52</sup> was created by presidential proclamation on November 5, 1906, and the Humboldt National Forest<sup>53</sup> was established by presidential proclamation on January 20, 1909, based on research conducted by staff of the Office of the State Engineer. The creation of the Humboldt National Forest included the combining of the Ruby Mountains and Independence National Forest plus an increase in overall area.

In the early part of the 1900's, a substantial battle was going on between the nomadic sheep owners or herders, who were committing great damage to the forage on the range, to the private interests of land owners with substantial investments in homes, and the local cattlemen. The sheep men utterly refused to recognize the rights of cattle owners to the range, and those cattlemen and ranchmen seriously objected to allowing transient flock owners to acquire range rights. Local residents welcomed forest administration solely upon the ground that they needed protection in range matters, feeling that they would be driven out of the country unless it was given, and as a matter of fact there was very little reason for the existence of national forests in Nevada aside from watershed and grazing protection.<sup>54</sup>

This analysis is supported by a public document published by the United States Department of Agriculture in 1933 titled The Public Domain of Nevada and Factors Affecting Its Use<sup>55</sup> which stated that "[t]he national forests of Nevada were established at the request of the resident stockmen, who keenly felt the need for a means of keeping nomadic sheep off summer ranges."<sup>56</sup>

The State Engineer finds regarding the Humboldt National Forest that there is no indication it was set aside for the primary purpose of timber production, and the only other authorized primary purpose under the Organic Administration Act to be served was watershed protection, in other words to secure favorable conditions of flows for those irrigating and living downstream, with grazing protection being the secondary purposes for this national forest. The State Engineer further finds that based on history that the primary purpose of watershed

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<sup>52</sup> United States Statutes at Large, XXXIV, Stat. 3251, Presidential Proclamation, November 5, 1906.

<sup>53</sup> United States Statutes at Large, XXXV, Stat. 2215, Presidential Proclamation, January 20, 1909.

<sup>54</sup> See, Exhibit No. 46, pp. 8-9, public administrative hearing on objections to Preliminary Order of Determination before the State Engineer in the Matter of the Monitor Valley Adjudication, March 17, 1997.

<sup>55</sup> United States Department of Agriculture, The Public Domain in Nevada and Factors Affecting Its Use, Technical Bulletin No. 301, Washington, D.C. 1933.

<sup>56</sup> Id. at 35.

protection was protection of the land itself from being badly cut up and overgrazed by sheep and this primary purpose had nothing to do with the claims alleged by the U.S. Forest Service in this proceeding of instream flows for channel maintenance. The State Engineer finds that the watershed protection issue was more likely than not the same as was found in the Monitor Valley Adjudication, i.e., to protect the forest forage cover in support of the cattlemen who had base ranches downstream that supported their operations.

### **3. PRECISE FEDERAL PURPOSE TO BE SERVED BY THE LEGISLATION SETTING ASIDE THIS NATIONAL FOREST.**

The State Engineer finds that the precise federal purpose to be served by the legislation setting aside the Humboldt National Forest is not known at this time, but is more likely than not to be watershed protection, and that watershed protection was to assist the cattlemen which were settling the land surrounding the mountain ranges with their battle with the nomadic sheep herder who was overgrazing and destroying what should have been perfect cattle range. This finding is supported by the fact that it was this battle between the sheep men and the cattlemen that prompted the 1925 Stock water Act found as part of Nevada Water Law in chapter 533 of the Nevada Revised Statutes.<sup>57</sup>

The State Engineer does not believe that when Congress established the national forest system to provide forest cover to regulate floodwater that Congress ever conceived of the concept of instream flows. These are the ideas of modern scientists, and while lofty and valuable goals they are not sufficiently justified to support an implied federal reserved water right. There is nothing in the legislative history of the Organic Administration Act of 1897 to support this theory under which the U.S. Forest Service claims said instream flows. It was the forest cover of trees, shrubs and grassy meadows that were to be protected to regulate the water flow. The State Engineer will not grant an implied federal reserved water right for such purpose as he sees no benefit to the downstream user, it is not essential to the primary purpose of the reservation, and the purpose of the reservation will not be entirely defeated without such an implied right. It is not what we in the modern world believe that determines an implied federal reserved water right, but rather it was the intent of Congress at the time of the Organic Administration Act of 1897, and at the time this forest was reserved. The evil that Congress sought to prevent in 1897 was the denuding of forests, which when in place regulated water flows for downstream use and provided trees for the prosperity of the nation. The concern was not riparian vegetation to

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<sup>57</sup> NRS § 533.485 - 533.510.

stabilize stream banks, to hold water and to flush pollutants. While the State Engineer personally believes the goals the U.S. Forest Service now seeks to implement are valuable, he does not believe they were part of the concept for which national forests were reserved and do not warrant the granting of an implied federal reserved water right. The water that is essential to the primary purpose of this reservation is the rain or snow that falls on the areas that support forage for grazing.

**UNITED STATES FOREST SERVICE CLAIMS FOR IMPLIED FEDERAL RESERVED WATER RIGHTS FOR ADMINISTRATIVE SITES UNDER THE ORGANIC ADMINISTRATION ACT OF 1897.**

The United States Department of Agriculture, Forest Service, filed Proofs of Appropriation Numbers R-07327 (Underground, Mountain City Compound Administrative Site), R-07328 (Underground, Mountain City Compound Administrative Site), R-07329 (Ranger Station Spring, Gold Creek Administrative Site), R-07330 (Underground, Mountain City Compound Administrative Site), R-07332 (Future Administrative Sites, East Fork Owyhee River Drainage), R-08688 (Future Administrative Sites, East Fork Owyhee River Drainage).

The United States Department of Agriculture, Forest Service, filed Proof of Appropriation Nos. R-07332 and R-08688 claiming an implied federal reserved water right under the Organic Administration Act of 1897 for future administrative uses with a priority date of November 6, 1906. These claims were filed for an implied federal reserved water right from “any all sources, including groundwater, whether named or not”, and the quantity claimed is the “amount necessary to accomplish future administrative uses, including but not limited to, domestic, irrigation, watering horses and pack stock, revegetation, erosion control, road construction and maintenance, and other needs directly related to National Forest purposes, estimated to be no more than 20 acre-feet per annum.” Future uses of the water are claimed to be “irrigation, domestic use, fire management activities, and watering horses and pack stock, to accomplish the purposes of the National Forests pursuant to the Organic Administration Act, 16 U.S.C. 475, 30 Stat. 34 (June 4, 1897), namely, securing favorable conditions of water flow and providing a continuous supply of timber.”

The State Engineer's analysis as to the primary purposes of the Organic Administration Act of 1897 has just been reviewed and the State Engineer finds that nothing in the legislative history leads the State Engineer to believe this claim has anything to do with the primary purposes of the reservation. The State Engineer further finds that these claims are so unspecific

as to source and quantity that they could never be recognized in an adjudication proceeding under Nevada Water Law.<sup>58</sup>

In determining whether there is a federally reserved water right implicit in a federal reservation of public land, the issue is whether the Government intended to reserve unappropriated and thus available water. Intent is inferred if the previously unappropriated waters are necessary to accomplish the purposes for which the reservation was created.<sup>59</sup>

The State Engineer finds that the administrative sites at issue in this adjudication are within the boundaries of the Humboldt National Forest. The State Engineer finds that it is not necessary that a reservation within a reservation be declared for an administrative site.

At the time these national forests were reserved, there was quite a battle going on between the nomadic shepherd and the resident stockmen. It is more likely than not that the reason this national forest was established was the same reason the State Engineer found in the Monitor Valley Adjudication that those national forests were established in Nevada, and that was to protect the forests from overgrazing by sheep belonging to nomadic sheepmen and to assist the cattlemen with keeping the sheepmen off the range. The precise federal purpose to be served by this forest was more likely than not watershed protection through the prevention of overgrazing. The State Engineer saw in the Monitor Valley Adjudication that the Forest Supervisor had to establish guards to prevent the sheepmen from taking tens of thousands of sheep through that country. When Congress established the National Forest at issue in this adjudication it must have contemplated management of those lands. How else could the sheepmen be kept off the forests if not by someone actually managing the area, and that meant a place for the person managing this forest to stay. One could not actively manage a problem of competing grazing interests without having persons stationed there to perform that task. The Humboldt National Forest is a long way from any community by the standard means of travel today, the automobile. By horseback in the early 1900's, it took days to ride out to some of the places where management of the resource took place.

The State Engineer finds it was more likely than not that management of this National Forest was contemplated and intended by Congress within the primary purposes of the reservation and that without that management the purposes for which the forest was reserved would be entirely defeated. The State Engineer finds that an implied reserved water right exists for administrative sites under Reserved Claim No. R-07329, but not for all the uses claimed by

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<sup>58</sup> NRS § 533.115 and Ramelli v. Sorgi, 38 Nev. 552 (1915).

<sup>59</sup> Cappaert v. U.S., 48 L.Ed.2d at 534.

the U.S. Forest Service.

The State Engineer finds that it was not the intent of Congress to reserve ground water; therefore, the State Engineer finds that no implied reserved water right exists for the Mountain City Compound administrative site under Reserved Claim Nos. R-07327 and R-07330 or for the Mountain City Administrative Site at Rabbit Draw under Reserved Claim No. R-07328.

"The implied-reservation-of-water doctrine, however, reserves only that amount of water necessary to fulfill the purpose of the reservation, no more."<sup>60</sup> Any person stationed at the administrative site needed water for domestic (culinary, bathing), and domestic animal purposes. The State Engineer finds that the quantity of water necessary for those purposes is a de minimus amount. However, if this right is junior to any water right holder the U.S. Forest Service must provide access to the waters to any senior water right holder.

The State Engineer finds an implied reserved water right for irrigation is not necessary since the domestic animals used by the forest manager could be grazed on the surrounding forage they were protecting for the cattlemen. If the irrigation of lands in or around the administrative site does not occur it will not defeat the primary purpose of the reservation. The State Engineer finds that the diversion rate claimed for irrigation purposes is not de minimus and that portion of the reserved water right claims for irrigation purposes must be rejected. The State Engineer finds that claimed uses of irrigation, watering horses and pack stock, fire management, revegetation, erosion control, road construction and maintenance, and other needs are not within the primary purposes of the reservation and are rejected.

#### **UNITED STATES FOREST SERVICE CLAIMS FOR IMPLIED FEDERAL RESERVED WATER RIGHTS FOR INSTREAM FLOWS FOR CHANNEL MAINTENANCE UNDER THE ORGANIC ADMINISTRATION ACT OF 1897.**

The United States Department of Agriculture, Forest Service, filed Proofs of Appropriation numbers R-07965, R-07966, R-07967, R-07968, R-07969, R-07970, R-07971, R-07972, R-07973, R-07974 and R-07975 in the East Fork Owyhee River Adjudication, claiming an implied federal reserved water right under the Organic Administration Act of 1897 for channel maintenance purposes claiming that the water has been used for channel maintenance since January 20, 1909, and that the non-consumptive use of water is to maintain channel conditions that provide for favorable conditions of water flow and in some instances to provide a continuous supply of timber.

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<sup>60</sup> Cappaert v. U.S., 48 L.Ed.2d at 535.

The United States Supreme Court has long held that when the Federal Government withdraws land from the public domain and reserves it for a federal purpose, the Government by implication also reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation.<sup>61</sup> "In determining whether there is a federally reserved water right implicit in a federal reservation of public land, the issue is whether the Government intended to reserve unappropriated and thus available water. Intent is inferred if the previously unappropriated waters are necessary to accomplish the purposes for which the reservation was created."<sup>62</sup> "The implied-reservation-of-water doctrine, however, reserves only that amount of water necessary to fulfill the purpose of the reservation, no more."<sup>63</sup> Each time the United States Supreme Court has applied the implied-reservation-of-water doctrine it has carefully examined both the asserted water right and the specific purposes for which the land was reserved and concluded that without the water the purposes of the reservation would be entirely defeated.<sup>64</sup>

This careful examination is required both because the reservation is implied, rather than expressed, and because of the history of congressional intent in the field of federal-state jurisdiction with respect to allocation of water. Where Congress has expressly addressed the question of whether federal entities must abide by state water law, it has almost invariably deferred to the state law. (Citation omitted.) Where water is necessary to fulfill the very purposes for which a federal reservation was created, it is reasonable to conclude, even in the face of Congress' express deference to state water law in other areas, that the United States intended to reserve the necessary water. Where water is only valuable for a secondary use of the reservation, however, there arises the contrary inference that Congress intended, consistent with its other views, that the United States would acquire water in the same manner as any other public or private appropriator.<sup>65</sup>

The existence of a federal reservation does not in and of itself denote a reservation of water. Rather, there must be a determination of the precise federal purpose to be served, a determination that the purpose would be frustrated without water, and a determination of the

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<sup>61</sup> Cappaert v. U.S., 426 U.S. 128, 48 L.Ed.2d 523, 534, 96 S.Ct. 2062 (1976).

<sup>62</sup> Ibid.

<sup>63</sup> Id. at 535.

<sup>64</sup> United States v. New Mexico, 438 U.S. 696, 57 L.Ed.2d 1052, 1057, 98 S.Ct. 3012 (1978).

<sup>65</sup> Id. at 1058.

minimum quantity of water required to fulfill the purpose.<sup>66</sup>

National Forests in the United States are authorized to be reserved under the Organic Administration Act of 1897.<sup>67</sup> The U.S. Forest Service previously argued before the State Engineer, in the Monitor Valley Adjudication, that the State Engineer need not look past the Organic Administration Act of 1897 to determine whether an implied reserved water right exists for instream channel maintenance on a National Forest. The State Engineer assumes it would make the same argument in this adjudication since these water right claims were filed under the Organic Administration Act of 1897. However, the State Engineer does not believe this is a correct statement of the law.

To determine if an implied reserved water right exists, one must not only examine the primary purposes of forests reservations set forth in the Organic Administration Act of 1897, but must also review the specific documents reserving each national forest and the specific primary purpose that particular forest was reserved. The United States Supreme Court<sup>68</sup> has decided what the primary purposes are for which national forests may be reserved out of the public domain, those being to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the people. It is not the Organic Administration Act that creates a national forest and any implied federal reserved water right that may go with it, this act merely provides the authority to create a national forest. Rather, a national forest is not created until there is an actual reservation of a particular forest itself.

To demonstrate that this analysis is correct, one merely need review the United States Supreme Court's analysis in the Cappaert case.<sup>69</sup> There the Supreme Court looked at the very specific purpose for which Devil's Hole National Monument was reserved by reviewing the 1952 Proclamation that set aside the reservation. The Supreme Court's analysis of whether an implied reserved water right existed at the Devil's Hole National Monument was not based upon the Act for the Preservation of American Antiquities, which authorized the President to declare the tract of land surrounding Devil's Hole as a national monument, but rather was based upon the specific proclamation which reserved the monument from the public domain and the intent of that reservation. It is the actual act of Congress or Presidential proclamation reserving the specific national monument or national forest at issue and not the authorizing legislation by which water rights may impliedly be reserved. The determination of an implied reserved water right cannot be accomplished without also looking at the reason for the specific reservation. "Such an

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<sup>66</sup> U.S. v. City and County of Denver, 656 P.2d 1, 18 (Colo. 1982).

<sup>67</sup> Act of June 4, 1897, ch. 2, 30 Stat. 34 (1897).

<sup>68</sup> U.S. v. New Mexico, 438 U.S. 696, 57 L.Ed.2d 1052, 98 S.Ct. 3012 (1978).

<sup>69</sup> Cappaert v. U.S., 426 U.S. 128, 48 L.Ed.2d 523, 534, 96 S.Ct. 2062 (1976).

examination and tailoring of the reserved right is necessary ‘because the reservation is implied, rather than explicit, and because of the congressional intent in the field of federal-state jurisdiction with respect to allocation of water.’”<sup>70</sup>

For each federal claim of a reserved water right, the trier of fact must examine the documents reserving the land from the public domain and the underlying legislation authorizing the reservation; determine the precise federal purposes to be served by such legislation; determine whether water is essential for the primary purposes of the reservation; and finally determine the precise quantity of water - the minimal need as set forth in *Cappaert* and *New Mexico* - required for such purposes.<sup>71</sup>

Therefore, the State Engineer does not recognize implied federal reserved water rights under the Multiple-Use Sustained-Yield Act of 1960 for channel maintenance purposes under Reserved Claim Nos. R-07965, R-07966, R-07967, R-07968, R-07969, R-07970, R-07971, R-07972, R-07973, R-07974 and R-07975.

#### **UNITED STATES FOREST SERVICE CLAIMS FOR IMPLIED FEDERAL RESERVED WATER RIGHTS FOR FIREFIGHTING PURPOSES UNDER THE ORGANIC ADMINISTRATION ACT OF 1897.**

The United States Department of Agriculture, Forest Service, filed Proof of Appropriation Nos. R-07331 and R-08687 claiming an implied federal reserved water right under the Organic Administration Act of 1897 for firefighting purposes with a priority date of November 5, 1906. This claim was filed as one for an implied federal reserved water right from any and all sources, including ground water, whether named or not, and the quantity claimed is the amount necessary to suppress fires on national forest lands located within the East Fork Owyhee River drainage, which includes, but is not limited to, fire suppression, water at fire camps, road watering and watering pack stock.

The State Engineer's analysis as to the primary purposes of the Organic Administration Act of 1897 has just been reviewed and the State Engineer finds that nothing in the legislative history leads the State Engineer to believe these claims have anything to do with the primary

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<sup>70</sup> U.S. v. City and County of Denver, 656 P.2d 1, 19 (Colo. 1982).

<sup>71</sup> U.S. v. City and County of Denver, 656 P.2d 1, 20 (Colo. 1982).

purposes of the reservation. The State Engineer further finds that these claims are so unspecific as to source and quantity that they could never be recognized in an adjudication proceeding under Nevada Water Law.<sup>72</sup>

**UNITED STATES FOREST SERVICE CLAIMS FOR IMPLIED FEDERAL RESERVED WATER RIGHTS FOR INSTREAM FLOWS FOR FISH HABITAT AND RECREATION OPPORTUNITIES UNDER THE MULTIPLE-USE SUSTAINED-YIELD ACT OF 1960.**

The United States Department of Agriculture, Forest Service, filed Proofs of Appropriation Nos. R-07932, R-07933, R-07934 and R-07935 claiming an implied federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 for non-consumptive instream flows to provide for fish habitat and recreation opportunities for the public.

The U.S. Forest Service claims implied reserved water rights under the Multiple-Use Sustained-Yield Act<sup>73</sup> ("MUSYA") with a priority date of 1960 for water necessary to fulfill the "additional" purposes for which the national forests were declared to be established and administered, i.e., fisheries resources.

The MUSYA provides:

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act [16 USC § 528-531] are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 USC 475) [Organic Administration Act of 1897].

The U.S. Forest Service has previously argued to the State Engineer that the very first sentence of the MUSYA unequivocally recognized establishment of the national forests for five purposes and that there should be little serious dispute that the MUSYA reserved the national forests for five purposes rather than the two found in the Organic Act.

The Supreme Court in U.S. v. New Mexico found:

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<sup>72</sup> NRS § 533.115 and Ramelli v. Sorgi, 38 Nev. 552 (1915).

<sup>73</sup> 16 U.S.C. § 528 et seq. (1988).

The House Report accompanying the 1960 legislation, however, indicates that recreation, range, and "fish" purposes are "to be supplemental to, but not in derogation of, the purposes for which the national forests were established" in the Organic Administration Act of 1897.<sup>74</sup>

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[T]he "reserved rights doctrine" is a doctrine built on implication and is an exception to Congress' explicit deference to state water law in other areas. Without legislative history to the contrary, we are led to conclude that Congress did not intend in enacting the Multiple-Use Sustained-Yield Act of 1960 to reserve water for the *secondary* purposes there established. [Footnote omitted.] A reservation of additional water could mean a substantial loss in the amount of water available for irrigation and domestic use, thereby defeating Congress' principal purpose in securing favorable conditions of water flow. Congress intended the national forests to be administered for broader purposes after 1960 but there is no indication that it believed the new purposes to be so crucial as to require a reservation of additional water. By reaffirming the primacy of a favorable water flow, it indicated the opposite intent.<sup>75</sup>

The State Engineer finds that the additional purposes set forth under MUSYA are secondary<sup>76</sup> and not primary purposes for which national forests are reserved. The State Engineer finds, based on the decision in U.S. v. New Mexico, that the Multiple-Use Sustained-Yield Act broadened the purposes of the National Forest so that they are administered for uses supplemental to the primary purpose of each individual forest. Therefore, those purposes do not qualify as sufficient to support a water right claimed under the implied reservation of rights doctrine. The State Engineer finds that it is inconceivable that Congress was not fully aware of the implied federal reserved water rights doctrine at the time it enacted the MUSYA, and that by failing to address water rights it is more likely than not, none were intended to be reserved. Therefore, the State Engineer will not recognize implied federal reserved water rights under the Multiple-Use Sustained-Yield Act of 1960 for fishery resource or recreation purposes.

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<sup>74</sup> U.S. v. New Mexico, 438 U.S. 696, 57 L.Ed.2d 1052, 1065, 98 S.Ct. 3012 (1978).

<sup>75</sup> U.S. v. New Mexico, 57 L.Ed.2d at 1066.

<sup>76</sup> See also, U.S. v. City and County of Denver, 656 P.2d 1, 24-27 (Colo. 1982).

## **UNITED STATES FOREST SERVICE CLAIMS FOR VESTED WATER RIGHTS FOR RECREATION OPPORTUNITIES.**

The U.S. Forest Service claims implied reserved water rights under the Multiple-Use Sustained-Yield Act<sup>77</sup> ("MUSYA") with a priority date of 1960 for water necessary to fulfill the "additional" purposes for which the national forests were declared to be established and administered, i.e., recreation opportunities.

The MUSYA provides:

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act [16 USC § 528-531] are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 USC 475) [Organic Administration Act of 1897].<sup>78</sup>

The U.S. Forest Service has previously argued to the State Engineer that the very first sentence of the MUSYA unequivocally recognized establishment of the national forests for five purposes and that there should be little serious dispute that the MUSYA reserved the national forests for five purposes rather than the two found in the Organic Act.

The Supreme Court in U.S. v. New Mexico found:

The House Report accompanying the 1960 legislation, however, indicates that recreation, range, and "fish" purposes are "to be supplemental to, but not in derogation of, the purposes for which the national forests were established" in the Organic Administration Act of 1897.

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[T]he "reserved rights doctrine" is a doctrine built on implication and is an exception to Congress' explicit deference to state water law in other areas. Without legislative history to the contrary, we are led to conclude that Congress did not intend in enacting the Multiple-Use Sustained-Yield Act of 1960 to reserve water for the *secondary* purposes there established. [Footnote omitted.] A reservation of additional water could mean a substantial loss in the amount of water available for irrigation and domestic use, thereby defeating Congress'

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<sup>77</sup> 16 U.S.C. § 528 et seq. (1988).

<sup>78</sup> U.S. v. New Mexico, 438 U.S. 696, 57 L.Ed.2d 1052, 1065, 98 S.Ct. 3012 (1978).

principal purpose in securing favorable conditions of water flow. Congress intended the national forests to be administered for broader purposes after 1960 but there is no indication that it believed the new purposes to be so crucial as to require a reservation of additional water. By reaffirming the primacy of a favorable water flow, it indicated the opposite intent.<sup>79</sup>

The State Engineer finds that the additional purposes set forth under MUSYA are secondary<sup>80</sup> and not primary purposes for which national forests are reserved. The State Engineer finds, based on the decision in U.S. v. New Mexico, that the Multiple-Use Sustained-Yield Act broadened the purposes of the National Forest so that they are administered for uses supplemental to the primary purpose of each individual forest. Therefore, those purposes do not qualify as sufficient to support a water right claimed under the implied reservation of rights doctrine. The State Engineer finds that it is inconceivable that Congress was not fully aware of the implied federal reserved water rights doctrine at the time it enacted the MUSYA, and that by failing to address water rights it is more likely than not that none were intended to be reserved. Therefore, the State Engineer will not recognize implied federal reserved water rights under the Multiple-Use Sustained-Yield Act of 1960 for fishery resource or recreation purposes.

The United States Department of Agriculture, Forest Service, filed Proofs of Appropriation numbers V-07334, V-07335, V-07336 and V-07337 claiming water use for recreation opportunities, i.e., campground use, for the public.

Proof of Appropriation V-07334 was filed on June 23, 1994, claiming a priority date of May 30, 1962, by the United States of America – Forest Service for recreation purposes within the Wildhorse Crossing Campground from Wildhorse Well No. 3, located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 9, T.44N., R.54E., M.D.B.&M. Permit 47931, Certificate 12414, was filed on the same well on March 23, 1984, by the United States of America – Forest Service. Certificate 12414 was issued on March 6, 1990, for recreation purposes with a diversion rate of 0.02 cfs, not to exceed 7,000 gallons per season.

Proof of Appropriation V-07335 was filed on June 23, 1994, claiming a priority date of May 30, 1962, by the United States of America – Forest Service for recreation purposes within the Wildhorse Crossing Campground from Wildhorse Well No. 2, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 9, T.44N., R.54E., M.D.B.&M. Permit 47932, Certificate 12415, was filed on the same well on March 23, 1984, by the United States of America – Forest Service. Certificate 12415 was issued on March 6, 1990, for recreation purposes with a diversion rate of 0.02 cfs, not to exceed 7,000 gallons per season.

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<sup>79</sup> U.S. v. New Mexico, 57 L.Ed.2d at 1066.

<sup>80</sup> See also, U.S. v. City and County of Denver, 656 P.2d 1, 24-27 (Colo. 1982).

Proof of Appropriation V-07336 was filed on June 23, 1994, claiming a priority date of May 30, 1962, by the United States of America – Forest Service for recreation purposes within the Wildhorse Crossing Campground from Wildhorse Well No. 1, located within the SW¼NE¼ Section 9, T.44N., R.54E., M.D.B.&M. Permit 47933, Certificate 12416, was filed on the same well on March 23, 1984, by the United States of America–Forest Service. Certificate 12416 was issued on March 6, 1990, for recreation purposes with a diversion rate of 0.02 cfs, not to exceed 7,000 gallons per season.

Proof of Appropriation V-07337 was filed on June 23, 1994, claiming a priority date of May 30, 1962, by the United States of America – Forest Service for recreation purposes within the Gold Creek Campground from Big Bend Spring, located within the NE¼NW¼ Section 30, T.45N., R.56E., M.D.B.&M. The United States of America – Forest Service, filed Application 42921 for the waters of Big Bend Spring for recreation purposes within the Big Bend Campground on December 5, 1980. Application 42921 was denied by State Engineer’s Ruling No. 3587, dated February 17, 1989, on the grounds that issuance would “interfere with existing rights.”

NRS § 534.100 states that “1. Existing water rights to the use of underground water are hereby recognized. For the purpose of this chapter a vested right is a water right on underground water acquired from an artesian or definable aquifer prior to March 22, 1913, and an underground water right on percolating water, the course and boundaries of which are incapable of determination, acquired prior to March 25, 1939.” Proof of Appropriation Nos. V-07334, V-07335 and V-07336 claim a priority date of May 30, 1962. This priority date does not meet the criteria necessary to qualify as a vested right to the waters of an underground source. Therefore, the State Engineer determines that Proof of Appropriation Nos. V-07334, V-07335 and V-07336 are rejected in these proceedings.

The Twenty-second Session of the Legislature of the State of Nevada enacted an amendatory law,<sup>81</sup> approved March 1, 1905, requiring any person, association or corporation thereafter desiring to appropriate any of the public waters, to file an application for permission to make such appropriation with the State Engineer.

Proof of Appropriation V-07337 claims a priority date of May 30, 1962. This priority date does not meet the criteria necessary to qualify as a vested right for the public waters of a surface source within the State of Nevada. Therefore, the State Engineer determines that Proof of Appropriation No. V-07337 is rejected in these proceedings.

Denied Application 42921 for the waters of Big Bend Spring leaves Big Bend (Gold Creek) Campground without legal vested or permitted right to water for recreation purposes.

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<sup>81</sup> Act of March 1, 1905, ch.46, § 23.

Therefore, water use in said campground is illegal under NRS Chapter 533.

## **VESTED RIGHT CLAIMS BY THE UNITED STATES FOREST SERVICE FOR STOCK WATERING PURPOSES.**

In the East Fork Owyhee River Adjudication, the United States of America, Department of Agriculture, Forest Service, filed numerous claims of vested rights for stock watering, and wildlife purposes as follows: V-02811, V-03574, V-03575, V-03576, V-03577, V-03578, V-03661, V-03662, V-03663, V-03664, V-03665, V-03666, V-03667, V-03668, V-03669, V-03670, V-03671, V-03672, V-03673, V-04118, V-04119, V-07414, V-07415, V-07416, V-07417, V-07418, V-07419, V-07424, V-07425, V-07427, V-07434, V-07435, V-07438, V-07439, V-07441, V-07442, V-07445, V-07446, V-07448, V-07454, V-07455, V-07456, V-07461, V-07462, V-07463, V-07465, V-07466, V-07468, V-07470, V-07473, V-07474, V-07475, V-07822, V-07823, V-07825, V-07826, V-07828, V-07830, V-07831, V-07832, V-07833, V-07834, V-07835, V-07840, V-07841, V-07842, V-07843, V-07844, V-07845, V-07846, V-07847, V-07853, V-07854, V-07855, V-07857, V-07858, V-07859, V-07860, V-07861, V-07862, V-07863, V-07864, V-07865, V-07866, V-07867, V-07870, V-07871, V-07874, V-07875, V-07876, V-07877, V-07878, V-07880, V-07881, V-07882, V-07883, V-07884, V-07885, V-07886, V-07887, V-07888, V-07889, V-07890, V-07891, V-07893, V-07894, V-07897, V-07898, V-07899, V-07901, V-07902, V-07903, V-07904, V-07905, V-07906, V-07907, V-07908, V-07909, V-07910, V-07911, V-07912, V-07913, V-07914, V-07915, V-07916, V-07917, V-07918, V-07919, V-07920, V-08018, V-08019, V-08020, V-08022, V-08025, V-08026, V-08027, V-08028, V-08030, V-08031, V-08036, V-08038, V-08042, V-08043, V-08047, V-08051, V-08055, V-08057, V-08058, V-08059, V-08060, V-08061, V-08062, V-08063, V-08064, V-08065, V-08066, V-08068, V-08069, V-08070, V-08071, V-08072, V-08073, V-08076, V-08077, V-08078, V-08079, V-08082, V-08083, V-08084, V-08085, V-08086, V-08087, V-08088, V-08089, V-08090, V-08091, V-08092, V-08094, V-08095, V-08096, V-08100, V-08101, V-08102, V-08105, V-08106, V-08107, V-08108, V-08109, V-08112, V-08114, V-08117, V-08118, V-08120, V-08121, V-08122, V-08123, V-08124, V-08126, V-08127, V-08128, V-08130, V-08131, V-08132, V-08133, V-08134, V-08135, V-08136, V-08137, V-08139, V-08140, V-08141, V-08144, V-08145, V-08147, V-08148, V-08149, V-08152, V-08154, V-08157, V-08159, V-08160, V-08161, V-08162, V-08163, V-08164, V-08165, V-08167, V-08169, V-08171, V-08172, V-08173, V-08174, V-08177, V-08178, V-08179, V-08181 and V-08182.

The claims of vested rights filed by the USFS in this adjudication in some cases, duplicates those claims filed by others whose title relates back to the original homesteaders. The State Engineer finds that the non-federal claimants whose title traces back to the original homesteader to be recipient of the vested water rights and not the USFS.

The USFS control and management of lands in the subject adjudication initially began

November 5, 1906, with the establishment of the Independence Forest Reserve<sup>82</sup> for Proofs of Appropriation Nos. V-08068, V-08069, V-08070, V-08071, V-08072 and V-08073. The balance of the proofs filed for stock watering and wildlife are filed on lands reserved within the Humboldt National Forest<sup>83</sup> established by presidential proclamation on January 20, 1909. The plenary control of the public range exists with the federal government, but this control does not include the water.<sup>84</sup> The USFS has not shown through a chain of title that they are the successors in interest to the original stockmen whose cattle grazed and consumed the waters on the public range. The State Engineer finds the nature of the USFS claimed title is due to the fact that the land was reserved from the public domain. The USFS is deriving its claim from the cattle that are on the range, not from the cattlemen. Neither the USFS nor the U.S. owned livestock. The owners of the livestock were and are private individuals. The claim of a vested water right from a surface water source requires that the use of that source be initiated prior to March 1, 1905, and the use has been reasonably continued since. The vested claims for stock and wildlife purposes filed by the USFS were rejected under the authority granted to the State Engineer by Chapter 533 of the Nevada Revised Statutes. The State Engineer finds that the rejection of these claims is not contrary to State law. The State Engineer determines that the proofs filed by the USFS for claims of a vested water right for stock watering and wildlife purposes are invalid and must be rejected.

## **XII. RIGHTS OF APPROPRIATORS AND TABLE**

The proofs of water rights are determined to be valid in the following tables as determined by the State Engineer in this Preliminary Order of Determination.

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<sup>82</sup> United States Statutes at Large, XXXIV, Stat. 3251, Presidential Proclamation, November 5, 1906.

<sup>83</sup> United States Statutes at Large, XXXV, Stat. 2215, Presidential Proclamation, January 20, 1909.

<sup>84</sup> Desert Land Act of March 3, 1877, codified, as amended at 43 U.S.C. § 321.

## **APPENDIX A – TABLE OF CLAIMS**

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-01020	DENNIS R. & MARCIA J. BIEROTH	VAN DUZER CREEK & TRIBUTARIES	NW¼ NW¼, SEC. 31, T.45N., R.54E., M. D. B. & M., BEARS S.04°12'E. 6.482 FT. FROM THE NW COR. OF SEC. 30 T.45N., R.54E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW STOCK WATER 1886		2.80	360.864			
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E		STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
			NE	NW	SW	SE	NE	NW	SW	SE	
25	T. 45 N., R. 53 E.						10.91			6.46	
19	T. 45 N., R. 54 E.				2.89	0.60	15.51	2.93	4.79	17.37	
30	T. 45 N., R. 54 E.		4.20		10.55	3.28	27.69	31.99		26.72	
31	T. 45 N., R. 54 E.				7.08					71.71	
NON-SUPPLEMENTAL ACRES: 128.88											
									ACRES PER SECT.	REMARKS	
V-01246	ELLISON RANCHING COMPANY	MARTIN CREEK AKA PENROD CREEK	SW¼ SW¼ SEC. 08, T.44N., R.56E., M. D. B. & M., BEARS N.21°16'00"E. 1,334 FT. FROM SW COR. OF SAID SEC. 8.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW STOCK WATER 1897	2.5	2.80	206.84			
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E		* THE 2.26 ACRES ASSIGNED TO THE CAL WORTHINGTON TRUST ARE NOT INCLUDED IN THE AMENDED PROOF OR SUPPORTING MAP.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
			NE	NW	SW	SE	NE	NW	SW	SE	
8	T. 44 N., R. 56 E.						2.23			2.23	
17	T. 44 N., R. 56 E.		1.45	31.18	34.49	2.18	2.34			71.64	
NON-SUPPLEMENTAL ACRES: 73.87											
									ACRES PER SECT.	REMARKS	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-01247	ELLISON RANCHING COMPANY	FLANNIGAN GULCH CREEK AND TRIBUTARIES	SE 1/4 NW 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.48°37'E. 2,580 FT. FROM NW COR. OF SAID SEC. 17.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1899		2.80	46.59								
		FLANNIGAN FLAT SPRING NO. 1	SE 1/4 NW 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.44°56'E. 3,330.10 FT. FROM NW COR. OF SAID SEC. 17.		IRRIGATION HAY MEADOW 1899											
		FLANNIGAN FLAT SPRING NO. 2	SW 1/4 SW 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.13°49'E. 5,060 FT. FROM NW COR. OF SAID SEC. 17.		STOCK WATER 1899											
		FLANNIGAN FLAT SPRING NO. 3	SW 1/4 SE 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.28°42'E. 5,975 FT. FROM NW COR. OF SAID SEC. 17.		STOCK WATER 1899											
		FLANNIGAN FLAT SPRING NO. 4	NE 1/4 SW 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.36°06'E. 4,385 FT. FROM NW COR. OF SAID SEC. 17.		STOCK WATER 1899											
		FLANNIGAN FLAT SPRING AKA BEANY SPRING	SE 1/4 SE 1/4, SEC. 17, T.44N., R.56E., M. D. B. & M., BEARS S.47°17'E. 6,300 FT. FROM NW COR. OF SAID SEC. 17.		STOCK WATER 1899											
<b>PLACE OF USE</b>																
<b>40 ACRE DESCRIPTIONS</b>																
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
8	T. 44 N., R. 56 E.														0.28	X = DENOTES PLACE OF USE FOR STOCK WATER STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
17	T. 44 N., R. 56 E.						10.82	2.81							16.36	
TOTAL ACRES:															16.64	

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-01856	MARJORIE AND JOHN VIPHAM	TRAIL CREEK, SPRINGS AND TRIBUTARIES	<p>DITCH #1 H.E.S. #75 NEAR LOT 4 SEC. 16, T.44N., R.53E., M. D. B. &amp; M., BEARS S.20°05'W., 3,200 FT. FROM THE NE COR. OF SAID SEC. 16.</p> <p>DITCH #2 H.E.S. #75 NEAR LOT 4 SEC. 15, T.44N., R.53E., M. D. B. &amp; M., BEARS S.64°03'E., 1,427 FT. FROM THE NW COR. OF SAID SEC. 15.</p> <p>DITCH #3 H.E.S. #75 NEAR LOT 4 SEC. 10, T.44N., R.53E., M. D. B. &amp; M., BEARS N.87°28'W., 582 FT. FROM THE S¼ COR. OF SAID SEC. 10.</p> <p>DITCH #4 H.E.S. #75 NEAR LOT 3 SEC. 15, T.44N., R.53E., M. D. B. &amp; M., BEARS S.80°06'W., 406 FT. FROM THE N¼ COR. OF SAID SEC. 15.</p>	APRIL 15 - OCT. 15	IRRIGATION MEADOW HAY 1887	3.50	2.80	64.12								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
10	T. 44 N., R. 53 E.														2.40	
15	T. 44 N., R. 53 E.		LOT 3	LOT 3	SW	SE	LOT 3	LOT 3	SW	SE	LOT 3	LOT 3	SW	SE	6.91	
16	T. 44 N., R. 53 E.		NE	LOTS 3 & **4	*LOT 3		NE	NW	SW	SE	NE	NW	SW	SE	13.59	
														TOTAL ACRES:	22.90	

\* ALL OF THE PLACE OF USE WITH THE EXCEPTION OF LOT 3, SEC. 16 IS LOCATED WITHIN H.E.S. #75.  
\*\* LOT 4 IS LOCATED WITHIN THE SE¼ SECT 16.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.					
V-02275	WILSON FAMILY TRUST	UNNAMED SPRINGS	NE 1/4 NW 1/4, SEC. 1, T. 45N., R. 53E., M. D. B. & M., BEARS N 31°40'W, 5,780 FT. FROM THE NE COR. OF SEC. 12, T. 45N., R. 53E., M. D. B. & M. NW 1/4, NE 1/4 SEC. 1, T. 45N., R. 53E., M. D. B. & M., BEARS N 28°35'W, 5,170 FT. FROM THE NE COR. OF SEC. 12, T. 45N., R. 53E., M. D. B. & M.	JAN. 1 - DEC. 31	STOCK WATER & DOMESTIC 1888	0.30							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
1	T. 45 N., R. 53 E.		X			X							
REMARKS													
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.													



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-02277	WILSON FAMILY TRUST	NORTH FORK OWYHEE RIVER (AKA EAST FORK OWYHEE) DITCH NO. 1	* NW¼ NW¼, SEC. 19, T. 45N., R. 54E., M. D. B. & M., BEARS S. 60°34'E. 879 FT. FROM THE NW¼ COR. OF SAID SEC. 19.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1888	0.72	2.80	202.92					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	SE	SE
12	T. 45 N., R. 53 E.												2.10
13	T. 45 N., R. 53 E.		3.85		22.46	4.15	14.92						70.37
TOTAL ACRES: 72.47													
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.				
									DIVERSION RATE IS BASED ON 1 C.F.S./100 ACRES. *FROM MAP.				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-02570	MARJORIE AND JOHN VIPHAM	TRAIL CREEK AND/OR WOOD GULCH, SPRINGS AND TRIBUTARIES	DITCH NO. 3 H.E.S. #75, NEAR LOT 4, SEC. 10, T. 44N., R. 53E., M. D. B. & M., BEARS N. 87°28'W. 582 FT. FROM THE S¼ COR. OF SAID SEC. 10.  DITCH NO. 4 H.E.S. NO. 75, NEAR LOT 3, SEC. 15, T. 44N., R. 53E., M. D. B. & M., BEARS S. 80°06'W. 406 FT. FROM THE N¼ COR. OF SAID SEC. 15.  DITCH NO. 5 H.E.S. NO. 74, NEAR LOT 5, SEC. 10, T. 44N., R. 53E., M. D. B. & M., BEARS N. 76°03'E. 341 FT. FROM THE S¼ COR. OF SAID SEC. 10.  DITCH NO. 6 H.E.S. NO. 74, NEAR LOT 5, SEC. 10, T. 44N., R. 53E., M. D. B. & M., BEARS N. 74°45'E. 757 FT. FROM THE S¼ COR. OF SAID SEC. 10.  DITCH NO. 7 H.E.S. NO. 74, NEAR LOT 5, SEC. 10, T. 44N., R. 53E., M. D. B. & M., BEARS N. 80°18'W. 1,415 FT. FROM THE SE COR. OF SAID SEC. 10.	APRIL 15 - OCT. 15	IRRIGATION MEADOW HAY 1887	3.60	2.80	287.90



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.									
V-02597	MARJORIE AND JOHN VIPHAM	TRAIL CREEK AND TRIBUTARIES, ROAD CANYON CREEK (AKA DRY CREEK)	DITCH NO. 1 H.E.S. NO. 74, NW¼SW¼, SEC. 11, T.44N., R.53E., M.D.B. & M., BEARS S.23°21'35"W, 4.224 FT. FROM N¼ COR. OF SAID SEC. 11.  DITCH NO. 1-A H.E.S. NO. 74, SE¼SE¼, SEC. 10, T.44N., R.53E., M.D.B. & M., BEARS S.32°50'W, 4.940 FT. FROM N¼ COR. OF SEC. 11, T.44N., R.53E., M.D.B. & M.  DITCH NO. 3 H.E.S. NO. 74, NE¼SW¼, SEC. 11, T.44N., R.53E., M.D.B. & M., BEARS S.20°12'30"W, 3.686 FT. FROM N¼ COR. OF SAID SEC. 11.	APRIL 15 - OCT. 15	IRRIGATION MEADOW HAY 1889	2.16	2.80	293.66									
<b>PLACE OF USE</b>																	
<b>40 ACRE DESCRIPTIONS</b>																	
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	ACRES PER SECT.	REMARKS
*H.E.S. NO. 73																	
1	T. 44 N., R. 53 E.									8.10						20.60	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
11	T. 44 N., R. 53 E.	5.50	1.50	19.90	12.40						0.30					66.68	
12	T. 44 N., R. 53 E.					11.50										11.50	
1	T. 44 N., R. 53 E.															1.20	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
11	T. 44 N., R. 53 E.	0.30														0.30	
12	T. 44 N., R. 53 E.					0.40	4.20									4.60	
TOTAL ACRES:																104.88	

\* H.E.S. - HOMESTEAD ENTRY SURVEY.  
LAND LOCATED OUTSIDE OF H.E.S. NO. 73 IS ON PUBLIC DOMAIN.  
∞∞∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-02598	MARJORIE AND JOHN VIPHAM	ROAD CANYON CREEK (AKA DRY CREEK) AND TRAIL CREEK	DITCH NO. 2 H.E.S. NO. 73, NW¼SE¼, SEC. 11, T. 44N., R. 53E., M. D. B. & M., BEARS S.13°01'E. 3,935 FT. FROM N¼ COR. OF SAID SEC. 11.  DITCH NO. 4 H.E.S. NO. 73, SE¼NE¼, SEC. 11, T. 44N., R. 53E., M. D. B. & M., BEARS S.52°37'27"E. 2,488 FT. FROM N¼ COR. OF SAID SEC. 11.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1889	1.63	2.80	49.62								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE			NW			SW			SE			ACRES PER SECT.	REMARKS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	T. 44 N., R. 53 E.														STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  THE ACREAGE IN THE SHADED BLOCKS IS IRRIGATED BY TRAIL CREEK.  PORTIONS OF THIS PROOF ARE SUPPLEMENTAL TO PROOF V-02597.  <div style="text-align: right;">             [Shaded Box] = SUPPLEMENTAL TO PROOF V-02597           </div>	
11	T. 44 N., R. 53 E.		4.90			5.10				8.10			10.98			
11	T. 44 N., R. 53 E.					5.70							6.32			
12	T. 44 N., R. 53 E.								11.50							
1	T. 44 N., R. 53 E.															
11	T. 44 N., R. 53 E.		0.30													
11	T. 44 N., R. 53 E.					2.10										
12	T. 44 N., R. 53 E.						0.40	4.20								
			TOTAL ACRES:									81.40				
			SUPPLEMENTAL ACRES <sup>∞</sup> :									63.68				
			NON-SUPPLEMENTAL ACRES <sup>∞</sup> :									17.72				

\* H.E.S. - HOMESTEAD ENTRY SURVEY.

LAND LOCATED OUTSIDE OF H.E.S. NO. 73 IS ON PUBLIC DOMAIN.

<sup>∞</sup>ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-02616	DENNIS R. AND MARCIA J. BIEROTH	CHICKEN CREEK AND DRAIN AND WASTE FROM VAN DUZER CREEK VIA THE MCCLAY DITCH	CHICKEN CREEK: NE 1/4 SW 1/4, SEC. 25, T. 45N., R. 53E., M. D. B. & M., BEARS S. 48° 30' W., 4.136 FT. FROM NE COR. OF SAID SEC. 25.  VAN DUZER CREEK: WITHIN H.E.S. #66 NEAR LOT 5, SEC. 2, T. 44N., R. 53E., M. D. B. & M., BEARS N. 44° 40' W., 5.327 FT. FROM SE COR. OF SAID SEC. 2.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1885	0.60	2.80	127.68								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
25	T. 45 N., R. 53 E.				0.62						0.23	5.68			45.60	THIS PROOF SEVERES THE LAND IRRIGATED BY CHICKEN CREEK FROM LANDS CLAIMED BY PROOF V-01020. CLAIMS WATER FOR 200 HEAD OF CATTLE FROM SEPT. 1 TO MAR. 31 OF EACH YEAR.
TOTAL ACRES:														45.60		
														45.60		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-02650	PHILIP MASON & DIANA LEE PARTEN	VAN DUZER CREEK	<p>DITCH NO. 1 H.E.S. NO. 66, SE<math>\frac{1}{2}</math>SW<math>\frac{1}{4}</math>, SEC. 34, T.45N., R.53E., M. D. B. &amp; M., BEARS N.72<math>\frac{1}{4}</math>W. 3,100 FT. FROM SE COR. OF SAID SEC. 34.</p> <p>DITCH NO. 2 H.E.S. NO. 66, SW<math>\frac{1}{2}</math>SE<math>\frac{1}{4}</math>, SEC. 34, T.45N., R.53E., M. D. B. &amp; M., BEARS N.89<math>\frac{1}{4}</math>W. 1,920 FT. FROM SE COR. OF SAID SEC. 34.</p> <p>DITCH NO. 3 LOT 3, SEC. 34, T.45N., R.53E., M. D. B. &amp; M., BEARS N.66<math>\frac{1}{2}</math>W. 4,033 FT. FROM SE COR. OF SAID SEC. 34.</p> <p>BROWN DITCH H.E.S. NO. 66, ADJOINING LOT 5, SEC. 02, T.44N., R.53E., M. D. B. &amp; M., BEARS S.32<math>\frac{1}{2}</math>E. 1,830 FT. FROM NW COR. OF SAID SEC. 02.</p> <p>MCCLAY DITCH H.E.S. NO. 66, SE<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>, SEC. 02, T.44N., R.53E., M. D. B. &amp; M., BEARS S.49<math>\frac{1}{4}</math>E. 2,015 FT. FROM NW COR. OF SAID SEC. 02.</p> <p>ANGEL (ANGELL) DITCH H.E.S. NO. 66, NE<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>, SEC. 02, T.44N., R.53E., M. D. B. &amp; M., BEARS S.57<math>\frac{1}{4}</math>E. 2,400 FT. FROM NW COR. OF SAID SEC. 02.</p>	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1874	2.86	2.80	331.60								
<b>PLACE OF USE</b>																
<b>40 ACRE DESCRIPTIONS</b>																
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SW</b>	<b>SE</b>	<b>NE</b>	<b>NW</b>	<b>SW</b>	<b>SE</b>	<b>NE</b>	<b>NW</b>	<b>SW</b>	<b>SE</b>	<b>ACRES PER SECT.</b>	<b>REMARKS</b>
2	T. 44 N., R. 53 E.		7.40	8.00	7.09	9.15	6.94	17.12							55.70	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.
			LOT 1	LOT 2	LOT 3	LOT 4	LOT 5									
3	T. 44 N., R. 53 E.	2430	16.00		0.60										41.50	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	21.23	
34	T. 45 N., R. 53 E.														118.43	
<b>TOTAL ACRES:</b>															118.43	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.																								
V-02863	SHOSHONE -PAUTE TRIBES IF THE DUCK VALLEY RESERVATION	OWYHEE RIVER AND TRIBUTARIES	SW 1/4 SW 1/4, SEC. 32, T. 45N., R. 54E., M. D. B. & M., BEARS S.51°58'44"E. 7,255.69 FT. FROM NW COR. SEC. 31, T. 45N., R. 54E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1892		2.80	573.72																								
<b>PLACE OF USE</b>																																
<b>40 ACRE DESCRIPTIONS</b>																																
SEC.	TOWN-SHIP	RANGE	NE			NW			SE			SW			S			E			ACRES PER SECT.	REMARKS										
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW											
29	T. 45 N., R. 54 E.																															
29	T. 45 N., R. 54 E.																															
30	T. 45 N., R. 54 E.																															
30	T. 45 N., R. 54 E.																															
31	T. 45 N., R. 54 E.																															
32	T. 45 N., R. 54 E.																															
			36.50			34.30			0.70			32.60			8.30						112.40											
																					212.90											
																								8.00								
																											204.90					
																														= SUPPLEMENTAL TO PROOF V-02866		

∞∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																															
V-02866	SHOSHONE -PAUTE TRIBES IF THE DUCK VALLEY RESERVATION	ALLEGHENY CREEK AND TRIBUTARIES	<p>POINT OF DIVERSION NO. 1 SW 1/4 SW 1/4, SEC. 21, T. 45N., R. 54E., M. D. B. &amp; M., BEARS N.65°10'28"E. 13,105.42 FT. FROM NW COR. SEC. 31, T. 45N., R. 54E., M. D. B. &amp; M.,</p> <p>POINT OF DIVERSION NO. 2 SW 1/4 SW 1/4, SEC. 21, T. 45N., R. 54E., M. D. B. &amp; M., BEARS N.60°35'31"E. 12,401.71 FT. FROM NW COR. SEC. 31, T. 45N., R. 54E., M. D. B. &amp; M.,</p> <p>POINT OF DIVERSION NO. 3 NW 1/4 NE 1/4, SEC. 29, T. 45N., R. 54E., M. D. B. &amp; M., BEARS N.60°53'14"E. 9,141.9 FT. FROM NW COR. SEC. 31, T. 45N., R. 54E., M. D. B. &amp; M.,</p>	APRIL 15 - OCT. 15	IRRIGATION MEADOW HAY 1875		2.80	224.28																																															
<b>PLACE OF USE</b>																																																							
<b>40 ACRE DESCRIPTIONS</b>																																																							
SEC.	TOWNSHIP	RANGE	NE			NW			SE			SW			NE			NW			SE			SW			ACRES PER SECT.	REMARKS																											
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE																																
20	T. 45 N., R. 54 E.																																																						
29	T. 45 N., R. 54 E.								2.10						3.80												10.50	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																											
30	T. 45 N., R. 54 E.								1.00	11.70					15.50			0.40	13.30								55.50																												
30	T. 45 N., R. 54 E.																				2.10						2.10																												
																					3.80						6.10																												
			TOTAL ACRES:			80.10			TOTAL ACRES:			80.10			TOTAL ACRES:			80.10			TOTAL ACRES:			80.10																															
			SUPPLEMENTAL ACRES:			8.00			SUPPLEMENTAL ACRES:			8.00			SUPPLEMENTAL ACRES:			8.00			SUPPLEMENTAL ACRES:			8.00																															
			NON-SUPPLEMENTAL ACRES:			80.10			NON-SUPPLEMENTAL ACRES:			80.10			NON-SUPPLEMENTAL ACRES:			80.10			NON-SUPPLEMENTAL ACRES:			80.10																															
																								=																															

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-02871	ELLISON RANCHING COMPANY	PENROD CREEK	MORSE DITCH NOS. 1 & 2 NW¼ NE¼ SEC. 26, T. 44N., R. 55E., M. D. B. & M., BEARS S.21°38'E. 910 FT. FROM N¼ COR. SAID SEC. 26.	APRIL 15 - OCT. 15 STOCK WATERING: APR. 15 TO MAY 15 AUG. 15 TO SEPT. 30 SEPT. 30 TO OCT. 15	IRRIGATION HAY MEADOW DIVERSIFIED PASTURE 1904	1.00	2.80 1.80	245.00 14.22					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	ACRES PER SECT.	REMARKS
26	T. 44 N., R. 55 E.											0.80	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
26	T. 44 N., R. 55 E.						9.20			25.20	1.70	59.10	
27	T. 44 N., R. 55 E.											7.10	
27	T. 44 N., R. 55 E.											28.40	
											TOTAL ACRES:	95.40	
THE PLACE OF USE UNDER THIS PROOF IS IDENTICAL TO THE PLACE OF USE UNDER PROOF V-02907 AND IS INCLUDED IN PROOF V-06545.													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-02907	ELLISON RANCHING COMPANY	MARTIN CREEK, TRIBUTARY TO PENROD CREEK	SW¼ NE¼, SEC. 28, T.45N., R.56E., M. D. B. & M., BEARS N.66°10'W. 1,499 FT. FROM E¼ COR. SAID SEC. 28.  DIVERSION FROM PENROD CREEK NW¼ NE¼, SEC. 26, T.44N., R.58E., M. D. B. & M., BEARS S.21°38'E. 910 FT. FROM N¼ COR. SAID SEC. 26.	APRIL 15 - OCT. 15  STOCK WATERING: JUL. 1 TO JUL. 30 SEPT. 1 TO SEPT. 30	IRRIGATION 1899	1.00	2.80 1.80	SEE V-02871 SEE V-02871								
<b>PLACE OF USE</b>																
<b>40 ACRE DESCRIPTIONS</b>																
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>ACRES PER SECT.</b>	<b>REMARKS</b>
26	T. 44 N., R. 55 E.					0.80									0.80	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.  WATER UNDER THIS PROOF IS SUPPLEMENTAL TO V-02871 AND A PORTION OF V-06545
26	T. 44 N., R. 55 E.		9.20	2.50	20.50	25.20				1.70				59.10		
27	T. 44 N., R. 55 E.													7.10		
27	T. 44 N., R. 55 E.				12.00									28.40		
THE PLACE OF USE UNDER THIS PROOF IS IDENTICAL TO THE PLACE OF USE UNDER PROOF V-02871 AND IS INCLUDED IN PROOF V-06545.													TOTAL ACRES: 95.40			
NON-SUPPLEMENTAL ACRES <sub>SP</sub> :													95.40			
NON-SUPPLEMENTAL ACRES <sub>SP</sub> :													0.00			

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																																																											
V-03307	ELLISON RANCHING COMPANY	POORMAN CREEK	POORMAN DITCH NW¼ SW¼ SEC. 15, T. 44N., R. 55E., M. D. B. & M. BEARS N.20°04'12"E, 1,921.18 FT. FROM SW COR. SAID SEC. 15.	APRIL 15 - OCT. 15 STOCK WATERING; MAY 1 TO JUN. 30 AUG. 15 TO AUG. 31	IRRIGATION 1897	1.22	2.8	133.62																																																																																											
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">SEC.</th> <th rowspan="2">TOWN-SHIP</th> <th colspan="3">RANGE</th> <th colspan="3">N E</th> <th colspan="3">N W</th> <th colspan="3">S W</th> <th colspan="3">S E</th> <th rowspan="2">ACRES PER SECT.</th> <th rowspan="2">REMARKS</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>T. 44 N., R. 55 E.</td> <td></td> <td>4.12</td> <td>8.49</td> <td></td> <td></td> <td></td> <td></td> <td>12.61</td> <td rowspan="3">STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</td> </tr> <tr> <td>16</td> <td>T. 44 N., R. 55 E.</td> <td></td> <td>10.34</td> <td>13.31</td> <td></td> <td></td> <td>27.97</td> </tr> <tr> <td colspan="17" style="text-align: right;">TOTAL ACRES: 40.58</td> </tr> </tbody> </table>									SEC.	TOWN-SHIP	RANGE			N E			N W			S W			S E			ACRES PER SECT.	REMARKS	NE	NW	SW	SE	15	T. 44 N., R. 55 E.											4.12	8.49					12.61	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.	16	T. 44 N., R. 55 E.													10.34	13.31			27.97	TOTAL ACRES: 40.58																												
SEC.	TOWN-SHIP	RANGE			N E			N W			S W			S E			ACRES PER SECT.	REMARKS																																																																																	
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW			SE																																																																																
15	T. 44 N., R. 55 E.											4.12	8.49					12.61	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.																																																																																
16	T. 44 N., R. 55 E.													10.34	13.31			27.97																																																																																	
TOTAL ACRES: 40.58																																																																																																			
V-03308	ELLISON RANCHING COMPANY	SPRING NO. 1	SE¼ SE¼ SEC. 16, T. 44N., R. 55E., M. D. B. & M. BEARS N.85°59'00"W, 1,029.00 FT. FROM SE COR. SAID SEC. 16.	APRIL 15 - OCT. 15 STOCK WATERING; MAY 1 TO JUN. 30 AUG. 15 TO AUG. 31	IRRIGATION 1897	0.43	2.8	8.4																																																																																											
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">SEC.</th> <th rowspan="2">TOWN-SHIP</th> <th colspan="3">RANGE</th> <th colspan="3">N E</th> <th colspan="3">N W</th> <th colspan="3">S W</th> <th colspan="3">S E</th> <th rowspan="2">ACRES PER SECT.</th> <th rowspan="2">REMARKS</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> </tr> </thead> <tbody> <tr> <td>16</td> <td>T. 44 N., R. 55 E.</td> <td></td> <td>3.00</td> <td rowspan="3">STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</td> </tr> <tr> <td colspan="17" style="text-align: right;">TOTAL ACRES: 3.00</td> </tr> </tbody> </table>									SEC.	TOWN-SHIP	RANGE			N E			N W			S W			S E			ACRES PER SECT.	REMARKS	NE	NW	SW	SE	16	T. 44 N., R. 55 E.																	3.00	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.	TOTAL ACRES: 3.00																																															
SEC.	TOWN-SHIP	RANGE			N E			N W			S W			S E			ACRES PER SECT.	REMARKS																																																																																	
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW			SE																																																																																
16	T. 44 N., R. 55 E.																	3.00	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.																																																																																
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.									
V-03309	ELLISON RANCHING COMPANY	SPRING NO. 2	SW 1/4 NE 1/4, SEC. 21, T. 44N., R. 55E., M. D. B. & M., BEARS S. 05°20'23"E, 1,475.96 FT., FROM N 1/2 COR. SAID SEC. 21.	APRIL 15 - OCT. 15 STOCK WATERING: MAY 1 TO JUN. 30 AUG. 15 TO AUG. 31	IRRIGATION 1897	0.68	2.8	14.7									
PLACE OF USE 40 ACRE DESCRIPTIONS																	
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTAL ACRES:	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.	
16	T. 44 N., R. 55 E.														5.25		
															5.25		
									ACRES PER SECT.	REMARKS							
									ACRES PER SECT.	REMARKS							
V-03706	AUGUST J. AND MARJORIE S. VITALE	OWYHEE RIVER	BYINGTON DITCH H.E.S. NO. 76, SEC. 01, T. 45N., R. 53E., M. D. B. & M., BEARS N. 48°18'W, 1,250 FT. FROM SW COR. OF SEC. 31, T. 46N., R. 54E., M. D. B. & M., VITALE DITCH H.E.S. NO. 39, SE 1/2 NW 1/4, SEC. 36, T. 46N., R. 53E., M. D. B. & M., BEARS N. 46°39'W, 3,894 FT., FROM SE COR. OF SAID SEC. 36.	APRIL 15 - OCT. 15	IRRIGATION 1896	0.85	2.8	95.62									
PLACE OF USE 40 ACRE DESCRIPTIONS																	
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTAL ACRES:	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.	
25	T. 46 N., R. 53 E.														0.47		
26	T. 46 N., R. 53 E.						0.82	3.25	0.17	9.49	3.69				10.84		
36	T. 46 N., R. 53 E.														22.84		
															34.15		
									ACRES PER SECT.	REMARKS							
									ACRES PER SECT.	REMARKS							

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-03707	PHILIP MASON AND DIANA LEE PARTEN	OWYHEE RIVER	MORI DITCH H.E.S. NO. 76, SEC. 01, T. 45N., R. 53E., M. D. B. & M., BEARS S.27°07'W, 753 FT. FROM SW COR. OF SEC. 31, T. 46N., R. 54E., M. D. B. & M.  BYINGTON DITCH H.E.S. NO. 76, SEC. 01, T. 45N., R. 53E., M. D. B. & M., BEARS N.48°18'W, 1,250 FT. FROM SW COR. OF TRACT NO. 37, T. 46N., R. 54E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1870	1.11	2.80	124.32								
<b>PLACE OF USE</b>																
<b>40 ACRE DESCRIPTIONS</b>																
SEC.	TOWN-SHIP	RANGE	NE			NW			SW			SE			ACRES PER SECT.	REMARKS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	T. 45 N., R. 53 E.		8.84	7.42		0.07									16.33	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
			*H.E.S. NO. 39												2.62	
			2.62												1.72	
			LOT 1	NW	SW	SE									1.72	
2	T. 45 N., R. 53 E.		1.72												23.73	
36	T. 46 N., R. 53 E.						2.50				8.39				11.07	
<b>TOTAL ACRES:</b>														<b>44.40</b>		

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PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-04060	CAL WORTHINGTON TRUST	ARCHIE'S SPRING	SW 1/4 NW 1/4, SEC. 15, T. 45N., R. 55E., M. D. B. & M., BEARS N. 18°40' E. 3,620 FT. FROM SW COR. OF SAID SEC. 15.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07		
PLACE OF USE 40 ACRE DESCRIPTIONS								
15	T. 45 N., R. 55 E.	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SE
<p style="text-align: center;">REMARKS</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>								
V-04062	CAL WORTHINGTON TRUST	UNNAMED SPRING NO. 3	SE 1/4 SW 1/4, SEC. 23, T. 45N., R. 55E., M. D. B. & M., BEARS N. 71°15' E. 2,500 FT. FROM SW COR. OF SAID SEC. 23.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07		
PLACE OF USE 40 ACRE DESCRIPTIONS								
23	T. 45 N., R. 55 E.	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SE
<p style="text-align: center;">REMARKS</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.					
V-04064	CAL WORTHINGTON TRUST	SUNFLOWER RESERVOIR	NW¼ NW¼, SEC. 36, T. 45N, R. 55E., M. D. B. & M., BEARS S.44°55'E. 625 FT. FROM NW COR. OF SAID SEC. 36.	MAR. 15 TO OCT. 15	STOCK WATER 1872*	0.07							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWNSHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
36	T. 45 N., R. 55 E.		X	X	X	X	X	X	X				
* SUNFLOWER RESERVOIR DID NOT EXIST IN 1872.													
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.													
REMARKS													
V-04068	RANCHO GRANDE, INC.	BIG BEND CREEK	SW¼ SW¼, SEC. 29, T. 45N, R. 56E., M. D. B. & M., BEARS N.58°35'E. 1,565 FT. FROM SW COR. OF SAID SEC. 29.	MAR. 15 TO OCT. 15	STOCK WATER 1890	0.05							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWNSHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	T. 45 N., R. 56 E.							X					
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.													
REMARKS													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																							
V-04070	RANCHO GRANDE, INC.	HOT CREEK	SW 1/4 SW 1/4, SEC. 03, T. 43N., R. 55E., M. D. B. & M., BEARS N56°40'E. 650 FT. FROM SW COR. OF SAID SEC. 03.	MAR. 15 TO OCT. 15	STOCK WATER 1890	0.05																									
PLACE OF USE 40 ACRE DESCRIPTIONS																															
3	T. 43 N., R. 55 E.		<table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 5%;">RANGE</td> <td style="width: 5%;">NE</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> <td style="width: 5%;">NW</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> <td style="width: 5%;">NW</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> </tr> <tr> <td></td> </tr> </table>	RANGE	NE	SW	SE	NW	SW	SE	NW	SW	SE																		
RANGE	NE	SW	SE	NW	SW	SE	NW	SW	SE																						
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																															
PLACE OF USE 40 ACRE DESCRIPTIONS																															
14	T. 45 N., R. 55 E.		<table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 5%;">RANGE</td> <td style="width: 5%;">NE</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> <td style="width: 5%;">NW</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> <td style="width: 5%;">NW</td> <td style="width: 5%;">SW</td> <td style="width: 5%;">SE</td> </tr> <tr> <td></td> </tr> </table>	RANGE	NE	SW	SE	NW	SW	SE	NW	SW	SE																		
RANGE	NE	SW	SE	NW	SW	SE	NW	SW	SE																						
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																															

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-04072	RANCHO GRANDE, INC.	MARTIN CREEK	SW 1/4 SE 1/4, SEC. 05, T. 44N., R. 56E., M. D. B. & M., BEARS N. 88°35' E. 3,950 FT. FROM SW COR. OF SAID SEC. 05.	MAR. 15 TO OCT. 15	STOCK WATER 1890	0.05					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
5	T. 44 N., R. 56 E.										X
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.		
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
26	T. 45 N., R. 55 E.										X
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-04074	CAL WORTHINGTON TRUST	UNNAMED SPRING NO. 8	NW¼ SE¼, SEC. 14, T.44N., R.55E., M. D. B. & M., BEARS N.53°15'W. 2,320 FT. FROM SE COR. OF SAID SEC. 14.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07		
PLACE OF USE 40 ACRE DESCRIPTIONS								
14	T. 44 N., R. 55 E.	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SE
								X
REMARKS STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.								
V-04079	CAL WORTHINGTON TRUST	POORMAN SPRING	SW¼ NW¼, SEC. 11, T.44N., R.55E., M. D. B. & M., BEARS S.67°05'W. 4,690 FT. FROM NE COR. OF SAID SEC. 11.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07		
PLACE OF USE 40 ACRE DESCRIPTIONS								
11	T. 44 N., R. 55 E.	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SE
								X
REMARKS STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.			
V-04080	RANCHO GRANDE, INC.	MARTIN CREEK	LOT 2, SEC. 24, T. 44N., R. 55E., M. D. B. & M., BEARS S.83°05' E. 5,210 FT. FROM NW COR. OF SAID SEC. 24.	MAR. 15 TO OCT. 15	STOCK WATER 1890	0.05					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
24	T. 44 N., R. 55 E.		X								
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.											
V-04081	CAL WORTHINGTON TRUST	UNNAMED SPRING "A"	SW¼NE¼, SEC. 07, T. 44N., R. 56E., M. D. B. & M., BEARS N.33°35' W. 3,670 FT. FROM SE COR. OF SAID SEC. 07.	MAR. 15 TO OCT. 15	STOCK WATER 1890	0.05					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
7	T. 44 N., R. 55 E.		X								
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.											



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-04086	RANCHO GRANDE, INC.	UNNAMED SPRING NO. 18	SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 19, T.45N., R.56E., M. D. B. & M., BEARS N.61 $^{\circ}$ 05'W, 910 FT. FROM SE COR. OF SAID SEC. 19.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
19	T. 45 N., R. 56 E.										X
REMARKS									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.		
V-04087	RANCHO GRANDE, INC.	UNNAMED SPRING NO. 17	SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 17, T.45N., R.56E., M. D. B. & M., BEARS N.23 $^{\circ}$ 40'W, 1,225 FT. FROM SE COR. OF SAID SEC. 17.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.07					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
17	T. 45 N., R. 56 E.										X
REMARKS									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.		

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.											
V-04088	MOUNTAIN CITY WATER AND SEWER USERS, INC.	MILLER SPRINGS	SE 1/4 SW 1/4, SEC. 06, T. 46N., R. 54E., M. D. B. & M., BEARS S. 70°34'28"E. 10,793.59 FT. FROM THE CLOSING SEC. CORNER BETWEEN SECS. 2 AND 11, T. 46N., R. 53E., M. D. B. & M.	JAN. 1 TO DEC. 31	MUNICIPAL 1869														
<b>PLACE OF USE</b>																			
<b>40 ACRE DESCRIPTIONS</b>																			
SEC.	TOWNSHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
1	T. 45 N., R. 53 E.						LOT 1	LOT 2	LOT 3	LOT 4									
2	T. 45 N., R. 53 E.				LOT 8														
36	T. 46 N., R. 53 E.										X				X				X
REMARKS																			
MUNICIPAL WATER FOR THE TOWN OF MOUNTAIN CITY. NO DIVERSION RATE OR DUTY CLAIMED.																			



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.											
V-04133	PHILIP MASON & DIANA LEE PARTEN	DEER CREEK UPPER DEER SPRING AND LOWER DEER SPRING	<p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 05, T.44N., R.53E., M. D. B. &amp; M., BEARS S.68<math>\frac{1}{2}</math>40'W. 6,408 FT. FROM NE COR. OF SEC. 04, T.44N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 04, T.44N., R.53E., M. D. B. &amp; M., BEARS S.48<math>\frac{1}{2}</math>02'W. 6,188 FT. FROM NE COR. OF SAID SEC. 04, T.44N., R.53E., M. D. B. &amp; M.</p> <p>LOT 6, SEC. 11, T.44N., R.53E., M. D. B. &amp; M., BEARS S.07<math>\frac{1}{2}</math>24'E. 5,470 FT. FROM NW COR. OF SEC. 02, T.44N., R.53E., M. D. B. &amp; M.</p> <p>UPPER DEER SPRING</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 04, T.44N., R.53E., M. D. B. &amp; M., BEARS S.32<math>\frac{1}{2}</math>22'W. 4,278 FT. FROM NE COR. OF SAID SEC. 04, T.44N., R.53E., M. D. B. &amp; M.</p> <p>LOWER DEER SPRING</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.53E., M. D. B. &amp; M., BEARS S.29<math>\frac{1}{2}</math>55'W. 4,812 FT. FROM NE COR. OF SAID SEC. 03.</p>	APR. 15 TO DEC. 31	STOCK WATER 1874 1902 JAN. 1, 1905  SEE REMARKS	0.0155													
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS																			
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	
4	T. 44 N., R. 53 E.					X					X				X				
3	T. 44 N., R. 53 E.										X				X				
5	T. 44 N., R. 53 E.				X														
10	T. 44 N., R. 53 E. LOT 1																		
11	T. 44 N., R. 53 E.																		
REMARKS																			
<p>AN 1874 PRIORITY IS CLAIMED FOR LAND UNDER H.E.S. NO. 66, A 1902 PRIORITY IS CLAIMED FOR LAND WITHIN H.E.S. NO. 77, PRIOR TO JAN. 1, 1905 ON U.S. FOREST SERVICE LAND AND ON LAND UNDER MINERAL SURVEY NO. 2055. SAME NUMBER OF CATTLE AND CONDITIONS APPLY TO THIS PROOF AND PROOFS V-04132, V-04136, V-04137, V-04139 AND V-04341.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>																			

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
V-04135	PHILIP MASON & DIANA LEE PARTEN	RED SPRING NO. 1 RED SPRING NO. 2	RED SPRING NO. 1 SW 1/4 SE 1/4, SEC. 35, T. 45N., R. 53E., M. D. B. & M., BEARS N. 70° 01' E., 3,047 FT. FROM SW COR. OF SAID SEC. 35.  RED SPRING NO. 2 NE 1/4 SE 1/4, SEC. 35, T. 45N., R. 53E., M. D. B. & M., BEARS S. 15° 47' W., 3,883 FT. FROM NE COR. OF SAID SEC. 35.	APR. 15 TO DEC. 31	STOCK WATER 1874 1902 JAN. 1, 1905  SEE REMARKS	0.0155												
PLACE OF USE 40 ACRE DESCRIPTIONS																		
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
35	T. 45 N., R. 53 E.											X			X			
									<p>AN 1874 PRIORITY IS CLAIMED FOR LAND UNDER H.E.S. NO. 66.</p> <p>A 1902 PRIORITY IS CLAIMED FOR LAND WITHIN H.E.S. NO. 77, PRIOR TO JAN. 1, 1905 ON U.S. FOREST SERVICE LAND AND ON LAND UNDER MINERAL SURVEY NO. 2055. SAME NUMBER OF CATTLE AND CONDITIONS APPLY TO THIS PROOF AND PROOFS V-04133, V-04136, V-04137, V-04139 AND V-04341.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>									
									REMARKS									

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-04136	PHILIP MASON & DIANA LEE PARTEN	LITTLE CHICKEN CREEK, LITTLE CHICKEN SPRING, UNNAMED SPRING NO. 6 AND TRIBUTARIES	<p>SW 1/4 SE 1/4, SEC. 27, T. 45N., R. 53E., M. D. B. &amp; M., BEARS S.34°37'E. 5,767 FT. FROM NW COR. OF SAID SEC. 27.</p> <p>NW 1/4 SW 1/4, SEC. 26, T. 45N., R. 53E., M. D. B. &amp; M., BEARS S.62°54'E. 7,144 FT. FROM NW COR. OF SEC. 27, T. 45N., R. 53E., M. D. B. &amp; M.</p> <p>SW 1/4 SE 1/4, SEC. 26, T. 45N., R. 53E., M. D. B. &amp; M., BEARS N.71°45'W. 2,073 FT. FROM SE COR. OF SAID SEC. 26.</p> <p style="text-align: center;">LITTLE CHICKEN SPRING</p> <p>SE 1/4 SE 1/4, SEC. 27, T. 45N., R. 53E., M. D. B. &amp; M., BEARS N.88°00'W. 5,361 FT. FROM SE COR. OF SEC. 26, T. 45N., R. 53E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING NO. 6</p> <p>SW 1/4 SE 1/4, SEC. 26, T. 45N., R. 53E., M. D. B. &amp; M., BEARS N.69°57'W. 2,434 FT. FROM SE COR. OF SAID SEC. 26.</p>	APR. 15 TO DEC. 31	STOCK WATER 1869 1902 JAN. 1, 1905  SEE REMARKS	0.0155							
<b>PLACE OF USE</b>													
<b>40 ACRE DESCRIPTIONS</b>													
SEC.	TOWN-SHIP	RANGE	NE	NW	NE	SE	NW	SW	NE	NW	SE	SW	SE
26	T. 45 N., R. 53 E.								X	X	X	X	X
27	T. 45 N., R. 53 E.												X
<b>REMARKS</b>													
<p>AN 1874 PRIORITY IS CLAIMED FOR LAND UNDER H.E.S. NO. 66.</p> <p>A 1902 PRIORITY IS CLAIMED FOR LAND WITHIN H.E.S. NO. 77, PRIOR TO JAN. 1, 1905 ON U.S. FOREST SERVICE LAND AND ON LAND UNDER MINERAL SURVEY NO. 2055. SAME NUMBER OF CATTLE AND CONDITIONS APPLY TO THIS PROOF AND PROOFS V-04133, V-04135, V-04137, V-04139 AND V-04341.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>													

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-04137	PHILIP MASON & DIANA LEE PARTEN	DRY CREEK DRY CREEK SPRING UNNAMED SPRING NO. 5	SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 27, T. 45N., R. 53E., M. D. B. & M., BEARS S. 04°34'E. 1,631 FT. FROM NW COR. OF SAID SEC. 27.  PATENTED MINERAL SURVEY NO. 2055, SEC. 33, T. 45N., R. 53E., M. D. B. & M., BEARS S. 67°20'E. 5,481 FT. FROM NW COR. OF SAID SEC. 33.  DRY CREEK SPRING SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 28, T. 45N., R. 53E., M. D. B. & M., BEARS S. 70°37'E. 5,327 FT. FROM NW COR. OF SAID SEC. 28.  UNNAMED SPRING NO. 5 NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 27, T. 45N., R. 53E., M. D. B. & M., BEARS S. 64°04'E. 6,798 FT. FROM NW COR. OF SEC. 28, T. 45N., R. 53E., M. D. B. & M.	APR. 15 TO DEC. 31	STOCK WATER 1874 1902 JAN. 1, 1905  SEE REMARKS	0.0155									
<b>PLACE OF USE</b>															
<b>40 ACRE DESCRIPTIONS</b>															
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE
27	T. 45 N., R. 53 E.														
28	T. 45 N., R. 53 E.				X										X
33	T. 45 N., R. 53 E.														
			PORTION OF MINERAL SURVEY NO. 2055												
			X												
<b>REMARKS</b>															
<p>AN 1874 PRIORITY IS CLAIMED FOR LAND UNDER H.E.S. NO. 66.</p> <p>A 1902 PRIORITY IS CLAIMED FOR LAND WITHIN H.E.S. NO. 77, PRIOR TO JAN. 1, 1905 ON U.S. FOREST SERVICE LAND AND ON LAND UNDER MINERAL SURVEY NO. 2055. SAME NUMBER OF CATTLE AND CONDITIONS APPLY TO THIS PROOF AND PROOFS V-04133, V-04135, V-04136, V-04139 AND V-04341.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>															

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-04139	PHILIP MASON & DIANA LEE PARTEN	LAUREL CREEK LAUREL CREEK SPRING LAUREL SPRING MCCALL SPRING UNNAMED SPRING NO. 1 UNNAMED SPRING NO. 2 UNNAMED SPRING NO. 4	SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 20, T.45N., R.53E., M. D. B. & M., BEARS N.34°04'W. 3,752 FT. FROM SE COR. OF SAID SEC. 20.  SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 20, T.45N., R.53E., M. D. B. & M., BEARS N.69°45'W. 1,705 FT. FROM SE COR. OF SAID SEC. 20.  PATENTED MINERAL SURVEY NO. 2055, SEC. 33, T.45N., R.53E., M. D. B. & M., BEARS S.70°25'E. 3,922 FT. FROM NW COR. OF SAID SEC. 33.  LAUREL SPRING SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 21, T.45N., R.53E., M. D. B. & M., BEARS N.55°19'E. 2,178 FT. FROM SW COR. OF SAID SEC. 21.  LAUREL CREEK SPRING NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 28, T.45N., R.53E., M. D. B. & M., BEARS S.37°16'E. 4,083 FT. FROM NW COR. OF SAID SEC. 28.  MCCALL SPRING NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 20, T.45N., R.53E., M. D. B. & M., BEARS N.54°25'W. 3,829 FT. FROM SE COR. OF SAID SEC. 20.	APR. 15 TO DEC. 31	STOCK WATER 1874 1902 JAN. 1, 1905  SEE REMARKS	0.0155		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-04141	PHILIP MASON & DIANA LEE PARTEN	COBB CREEK COBB SPRING UNNAMED SPRING NO. 3 AND TRIBUTARIES	LOT 2, SEC. 30, T.45N., R.53E., M. D. B. & M., BEARS S.88°34'W. 9.319 FT. FROM NE COR. OF SEC. 29, T.45N., R.53E., M. D. B. & M.  SE¼SE¼, SEC. 19, T.45N., R.53E., M. D. B. & M., BEARS N.79°41'W. 5.437 FT. FROM SE COR. OF SEC. 20, T.45N., R.53E., M. D. B. & M.  SW¼NE¼, SEC. 30, T.45N., R.53E., M. D. B. & M., BEARS S.71°42'W. 7.181 FT. FROM NE COR. OF SEC. 29, T.45N., R.53E., M. D. B. & M.  NW¼NE¼, SEC. 29, T.45N., R.53E., M. D. B. & M., BEARS S.64°49'W. 2.160 FT. FROM NE COR. OF SAID SEC. 29.  PATENTED MINERAL SURVEY NO. 2055, SEC. 33, T.45N., R.53E., M. D. B. & M., BEARS S.80°43' E. 3.152 FT. FROM NW COR. OF SAID SEC. 33.  COBB SPRING SW¼NE¼, SEC. 29, T.45N., R.53E., M. D. B. & M., BEARS S.46°26'W. 3.039 FT. FROM NE COR. OF SAID SEC. 29.  UNNAMED SPRING NO. 3 SE¼NE¼, SEC. 29, T.45N., R.53E., M. D. B. & M., BEARS S.29°29'W. 2.526 FT. FROM NE COR. OF SAID SEC. 29.	APR. 15 TO DEC. 31	STOCK WATER 1874 1902 JAN. 1, 1905  SEE REMARKS	0.0165		



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-04551	ESTELLA L. MORSE	MORSE SPRING	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 16, T. 44N., R. 53E., M. D. B. & M., BEARS N.59°30'42"E, 1.511.10 FT. FROM SW COR. SAID SEC. 16.	APRIL 15 - OCT. 15	IRRIGATION 1885		2.80									
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWNSHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	SW	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
16	T. 44 N.	R. 53 E.													2.00	DOMESTIC USE IN THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ AND NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, T. 44N., R. 53E., M.D.B.&M.
															TOTAL ACRES:	2.00
															SUPPLEMENTAL ACRES <sup>∞</sup> :	2.00
															NON-SUPPLEMENTAL ACRES:	0.00
																= SUPPLEMENTAL TO PROOF V-04552.
∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION																
V-04552	ESTELLA L. MORSE	TIMBER GULCH CREEK	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 16, T. 44N., R. 53E., M. D. B. & M., BEARS N.59°51'33"E, 1.502.30 FT. FROM SW COR. SAID SEC. 16.	APRIL 15 - OCT. 15	IRRIGATION 1885		2.80	6.16								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWNSHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	SW	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
16	T. 44 N.	R. 53 E.													14.01	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.
															TOTAL ACRES:	24.40
															SUPPLEMENTAL ACRES <sup>∞</sup> :	11.81
															NON-SUPPLEMENTAL ACRES:	2.20
																DOMESTIC USE IN THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 16, T. 44N., R. 53E., M.D.B.&M. ACREAGE REDUCED FROM PROOF BASED ON FIELD INVESTIGATION
																= SUPPLEMENTAL TO PROOF V-04553.
∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION																

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-04553	ESTELLA L. MORSE	TRAIL CREEK	NW 1/4 SW 1/4 SEC. 21, T. 44N., R. 53E., M. D. B. & M., BEARS S. 20°52'53"E. 2,984.00 FT. FROM NW COR. SAID SEC. 21.	APRIL 15 - OCT. 15	IRRIGATION 1885		2.80	55.66					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	ACRES PER SECT.	REMARKS
16	T. 44 N., R. 53 E.											11.81	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.  ACREAGE REDUCED FROM PROOF BASED ON FIELD INVESTIGATION
21	T. 44 N., R. 53 E.					3.53	4.54					8.07	
TOTAL ACRES:											19.88		
∞∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION													
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-05184	WILSON FAMILY TRUST	VAN DUSER CREEK (AKA VAN DUZER CREEK)	UNSURVEYED - DIVERSIONS ARE NOT SPECIFIED.	APRIL 15 - OCT. 15	IRRIGATION 1896	3.50	2.80	296.52					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	ACRES PER SECT.	REMARKS
38	T. 45 N., R. 53 E.					3.99						105.26	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.  PERMIT 1529, CERTIFICATE 428, HAS BEEN WITHDRAWN IN FAVOR OF THIS PROOF.
31	T. 45 N., R. 54 E.					0.64						0.64	
TOTAL ACRES:											105.90		
∞∞ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-05185	PETER L. AND KARAN E. MORI	OWYHEE RIVER AND TRIBUTARIES CALIFORNIA CREEK AND TRIBUTARIES, SLAUGHTERHOUSE CREEK AND TRIBUTARIES, HARRIS GULCH AND TRIBUTARIES, PLUS SPRINGS AND BEAVER PONDS.	<p>ALL POINTS ARE TIED TO THE CLOSING CORNER FOR SEC. 1, T. 45N., R. 53E., M. D. B. &amp; M. AND SEC. 6, T. 45N., R. 54E., M. D. B. &amp; M.</p> <p style="text-align: center;"><b>SEE REMARKS</b></p> <p>D-1: BEARS S.79°26'40"E. 12,200.13 FT.            S-2: BEARS S.70°40'31"E. 16,513.87 FT.            D-3: BEARS S.73°19'09"E. 20,118.04 FT.            D-4: BEARS S.77°22'03"E. 22,005.45 FT.            T-5: BEARS S.80°40'29"E. 25,185.73 FT.            T-6: BEARS S.76°57'20"E. 24,649.83 FT.            S-7: BEARS S.75°47'01"E. 23,669.87 FT.            T-8: BEARS S.87°05'06"E. 24,899.18 FT.            T-9: BEARS S.89°26'14"E. 24,126.23 FT.            D-10: BEARS N.89°48'55"E. 21,918.26 FT.            T-11: BEARS S.88°29'13"E. 16,356.84 FT.            T-12: BEARS S.66°31'00"E. 19,892.87 FT.            T-13: BEARS S.69°57'05"E. 24,333.33 FT.            T-14: BEARS S.78°42'32"E. 17,995.10 FT.            DELTA-15: BEARS N.87°04'35"E. 22,318.07 FT.            T-16: BEARS N.79°53'04"E. 23,509.58 FT.            T-17: BEARS N.75°04'04"E. 22,280.74 FT.            DELTA-18: BEARS S.78°14'57"E. 16,071.62 FT.            T-19: BEARS N.67°42'01"E. 22,208.60 FT.            T-20: BEARS N.65°53'13"E. 21,118.89 FT.            T-21: BEARS N.68°04'52"E. 20,389.74 FT.            D-22: BEARS N.47°25'14"E. 12,074.46 FT.            D-23: BEARS N.53°21'18"E. 12,825.46 FT.            T-24: BEARS N.61°10'14"E. 11,797.67 FT.            S-25: BEARS N.61°41'27"E. 12,002.17 FT.            T-26: BEARS N.69°41'01"E. 13,514.84 FT.            D-27: BEARS N.49°52'01"E. 19,707.99 FT.            D-28: BEARS N.60°28'07"E. 20,885.58 FT.            D-29: BEARS N.41°48'30"E. 13,685.05 FT.            D-30: BEARS N.39°26'36"E. 12,314.69 FT.            T-31: BEARS N.35°17'31"E. 17,151.83 FT.            D-32: BEARS N.37°30'23"E. 18,681.52 FT.            S-33: BEARS N.32°29'32"E. 10,460.23 FT.            T-34: BEARS N.65°10'29"E. 4,811.28 FT.            S-35: BEARS N.54°07'37"E. 9,183.68 FT.            T-36: BEARS N.46°07'24"E. 8,919.57 FT.            T-37: BEARS N.43°41'11"E. 7,854.48 FT.            T-38: BEARS N.53°04'23"E. 7,456.33 FT.            T-38: BEARS N.73°21'08"E. 8,422.57 FT.            D-40: BEARS N.59°04'42. 13,200.59 FT.            T-41: BEARS N.21°11'52"E. 14,733.52 FT.            T-42: BEARS N.22°34'55"E. 11,838.18 FT.</p>	APR. 15 TO DEC. 21	STOCK WATER 1875	0.03219		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-05186	WILSON FAMILY TRUST	CALIFORNIA CREEK AND TRIBUTARIES	<p>DIVERSION NO. 1 LOT 2, SEC. 06, T.45N., R.54E., M. D. B. &amp; M., BEARS S.82°55'29"E. 3,883.69 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 2 LOT 1, SEC. 06, T.45N., R.54E., M. D. B. &amp; M., BEARS S.78°59'25"E. 5,122.95 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 3 SW¼SW¼, SEC. 34, T.46N., R.54E., M. D. B. &amp; M., BEARS N.85°52'33"E. 13,923.39 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 4 SW¼NE¼, SEC. 34, T.46N., R.54E., M. D. B. &amp; M., BEARS N.80°00'53"E. 16,957.97 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 5 NW¼SW¼, SEC. 34, T.46N., R.54E., M. D. B. &amp; M., BEARS N.82°26'08"E. 14,433.53 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 6 SW¼SW¼, SEC. 32, T.46N., R.54E., M. D. B. &amp; M., BEARS N.80°36'33"E. 2,824.15 FT. FROM THE NORTH CLOSING COR. SEC. 1, T.45N., R.53E., AND SEC. 6, T.45N., R.54E., M. D. B. &amp; M.</p>	APRIL 15 - OCT. 15	IRRIGATION 1896	2.00	2.80	180.71



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-05187	AUGUST J. AND MARJORIE S. VITALE	SLAUGHTER HOUSE CREEK	SE 1/4 NW 1/4, SEC. 36, T. 46N., R. 53E., M. D. B. & M., BEARS S 68°17'36"E. 4,365.49 FT. FROM N 1/2 COR. OF SEC. 35, T. 46N., R. 53E., M. D. B. & M..	APR. 1 TO OCT 31	STOCK WATER 1870	0.045								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
36	T. 46 N., R. 53 E.												X	
REMARKS														
<p>THE POINT OF DIVERSION IS LOCATED WITHIN H.E.S. NO. 72 (PRIVATE LAND) WHERE SLAUGHTER HOUSE CREEK ENTERS THE OWYHEE RIVER.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-05188	AUGUST J. AND MARJORIE S. VITALE	UNNAMED GULCH AND TRIBUTARIES	SE 1/4 NW 1/4, SEC. 36, T. 46N., R. 53E., M. D. B. & M., BEARS N 28° 25' 00" E, 4,150.30 FT. FROM SW COR. OF SAID SEC. 36.	APR. 1 TO OCT 31	STOCK WATER 1870	0.045					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWNSHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
36	T. 46 N.,	R. 53 E.						X			
REMARKS									<p>THE POINT OF DIVERSION IS LOCATED WITHIN H.E.S. NO. 72 (PRIVATE LAND) WHERE SLAUGHTER HOUSE CREEK ENTERS THE OWYHEE RIVER.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>		

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-05189	AUGUST J. AND MARJORIE S. VITALE	UNNAMED SPRINGS	<p>SPRING NO. 1 NW¼SE¼, SEC. 26, T.46N., R.53E., M. D. B. &amp; M., BEARS N.39°15'22"E, 2,151.70 FT. FROM S¼ COR. OF SAID SEC. 26.</p> <p>SPRING NO. 2 SW¼NW¼, SEC. 25, T.46N., R.53E., M. D. B. &amp; M., BEARS N.48°27'02"E, 4,498.08 FT. FROM S¼ COR. OF SEC. 26, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SPRING NO. 3 SW¼NW¼, SEC. 36, T.46N., R.53E., M. D. B. &amp; M., BEARS S.64°48'18"E, 3,093.24 FT. FROM N¼ COR. OF SEC. 35, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SPRING NO. 4 SW¼NE¼, SEC. 35, T.46N., R.53E., M. D. B. &amp; M., BEARS S.26°30'10"E, 2,053.32 FT. FROM N¼ COR. OF SAID SEC. 35.</p> <p>SPRING NO. 5 LOT 7, SEC. 03, T.45N., R.53E., M. D. B. &amp; M., BEARS S.45°36'17"W, 2,353.17 FT. FROM S¼ COR. OF SEC. 35, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SPRING NO. 6 LOT 5, SEC. 02, T.45N., R.53E., M. D. B. &amp; M., BEARS S.46°08'43"E, 2,072.71 FT. FROM S¼ COR. OF SEC. 35, T.46N., R.53E., M. D. B. &amp; M.</p>	APR. 1 TO OCT. 31	STOCK WATER 1870	0.045		



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-05190	AUGUST J. AND MARJORIE S. VITALE	HANSEN GULCH AND TRIBUTARIES	NE $\frac{1}{4}$ /SW $\frac{1}{4}$ , SEC. 36, T. 46N., R. 53E., M. D. B. & M., BEARS N. 44°09'10"E. 3,490.27 FT. FROM SW COR. OF SAID SEC. 36.	APR. 1 TO OCT. 31	STOCK WATER 1870	0.045								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE
36	T. 46 N., R. 53 E.											X*		
<p style="text-align: center;">* WITHIN HOMESTEAD ENTRY NO. 39 WHERE HANSEN GULCH ENTERS THE OWYHEE RIVER.</p>														
REMARKS														
<p style="text-align: center;">STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
V-05191	AUGUST J. AND MARJORIE S. VITALE	SLAUGHTER HOUSE CREEK AND TRIBUTARIES	<p>DIVERSION NO. 1 NW¼SE¼, SEC. 25, T. 46N., R. 53E., M. D. B. &amp; M., BEARS N. 66°58'51"E. 5,753.21 FT. FROM S¼ COR. OF SEC. 26., T. 46N., R. 53E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 2 SE¼SW¼, SEC. 25, T. 46N., R. 53E., M. D. B. &amp; M., BEARS N. 74°41'02"E. 4,723.30 FT. FROM S¼ COR. OF SEC. 26., T. 46N., R. 53E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 3 SE¼SW¼, SEC. 25, T. 46N., R. 53E., M. D. B. &amp; M., BEARS N. 84°59'22"E. 4,473.90 FT. FROM S¼ COR. OF SEC. 26., T. 46N., R. 53E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 4 NE¼NW¼, SEC. 36, T. 46N., R. 53E., M. D. B. &amp; M., BEARS S. 83°21'53"E. 4,270.44 FT. FROM S¼ COR. OF SEC. 26., T. 46N., R. 53E., M. D. B. &amp; M.</p> <p>DIVERSION NO. 5 NE¼NW¼, SEC. 36, T. 46N., R. 53E., M. D. B. &amp; M., BEARS S. 73°07'03"E. 4,273.42 FT. FROM S¼ COR. OF SEC. 26., T. 46N., R. 53E., M. D. B. &amp; M.</p>	APRIL 15 - OCT. 15	IRRIGATION 1886	3.00	2.80	105.56				
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
25	T. 46 N., R. 53 E.						1.13				8.71	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.
36	T. 46 N., R. 53 E.		10.90	9.32	4.64	3.00					27.86	
TOTAL ACRES:											37.70	



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.												
V-05496	JOHN H. MARTIN JR. MARY ELLEN MARTIN AND THE W. LEBERSKI TRUST	GOLD CREEK AND SPRINGS	DITCH NO. 1 LOT 2, SEC. 7, T.44N., R.56E., M. D. B. & M., BEARS N.10°27'E. 3,043.00 FT. FROM SW COR. SAID SEC. 7.  DITCH NO. 2 NE½NW¼, SEC. 18, T.44N., R.56E., M. D. B. & M., BEARS S.80°33'W. 475.00 FT. FROM N¼ COR. SAID SEC. 18.	APRIL 15 - OCT. 15	IRRIGATION 1874		2.8	18.09												
<b>PLACE OF USE</b>																				
<b>40 ACRE DESCRIPTIONS</b>																				
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	ACRES PER SECT.	REMARKS	
7	T. 44 N., R. 56 E.																			
18	T. 44 N., R. 56 E.																			
TOTAL ACRES:																		6.46		

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-05497	JOHN H. MARTIN JR. MARY ELLEN MARTIN AND THE W. LEBERSKI TRUST	COLEMAN CANYON CREEK AND SPRINGS	LOT 12, SEC. 12, T. 44N., R. 55E., M. D. B. & M., BEARS N.05°07'W, 2,267 FT. FROM THE SW COR. SEC. 7, T. 44N., R. 56E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1874		2.8	4.04								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
12	T. 44 N., R. 55 E.														0.432	
7	T. 44 N., R. 56 E.														1.010	
TOTAL ACRES:														1.442		
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-05690	REX C. CLARIDGE AND SUSAN Y. CLARIDGE T.A. CLARIDGE TRUST	SWEET CREEK AND TRIBUTARIES	NE 1/4 SW 1/4, SEC. 08, T. 44N., R. 56E., M. D. B. & M., BEARS N. 60°02'44"W, 4,562.25 FT. FROM SE COR. OF SAID SEC. 08.  NW 1/4 SW 1/4, SEC. 09, T. 44N., R. 56E., M. D. B. & M., BEARS N. 25°45'22"E, 1,460.85 FT. FROM SW COR. OF SAID SEC. 09.	MAY 1 TO NOV. 1	STOCK WATER 1875	0.0077							
<b>PLACE OF USE 40 ACRE DESCRIPTIONS</b>													
<b>SEC.</b>	<b>TOWN- SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>
8	T. 44 N., R. 56 E.						X						
9	T. 44 N., R. 56 E.								X				
<b>REMARKS</b>													
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.													

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-05933	PETAN COMPANY OF NEVADA, INC.	MILL CREEK AND TRIBUTARIES AND FOUR UNNAMED SPRINGS #22, #23, #24 AND #25	<p>LOT 3, SEC 04, T.45N., R.53E., M. D. B. &amp; M., BEARS N.14°19'E. 5,469 FT. FROM SW COR. OF SAID SEC. 04.</p> <p>LOT 3, SEC 05, T.45N., R.53E., M. D. B. &amp; M., BEARS N.31°00'W. 6,770 FT. FROM SE COR. OF SAID SEC. 05.</p> <p>LOT 5, SEC 05, T.45N., R.53E., M. D. B. &amp; M., BEARS N.48°22'W. 6,427 FT. FROM SE COR. OF SAID SEC. 05.</p> <p>NW¼NW¼, SEC. 09, T.45N., R.53E., M. D. B. &amp; M., BEARS S.20°58'E. 919 FT. FROM NW COR. OF SAID SEC. 09.</p> <p>WHICH ALL THE ABOVE POINTS FOLLOW THE NATURAL CHANNEL TO A POINT IN THE NE¼NW¼, SEC. 09, T.45N., R.53E., M. D. B. &amp; M., BEARS S.81°11'E. 2,274 FT. FROM NW COR. OF SAID SEC. 09. THEN AGAIN STARTS IN:</p> <p>LOT 10, SEC 07, T.45N., R.53E., M. D. B. &amp; M., BEARS N.39°39'E. 1,383 FT. FROM SW COR. OF SAID SEC. 07.</p> <p>LOT 07, SEC 18, T.45N., R.53E., M. D. B. &amp; M., BEARS S.49°24'E. 4,683 FT. FROM NW COR. OF SAID SEC. 18.</p> <p>SE¼NW¼, SEC. 17, T.45N., R.53E., M. D. B. &amp; M., BEARS S.81°11'E. 9,029 FT. FROM NW COR. OF SEC. 18, T.45N., R.53E., M. D. B. &amp; M.</p> <p>NE¼NE¼, SEC. 07, T.45N., R.53E., M. D. B. &amp; M., BEARS S.82°27'E. 6,100 FT. FROM NE COR. OF SEC. 08, T.45N., R.53E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE¼SW¼, SEC. 09, T.45N., R.53E., M. D. B. &amp; M., BEARS S.39°36'E. 3,668 FT. FROM NW COR. OF SAID SEC. 09.</p>	JAN. 1 TO DEC. 31	STOCK WATER 1872	0.086		SEE REMARKS



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06520	SHOSHONE-PAULTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	HAYSTACK CREEK, TOGETHER WITH ALL TRIBUTARIES THERETO AND SPRINGS WITHIN THE DRAINAGE AREA.	THROUGHOUT THE REACH OF THE STREAM COMMENCING AT: SE 1/4 NE 1/4, SEC. 08, T. 45N., R. 54E., M. D. B. & M., BEARS N. 75°25'00"E. 10,490.00 FT. FROM THE SE COR. OF SEC. 12, T. 45N., R. 53E., M. D. B. & M. AND ENDING AT: NE 1/4 SE 1/4, SEC. 13, T. 45N., R. 54E., M. D. B. & M., BEARS N. 07°12'00"W. 2,500.00 FT. FROM THE SE COR. OF SAID SEC. 13.	*APR. 1 TO JUN. 1 OR *OCT. 1 TO DEC. 15	STOCK WATER 1893	0.0082								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
NATURAL STREAM CHANNEL BETWEEN THE 2 POINTS OF DIVERSION LISTED.														
									REMARKS					
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.					

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06521	SHOSHONE-PAULTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	ALLEGHENY CREEK, SPRINGS AND TRIBUTARIES WITH ITS DRAINAGE AREA BETWEEN THE DESCRIBED POINTS OF DIVERSION.	THROUGHOUT THE REACH OF THE CHANNEL COMMENCING AT: NW¼SE¼, SEC. 14, T.45N., R.54E., M. D. B. & M., BEARS N.72°56'00"E, 25,400.00 FT. FROM THE SE COR. OF SEC. 24, T.45N., R.53E., M. D. B. & M. AND ENDING AT: SW¼SW¼, SEC. 21, T.45N., R.54E., M. D. B. & M., BEARS N.85°41'00"E, 10,900.00 FT. FROM THE SE COR. OF SEC. 24, T.45N., R.53E., M. D. B. & M.	APR. 1 TO DEC. 15 OR MAY 1 TO SEPT. 1	STOCK WATER 1893	0.0082					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
NATURAL STREAM CHANNEL BETWEEN THE 2 POINTS OF DIVERSION LISTED.											
									REMARKS		
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																												
V-06522	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	DEVILS GATE DRAW, SPRINGS AND TRIBUTARIES WITHIN ITS DRAINAGE AREA.	THROUGHOUT THE REACH OF THE CHANNEL COMMENCING AT: SE 1/4 NW 1/4, SEC. 17, T. 45N., R. 54E., M. D. B. & M., BEARS S. 68° 50' 00" E. 7,300.00 FT. FROM THE SE COR. OF SEC. 12, T. 45N., R. 53E., M. D. B. & M. AND ENDING AT: SW 1/4 NW 1/4, SEC. 19, T. 45N., R. 54E., M. D. B. & M., BEARS S. 32° 17' 00" E. 2,320.00 FT. FROM THE SE COR. OF SEC. 13, T. 45N., R. 53E., M. D. B. & M.	*APR. 1 TO JUN. 1 OR *OCT. 1 TO DEC. 15	STOCK WATER 1893	0.0082																														
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>TOWN-SHIP</td> <td>RANGE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> </tr> <tr> <td></td> </tr> </table> <p style="text-align: center;">NATURAL STREAM CHANNEL BETWEEN THE 2 POINTS OF DIVERSION LISTED.</p>									TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE														
TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																							
REMARKS																																				
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.																																				
V-06523	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	SPRING NO. 1	SE 1/4 NW 1/4, SEC. 32, T. 45N., R. 54E., M. D. B. & M., BEARS S. 73° 03' 00" E. 8,200.00 FT. FROM THE SE COR. OF SEC. 25, T. 45N., R. 53E., M. D. B. & M.	OCT. 1 TO DEC. 15	STOCK WATER 1893	0.0008																														
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>TOWN-SHIP</td> <td>RANGE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> </tr> <tr> <td></td> </tr> </table>									TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE														
TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																							
REMARKS																																				
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.																																				

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06524	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	SPRING NO. 2	THROUGHOUT THE REACH OF THE CHANNEL COMMENCING AT: NW¼SW¼, SEC. 33, T.45N., R.54E., M. D. B. & M., BEARS N.81°15'00"E. 13,000.00 FT. FROM THE SE COR. OF SEC. 36, T.45N., R.53E., M. D. B. & M. AND ENDING AT: NE¼NW¼, SEC. 05, T.44N., R.54E., M. D. B. & M., BEARS S.88°20'00"E. 7,350.00 FT. FROM THE SE COR. OF SEC. 36, T.45N., R.53E., M. D. B. & M.	OCT. 1 TO DEC. 15	STOCK WATER 1893	0.0008					
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
NATURAL STREAM CHANNEL BETWEEN THE 2 POINTS OF DIVERSION LISTED.											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
NATURAL STREAM CHANNEL BETWEEN THE 2 POINTS OF DIVERSION LISTED.											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06525	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	HOT SPRINGS VIA THE HOT SPRING DITCH.	NE¼NW¼, SEC. 29, T.45N., R.54E., M. D. B. & M., BEARS N.55°41'59"E. 8,490.69 FT. FROM THE SW COR. OF SEC. 30, T.45N., R.54E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1892		2.80	14.34			
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
							6.35		2.39	1.40	
TOTAL ACRES: 10.14 SUPPLEMENTAL ACRES: 5.02 NON-SUPPLEMENTAL ACRES: 5.12											
= PARTIALLY SUPPLEMENTAL TO PROOF V-02866.											
60 ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
V-06533	GUY VEGA	JACKS CREEK TRIBUTARY TO THE OWYHEE RIVER AND CROOKED CREEK TRIBUTARY TO JACKS CREEK	JACKS CREEK: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 20, T.43N., R.55E., M. D. B. & M., BEARS N.60°04'W. 6,709.0 FT. FROM THE N $\frac{1}{4}$ COR. OF SEC. 28, T.43N., R.55E., M. D. B. & M.  CROOKED CREEK: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 20, T.43N., R.55E., M. D. B. & M., BEARS N.47°02'W. 7,274.1 FT. FROM THE N $\frac{1}{4}$ COR. OF SEC. 28, T.43N., R.55E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1894		2.8	97.83										
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS																		
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE	NE	NW	SE	SW	SE	ACRES PER SECT.	REMARKS
17	T. 43 N., R. 55 E.																6.38	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
20	T. 43 N., R. 55 E.		13.93				1.49										20.70	
28	T. 43 N., R. 55 E.		0.10			1.32											1.42	
17	T. 43 N., R. 55 E.																0.65	
20	T. 43 N., R. 55 E.						0.05										5.79	
TOTAL ACRES:																	34.94	

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06534	GUY VEGA	OWYHEE RIVER AND CLEAR CREEK TRIBUTARY TO OWYHEE RIVER	<p>OWYHEE RIVER (P.O.D. #1) NW¼NW¼, SEC. 28, T. 43N., R. 55E., M. D. B. &amp; M., BEARS S.61°04'W., 1,954.8 FT. FROM THE N¼ COR. OF SAID SEC. 28.</p> <p>CLEAR CREEK (P.O.D. #2) SE¼NE¼, SEC. 28, T. 43N., R. 55E., M. D. B. &amp; M., BEARS S.46°03'W., 2,446.7 FT. FROM THE N¼ COR. OF SAID SEC. 28.</p> <p>CLEAR CREEK (P.O.D. #3) SE¼NE¼, SEC. 28, T. 43N., R. 55E., M. D. B. &amp; M., BEARS S.44°09'E., 2,343.1 FT. FROM THE N¼ COR. OF SAID SEC. 28.</p>	APRIL 15 - OCT. 15	IRRIGATION OWYHEE RIVER 1889 CLEAR CREEK 1895		2.8	491.32								
<b>PLACE OF USE</b>																
<b>40 ACRE DESCRIPTIONS</b>																
SEC.	TOWN-SHIP	RANGE	NE			NW			SE			SW			ACRES PER SECT.	REMARKS
			NE	NW	SE	NW	SW	SE	NE	NW	SE	NW	SW	SE		
<b>HAY MEADOW OWYHEE RIVER</b>																
21	T. 43 N., R. 55 E.		5.03	3.87	1.74	16.92	12.91	14.22	6.08					60.77		
28	T. 43 N., R. 55 E.			7.89										7.89		
16	T. 43 N., R. 55 E.							0.71						0.71		
21	T. 43 N., R. 55 E.						0.01							8.00		
<b>DIVERSIFIED PASTURE OWYHEE</b>																
21	T. 43 N., R. 55 E.				1.34	7.12	7.72	1.82	0.03					18.03		
<b>HAY MEADOW CLEAR CREEK P.O.D. #2</b>																
21	T. 43 N., R. 55 E.							1.09	1.68					2.77		
28	T. 43 N., R. 55 E.		3.18	8.67	0.70	0.23								22.98		
<b>HAY MEADOW CLEAR CREEK P.O.D. #3</b>																
28	T. 43 N., R. 55 E.			26.76	2.94	12.05	3.20	9.05					0.32	54.32		
													TOTAL ACRES:	175.47		

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06543	MASINI INVESTMENTS, A NEVADA PARTNERSHIP WILDHORSE CATTLE COMPANY	DEEP CREEK AND TRIBUTARIES	<p>DEEP CREEK DIVERSIONS:</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 21, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.76°18'W., 4.351.4 FT. FROM THE SW COR. OF SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 21, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.76°22'W., 4.071.8 FT. FROM THE SW COR. OF SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 28, T. 43N., R. 54E., M. D. B. &amp; M., BEARS S.86°52'W., 2.068.3 FT. FROM THE SW COR. OF SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 28, T. 43N., R. 54E., M. D. B. &amp; M., BEARS S.89°03'W., 965.0 FT. FROM THE SW COR. OF SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 21, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.26°27'W., 522.6 FT. FROM THE SW COR. OF SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.62°03'E., 2.308.8 FT. FROM THE SW COR. OF SAID SEC. 22.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 22, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.56°49'E., 6.268.7 FT. FROM THE SW COR. OF SAID SEC. 22.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 23, T. 43N., R. 54E., M. D. B. &amp; M., BEARS S.78°01'W., 4.916.7 FT. FROM THE SW COR. OF SEC. 14, T. 43N., R. 54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 14, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.73°37'W., 3.028.5 FT. FROM THE SW COR. OF SAID SEC. 14.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 14, T. 43N., R. 54E., M. D. B. &amp; M., BEARS N.59°39'W., 2.546.3 FT. FROM THE SW COR. OF SAID SEC. 14.</p>	APRIL 15 - OCT. 15	IRRIGATION 1879		2.8 1.8	3116.596 263.736

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06543 (CONT.)</p>		<p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 14, T.43N., R.54E., M. D. B. &amp; M., BEARS N.45°54'W., 2,472.0 FT. FROM THE SW COR. OF SAID SEC. 14.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 14, T.43N., R.54E., M. D. B. &amp; M., BEARS N.14°37'W., 2,752.3 FT. FROM THE SW COR. OF SAID SEC. 14.</p> <p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 13, T.43N., R.54E., M. D. B. &amp; M., BEARS S.12°09'E., 1,525.7 FT. FROM THE NW COR. OF SAID SEC. 13.</p> <p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 12, T.43N., R.54E., M. D. B. &amp; M., BEARS S.08°01'W., 3,623.0 FT. FROM THE NE COR. OF SAID SEC. 12.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 07, T.43N., R.55E., M. D. B. &amp; M., BEARS S.07°10'E., 3,171.4 FT. FROM THE NE COR. OF SEC. 12, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 07, T.43N., R.55E., M. D. B. &amp; M., BEARS S.25°03'E., 3,231.3 FT. FROM THE NE COR. OF SEC. 12, T.43N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 07, T.43N., R.55E., M. D. B. &amp; M., BEARS S.01°56'W., 2,346.6 FT. FROM THE NE COR. OF SAID SEC. 07.</p> <p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 08, T.43N., R.55E., M. D. B. &amp; M., BEARS S.22°33'E., 2,233.0 FT. FROM THE NE COR. OF SEC. 07, T.43N., R.55E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T.43N., R.54E., M. D. B. &amp; M., BEARS S.67°44'W., 3,915.6 FT. FROM THE SW COR. OF SEC. 22, T.43N., R.54E., M. D. B. &amp; M.</p> <p>CLEAR CREEK: NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 22, T.43N., R.54E., M. D. B. &amp; M., BEARS N.44°05'E., 3,555.4 FT. FROM THE SW COR. OF SAID SEC. 22.</p> <p>UNNAMED TRIBUTARY TO DEEP CREEK: NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 22, T.43N., R.54E., M. D. B. &amp; M., BEARS N.35°16'E., 6,253.1 FT. FROM THE SW COR. OF SAID SEC. 22.</p> <p>UNNAMED TRIBUTARY TO RIFFE CREEK: SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 11, T.43N., R.54E., M. D. B. &amp; M., BEARS N.86°06'W., 4,810.1 FT. FROM THE SW COR. OF SAID SEC. 11.</p> <p>RIFFE CREEK TRIBUTARY TO DEEP CREEK: NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 11, T.43N., R.54E., M. D. B. &amp; M., BEARS N.62°02'W., 5,500.3 FT. FROM THE SW COR. OF SAID SEC. 11.</p>	
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.									
V-06544	RICHARD T. MARVEL AND MARY O. MARVEL CO-TRUSTEES OF THE RICHARD T. MARVEL TRUST, JOHN W. MARVEL AND WILBURTA S. MARVEL CO-TRUSTEES OF THE JOHN W. MARVEL TRUST, JOHN E. MARVEL AND KAREN U. MARVEL.	WARM CREEK AND TRIBUTARIES	LOT 2, SECTION 4, T. 44N., R. 55E., M. D. B. & M.  NE 1/4 SE 1/4, SECTION 32, T. 45N., R. 55E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1902	0.73585	2.80	206.04									
<b>PLACE OF USE 40 ACRE DESCRIPTIONS</b>																	
<b>SEC.</b>	<b>TOWN- SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SW</b>	<b>SE</b>	<b>ACRES PER SECT.</b>	<b>REMARKS</b>
32	T. 45 N., R. 55 E.	5700	1.150									25.720	17.450			50.020	STOCK WATERING POINTS OF DIVERSION ARE DERIVED FROM THE MAP FILED UNDER PERMIT 4469.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.
33	T. 45 N., R. 55 E.							14.875	8.690							23.565	
<b>TOTAL ACRES:</b>															73.585		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06545	ELLISON RANCHING COMPANY	MARTIN CREEK STORAGE IN LITTLE SUNFLOWER FLAT RESERVOIR	MARTIN CREEK: SW¼ NE¼, SEC. 28, T.45N., R.56E., M. D. B. & M., BEARS N.42°59'E. 38,395.7 FT. FROM SW COR. OF SEC. 23, T.44N., R.55E., M. D. B. & M.  MILL CREEK: NE¼ NE¼, SEC. 29, T.45N., R.56E., M. D. B. & M., BEARS N.36°35'E. 36,491.7 FT. FROM SW COR. OF SEC. 23, T.44N., R.55E., M. D. B. & M.  BIG BEND CREEK: NW¼NW¼, SEC. 29, T.45N., R.56E., M. D. B. & M., BEARS N.30°46'E. 34,331.8 FT. FROM SW COR. OF SEC. 23, T.44N., R.55E., M. D. B. & M.	APR. 1 TO SEPT. 15 *SEPT. 15 TO JUNE 1  STOCK WATERING: MAY 1 TO JUN. 30 AUG. 15 TO AUG. 31 JUL. 1 TO OCT. 15	STORAGE 1897		2.80	231.56								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
			HAY MEADOW													
26	T. 44 N., R. 55 E.		2.50			9.20	20.50	0.80	1.70						59.10	
26	T. 44 N., R. 55 E.														0.80	
27	T. 44 N., R. 55 E.		8.10		12.00		6.80	14.40	3.20						86.00	
27	T. 44 N., R. 55 E.				1.30				12.80						32.20	
															TOTAL ACRES:	178.10
															SUPPLEMENTAL ACRES <sup>00</sup> :	95.40
															NON-SUPPLEMENTAL ACRES:	82.70
															<sup>00</sup> ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION  = SUPPLEMENTAL TO PROOF V-02871 STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.	

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.												
V-06546	ELLISON RANCHING COMPANY	WARM CREEK AND TRIBUTARIES	<p>WARM CREEK (P.O.D. #1) NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.55E., M. D. B. &amp; M., BEARS N.65°06'E. 5.569,0 FT. FROM THE W<math>\frac{1}{4}</math> COR. OF SAID SEC. 03.</p> <p>WARM CREEK (P.O.D. #2) SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.55E., M. D. B. &amp; M., BEARS N.70°47'E. 1.681,7 FT. FROM THE W<math>\frac{1}{4}</math> COR. OF SAID SEC. 03.</p> <p>UNNAMED CREEK (P.O.D. #3) SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 02, T.44N., R.55E., M. D. B. &amp; M., BEARS N.78°21'E. 6.300,9 FT. FROM THE W<math>\frac{1}{4}</math> COR. OF SEC. 03, T.44N., 55E., M. D. B. &amp; M..</p> <p>UNNAMED SPRING (P.O.D. #4) NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.55E., M. D. B. &amp; M., BEARS N.61°30'E. 3.823,0 FT. FROM THE W<math>\frac{1}{4}</math> COR. OF SAID SEC. 03.</p> <p>UNNAMED CREEK (P.O.D. #5) SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.55E., M. D. B. &amp; M., BEARS N.72°34'E. 1.463,5 FT. FROM THE W<math>\frac{1}{4}</math> COR. OF SAID SEC. 03.</p>	APRIL 15 - OCT. 15 STOCK WATERING: JUN. 1 TO JUL. 30	IRRIGATION 1894		2.8	236.32												
<b>PLACE OF USE</b>																				
<b>40 ACRE DESCRIPTIONS</b>																				
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	SW	SE	ACRES PER SECT.	REMARKS	
3	T. 44 N., R. 55 E.		13.49	1.30	9.60	7.49														STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
3	T. 44 N., R. 55 E.					16.32														
4	T. 44 N., R. 55 E.		12.43																	
2	T. 44 N., R. 55 E.																			
3	T. 44 N., R. 55 E.		4.61	1.30	9.60	7.49														
3	T. 44 N., R. 55 E.																			
3	T. 44 N., R. 55 E.																			
4	T. 44 N., R. 55 E.		2.52																	
TOTAL ACRES:																	84.40			

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-06547	ELLISON RANCHING COMPANY	CHICKEN CREEK AND TRIBUTARIES	CHICKEN CREEK (P.O.D. #1) SW¼NW¼, SEC. 28, T.45N., R.55E., M. D. B. & M. BEARS N.13°33'W. 11,398.7 FT. FROM THE W¼ COR. OF SEC. 03, T.44N., R.55E., M. D. B. & M.  CHICKEN CREEK (P.O.D. #2) SE¼NW¼, SEC. 28, T.45N., R.55E., M. D. B. & M. BEARS N.10°26'W. 10,983.1 FT. FROM THE W¼ COR. OF SEC. 03, T.44N., R.55E., M. D. B. & M.  CHICKEN CREEK (P.O.D. #3) NE¼SW¼, SEC. 28, T.45N., R.55E., M. D. B. & M. BEARS N.09°19'W. 10,035.8 FT. FROM THE W¼ COR. OF SEC. 03, T.44N., R.55E., M. D. B. & M.	APRIL 15 - OCT. 15  STOCK WATERING: JUL. 1 TO AUG. 31	IRRIGATION 1894  STOCK WATER: 1897		2.8 1.8	181.41 25.24							
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>															
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
28	T. 45 N., R. 55 E.					2.10	1.17	6.06	0.13					9.46	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
28	T. 45 N., R. 55 E.					2.07	2.49						4.56		
28	T. 45 N., R. 55 E.							4.85			1.46	21.42	27.73		
33	T. 45 N., R. 55 E.					11.57	17.15	8.34					37.06		
<b>TOTAL ACRES:</b>													78.81		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06548	DENNIS R. AND MARCIA J. BIEROTH	MILL CREEK AND TRIBUTARIES	SW 1/4 SE 1/4, SEC. 03, T. 45N., R. 53E., M. D. B. & M. BEARS N. 82° 08' W., 2.404 0 FT. FROM THE SE COR. OF SAID SEC. 03.	APRIL 15 - OCT. 15	IRRIGATION 1885		2.8	72.18						
<b>PLACE OF USE</b>														
<b>40 ACRE DESCRIPTIONS</b>														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NW	SW	SE	ACRES PER SECT.	REMARKS
11	T. 45 N., R. 53 E.					0.50	7.50	0.50	11.50	0.07			3.89	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.  ∞ ACREAGE REDUCED BECAUSE OF MILL TAILINGS.
12	T. 45 N., R. 53 E.					1.60							21.89	
<b>TOTAL ACRES:</b>													<b>25.78</b>	

∞ ACREAGE ADJUSTED BASED UPON FIELD INVESTIGATION

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06564	CAL WORTHINGTON TRUST	GOLD CREEK AND TRIBUTARIES	<p>GOLD CREEK (P.O.D. #1) SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 31, T. 45N., R. 56E., M. D. B. &amp; M., BEARS N.34<math>\frac{1}{2}</math>E. 24-203.6 FT. FROM THE NW COR. OF SEC. 26 T. 44N., R. 55E., M. D. B. &amp; M.</p> <p>GOLD CREEK AND FUZZIE SPRINGS RESERVOIR (P.O.D. #2) NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 06, T. 44N., R. 56E., M. D. B. &amp; M., BEARS N.34<math>\frac{1}{2}</math>E. 23-283.2 FT. FROM THE NW COR. OF SEC. 26 T. 44N., R. 55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK (P.O.D. #3) SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 01, T. 44N., R. 55E., M. D. B. &amp; M., BEARS N.34<math>\frac{1}{2}</math>E. 19,914.7 FT. FROM THE NW COR. OF SEC. 26 T. 44N., R. 55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK (P.O.D. #4) SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 06, T. 44N., R. 56E., M. D. B. &amp; M., BEARS N.37<math>\frac{3}{4}</math>E. 22,081.8 FT. FROM THE NW COR. OF SEC. 26 T. 44N., R. 55E., M. D. B. &amp; M.</p>	APR. 1 TO NOV. 30	STOCK WATER 1872						
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS											
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<b>NE</b> <b>NW</b> <b>SE</b>			<b>NE</b> <b>NW</b> <b>SE</b>			<b>NE</b> <b>NW</b> <b>SE</b>		
6	T. 44 N., R. 56 E.										
31	T. 45 N., R. 56 E.		X								
1	T. 44 N., R. 55 E.							X			
12	T. 44 N., R. 55 E.		X								X
6	T. 44 N., R. 56 E.			X	X		X	X			
6	T. 44 N., R. 56 E.						X	X			
<b>REMARKS</b>											
<p>THE IRRIGATION PORTION OF THIS PROOF WAS WITHDRAWN FROM FURTHER CONSIDERATION IN THIS ADJUDICATION PROCEEDING PER LETTER DATED MARCH 20, 2006, SIGNED BY CAL WORTHINGTON, TRUST.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>											

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06565	CAL WORTHINGTON TRUST	UNNAMED SPRING TRIBUTARY TO PENROD CREEK	NW 1/4 SE 1/4, SEC. 23, T. 44N., R. 55E., M. D. B. & M., BEARS N. 55° 13' E. 4,003.9 FT. FROM THE NW COR. OF SEC. 26 T. 44N., R. 55E., M. D. B. & M.	APR. 1 TO NOV. 30	STOCK WATER 1872											
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	
23	T. 44 N., R. 55 E.															
									<p>THE IRRIGATION PORTION OF THIS PROOF WAS WITHDRAWN FROM FURTHER CONSIDERATION IN THIS ADJUDICATION PROCEEDING PER LETTER DATED MARCH 20, 2006, SIGNED BY CAL WORTHINGTON TRUSTEE, OF THE CAL WORTHINGTON TRUST.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p>							
									REMARKS							

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06577	ELLISON RANCHING COMPANY	PENROD CREEK AND TRIBUTARIES	<p>PENROD CREEK (P.O.D. #1) LOT 12 SEC. 13, T.44N., R.55E., M. D. B. &amp; M., BEARS N 62°39'E. 13,777.3 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK (P.O.D. #2) LOT 12 SEC. 13, T.44N., R.55E., M. D. B. &amp; M., BEARS N 60°18'E. 13,101.3 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>PENROD CREEK (P.O.D. #3) NW¼NW¼ SEC. 25, T.44N., R.58E., M. D. B. &amp; M., BEARS S.89°08'E. 5,882.4 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>HAY MEADOW CREEK TRIB. TO PENROD CREEK (P.O.D. #4) LOT 2 SEC. 25, T.44N., R.58E., M. D. B. &amp; M., BEARS S.87°18'E. 10,242.6 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK TRIB. TO PENROD CREEK (P.O.D. #5) SW¼NE¼ SEC. 26, T.44N., R.55E., M. D. B. &amp; M., BEARS S.65°59'E. 4,165.3 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #6) SE¼NE¼ SEC. 05, T.43N., R.56E., M. D. B. &amp; M., BEARS S.58°20'E. 26,523.2 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #7) SW¼NW¼ SEC. 05, T.43N., R.58E., M. D. B. &amp; M., BEARS S.52°18'E. 23,698.5 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #8) NE¼SW¼ SEC. 05, T.43N., R.56E., M. D. B. &amp; M., BEARS S.51°00'E. 24,814.3 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>	<p>APRIL 15 - OCT. 15 STOCK WATERING; MAY 1 TO AUG. 31 SEPT. 15 TO OCT. 15</p>	IRRIGATION 1894		1.8	442.42

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06577 (CONT.)</p>		<p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #9) NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> SEC. 05, T.43N., R.56E., M. D. B. &amp; M., BEARS S.52°43'E. 25,186.9 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #10) NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> SEC. 05, T.43N., R.56E., M. D. B. &amp; M., BEARS S.50°00'E. 24,044.2 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>UNNAMED CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #11) NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> SEC. 05, T.43N., R.56E., M. D. B. &amp; M., BEARS S.50°13'E. 23,912.4 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>SAM CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #12) NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> SEC. 33, T.44N., R.56E., M. D. B. &amp; M., BEARS S.72°02'E. 24,162.3 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>UNNAMED CREEK TRIB. TO SAM CREEK (P.O.D. #13) SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> SEC. 33, T.44N., R.56E., M. D. B. &amp; M., BEARS S.69°56'E. 24,290.4 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>SAM CREEK TRIB. TO HAY MEADOW CREEK (P.O.D. #14) LOT 2 SEC. 32, T.44N., R.56E., M. D. B. &amp; M., BEARS S.66°20'E. 22,668.2 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>UNNAMED CREEK TRIB. TO SAM CREEK (P.O.D. #15) NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 32, T.44N., R.56E., M. D. B. &amp; M., BEARS S.72°50'E. 22,924.8 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>UNNAMED CREEK TRIB. TO SAM CREEK (P.O.D. #16) NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> SEC. 33, T.44N., R.56E., M. D. B. &amp; M., BEARS S.72°22'E. 23,286.0 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				
		<p>MARTIN CREEK TRIB. TO PENROD CREEK (P.O.D. #16) SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> SEC. 08, T.44N., R.56E., M. D. B. &amp; M., BEARS N.58°31'E. 20,483.5 FT. FROM THE NW COR. OF SEC. 26 T.44N., R.55E., M. D. B. &amp; M.</p>				

V-06577 (CONT.)		PLACE OF USE 40 ACRE DESCRIPTIONS																								ACRES PER SECT.	REMARKS																	
SEC.	TOWN- SHIP	RANGE	NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE											
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE												
13	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#1 AND #2																									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																
			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12																				
			10.85	6.42	9.71	3.77										1.57			0.01			13.71			15.29																			
24	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#3																																									
			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12														
			23.79	0.52		20.80	15.38	1.80																																				
25	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#4																																									
			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12											
			9.17	14.01	0.52	20.8	17.51	1.80																																				
26	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#5																																									
			LOT 1			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12								
			11.68																																									
23	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#6																																									
			LOT 1			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12								
			5.01	4.71																																								
24	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#7																																									
			LOT 1			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12								
			1.38																																									
25	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#8																																									
			LOT 1			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12								
			13.51	16.39																																								
26	T. 44 N., R. 55 E.		DIVERSIFIED PASTURE P.O.D.#9																																									
			LOT 1			LOT 2			LOT 3			LOT 4			LOT 5			LOT 6			LOT 7			LOT 8			LOT 9			LOT 10			LOT 11			LOT 12								
			11.68																																									



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06579	DENNIS AND MARCIA BIEROTH	ROCKY GULCH CREEK AND TRIBUTARIES	SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 13, T.48N., R.53E., M. D. B. & M.	APR. 1 TO NOV. 30	STOCK WATER 1885	0.005					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
13	T. 45 N., R. 53 E.			X							
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.											
V-06580	DENNIS AND MARCIA BIEROTH	RABBIT DRAW CREEK AND TRIBUTARIES	SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 24, T.48N., R.53E., M. D. B. & M.	APR. 1 TO NOV. 30	STOCK WATER 1885	0.005					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
24	T. 45 N., R. 53 E.								X		
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.											

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
V-06581	DENNIS AND MARCIA BIEROTH	CHICKEN CREEK AND TRIBUTARIES	NW¼SW¼, SEC. 30, T.45N., R.54E., M. D. B. & M.	APR. 1 TO NOV. 30	STOCK WATER 1885	0.008						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	
30	T. 45 N., R. 54 E.								X			
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.			
REMARKS												
V-06582	DENNIS AND MARCIA BIEROTH	MILL CREEK AND TRIBUTARIES	NW¼SE¼, SEC. 12, T.45N., R.53E., M. D. B. & M.	APR. 1 TO NOV. 30	STOCK WATER 1885	0.008						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	
12	T. 45 N., R. 53 E.								X			
									STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.			
REMARKS												

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06583	ELLISON RANCHING COMPANY	HAY MEADOW CREEK AND TRIBUTARIES	NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 30, T.44N., R.56E., M. D. B. & M. SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 32, T.44N., R.56E., M. D. B. & M.	MAY 1 TO AUG. 31 JUN. 15 TO JUL. 1 OCT. 15 TO OCT. 31	STOCK WATER *1884											
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SW	NE	NW	SW	SE	
30	T. 44 N., R. 56 E.															
32	T. 44 N., R. 56 E.				X											
REMARKS																
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p> <p>NO DIVERSION RATE IS CLAIMED. NO PRIORITY DATE SPECIFIED. * FROM SUPPORTING HISTORICAL DOCUMENTS.</p>																

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-06584	ELLISON RANCHING COMPANY	HOT CREEK AND TRIBUTARIES	SW 1/4 SE 1/4, SEC. 04, T. 43N., R. 55E., M. D. B. & M.	MAY 15 TO NOV. 15 JUN. 15 TO JUL. 1 OCT. 15 TO OCT. 31 JUN. 1 TO JUN. 30	STOCK WATER *1884										
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  * FROM SUPPORTING HISTORICAL DOCUMENTS.
4	T. 43 N., R. 55 E.														
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  * FROM SUPPORTING HISTORICAL DOCUMENTS.
18	T. 44 N., R. 56 E.														
25	T. 44 N., R. 55 E.														
24	T. 44 N., R. 55 E.														
27	T. 44 N., R. 55 E.														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06586	ELLISON RANCHING COMPANY	WARM CREEK AND TRIBUTARIES	HENDRICK'S CREEK NW½NW¼, SEC. 07, T.44N., R.55E., M. D. B. & M. CHICKEN CREEK SE½SW¼, SEC. 21, T.45N., R.55E., M. D. B. & M.	MAY 15 TO NOV. 15	STOCK WATER *1884						
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
7	T. 44 N., R. 55 E.			X							
21	T. 45 N., R. 55 E.									X	
175 HEAD OF CATTLE UTILIZED THIS SOURCE FROM MAY 15 TO NOV. 15 OF EACH YEAR. NO DIVERSION RATE IS CLAIMED. NO PRIORITY DATE SPECIFIED. * FROM SUPPORTING HISTORICAL DOCUMENTS.											
REMARKS											
V-06588	CAL WORTHINGTON TRUST	WARM CREEK AND TRIBUTARIES	WARM AND CHICKEN CREEK SE½SW¼, SEC. 32, T.45N., R.55E., M. D. B. & M. CHICKEN AND E. FORK CHICKEN CREEK SE½SW¼, SEC. 21, T.45N., R.55E., M. D. B. & M.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.016					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
21	T. 45 N., R. 55 E.									X	
32	T. 45 N., R. 55 E.									X	
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1 F. STOCK WATER PP. 11-12.											
REMARKS											

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06589	CAL WORTHINGTON TRUST	POORMAN CREEK AND TRIBUTARIES	SW 1/4 SE 1/4, SEC. 17, T. 44N., R. 55E., M. D. B. & M.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.016					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
17	T. 44 N., R. 55 E.										X
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-06590	CAL WORTHINGTON TRUST	PENROD CREEK AND TRIBUTARIES	GOLD AND MARTIN CREEK LOT 3, SEC. 18, T. 44N., R. 56E., M. D. B. & M. ROSEBUD CREEK SE 1/4 SE 1/4, SEC. 05, T. 44N., R. 56E., M. D. B. & M. SWEET CREEK NE 1/4 SW 1/4, SEC. 08, T. 44N., R. 56E., M. D. B. & M. SWEET CREEK SE 1/4 SE 1/4, SEC. 08, T. 44N., R. 56E., M. D. B. & M. DORA CREEK LOT 5, SEC. 24, T. 44N., R. 55E., M. D. B. & M. HAY MEADOW & THOMPSON CREEKS NE 1/4 SE 1/4, SEC. 30, T. 44N., R. 56E., M. D. B. & M. HAY MEADOW & SAM CREEK SW 1/4 NE 1/4, SEC. 32, T. 44N., R. 56E., M. D. B. & M. BLACKBURN CANYON CREEK NW 1/4 NE 1/4, SEC. 26, T. 44N., R. 55E., M. D. B. & M.	MAR. 15 TO OCT. 15	STOCK WATER 1872	0.016									
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWNSHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	REMARKS
24	T. 44 N., R. 55 E.														STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.
26	T. 44 N., R. 55 E.		X												
5	T. 44 N., R. 56 E.														
8	T. 44 N., R. 56 E.														
18	T. 44 N., R. 56 E.						X								
30	T. 44 N., R. 56 E.														
32	T. 44 N., R. 56 E.														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06595	AGRI BEEF COMPANY	BADGER CREEK AND TRIBUTARIES	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 05, T.44N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870								
<b>PLACE OF USE 40 ACRE DESCRIPTIONS</b>													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.										
<b>REMARKS</b>													
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF BADGER CREEK AND ITS TRIBUTARIES.</p>													

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06596	AGRI BEEF COMPANY	VAN DUZER CREEK AND TRIBUTARIES	HAYSTACK CREEK SW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 02, T.44N., R.53E., M. D. B. & M. TRAIL CREEK SE $\frac{1}{2}$ NE $\frac{1}{4}$ , SEC. 36, T.49N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870									
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.												
REMARKS														
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF VAN DUZER CREEK AND ITS TRIBUTARIES.</p>														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06599	AGRI BEEF COMPANY	DEEP CREEK AND TRIBUTARIES	RIFFE CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 12, T.43N., R.54E., M. D. B. & M.  CLEAR CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 23, T.43N., R.54E., M. D. B. & M.  E. FORK OWYHEE RIVER SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 20, T.43N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870									
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE
12	T. 43 N., R. 54 E.													
23	T. 43 N., R. 54 E.			X										
20	T. 43 N., R. 54 E.							X						
REMARKS														
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  THE PLACE OF USE IS THE NATURAL CHANNEL OF DEEP CREEK AND ITS TRIBUTARIES.														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06600	AGRI BEEF COMPANY	BEAVER CREEK AND TRIBUTARIES	SE 1/4 SW 1/4, SEC. 24, T. 44N., R. 54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870									
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE
24	T. 44 N., R. 54 E.													X
REMARKS									<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF BEAVER CREEK AND ITS TRIBUTARIES.</p>					

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06601	AGRI BEEF COMPANY	EAST FORK OWYHEE RIVER AND TRIBUTARIES	DEEP CREEK SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 20, T.43N., R.54E., M. D. B. & M.  BADGER CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 05, T.44N., R.54E., M. D. B. & M.  S. WILD HORSE CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 09, T.44N., R.54E., M. D. B. & M.  BEAVER CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 24, T.44N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870									
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
REMARKS														
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  THE PLACE OF USE IS THE NATURAL CHANNEL OF EAST FORK OWYHEE RIVER AND ITS' TRIBUTARIES.														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06602	AGRI BEEF COMPANY	TRAIL CREEK AND TRIBUTARIES	SHEEP CREEK / ALEXANDER CREEK NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 21, T.44N., R.53E., M. D. B. & M.  GRAVEL CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 01, T.44N., R.53E., M. D. B. & M.  VAN DUZER CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 36, T.45N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1870									
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
REMARKS														
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF TRAIL CREEK AND ITS TRIBUTARIES.</p>														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06609	WILDHORSE CATTLE COMPANY	CHICKEN CREEK AND TRIBUTARIES	SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 36, T. 43N., R. 54E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 28, T. 43N., R. 55E., M. D. B. & M. LOT 6, SECTION 1, T. 42N., R. 55E., M.D.B.&M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 12, T. 42N., R. 55E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.02421								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N.	R.	E.										
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF CHICKEN CREEK AND ITS TRIBUTARIES.</p>														
REMARKS														
V-06610	WILDHORSE CATTLE COMPANY	DELAWARE CREEK AND TRIBUTARIES	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 28, T. 43N., R. 54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.00859								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N.	R.	E.										
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF DELAWARE CREEK AND ITS TRIBUTARIES.</p>														
REMARKS														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06611	WILDHORSE CATTLE COMPANY	EAST FORK OWYHEE RIVER AND TRIBUTARIES	<p>WILD HORSE RESERVOIR SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 08, T.43N., R.55E., M. D. B. &amp; M.</p> <p>CHICKEN CREEK NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T.43N., R.55E., M. D. B. &amp; M.</p> <p>CLEAR CREEK NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T.43N., R.55E., M. D. B. &amp; M.</p> <p>DELAWARE CREEK SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 28, T.43N., R.55E., M. D. B. &amp; M.</p> <p>HANKS CREEK NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 33, T.43N., R.55E., M. D. B. &amp; M.</p> <p>BADGER CREEK SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 5, T.44N., R.54E., M. D. B. &amp; M. 41°44'17" LAT. / 115°55'30" LONG.</p>	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.02421		



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
V-06612	WILDHORSE CATTLE COMPANY	HANKS CREEK AND TRIBUTARIES	EAST FORK OWYHEE RIVER NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 33, T.43N., R.55E., M. D. B. & M. P.O.D. #2 NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 3, T.42N., R.55E., M. D. B. & M. UNNAMED POND LOT 6, SEC. 1, T.42N., R.55E., M. D. B. & M. P.O.D. #4 NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 12, T.42N., R.55E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.02421						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SW	SE
	T.	N., R.	E.									
REMARKS												
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF HANKS CREEK AND ITS TRIBUTARIES.</p>												

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06615	WILDHORSE CATTLE COMPANY	HOT CREEK AND TRIBUTARIES	<p>WILD HORSE RESERVOIR SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 4, T.43N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 4, T.43N., R.55E., M. D. B. &amp; M.</p> <p>P.O.D. #3 LOT 12, SEC. 24, T.43N., R.55E., M. D. B. &amp; M.</p>	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.02421								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
REMARKS														
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF HOT CREEK AND ITS TRIBUTARIES.</p>														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-06616	WILDHORSE CATTLE COMPANY	CLEAR CREEK AND TRIBUTARIES	DEEP CREEK/ UNNAMED POND SE $\frac{1}{2}$ NE $\frac{1}{4}$ , SEC. 22, T.43N., R.54E., M. D. B. & M. EAST FORK OWYHEE RIVER NW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 28, T.43N., R.55E., M. D. B. & M. P.O.D. #3 NW $\frac{1}{2}$ NE $\frac{1}{4}$ , SEC. 17, T.43N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.00859									
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE
	T.	N., R.	E.												
REMARKS															
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  THE PLACE OF USE IS THE NATURAL CHANNEL OF CLEAR CREEK AND ITS TRIBUTARIES.															

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.		
V-06617	WILDHORSE CATTLE COMPANY	DEEP CREEK AND TRIBUTARIES	P.O.D. #1 SW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 13, T.43N., R.54E., M. D. B. & M. RIFFE CREEK NW $\frac{1}{2}$ SE $\frac{1}{4}$ , SEC. 12, T.43N., R.54E., M. D. B. & M. WILDHORSE RESERVOIR SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 5, T.43N., R.56E., M. D. B. & M. CLEAR CREEK/UNNAMED POND SE $\frac{1}{2}$ NE $\frac{1}{4}$ , SEC. 22, T.43N., R.54E., M. D. B. & M. NORTH, MIDDLE AND SOUTH FORK OF DEEP CREEK SW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 20, T.43N., R.54E., M. D. B. & M. P.O.D. #6 SE $\frac{1}{2}$ SE $\frac{1}{4}$ , SEC. 21, T.43N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER 1877	0.00859				
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	SE
	T.	N., R.	E.							
REMARKS										
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.  THE PLACE OF USE IS THE NATURAL CHANNEL OF DEEP CREEK AND ITS TRIBUTARIES.										

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06646	ELLISON RANCHING COMPANY	PENROD CREEK AND TRIBUTARIES	BLACKBURN CREEK: NW 1/4 NE 1/4, SEC. 26, T.44N., R.55E., M. D. B. & M. HAY MEADOW CREEK: NE 1/4 NW 1/4, SEC. 25, T.44N., R.55E., M. D. B. & M. DORA CREEK: LOT 5, SEC. 24, T.44N., R.55E., M. D. B. & M. GOLD AND MARTIN CREEKS: LOT 3, SEC. 25, T.44N., R.55E., M. D. B. & M.	MAY 1 TO OCT. 15	STOCK WATER 1896	0.006								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
REMARKS														
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF PENROD CREEK AND ITS TRIBUTARIES.</p>														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-06677	GUY H. VEGA	EAST FORK OWYHEE RIVER AND TRIBUTARIES	CLEAR CREEK NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 28, T.43N., R.55E., M. D. B. & M.  CHICKEN CREEK NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 28, T.43N., R.55E., M. D. B. & M.  DELAWARE CREEK SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 28, T.43N., R.55E., M. D. B. & M.  HANKS CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 33, T.43N., R.58E., M. D. B. & M.	APR. 1 TO OCT. 31	STOCK WATER 1889						
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
	T.	N., R.	E.								
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.  THE PLACE OF USE IS THE NATURAL CHANNEL OF EAST FORK OWYHEE RIVER AND ITS' TRIBUTARIES.											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06678	GUY H. VEGA	HOT CREEK AND TRIBUTARIES	SW 1/4 SE 1/4, SEC. 04, T. 43N., R. 55E., M. D. B. & M. LOT 3 SEC. 13, T. 43N., R. 55E., M. D. B. & M.	APR. 1 TO OCT. 31	STOCK WATER 1889								
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
4	T. 43 N., R. 55 E.												X
13	T. 43 N., R. 55 E.					LOT 3							
REMARKS													
<p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.</p> <p>THE PLACE OF USE IS THE NATURAL CHANNEL OF HOT CREEK AND ITS TRIBUTARIES.</p>													

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06680	BETTY AND TED CONLEY BAKER	VAN DUZER CREEK , SPRINGS AND TRIBUTARIES	<p>BROWN DITCH (P.O.D. #1) WITHIN H.E.S. #66, NEAR LOT 5, SEC. 2, T.44N., R.53E., M. D. B. &amp; M., BEARS N.49°24'W, 5.539 FT. FROM THE SE COR. OF SAID SEC. 2.</p> <p>MC CLAY DITCH (P.O.D. #2) WITHIN H.E.S. #66, NEAR LOT 5, SEC. 2, T.44N., R.53E., M. D. B. &amp; M., BEARS N.4°40'W, 5.327 FT. FROM THE SE COR. OF SAID SEC. 2.</p> <p>FLAT AND 1ST BENCH DITCHES (P.O.D. #3) WITHIN H.E.S. #77, NEAR LOT 2, SEC. 2, T.44N., R.53E., M. D. B. &amp; M., BEARS S.64°26'W, 2.007 FT. FROM THE NE COR. OF SAID SEC. 2.</p> <p>BULL LOT DITCH (P.O.D. #4) WITHIN LOT 1, SEC. 2, T.44N., R.53E., M. D. B. &amp; M., BEARS S.44°50'W, 1.776 FT. FROM THE NE COR. OF SAID SEC. 2.</p> <p>MIDDLE DITCH (P.O.D. #5) WITHIN LOT 4, SEC. 1, T.44N., R.53E., M. D. B. &amp; M., BEARS S.48°58'E. 462 FT. FROM THE NW COR. OF SAID SEC. 1.</p> <p>LOWER DITCH (P.O.D. #6) WITHIN LOT 4, SEC. 1, T.44N., R.53E., M. D. B. &amp; M., BEARS S.77°07'E. 1.133 FT. FROM THE NW COR. OF SAID SEC. 1.</p>	APRIL 15 - OCT. 15	IRRIGATION 1885 1888 1903		2.80	1002.04



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06681	BETTY AND TED CONLEY BAKER	BADGER CREEK AND TRIBUTARY COW CANYON CREEK AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 11, T.43N., R.53E., M. D. B. &amp; M., BEARS S.59<math>^{\circ}</math>11'W. 10,108 FT. FROM THE NE COR. OF SEC. 1, T.43N., R.53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 11, T.43N., R.53E., M. D. B. &amp; M., BEARS S.59<math>^{\circ}</math>58'W. 11,610 FT. FROM THE NE COR. OF SEC. 1, T.43N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 03, T.43N., R.53E., M. D. B. &amp; M., BEARS S.69<math>^{\circ}</math>36'W. 13,301 FT. FROM THE NE COR. OF SEC. 1, T.43N., R.53E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 03, T.43N., R.53E., M. D. B. &amp; M., BEARS S.81<math>^{\circ}</math>05'W. 12,014 FT. FROM THE NE COR. OF SEC. 1, T.43N., R.53E., M. D. B. &amp; M.</p> <p>LOT 1, SEC. 35, T.44N., R.53E., M. D. B. &amp; M., BEARS N.89<math>^{\circ}</math>40'W. 10,514 FT. FROM THE SE COR. OF SEC. 36, T.44N., R.53E., M. D. B. &amp; M.</p> <p>LOT 2, SEC. 35, T.44N., R.53E., M. D. B. &amp; M., BEARS N.83<math>^{\circ}</math>25'W. 8,983 FT. FROM THE SE COR. OF SEC. 36, T.44N., R.53E., M. D. B. &amp; M.</p> <p>LOT 4, SEC. 6, T.43N., R.54E., M. D. B. &amp; M., BEARS S.35<math>^{\circ}</math>51'E. 479 FT. FROM THE NW COR. OF SAID SEC. 6.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 31, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.81<math>^{\circ}</math>57'E. 2,966 FT. FROM THE SW COR. OF SAID SEC. 31.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 36, T.44N., R.53E., M. D. B. &amp; M., BEARS N.18<math>^{\circ}</math>40'W. 3,067 FT. FROM THE SE COR. OF SAID SEC. 36.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 26, T.44N., R.53E., M. D. B. &amp; M., BEARS S.13<math>^{\circ}</math>00'W. 5,297 FT. FROM THE NE COR. OF SAID SEC. 26.</p>	<p>GRAVEL CREEK ALLOTMENT APR. 1 TO JUN 1 AND NOV. 1 TO DEC 15</p> <p>BADGER, WILDHORSE BEAVER ALLOTMENTS JUN. 1 TO SEPT. 1 AND NOV. 1 TO DEC 15</p>	STOCK WATER 1905	0.0108		

V-06681 (CONT.)					<p>NW¼NW¼, SEC. 25, T.44N., R.53E., M. D. B. &amp; M., BEARS S.14°23'E. 329 FT. FROM THE NW COR. OF SAID SEC. 25.</p> <p>NE¼NW¼, SEC. 25, T.44N., R.53E., M. D. B. &amp; M., BEARS S.75°45'E. 2.155 FT. FROM THE NW COR. OF SAID SEC. 25.</p> <p>SE¼SW¼, SEC. 24, T.44N., R.53E., M. D. B. &amp; M., BEARS N.62°28'E. 1.786 FT. FROM THE SW COR. OF SAID SEC. 24.</p> <p>NW¼SE¼, SEC. 30, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.40°43'E. 4.402 FT. FROM THE NW COR. OF SAID SEC. 30.</p> <p>SW¼NW¼, SEC. 29, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.73°41'E. 5.885 FT. FROM THE NW COR. OF SEC. 30, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW¼SE¼, SEC. 19, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.41°42'E. 4.447 FT. FROM THE NW COR. OF SAID SEC. 19.</p> <p>NW¼NW¼, SEC. 20, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.85°50'E. 5.517 FT. FROM THE NW COR. OF SEC. 19, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW¼NW¼, SEC. 20, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.89°02'E. 5.942 FT. FROM THE NW COR. OF SEC. 19, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW¼NE¼, SEC. 18, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.87°07'E. 3.542 FT. FROM THE NW COR. OF SAID SEC. 18.</p> <p>SE¼SE¼, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.75°43'E. 4.524 FT. FROM THE SW COR. OF SAID SEC. 7.</p> <p>SW¼NE¼, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.54°38'E. 4.590 FT. FROM THE NW COR. OF SAID SEC. 7.</p>
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**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06681 (CONT.)</p>			<p>NW¼NE¼, SEC. 6, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.89°11'E. 4,241 FT. FROM THE NW COR. OF SAID SEC. 6.</p> <p>BRANCH OF COW CANYON CREEK</p> <p>NW¼NW¼, SEC. 21, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.89°44'W. 20,870 FT. FROM THE NE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW¼NW¼, SEC. 16, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.78°13'W. 21,472 FT. FROM THE NE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SE¼NW¼, SEC. 29, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.77°56'E. 7,926 FT. FROM THE NW COR. OF SEC. 30, T.43N., R.54E., M. D. B. &amp; M.</p> <p>SW¼SW¼, SEC. 20, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.53°25'E. 7,370 FT. FROM THE NW COR. OF SEC. 19, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SW¼SE¼, SEC. 8, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.60°21'E. 9,962 FT. FROM THE NW COR. OF SEC. 7, T.44N., R.54E., M. D. B. &amp; M.</p>				
<p style="text-align: center;">WHICH ALL THE ABOVE LISTED POINTS ON BADGER AND COW CANYON CREEKS FOLLOW THE NATURAL CHANNEL TO A POINT IN THE NW¼SW¼, SEC. 5, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.68°03'E. 7,138 FT. FROM THE NW COR. OF SEC. 6, T.44N., R.54E., M. D. B. &amp; M.</p>							



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06682	BETTY AND TED CONLEY BAKER	BEAVER CREEK AND TRIBUTARIES	SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 14, T.43N., R.53E., M. D. B. & M., BEARS S.35 $^{\circ}$ 04'W., 15.672 FT. FROM THE NE COR. FROM SEC. 1, T.43N., R.53E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 14, T.43N., R.53E., M. D. B. & M., BEARS S.31 $^{\circ}$ 13'W., 13.657 FT. FROM THE NE COR. FROM SEC. 1, T.43N., R.53E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 13, T.43N., R.53E., M. D. B. & M., BEARS S.24 $^{\circ}$ 34'W., 12.008 FT. FROM THE NE COR. FROM SEC. 1, T.43N., R.53E., M. D. B. & M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 11, T.43N., R.53E., M. D. B. & M., BEARS S.54 $^{\circ}$ 45'W., 12.254 FT. FROM THE NE COR. FROM SEC. 1, T.43N., R.53E., M. D. B. & M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 2, T.43N., R.53E., M. D. B. & M., BEARS S.48 $^{\circ}$ 40'W., 7.596 FT. FROM THE NE COR. FROM SEC. 1, T.43N., R.53E., M. D. B. & M. NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 1, T.43N., R.53E., M. D. B. & M., BEARS S.44 $^{\circ}$ 13'W., 5.568 FT. FROM THE NE COR. OF SAID SEC. 1. SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 1, T.43N., R.53E., M. D. B. & M., BEARS S.19 $^{\circ}$ 45'W., 5.291 FT. FROM THE NE COR. OF SAID SEC. 1. SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 1, T.43N., R.53E., M. D. B. & M., BEARS S.58 $^{\circ}$ 47'W., 3.794 FT. FROM THE NE COR. OF SAID SEC. 1. SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 1, T.43N., R.53E., M. D. B. & M., BEARS S.03 $^{\circ}$ 42'W., 1.778 FT. FROM THE NE COR. OF SAID SEC. 1. LOT 4, SEC. 6, T.43N., R.54E., M. D. B. & M., BEARS S.23 $^{\circ}$ 24'E., 1.005 FT. FROM THE NW COR. OF SAID SEC. 6.	GRAVEL CREEK ALLOTMENT APR. 1 TO JUN 1 AND NOV. 1 TO DEC 15 BADGER, WILDHORSE BEAVER ALLOTMENTS JUN. 1 TO SEPT. 1 AND NOV. 1 TO DEC 15	STOCK WATER 1905	0.0108		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06682 (CONT.)</p>												
					<p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 33, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N22°11'W, 13,274 FT. FROM THE SE COR. OF SEC. 9, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 33, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N08°49'W, 12,173 FT. FROM THE SE COR. OF SEC. 9, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 33, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N32°16'W, 10,807 FT. FROM THE SE COR. OF SEC. 3, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 34, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N31°10'W, 9,953 FT. FROM THE SE COR. OF SEC. 3, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 34, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N25°08'W, 9,467 FT. FROM THE SE COR. OF SEC. 3, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 34, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N15°45'W, 9,333 FT. FROM THE SE COR. OF SEC. 3, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 35, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N06°02'E, 8,005 FT. FROM THE SE COR. OF SEC. 3, T.43N., R.54E., M. D. B. &amp; M.</p>							
					<p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S86°24'W, 19,832 FT. FROM THE NE COR. OF SEC. 25, T.44N., R.54E., M. D. B. &amp; M.</p>							
					<p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S84°00'W, 19,219 FT. FROM THE NE COR. OF SEC. 25, T.44N., R.54E., M. D. B. &amp; M.</p>							
					<p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 24, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N71°56'W, 4,106 FT. FROM THE SE COR. OF SAID SEC. 24.</p>							



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06683	BETTY AND TED CONLEY BAKER	GRAVEL CREEK (BRANCH OF TRAIL CREEK) AND BRANCHES AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 18, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.32°31'E. 2,548 FT. FROM THE SW COR. OF SAID SEC. 18.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 18, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.48°58'E. 3,483 FT. FROM THE SW COR. OF SAID SEC. 18.</p> <p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 12, T.44N., R.53E., M. D. B. &amp; M., BEARS N.20°41'W. 2,721 FT. FROM THE SE COR. OF SAID SEC. 12.</p> <p>FOLLOWS A NATURAL CHANNEL TO A POINT IN NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 1, T.44N., R.54E., M. D. B. &amp; M., BEARS S.36°41'W. 4,2584 FT. FROM THE NE COR. OF SAID SEC. 1.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.35°35'E. 3,392 FT. FROM THE NW COR. OF SAID SEC. 7.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.00°22'E. 582 FT. FROM THE NE COR. OF SAID SEC. 7.</p> <p>FOLLOWS A NATURAL CHANNEL TO A POINT IN NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 1, T.44N., R.53E., M. D. B. &amp; M., BEARS S.36°18'W. 3,5024 FT. FROM THE NE COR. OF SAID SEC. 1.</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.86°02'E. 2,671 FT. FROM THE NW COR. OF SAID SEC. 7.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 7, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.89°53'E. 3,197 FT. FROM THE NW COR. OF SAID SEC. 7.</p>	<p>GRAVEL CREEK ALLOTMENT APR., 1 TO JUN 1 AND NOV. 1 TO DEC 15</p> <p>BADGER, WILDHORSE BEAVER ALLOTMENTS JUN. 1 TO SEPT. 1 AND NOV. 1 TO DEC 15</p>	STOCK WATER 1905	0.0108		



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
V-06684	BETTY AND TED CONLEY BAKER	OWYHEE RIVER AND TRIBUTARIES	SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 24, T. 44N., R. 54E., M. D. B. & M., BEARS N. 85°38'W, 4.029 FT. FROM THE SE COR. OF SAID SEC. 24.  SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 32, T. 45N., R. 54E., M. D. B. & M., (UNSURVEYED), BEARS N. 81°40'E, 5.823 FT. FROM THE SW COR. OF SEC. 31, T. 45N., R. 54E., M. D. B. & M.,	GRAVEL CREEK ALLOTMENT APR. 1 TO JUN 1 AND NOV. 1 TO DEC 15  BADGER, WILDHORSE BEAVER ALLOTMENTS JUN. 1 TO SEPT. 1 AND NOV. 1 TO DEC 15	STOCK WATER 1905	0.0108									
<b>PLACE OF USE</b>															
<b>40 ACRE DESCRIPTIONS</b>															
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE
5	T. 44 N., R. 54 E.						X	X	X	X	X	X	X	X	X
32	T. 45 N., R. 54 E.														
8	T. 44 N., R. 54 E.														
9	T. 44 N., R. 54 E.						X	X	X	X	X	X	X	X	X
10	T. 44 N., R. 54 E.														
15	T. 44 N., R. 54 E.						X	X	X	X	X	X	X	X	X
22	T. 44 N., R. 54 E.						X	X	X	X	X	X	X	X	X
23	T. 44 N., R. 54 E.														
24	T. 44 N., R. 54 E.														
<b>REMARKS</b>															
THESE ARE THE SAME CATTLE AS LISTED UNDER THE OWYHEE RIVER, BEAVER CREEK, GRAVEL CREEK AND THEIR TRIBUTARIES, AND SOUTH WILD HORSE CREEK.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1 F. STOCK WATER PP. 11-12.															

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06685	BETTY AND TED CONLEY BAKER	SOUTH WILD HORSE CREEK AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 20, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.73°06'E. 10,611 FT. FROM THE NW COR. OF SEC. 19, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 21, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.85°28'W. 20,321 FT. FROM THE SE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 21, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.82°30'W. 17,942 FT. FROM THE SE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 21, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.87°57'W. 16,697 FT. FROM THE NE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 16, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.86°09'W. 17,311 FT. FROM THE NE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 16, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.79°49'W. 20,805 FT. FROM THE NE COR. OF SEC. 24, T.44N., R.54E., M. D. B. &amp; M.</p>	<p>GRAVEL CREEK ALLOTMENT APR. 1 TO JUN 1 AND NOV. 1 TO DEC 15</p> <p>BADGER, WILDHORSE BEAVER ALLOTMENTS JUN. 1 TO SEPT. 1 AND NOV. 1 TO DEC 15</p>	STOCK WATER 1905	0.0108		



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06690	M.L. INVESTMENT COMPANY	MILLER CREEK AND UNNAMED SPRINGS #4 AND #5 AND TRIBUTARIES	<p>SE<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math>, SEC. 06, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.66°31'E. 16,198 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>, SEC. 06, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.62°52'E. 14,082 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{2}</math>SE<math>\frac{1}{4}</math>, SEC. 12, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.84°14'E. 10,186 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 07, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.87°55'E. 13,395 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 18, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.76°52'E. 11,869 FT. FROM THE N<math>\frac{1}{2}</math> COR. OF SEC. 23, T.46N., R.53E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #4: NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 06, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.79°33'E. 14,598 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #5: SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 06, T.46N., R.54E., M. D. B. &amp; M., BEARS N.81°20'E. 12,994 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p>	JUNE 15 TO SEPT. 30	STOCK WATER 1905	0.0519		





**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06693	M.L. INVESTMENT COMPANY	SLAUGHTERHOUSE CREEK AND TRIBUTARIES	<p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 09, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.81°59'E. 24,385 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 09, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.81°06'E. 22,241 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 17, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.75°28'E. 20,534 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 17, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.74°01'E. 20,006 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p style="text-align: center;">WHICH FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 17, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.78°22'E. 18,052 FT. FROM THE N<math>\frac{1}{4}</math> COR. OF SEC. 23, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 04, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.73°02'E. 24,220 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 04, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.71°23'E. 23,410 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p>	JUNE 15 TO SEPT. 30	STOCK WATER 1905	0.0519		

V-06693 (CONT.)					<p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 05, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.71°09'E. 22,061 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 05, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.84°21'E. 19,543 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 08, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.87°07'E. 18,493 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 07, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.86°02'E. 15,612 FT. FROM THE SW COR. OF SEC. 11, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 07, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.85°01'E. 14,985 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 08, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.87°48'E. 17,201 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 08, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.84°41'E. 18,919 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 09, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.86°40'E. 25,084 FT. FROM THE NW COR. OF SEC. 14, T.46N., R.53E., M. D. B. &amp; M.</p>					<p>WHICH ALL THE ABOVE LISTED POINTS FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 18, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.77°20'E. 13,241 FT. FROM THE N<math>\frac{1}{4}</math> COR. OF SEC. 23, T.46N., R.53E., M. D. B. &amp; M.</p>
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PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06694	M.L. INVESTMENT COMPANY	COW CREEK UNNAMED SPRING #6 AND TRIBUTARIES	<p>NW¼NE¼, SEC. 02, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.84°53'E. 3.919 FT. FROM THE NW COR. OF SAID SEC. 02.</p> <p>WHICH FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE</p> <p>NW¼NE¼, SEC. 11, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.25°38'E. 6.078 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW¼NW¼, SEC. 01, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.85°47'E. 6.323 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>NW¼SE¼, SEC. 01, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.65°33'E. 8.800 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>WHICH THE ABOVE 2 LISTED POINTS FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE</p> <p>NW¼NE¼, SEC. 11, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.23°15'E. 6.647 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #6:</p> <p>NW¼SE¼, SEC. 01, T.46N., R.53E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.65°33'E. 8.800 FT. FROM THE NW COR. OF SEC. 02, T.46N., R.53E., M. D. B. &amp; M.</p>	JUNE 15 TO SEPT. 30	STOCK WATER 1905	0.0519		

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

V-06694 (CONT.)		PLACE OF USE 40 ACRE DESCRIPTIONS												REMARKS		
SEC.	TOWN- SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	THE ANIMALS LISTED IN THIS PROOF ARE THE SAME AS LISTED IN PROOFS FILED UNDER WILLIS CREEK, COW CREEK, BROWNS GULCH AND SLAUGHTERHOUSE CREEK.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F, STOCK WATER PP. 11-12.	
1	T. 46 N., R. 53 E.							X			X					
2	T. 46 N., R. 53 E.							X			X					
11	T. 46 N., R. 53 E.															

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06695	SIMPLOT LIVESTOCK COMPANY	SHEEP CREEK AND (TRIBUTARY SALMON CREEK) AND TRIBUTARIES	<p>H.E.S. #237, T.N., R.E., M. D. B. &amp; M., BEARS S.61°34'E. 3,118 FT. FROM THE SW COR. OF SEC. 31, T.16S., R.05E., B.M.</p> <p>H.E.S. #237, T.N., R.E., M. D. B. &amp; M., BEARS S.85°11'E. 2,172 FT. FROM THE SW COR. OF SEC. 31, T.16S., R.05E., B.M.</p> <p>H.E.S. #165, T.N., R.E., M. D. B. &amp; M., BEARS S.84°29'E. 6,911 FT. FROM THE SW COR. OF SEC. 31, T.16S., R.05E., B.M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT WITHIN:</p> <p>H.E.S. #165, T.N., R.E., M. D. B. &amp; M., BEARS N.87°58'E. 2,928 FT. FROM THE SW COR. OF SEC. 31, T.16S., R.05E., B.M.</p>	JAN. 1 TO DEC. 31	STOCK WATER 1900	0.0317								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWNSHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	REMARKS
			H.E.S. #165 & 237										STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.	

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06709	SIMPLOT LIVESTOCK COMPANY	ALLEGHENY CREEK, UNNAMED SPRINGS #5, #6, #7, #8, #9, #10, TRANSIENT SPRING, JENKINS SPRING AND TRIBUTARIES	<p>LOT 8, SEC. 06, T.45N., R.55E., M. D. B. &amp; M., BEARS S.73°43'E. 3,554 FT. FROM THE NW COR. OF SAID SEC. 06.</p> <p>LOT 2, SEC. 07, T.45N., R.56E., M. D. B. &amp; M., BEARS S.39°06'E. 3,942 FT. FROM THE NW COR. OF SEC. 06, T.45N., R.55E., M. D. B. &amp; M.</p> <p>LOT 12, SEC. 07, T.45N., R.55E., M. D. B. &amp; M., BEARS N.74°19'E. 3,835 FT. FROM THE SW COR. OF SAID SEC. 07.</p> <p>SE¼NE¼, SEC. 07, T.45N., R.55E., M. D. B. &amp; M., BEARS N.56°53'W. 6,794 FT. FROM THE SE COR. OF SEC. 08, T.45N., R.55E., M. D. B. &amp; M.</p> <p>NW¼SW¼, SEC. 08, T.45N., R.56E., M. D. B. &amp; M., BEARS N.64°28'W. 5,628 FT. FROM THE SE COR. OF SEC. 08, T.45N., R.55E., M. D. B. &amp; M.</p> <p>SE¼NW¼, SEC. 08, T.45N., R.55E., M. D. B. &amp; M., BEARS N.40°35'W. 4,285 FT. FROM THE SE COR. OF SAID SEC. 08.</p> <p>NE¼SE¼, SEC. 08, T.45N., R.55E., M. D. B. &amp; M., BEARS N.37°15'W. 1,815 FT. FROM THE SE COR. OF SAID SEC. 08.</p> <p>SW¼NW¼, SEC. 17, T.45N., R.56E., M. D. B. &amp; M., BEARS N.54°01'E. 1,118 FT. FROM THE W¼ COR. OF SAID SEC. 17.</p> <p>SE¼NW¼, SEC. 17, T.45N., R.55E., M. D. B. &amp; M., BEARS S.68°44'W. 3,692 FT. FROM THE NE COR. OF SAID SEC. 17.</p> <p>SW¼NE¼, SEC. 17, T.45N., R.55E., M. D. B. &amp; M., BEARS N.26°15'W. 3,249 FT. FROM THE SE COR. OF SAID SEC. 17.</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06709 (CONT.)</p>			<p>NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math>, SEC. 13, T.45N., R.54E., M. D. B. &amp; M., BEARS S.49°08'W. .937 FT. FROM THE NW COR. OF SEC. 18, T.45N., R.55E., M. D. B. &amp; M.</p> <p>LOT 4, SEC. 07, T.45N., R.56E., M. D. B. &amp; M., BEARS S.02°30'E. 3,816 FT. FROM THE NE COR. OF SEC. 06, T.45N., R.55E., M. D. B. &amp; M.</p> <p>LOT 9, SEC. 07, T.45N., R.56E., M. D. B. &amp; M., BEARS N.08°28'E. 2,140 FT. FROM THE SW COR. OF SAID SEC. 07.</p> <p>LOT 11, SEC. 07, T.45N., R.55E., M. D. B. &amp; M., BEARS N.49°30'E. 2,018 FT. FROM THE SW COR. OF SAID SEC. 07.</p> <p>LOT 1, SEC. 18, T.45N., R.55E., M. D. B. &amp; M., BEARS S.85°35'E. 3,076 FT. FROM THE NW COR. OF SAID SEC. 18.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE<math>\frac{1}{4}</math>/SE<math>\frac{1}{4}</math>, SEC. 14, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.61°40'W. 15,278 FT. FROM THE SE COR. OF SEC. 19, T.45N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING NO. 5: NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math>, SEC. 13, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.49°08'W. .937 FT. FROM THE NW COR. OF SEC. 18, T.45N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING NO. 6: LOT 1, SEC. 18, T.45N., R.56E., M. D. B. &amp; M., BEARS S.85°35'E. 3,076 FT. FROM THE NW COR. OF SAID SEC. 18.</p> <p>UNNAMED SPRING NO. 7: SW<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math>, SEC. 18, T.45N., R.55E., M. D. B. &amp; M., BEARS N.72°01'W. 2,781 FT. FROM THE E<math>\frac{1}{4}</math> COR. OF SAID SEC. 18.</p> <p>UNNAMED SPRING NO. 8: NW<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math>, SEC. 20, T.45N., R.55E., M. D. B. &amp; M., BEARS S.66°40'W. 2,464 FT. FROM THE NE COR. OF SAID SEC. 20.</p>			
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																						
V-06710	SIMPLOT LIVESTOCK COMPANY	DIP CREEK, UNNAMED SPRING NO. 4 AND TRIBUTARIES	NW¼SW¼, SEC. 13, T.46N., R.54E., M. D. B. & M., (UNSURVEYED), BEARS N.67°30'E, 7.623 FT. FROM USLM WITHIN NE¼NE¼ SEC. 22, T.46N., R.54E., M. D. B. & M., (UNSURVEYED).  SW¼SE¼, SEC. 13, T.46N., R.54E., M. D. B. & M., (UNSURVEYED), BEARS N.76°32'E, 9.262 FT. FROM USLM WITHIN NE¼NE¼ SEC. 22, T.46N., R.54E., M. D. B. & M., (UNSURVEYED).  WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE¼NE¼ SEC. 22, T.46N., R.54E., M. D. B. & M. (UNSURVEYED), BEARS N.28°11'E, 1.347 FT. FROM USLM WITHIN NE¼NE¼ SEC. 22, T.46N., R.54E., M. D. B. & M., (UNSURVEYED).  UNNAMED SPRING #4 NW¼SW¼ SEC. 13, T.46N., R.54E., M. D. B. & M. (UNSURVEYED), BEARS N.67°30'E, 7.623 FT. FROM USLM WITHIN NE¼NE¼ SEC. 22, T.46N., R.54E., M. D. B. & M., (UNSURVEYED).	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278																																																								
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS																																																														
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">NE</th> <th colspan="2">N</th> <th colspan="2">NW</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> </tr> </table>			NE		N		NW		NE	NW	SE	SW	NE	NW	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">NE</th> <th colspan="2">N</th> <th colspan="2">NW</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> </tr> </table>			NE		N		NW		NE	NW	SE	SW	NE	NW	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">NE</th> <th colspan="2">N</th> <th colspan="2">NW</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> </tr> </table>			NE		N		NW		NE	NW	SE	SW	NE	NW	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">NE</th> <th colspan="2">N</th> <th colspan="2">NW</th> </tr> <tr> <th>NE</th> <th>NW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> </tr> </table>			NE		N		NW		NE	NW	SE	SW	NE	NW
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13	T. 46 N., R. 54 E.																																																													
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THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, NEGRO GEORGE DRAW, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, BAKER CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1 F. STOCK WATER PP. 11-12.

**REMARKS**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06711	SIMPLIT LIVESTOCK COMPANY	BIG SPRING CREEK AND TRIBUTARIES	SE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 24, T. 46N., R. 54E., M. D. B. & M., (UNSURVEYED), BEARS S.70°17'E., 8.140 FT. FROM USLM WITHIN NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 22, T. 46N., R. 54E., M. D. B. & M., (UNSURVEYED). SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 24, T. 46N., R. 54E., M. D. B. & M., (UNSURVEYED), BEARS S.59°21'E., 7.676 FT. FROM USLM WITHIN NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 22, T. 46N., R. 54E., M. D. B. & M., (UNSURVEYED). WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 22, T. 46N., R. 54E., M. D. B. & M. (UNSURVEYED), BEARS S.45°47'E., 9.524 FT. FROM USLM WITHIN NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 22, T. 46N., R. 54E., M. D. B. & M. (UNSURVEYED).	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278							
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
24	T. 46 N., R. 54 E.												
25	T. 46 N., R. 54 E.					X	X	X	X				
<b>REMARKS</b>													
<p>THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, NEGRO GEORGE DRAW, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, BAKER CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>													

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06712	SIMPLOT LIVESTOCK COMPANY	ROSS GULCH AND BRANCH OF ROSS GULCH, UNNAMED SPRING NO. 11 AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math>, SEC. 16, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.42°11'W. 7,986 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p> <p>NW<math>\frac{1}{4}</math>/SE<math>\frac{1}{4}</math>, SEC. 16, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.60°34'W. 6,709 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p> <p>WHICH FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE:</p> <p>NW<math>\frac{1}{4}</math>/NW<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.87°16'W. 4,193 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p> <p>AND STARTS AGAIN IN THE:</p> <p>NE<math>\frac{1}{4}</math>/SW<math>\frac{1}{4}</math>, SEC. 15, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.35°01'W. 4,291 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOWS THE NATURAL CHANNEL TO A POINT IN THE:</p> <p>SE<math>\frac{1}{4}</math>/NW<math>\frac{1}{4}</math>, SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.72°10'W. 1,997 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p> <p>UNNAMED SPRING #11</p> <p>SE<math>\frac{1}{4}</math>/SW<math>\frac{1}{4}</math>, SEC. 15, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.49°24'W. 3,471 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>/NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED).</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278		

V-06712 (CONT.)		PLACE OF USE 40 ACRE DESCRIPTIONS												REMARKS	
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW		SE
15	T. 46 N., R. 54 E.							X							
16	T. 46 N., R. 54 E.					X									
22	T. 46 N., R. 54 E.						X								

THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, NEGRO GEORGE DRAW, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, BAKER CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F, STOCK WATER PP. 11-12.

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06713	SIMPLOT LIVESTOCK COMPANY	NORTH FORK OF CALIFORNIA CREEK, UNNAMED SPRINGS NO.1, NO. 2, NO. 12 AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 15, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.18°06'W. 6.693 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 15, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.21°58'W. 5.247 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 10, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.02°41'W. 6.733 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 14, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.12°42'W. 6.540 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 14, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.31°55'E. 7.476 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 14, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.48°51'E. 6.545 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 23, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.84°32'E. 2.859 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 22, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.04°56'E. 1.507 FT. FROM USLM WITHIN NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278		



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06714	SIMPLIT LIVESTOCK COMPANY	BAKER CREEK AND TRIBUTARIES	<p>SE<math>\frac{1}{2}</math>SW<math>\frac{1}{4}</math>, SEC. 01, T. 45N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.53°18'W. 3,935 FT. FROM THE NE COR. OF SAID SEC. 01.</p> <p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 12, T. 45N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.49°09'W. 6,012 FT. FROM THE NE COR. SEC. 1, T. 45N., R. 54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 12, T. 45N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.45°04'W. 3,107 FT. FROM THE SW COR. SEC. 7, T. 45N., R. 55E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE:</p> <p>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 13, T. 45N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.54°23'W. 13,641 FT. FROM THE SE COR. SEC. 19, T. 45N., R. 55E., M. D. B. &amp; M.</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278							
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS													
<b>SEC.</b>	<b>TOWN-SHIP</b>	<b>RANGE</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>	<b>SW</b>	<b>NE</b>	<b>NW</b>	<b>SE</b>
1	T. 45 N., R. 55 E.												
12	T. 45 N., R. 55 E.			X			X	X	X	X	X	X	X
13	T. 45 N., R. 55 E.						X	X	X	X	X	X	X
<b>REMARKS</b>													
<p>THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, NEGRO GEORGE DRAW, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1 F. STOCK WATER PP. 11-12.</p>													

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06715	SIMPLIST LIVESTOCK COMPANY	SOUTH FORK OF CALIFORNIA CREEK AND UNNAMED SPRING NO. 4 AND TRIBUTARIES	<p>NE<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>, SEC. 30, T.46N., R.55E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.73°42'E. 18,359 FT. FROM USLM WITHIN NE<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>NW<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math>, SEC. 30, T.46N., R.54<math>\frac{1}{2}</math>E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.74°13'E. 15,233 FT. FROM USLM WITHIN NE<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A NE<math>\frac{1}{2}</math>SW<math>\frac{1}{4}</math>, SEC. 36, T.46N., R.54E., M. D. B. &amp; M., BEARS N.70°19'W. 6,558 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING NO. 4 SW<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>, SEC. 30, T.46N., R.55E., M. D. B. &amp; M., BEARS S.70°14'E. 18,430 FT. FROM USLM WITHIN NE<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math> SEC. 22, T.46N., R.54E., M. D. B. &amp; M. (UNSURVEYED).</p>	JUNE 25 TO OCT. 9	STOCK WATER 1874	0.0278							
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS													
SEC.	TOWNSHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
30	T. 46 N., R. 55 E.					X							
30	T. 46 N., R. 54 $\frac{1}{2}$ E.								X				X
25	T. 46 N., R. 54 E.												
36	T. 46 N., R. 54 E.		X	X	X					X	X		X
<b>REMARKS</b>													
<p>THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, NEGRO GEORGE DRAW, NORTH FORK OF CALIFORNIA CREEK, AND BIG SPRING CREEK.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																						
V-06716	SIMPLOT LIVESTOCK COMPANY	NEGRO GEORGE DRAW AND TRIBUTARIES	<p>SE<math>\frac{1}{2}</math>SW<math>\frac{1}{4}</math>, SEC. 31, T.46N., R.55E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.83°48'E. 3,567 FT. FROM THE NW COR. SEC. 06, T.45N., R.55E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 12, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.26°02'W. 2,956 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{2}</math>SE<math>\frac{1}{4}</math>, SEC. 01, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.61°53'W. 2,713 FT. FROM THE NE COR. SAID SEC. 01.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE:</p> <p>SE<math>\frac{1}{2}</math>SW<math>\frac{1}{4}</math>, SEC. 36, T.46N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.89°19'W. 5,439 FT. FROM THE NE COR. SEC. 01, T.45N., R.55E., M. D. B. &amp; M.</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278																																								
<b>PLACE OF USE</b>																																														
<b>40 ACRE DESCRIPTIONS</b>																																														
SEC.	TOWN-SHIP	RANGE	NE				NW				SE				SW				NE				NW				SE				SW															
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																
31	T. 46 N., R. 55 E.																																													
31	T. 46 N., R. 54 1/2 E.																																													
36	T. 46 N., R. 54 E.																																													
1	T. 45 N., R. 54 E.																																													
12	T. 45 N., R. 54 E.	X																																												
6	T. 45 N., R. 55 E.																																													

THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, BAKER CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.

REMARKS

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06717	SIMPLOT LIVESTOCK COMPANY	PIXLEY CREEK AND TRIBUTARIES	<p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 31, T.46N., R.55E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.42°21'E.: 5.318 FT. FROM THE NW COR. SEC. 06, T.45N., R.55E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 31, T.46N., R.55E., M. D. B. &amp; M., BEARS N.42°15'W.: 1,799 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 01, T.45N., R.54E., M. D. B. &amp; M., BEARS S.61°53'W.: 2,713 FT. FROM THE NE COR. SAID SEC. 01.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 31, T.46N., R.54<math>\frac{1}{2}</math>E., M. D. B. &amp; M., BEARS N.16°59'W.: 3,997 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 36, T.46N., R.54E., M. D. B. &amp; M., BEARS N.72°51'W.: 5,290 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE:</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 36, T.46N., R.54E., M. D. B. &amp; M., BEARS N.61°11'W.: 6,429 FT. FROM THE NE COR. SEC. 01, T.45N., R.54E., M. D. B. &amp; M.</p>	JUNE 25 TO OCT. 9	STOCK WATER 1894	0.0278								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWNSHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW
31	T. 46 N., R. 55 E.				X	X								
31	T. 46 N., R. 54 $\frac{1}{2}$ E.				X	X			X	X				
36	T. 46 N., R. 54 E.				X	X							X	X
<p>THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS FILED UNDER ALLEGHANY CREEK, ROSS GULCH, NEGRO GEORGE DRAW, SOUTH FORK OF CALIFORNIA CREEK, NORTH FORK OF CALIFORNIA CREEK, BAKER CREEK, PIXLEY CREEK, DIP CREEK AND BIG SPRING CREEK.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F, STOCK WATER PP. 11-12.</p>														
REMARKS														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06718	PHILIP MASON & DIANA LEE PARTEN	VAN DUZER CREEK AND TRIBUTARIES, (LIME, BANTY GULCH, HAYSTACK AND UNNAMED BRANCH) AIRPORT SPRING THREE SPRINGS UNNAMED SPRINGS NO. 6, NO. 7 NO. 8, NO. 9 AND TRIBUTARIES	NW¼NW¼, SEC. 32, T.45N., R.53E., M. D. B. & M., BEARS S.81°52'W, 4.047 FT. FROM THE NE COR. SAID SEC. 32.  LIME CREEK NW¼SW¼, SEC. 32, T.45N., R.53E., M. D. B. & M., BEARS S.49°23'W, 5.290 FT. FROM THE NE COR. SAID SEC. 32.  BANTY GULCH SE¼SE¼, SEC. 32, T.45N., R.53E., M. D. B. & M., BEARS N.87°35'W, 6.069 FT. FROM THE SE COR. SEC. 33, T.45N., R.53E., M. D. B. & M.  HAYSTACK CREEK LOT 4, SEC. 04, T.44N., R.53E., M. D. B. & M., BEARS S.76°10'W, 4.506 FT. FROM THE NE COR. SAID SEC. 04.  SW¼SE¼, SEC. 33, T.45N., R.53E., M. D. B. & M., BEARS N.87°52'W, 2.247 FT. FROM THE SE COR. SAID SEC. 33.  SW¼SE¼, SEC. 33, T.45N., R.53E., M. D. B. & M., BEARS N.64°42'W, 2.096 FT. FROM THE SE COR. SAID SEC. 33.  SW¼NE¼, SEC. 03, T.44N., R.53E., M. D. B. & M., BEARS S.56°01'E, 3.579 FT. FROM THE NW COR. SAID SEC. 03.  NE¼SE¼, SEC. 03, T.44N., R.53E., M. D. B. & M., BEARS S.04°52'W, 2.787 FT. FROM THE NE COR. SAID SEC. 03.  UNNAMED BRANCH NW¼NE¼, SEC. 34, T.44N., R.53E., M. D. B. & M., BEARS S.30°59'E, 6.639 FT. FROM THE NW COR. SEC. 27, T.45N., R.53E., M. D. B. & M.	APR. 15 TO OCT. 31	STOCK WATER 1874 JAN. 1, 1905* DOMESTIC 1893**	0.0155		

V-06718 (CONT.)							<p>SW¼NW¼, SEC. 35, T.45N., R.53E., M. D. B. &amp; M., BEARS S.74°15'W. 5.125 FT. FROM THE NE COR. SAID SEC. 35.</p>		
<p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN:</p>									
<p>H.E.S. NO. 77, SEC. 02, T.44N., R.53E., M. D. B. &amp; M., BEARS S.71°10'E. 3,375 FT. FROM THE NW COR. SAID SEC. 02.</p>									
<p>AIRPORT SPRING LOT 5, SEC. 02, T.44N., R.53E., M. D. B. &amp; M., BEARS S.37°29'E. 2,541 FT. FROM THE NW COR. SAID SEC. 02.</p>									
<p>UNNAMED SPRING NO. 8 NE¼SE¼, SEC. 03, T.44N., R.53E., M. D. B. &amp; M., BEARS S.04°52'W. 2,787 FT. FROM THE NE COR. SAID SEC. 03.</p>									
<p>UNNAMED SPRING NO. 9 SW¼NE¼, SEC. 03, T.44N., R.53E., M. D. B. &amp; M., BEARS S.56°01'E. 3,579 FT. FROM THE NW COR. SAID SEC. 03.</p>									
<p>THREE SPRINGS LOT 5, SEC. 33, T.45N., R.53E., M. D. B. &amp; M., BEARS S.24°29'E. 2,168 FT. FROM THE NW COR. SAID SEC. 33.</p>									
<p>UNNAMED SPRING NO. 6 NW¼NE¼, SEC. 34, T.44N., R.53E., M. D. B. &amp; M., BEARS S.29°20'E. 6,873 FT. FROM THE NW COR. SEC. 27, T.45N., R.53E., M. D. B. &amp; M.</p>									
<p>UNNAMED SPRING NO. 7 NW¼SW¼, SEC. 35, T.45N., R.53E., M. D. B. &amp; M., BEARS S.55°02'W. 5,363 FT. FROM THE NE COR. SAID SEC. 35.</p>									

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

V-06718 (CONT.)		PLACE OF USE 40 ACRE DESCRIPTIONS																REMARKS
SEC.	TOWN- SHIP	RANGE	NE		NW		SE		NE		NW		SW		SE			
			NE	NW	SE	NE	NW	SE	NE	NW	SW	SW	SE	NE	NW	SE		
32	T. 45 N., R. 53 E.					X	X		X	X						X		
MINERAL SURVEY NO. 2055																		
32	T. 45 N., R. 53 E.																	
33	T. 45 N., R. 53 E.																	
MINERAL SURVEY NO. 2055 (POORMAN PLACER)																		
33	T. 45 N., R. 53 E.																	
34	T. 45 N., R. 53 E.																	
MINERAL SURVEY NO. 2055 AND A PORTION OF H.E.S. NO. 66																		
34	T. 45 N., R. 53 E.																	
35	T. 45 N., R. 53 E.																	
MINERAL SURVEY NO. 2055 AND A PORTION OF H.E.S. NO. 66																		
2	T. 44 N., R. 53 E.																	
A PORTION OF H.E.S. NO'S. 66 AND 77																		
2	T. 44 N., R. 53 E.																	
3	T. 44 N., R. 53 E.																	
A PORTION OF H.E.S. NO. 66																		
3	T. 44 N., R. 53 E.																	
4	T. 44 N., R. 53 E.																	
A PORTION OF H.E.S. NO. 66																		
4	T. 44 N., R. 53 E.																	

THE ANIMALS LISTED IN THIS PROOF ARE THE SAME ANIMALS AS LISTED IN PROOFS V-04132, V-04133, V-04135, V-04136, V-04137, V-04139 AND V-04141.

\* ON U. S. FOREST SERVICE LANDS. THE PLACE OF USE CONTAINS PORTIONS OF PATENTED MINERAL SURVEY NO. 2055 WITHIN SEC. 32, T. 45N., R. 53E., M.D.B.&M.

\*\*DOMESTIC USE WAS OCCURRING IN CONJUNCTION WITH MINING ACTIVITIES, KING FISHER/MIDNIGHT PATENTED MINING CLAIMS (PATENT NO. 43035) AS EARLY AS THE 1860'S AND CONFIRMED BY 1893 PER LETTER, DATED DECEMBER 29, 1897, FROM JAMES E. CONNELLEY, MANAGER, BYINGTON RANCH.

STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06767	HOLLAND RANCH PARTNERSHIP	HANKS CREEK, SPRINGS AND TRIBUTARIES	<p>NORTH DITCH: LOT 7, SEC. 01, T. 42N., R. 58E., M. D. B. &amp; M., BEARS S.48°32'E. 2.772 FT. FROM THE NW COR. OF SAID SEC. 1.</p> <p>SOUTH DITCH: LOT 7, SEC. 01, T. 42N., R. 58E., M. D. B. &amp; M., BEARS S.42°11'E. 2.654 FT. FROM THE NW COR. OF SAID SEC. 1.</p>	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1897	0.95	2.80	106.32								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS
1	T. 42 N., R. 55 E.														19.12	DOMESTIC AND STOCK WATER IS ALSO CLAIMED, BUT THE NUMBER AND TYPE OF STOCK IS NOT SPECIFIED.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
2	T. 42 N., R. 55 E.		LOT 1	LOT 2	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	18.85	
TOTAL ACRES:														37.97		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06768	HOLLAND RANCH PARTNERSHIP	OWYHEE RIVER, SPRINGS AND TRIBUTARIES	EAST DITCH: NW¼NW¼, SEC. 15, T.42N., R.55E., M. D. B. & M., BEARS S.35°16'E. 220 FT. FROM THE NW COR. OF SAID SEC. 15.  WEST DITCH: SE¼SE¼, SEC. 09, T.42N., R.55E., M. D. B. & M., BEARS N.41°33'W. 1,361 FT. FROM THE SE COR. OF SAID SEC. 09.	APRIL 15 - OCT. 15	IRRIGATION DIVERSIFIED PASTURE 1897	1.38	1.80	99.38						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	SW	SE	SE		
9	T. 42 N., R. 55 E.					5.93				16.29	12.63	19.32	54.17	
10	T. 42 N., R. 55 E.							0.50					0.50	
15	T. 42 N., R. 55 E.						0.33						0.33	
16	T. 42 N., R. 55 E.												0.21	
TOTAL ACRES*:												55.21		
									ACRES PER SECT.				REMARKS	
													DOMESTIC AND STOCK WATER IS ALSO CLAIMED.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.	

\*THIS ACREAGE HAS BEEN CLASSIFIED AS DIVERSIFIED PASTURE

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.											
V-06769	HOLLAND RANCH PARTNERSHIP	JACKS CREEK, SPRINGS AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 36, T.43N., R.54E., M. D. B. &amp; M., BEARS S.72°42'W. 3.627 FT. FROM THE NE COR. OF SAID SEC. 36.</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 36, T.43N., R.54E., M. D. B. &amp; M., BEARS S.70°24'W. 3.573 FT. FROM THE NE COR. OF SAID SEC. 36.</p> <p>LOT 3, SEC. 30, T.43N., R.56E., M. D. B. &amp; M., BEARS N.20°31'E. 2.154 FT. FROM THE SW COR. OF SAID SEC. 30.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 30, T.43N., R.56E., M. D. B. &amp; M., BEARS N.37°22'E. 4.367 FT. FROM THE SW COR. OF SAID SEC. 30.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 19, T.43N., R.55E., M. D. B. &amp; M., BEARS N.89°59'W. 7.89 FT. FROM THE SE COR. OF SAID SEC. 19.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 19, T.43N., R.55E., M. D. B. &amp; M., BEARS N.14°17'W. 976 FT. FROM THE SE COR. OF SAID SEC. 19.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 20, T.43N., R.56E., M. D. B. &amp; M., BEARS N.19°08'E. 1.834 FT. FROM THE SW COR. OF SAID SEC. 20.</p>	APRIL 15 - OCT. 15	IRRIGATION HAY MEADOW 1887	3.01	2.80	337.43											
<b>PLACE OF USE</b>																			
<b>40 ACRE DESCRIPTIONS</b>																			
SEC.	TOWNSHIP	RANGE	NE			NW			SE			SW			S E			ACRES PER SECT.	REMARKS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW		
25	T. 43 N., R. 54 E.					3.90									2.88	4.10	8.40	19.28	DOMESTIC AND STOCK WATER IS ALSO CLAIMED.  STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.
36	T. 43 N., R. 54 E.		4.74			1.53												6.27	
19	T. 43 N., R. 55 E.																	11.28	
20	T. 43 N., R. 55 E.								2.08		4.70	12.00	0.90					19.68	
30	T. 43 N., R. 55 E.		9.40	22.81	6.11					6.01	9.87	2.15	7.65					64.00	
TOTAL ACRES:																		120.51	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06770	HOLLAND RANCH PARTNERSHIP	CLEAR CREEK (BRANCH DEEP CREEK) AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 08, T.43N., R.54E., M. D. B. &amp; M., BEARS S.88°19'W. 14,228 FT. FROM THE NE COR. OF SEC. 10, T.43N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 08, T.43N., R.54E., M. D. B. &amp; M., BEARS S.83°49'W. 12,972 FT. FROM THE NE COR. OF SEC. 10, T.43N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 05, T.43N., R.54E., M. D. B. &amp; M., BEARS N.88°59'W. 11,640 FT. FROM THE SE COR. OF SEC. 03, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 09, T.43N., R.54E., M. D. B. &amp; M., BEARS S.82°01'W. 8,802 FT. FROM THE NE COR. OF SEC. 10, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 09, T.43N., R.54E., M. D. B. &amp; M., BEARS N.73°09'W. 4,640 FT. FROM THE SE COR. OF SAID SEC. 09.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 09, T.43N., R.54E., M. D. B. &amp; M., BEARS N.88°22'W. 2,871 FT. FROM THE SE COR. OF SAID SEC. 09.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 17, T.43N., R.54E., M. D. B. &amp; M., BEARS S.87°38'W. 9,699 FT. FROM THE SE COR. OF SEC. 09, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 21, T.43N., R.54E., M. D. B. &amp; M., BEARS S.00°04'W. 8,041 FT. FROM THE NE COR. OF SEC. 16, T.43N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 16, T.43N., R.54E., M. D. B. &amp; M., BEARS S.27°24'W. 2,372 FT. FROM THE NE COR. OF SAID SEC. 16.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 15, T.43N., R.54E., M. D. B. &amp; M., BEARS S.06°30'E. 5,259 FT. FROM THE NW COR. OF SAID SEC. 15.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 16, T.43N., R.54E., M. D. B. &amp; M., BEARS S.36°50'W. 1,894 FT. FROM THE NE COR. OF SAID SEC. 16.</p> <p>SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 15, T.43N., R.54E., M. D. B. &amp; M., BEARS S.51°39'E. 6,661 FT. FROM THE NW COR. OF SAID SEC. 15.</p>	JUN. 15 TO OCT. 31	STOCK WATER 1897	0.0062		



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.												
V-06771	HOLLAND RANCH PARTNERSHIP	OWYHEE RIVER	SE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 24, T. 44N., R. 54E., M. D. B. & M., (UNSURVEYED), BEARS S $9^{\circ}$ 38'W, 10,101 FT. FROM THE NE COR. OF SEC. 19, T. 44N., R. 55E., M. D. B. & M.  WHICH THE ABOVE LISTED POINT FOLLOW THE NATURAL CHANNEL TO SW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 09, T. 44N., R. 54E., M. D. B. & M., (UNSURVEYED), BEARS S. 58 $^{\circ}$ 32'E. 13,315 FT. FROM THE NW COR. OF SEC. 06, T. 44N., R. 54E., M. D. B. & M.	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309														
PLACE OF USE 40 ACRE DESCRIPTIONS																				
SEC.	TOWNSHIP	RANGE	NE		NW		NE		NW		SE		SW		SE		SW		SE	
9	T. 44 N., R. 54 E.																			
10	T. 44 N., R. 54 E.			X																
15	T. 44 N., R. 54 E.																			
22	T. 44 N., R. 54 E.		X																	
23	T. 44 N., R. 54 E.			X																
24	T. 44 N., R. 54 E.					X														
REMARKS																				
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1 F. STOCK WATER PP. 11-12.																				

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-06772	HOLLAND RANCH PARTNERSHIP	MACHADO CREEK AND TRIBUTARIES	<p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.82°57'E. 21,323 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.79°05'E. 19,782 FT FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 10, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.72°05'E. 20,039 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 11, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.66°43'E. 24,930 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p style="text-align: center;">WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 15, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.54°50'E. 23,416 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p>	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
3	T. 44 N., R. 54 E.					X						X	X	X
10	T. 44 N., R. 54 E.		X	X									X	X
11	T. 44 N., R. 54 E.							X	X					
15	T. 44 N., R. 54 E.		X	X								X	X	
REMARKS														
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06773	HOLLAND RANCH PARTNERSHIP	ALLEGHENY CREEK AND (TRIBUTARY COLD SPRINGS CREEK), SIX UNNAMED SPRINGS AND TRIBUTARIES	<p>ALLEGHENY CREEK BEGINS: NW¼SW¼, SEC. 23, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.60°29'E. 25,546 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>WITH THE FOLLOWING LISTED POINTS AS TRIBUTARIES:  NE¼SW¼, SEC. 24, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.38°54'W. 16,172 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>LOT 2, SEC. 30, T.45N., R.58E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.22°42'W. 11,326 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>LOT 9, SEC. 30, T.45N., R.58E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.37°31'W. 8,904 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>LOT 3, SEC. 31, T.45N., R.58E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.46°43'W. 7,472 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>NE¼SE¼, SEC. 35, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.79°44'W. 13,401 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>NW¼NW¼, SEC. 36, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.68°40'W. 12,736 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>NE¼SW¼, SEC. 35, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.86°09'E. 23,370 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309		

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06773 (CONT.)</p>	<p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 34, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.87°29'E. 19,641 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	<p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 34, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.78°10'E. 18,766 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	<p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 33, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.77°34'E. 15,777 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	<p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 26, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.53°38'W. 16,502 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	<p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 24, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.43°47'W. 16,353 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p>	<p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 24, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.43°47'W. 16,353 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 28, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.59°18'E. 18,350 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #1: LOT 2, SEC. 25, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.39°58'W. 10,962 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #2: NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 36, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.68°40'W. 12,736 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p>
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**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06774	HOLLAND RANCH PARTNERSHIP	LOST MEADOWS CREEK, TWO UNNAMED SPRINGS AND TRIBUTARIES	<p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 36, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.88°03'W. 10,279 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 36, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.84°21'W. 11,132 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 02, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.89°27'E. 24,161 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 02, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.87°22'E. 22,488 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 11, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.73°16'E. 24,582 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 14, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.62°21'E. 27,314 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 01, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.78°50'W. 8,322 FT. FROM THE SE COR. OF SEC. 06, T.44N., R.55E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNEL TO NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 23, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.74°01'W. 10,915 FT. FROM THE NE COR. OF SEC. 19, T.44N., R.55E., M. D. B. &amp; M.</p>	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06775	HOLLAND RANCH PARTNERSHIP	NORTH WILDHORSE CREEK, TWO UNNAMED SPRINGS AND TRIBUTARIES	<p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 04, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S86°43'W, 13,768 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 33, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.80°11'E, 15,162 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 34, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.84°43'E, 17,937 FT. FROM THE SW COR. OF SEC. 31, T.45N., R.54E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 04, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.79°50'E, 13,806 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.81°47'E, 19,617 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.79°14'E, 17,417 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 03, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.78°23'E, 18,920 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 09, T.44N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.63°16'E, 16,173 FT. FROM THE NW COR. OF SEC. 06, T.44N., R.54E., M. D. B. &amp; M.</p>	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309		



**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06776	HOLLAND RANCH PARTNERSHIP	HENDRICKS CREEK (TRIBUTARIES GARDNER CREEK AND WARM CREEKS), FOUR UNNAMED SPRINGS AND TRIBUTARIES	<p>LOT 2, SEC. 31, T.45N., R.55E., M. D. B. &amp; M., BEARS N.43°40'W. 6.066 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>NW¼SE¼, SEC. 36, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.75°48'W. 9.421 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p> <p>LOT 4, SEC. 31, T.45N., R.54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.64°36'W. 7.313 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>LOT 10, SEC. 31, T.45N., R.55E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.79°39'W. 5.897 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>NE¼NE¼, SEC. 06, T.44N., R.55E., M. D. B. &amp; M., (UNSURVEYED), BEARS S.67°48'W. 3.259 FT. FROM THE SE COR. OF SEC. 31, T.45N., R.55E., M. D. B. &amp; M.</p> <p>SW¼SE¼, SEC. 31, T.45N., R.55E., M. D. B. &amp; M., BEARS N.82°46'W. 2.529 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>NE¼SE¼, SEC. 31, T.45N., R.55E., M. D. B. &amp; M., BEARS N.12°22'W. 2.383 FT. FROM THE SE COR. OF SAID SEC. 31.</p> <p>SE¼SW¼, SEC. 32, T.45N., R.55E., M. D. B. &amp; M., BEARS N.60°07'E. 1.900 FT. FROM THE SW COR. OF SAID SEC. 32.</p> <p>NW¼SE¼, SEC. 06, T.44N., R.55E., M. D. B. &amp; M., BEARS N.40°55'W. 3.156 FT. FROM THE SE COR. OF SAID SEC. 06.</p>	JUN. 15 TO OCT. 15	STOCK WATER 1894	0.0309		

<p>V-06776 (CONT.)</p>							
<p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 01, T. 44N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.82°35'W. 8,060 FT. FROM THE SE COR. OF SEC. 06, T. 44N., R. 55E., M. D. B. &amp; M.</p>							
<p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 12, T. 44N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.41°39'W. 10,599 FT. FROM THE SE COR. OF SEC. 18, T. 44N., R. 55E., M. D. B. &amp; M.</p>							
<p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 12, T. 44N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.55°08'W. 10,093 FT. FROM THE SE COR. OF SEC. 18, T. 44N., R. 55E., M. D. B. &amp; M.</p>							
<p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 13, T. 44N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.66°33'W. 8,416 FT. FROM THE SE COR. OF SEC. 18, T. 44N., R. 55E., M. D. B. &amp; M.</p>							
<p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 13, T. 44N., R. 54E., M. D. B. &amp; M., (UNSURVEYED), BEARS N.84°44'W. 7,067 FT. FROM THE SE COR. OF SEC. 18, T. 44N., R. 55E., M. D. B. &amp; M.</p>							
<p>LOT 4, SEC. 18, T. 44N., R. 55E., M. D. B. &amp; M., BEARS N.75°31'W. 5,031 FT. FROM THE SE COR. OF SAID SEC. 18.</p>							
<p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 07, T. 44N., R. 55E., M. D. B. &amp; M., BEARS S.36°20'W. 1,966 FT. FROM THE NE COR. OF SAID SEC. 07.</p>							
<p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 08, T. 44N., R. 55E., M. D. B. &amp; M., BEARS S.06°59'E. 821 FT. FROM THE NW COR. OF SAID SEC. 08.</p>							
<p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 05, T. 44N., R. 55E., M. D. B. &amp; M., BEARS N.74°56'E. 2,695 FT. FROM THE SW COR. OF SAID SEC. 05.</p>							
<p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 08, T. 44N., R. 55E., M. D. B. &amp; M., BEARS S.64°14'E. 3,868 FT. FROM THE NW COR. OF SAID SEC. 08.</p>							
<p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 17, T. 44N., R. 55E., M. D. B. &amp; M., BEARS N.36°35'E. 3,040 FT. FROM THE SW COR. OF SAID SEC. 17, AND</p>							



PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06777	HOLLAND RANCH PARTNERSHIP	OWYHEE RIVER, FIVE UNNAMED SPRINGS AND TRIBUTARIES	<p>LOT 4, SEC. 25, T.42N., R.55E., M. D. B. &amp; M., BEARS N.46°54'E. 5,037 FT. FROM THE SW COR. OF SAID SEC. 25.</p> <p>NW¼SE¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.38°33'W. 2,640 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>NW¼SW¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.71°01'W. 5,025 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>SW¼NW¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.50°43'W. 6,182 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>NW¼NE¼, SEC. 27, T.42N., R.55E., M. D. B. &amp; M., BEARS N.58°37'W. 8,345 FT. FROM THE SE COR. OF SEC. 26, T.42N., R.55E., M. D. B. &amp; M.</p> <p>NE¼NW¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.32°58'W. 6,022 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>SW¼SE¼, SEC. 22, T.42N., R.55E., M. D. B. &amp; M., BEARS N.82°02'W. 7,468 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p> <p>NW¼SE¼, SEC. 22, T.42N., R.55E., M. D. B. &amp; M., BEARS N.79°14'W. 8,016 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p> <p>NE¼NW¼, SEC. 22, T.42N., R.55E., M. D. B. &amp; M., BEARS N.63°45'W. 9,530 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SW¼SW¼, SEC. 15, T.42N., R.55E., M. D. B. &amp; M., BEARS N.61°00'W. 10,990 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SE¼SE¼, SEC. 16, T.42N., R.55E., M. D. B. &amp; M., BEARS N.62°18'W. 12,438 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p>	<p>PRIVATE LAND JAN. 1 TO DEC. 31 BLM LAND MAY 1 TO DEC. 31</p>	STOCK WATER 1898	0.459		

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06777 (CONT.)</p>			<p>NW¼NE¼, SEC. 21, T.42N., R.55E., M. D. B. &amp; M., BEARS N.67°36'W. 14,009 FT. FROM THE SE COR. OF SEC. 23, T.42N., R.55E., M. D. B. &amp; M.</p> <p>LOT 3, SEC. 24, T.42N., R.58E., M. D. B. &amp; M., BEARS S.27°50'E. 6,186 FT. FROM THE NW COR. OF SEC. 13, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SW¼SW¼, SEC. 13, T.42N., R.58E., M. D. B. &amp; M., BEARS S.13°36'E. 5,148 FT. FROM THE NW COR. OF SAID SEC. 13.</p> <p>NW¼SW¼, SEC. 13, T.42N., R.58E., M. D. B. &amp; M., BEARS S.03°21'E. 3,072 FT. FROM THE NW COR. OF SAID SEC. 13.</p> <p>SE¼NE¼, SEC. 14, T.42N., R.55E., M. D. B. &amp; M., BEARS S.15°53'W. 1,718 FT. FROM THE NE COR. OF SAID SEC. 14.</p> <p>SW¼SE¼, SEC. 11, T.42N., R.58E., M. D. B. &amp; M., BEARS N.81°29'W. 1,523 FT. FROM THE SE COR. OF SAID SEC. 11.</p> <p>NE¼SW¼, SEC. 11, T.42N., R.55E., M. D. B. &amp; M., BEARS N.65°44'W. 3,606 FT. FROM THE SE COR. OF SAID SEC. 11.</p> <p>NE¼SE¼, SEC. 10, T.42N., R.55E., M. D. B. &amp; M., BEARS N.71°54'W. 6,389 FT. FROM THE SE COR. OF SEC. 11, T.42N., R.55E., M. D. B. &amp; M.</p> <p>NW¼SW¼, SEC. 11, T.42N., R.58E., M. D. B. &amp; M., BEARS N.58°17'W. 4,980 FT. FROM THE SE COR. OF SAID SEC. 11.</p> <p>SW¼NW¼, SEC. 11, T.42N., R.58E., M. D. B. &amp; M., BEARS N.55°01'W. 6,134 FT. FROM THE SE COR. OF SAID SEC. 11.</p> <p>SE¼NW¼, SEC. 11, T.42N., R.55E., M. D. B. &amp; M., BEARS N.42°20'W. 5,323 FT. FROM THE SE COR. OF SAID SEC. 11.</p> <p>SW¼NE¼, SEC. 09, T.42N., R.55E., M. D. B. &amp; M., BEARS N.71°16'W. 12,623 FT. FROM THE SE COR. OF SEC. 11, T.42N., R.55E., M. D. B. &amp; M.</p>				
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V-06777 (CONT.)					<p>NW¼SW¼, SEC. 02, T.42N., R.55E., M. D. B. &amp; M., BEARS S.03°01'E. 3,763 FT. FROM THE NW COR. OF SAID SEC. 02.</p> <p>NE¼NW¼, SEC. 09, T.42N., R.55E., M. D. B. &amp; M., BEARS S.24°10'W. 7,035 FT. FROM THE NE COR. OF SEC. 04, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SE¼NW¼, SEC. 04, T.42N., R.55E., M. D. B. &amp; M., BEARS S.63°05'W. 4,270 FT. FROM THE NE COR. OF SAID SEC. 04.</p> <p>SW¼SW¼, SEC. 16, T.42N., R.55E., M. D. B. &amp; M., BEARS S.50°29'W. 8,291 FT. FROM THE NW COR. OF SEC. 17, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SE¼NE¼, SEC. 17, T.42N., R.55E., M. D. B. &amp; M., BEARS S.63°37'E. 5,088 FT. FROM THE NW COR. OF SAID SEC. 17.</p> <p>NE¼NW¼, SEC. 17, T.42N., R.55E., M. D. B. &amp; M., BEARS S.65°34'E. 2,390 FT. FROM THE NW COR. OF SAID SEC. 17.</p> <p>SE¼SE¼, SEC. 07, T.42N., R.55E., M. D. B. &amp; M., BEARS N.44°58'W. 1,519 FT. FROM THE SE COR. OF SAID SEC. 07.</p> <p>NE¼SE¼, SEC. 07, T.42N., R.55E., M. D. B. &amp; M., BEARS N.13°53'W. 2,152 FT. FROM THE SE COR. OF SAID SEC. 07.</p> <p>NW¼SW¼, SEC. 08, T.42N., R.55E., M. D. B. &amp; M., BEARS N.28°16'E. 2,646 FT. FROM THE SW COR. OF SAID SEC. 08.</p> <p>SE¼NE¼, SEC. 07, T.42N., R.55E., M. D. B. &amp; M., BEARS N.22°02'W. 3,350 FT. FROM THE SE COR. OF SAID SEC. 07.</p> <p>NW¼NW¼, SEC. 07, T.42N., R.55E., M. D. B. &amp; M., BEARS N.43°35'W. 7,048 FT. FROM THE SE COR. OF SAID SEC. 07.</p> <p>NW¼SW¼, SEC. 05, T.42N., R.55E., M. D. B. &amp; M., BEARS N.03°35'E. 7,383 FT. FROM THE SW COR. OF SEC. 08, T.42N., R.55E., M. D. B. &amp; M.</p> <p>SE¼NW¼, SEC. 05, T.42N., R.55E., M. D. B. &amp; M., BEARS S.14°55'W. 13,077 FT. FROM THE NE COR. OF SEC. 29, T.43N., R.55E., M. D. B. &amp; M.</p>
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**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

<p>V-06777 (CONT.)</p>			<p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NW¼SW¼, SEC. 33, T.43N., R.55E., M. D. B. &amp; M., BEARS S.07°10'E. 8,886 FT. FROM THE NW COR. OF SEC. 28, T.43N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #5: SW¼NW¼, SEC. 25, T.42N., R.55E., M. D. B. &amp; M., BEARS N.16°27'E. 4,093 FT. FROM THE SW COR. OF SAID SEC. 25.</p> <p>UNNAMED SPRING #6: NE¼SE¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.01°05'W. 2,461 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>UNNAMED SPRING #7: NE¼NW¼, SEC. 26, T.42N., R.55E., M. D. B. &amp; M., BEARS N.32°58'W. 6,022 FT. FROM THE SE COR. OF SAID SEC. 26.</p> <p>UNNAMED SPRING #8: NW¼NE¼, SEC. 27, T.42N., R.55E., M. D. B. &amp; M., BEARS N.58°37'W. 8,345 FT. FROM THE SE COR. OF SEC. 26, T.42N., R.55E., M. D. B. &amp; M.</p> <p>UNNAMED SPRING #9: NE¼NW¼, SEC. 15, T.42N., R.55E., M. D. B. &amp; M., BEARS S.82°59'W. 8,297 FT. FROM THE NE COR. OF SEC. 14, T.42N., R.55E., M. D. B. &amp; M.</p>					
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**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06778	HOLLAND RANCH PARTNERSHIP	CROOKED CREEK ONE UNNAMED SPRING AND TRIBUTARIES	<p>NW¼SW¼, SEC. 34, T.43N., R.54E., M. D. B. &amp; M., BEARS S.00°04'E. 3,780 FT. FROM THE NW COR. OF SAID SEC. 34.</p> <p>NE¼NW¼, SEC. 34, T.43N., R.54E., M. D. B. &amp; M., BEARS S.71°12'E. 2,372 FT. FROM THE NW COR. OF SAID SEC. 34.</p> <p>SE¼SW¼, SEC. 27, T.43N., R.54E., M. D. B. &amp; M., BEARS N.77°25'E. 2,306 FT. FROM THE SW COR. OF SAID SEC. 27.</p> <p>SW¼SE¼, SEC. 27, T.43N., R.54E., M. D. B. &amp; M., BEARS S.40°30'E. 5,592 FT. FROM THE NW COR. OF SAID SEC. 27.</p> <p>SW¼SE¼, SEC. 26, T.43N., R.54E., M. D. B. &amp; M., BEARS N.82°25'E. 8,673 FT. FROM THE SW COR. OF SEC. 27, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NE¼SW¼, SEC. 26, T.43N., R.54E., M. D. B. &amp; M., BEARS S.65°41'E. 7,203 FT. FROM THE NW COR. OF SEC. 27, T.43N., R.54E., M. D. B. &amp; M.</p> <p>NW¼NE¼, SEC. 26, T.43N., R.54E., M. D. B. &amp; M., BEARS S.81°37'E. 7,973 FT. FROM THE NW COR. OF SEC. 27, T.43N., R.54E., M. D. B. &amp; M.</p> <p>LOT 2, SEC. 19, T.43N., R.56E., M. D. B. &amp; M., BEARS N.75°01'W. 10,961 FT. FROM THE SE COR. OF SEC. 20, T.43N., R.55E., M. D. B. &amp; M.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE NE¼NW¼, SEC. 20, T.43N., R.55E., M. D. B. &amp; M., BEARS N.29°17'W. 5,487 FT. FROM THE SE COR. OF SAID SEC. 20.</p> <p>UNNAMED SPRING #14: NW¼NE¼, SEC. 34, T.43N., R.54E., M. D. B. &amp; M., BEARS S.68°51'E. 2,984 FT. FROM THE NW COR. OF SAID SEC. 34.</p>	<p>PRIVATE LAND JAN. 1 TO DEC. 31</p> <p>B.L.M. LAND MAY 1 TO DEC. 31</p>	STOCK WATER 1898	0.459		



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
V-06779	HOLLAND RANCH PARTNERSHIP	DELAWARE CREEK AND TRIBUTARIES	<p>NE¼NE¼, SEC. 12, T.42N., R.54E., M. D. B. &amp; M., BEARS N.50°53'W., 8,261 FT. FROM THE SE COR. OF SEC. 07, T.42N., R.55E., M. D. B. &amp; M.</p> <p>AND FOLLOWS THE NATURAL CHANNEL TO A POINT IN</p> <p>LOT 4 SEC. 05, T.42N., R.55E., M. D. B. &amp; M., BEARS S.22°41'W., 11,530 FT. FROM THE NE COR. OF SEC. 29, T.43N., R.55E., M. D. B. &amp; M.</p> <p>DELAWARE CREEK</p> <p>NW¼SE¼, SEC. 03, T.42N., R.54E., M. D. B. &amp; M., BEARS N.66°04'W., 18,996 FT. FROM THE SE COR. OF SEC. 07, T.42N., R.55E., M. D. B. &amp; M.</p> <p>AND FOLLOWS THE NATURAL CHANNEL TO A POINT IN</p> <p>LOT 1, SEC. 06, T.42N., R.58E., M. D. B. &amp; M., BEARS S.30°08'W., 12,352 FT. FROM THE NE COR. OF SEC. 29, T.43N., R.55E., M. D. B. &amp; M.</p>	<p>PRIVATE LAND JAN. 1 TO DEC. 31</p> <p>B.L.M. LAND MAY 1 TO DEC. 31</p>	STOCK WATER 1898	0.459										
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	
1	T. 42 N., R. 54 E.				X	X										X
2	T. 42 N., R. 54 E.							X								
3	T. 42 N., R. 54 E.										X					X
12	T. 42 N., R. 54 E.		X													
5	T. 42 N., R. 55 E.															
6	T. 42 N., R. 55 E.		X	X	X	X	LOT 3	X	X	X	X	X	X	X	X	
REMARKS																
<p>THE ANIMALS LISTED IN THIS PROOF ARE ALSO FILED UNDER PROOFS 06778 THROUGH 06783.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>																

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
V-06780	HOLLAND RANCH PARTNERSHIP	CLEAR CREEK, UNNAMED SPRING #1 AND TRIBUTARIES	LOT 11, SEC. 25, T.43N., R.55E., M. D. B. & M., BEARS N.39°32'W., 3.680 FT. FROM THE SW COR. OF SEC. 30, T.43N., R.56E., M. D. B. & M. WHICH FOLLOWS THE NATURAL CHANNEL TO A POINT IN SE¼SE¼, SEC. 26, T.43N., R.55E., M. D. B. & M., BEARS N.68°17'W., 7.743 FT. FROM THE SW COR. OF SEC. 30, T.43N., R.56E., M. D. B. & M. SE¼SW¼, SEC. 25, T.43N., R.55E., M. D. B. & M., BEARS N.62°27'W., 5.336 FT. FROM THE SW COR. OF SEC. 30, T.43N., R.56E., M. D. B. & M.	PRIVATE LAND JAN. 1 TO DEC. 31 BLM LAND MAY 1 TO DEC. 31	STOCK WATER 1898	0.459							
<b>PLACE OF USE</b> 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE
25	T. 43 N., R. 55 E.									X			X
26	T. 43 N., R. 55 E.												X
<b>REMARKS</b>													
<p>THE ANIMALS LISTED IN THIS PROOF ARE ALSO FILED UNDER PROOFS 06778 THROUGH 06783.</p> <p>STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A. AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.</p>													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
V-06781	HOLLAND RANCH PARTNERSHIP	HANKS CREEK, BRANCH OF HANKS CREEK, THREE UNNAMED SPRINGS AND TRIBUTARIES	<p>LOT 4, SEC. 12, T.42N., R.56E., M. D. B. &amp; M., BEARS N.38°27'E. 4.635 FT. FROM THE SW COR. OF SAID SEC. 12.</p> <p>SW¼NW¼, SEC. 12, T.42N., R.56E., M. D. B. &amp; M., BEARS N.00°41'E. 3.005 FT. FROM THE SW COR. OF SAID SEC. 12.</p> <p>LOT 1, SEC. 01, T.42N., R.56E., M. D. B. &amp; M., BEARS S.18°59'W. 3.829 FT. FROM THE NW COR. OF SEC. 31, T.43N., R.56E., M. D. B. &amp; M.</p> <p>SW¼NW¼, SEC. 30, T.43N., R.56E., M. D. B. &amp; M., BEARS N.10°04'E. 2.774 FT. FROM THE SW COR. OF SAID SEC. 30.</p> <p>LOT 2, SEC. 36, T.43N., R.56E., M. D. B. &amp; M., BEARS N.58°58'W. 2.194 FT. FROM THE SW COR. OF SEC. 30, T.43N., R.56E., M. D. B. &amp; M.</p> <p>NE¼NW¼, SEC. 36, T.43N., R.56E., M. D. B. &amp; M., BEARS N.77°47'W. 4.428 FT. FROM THE SW COR. OF SEC. 30, T.43N., R.56E., M. D. B. &amp; M.</p> <p>SE¼SE¼, SEC. 35, T.43N., R.56E., M. D. B. &amp; M., BEARS N.83°12'E. 3.918 FT. FROM THE SW COR. OF SAID SEC. 35.</p> <p>SE¼SW¼, SEC. 35, T.43N., R.56E., M. D. B. &amp; M., BEARS N.67°11'E. 2.783 FT. FROM THE SW COR. OF SAID SEC. 35.</p> <p>WHICH ALL THE ABOVE LISTED POINTS FOLLOW THE NATURAL CHANNELS TO A POINT IN THE LOT 4, SEC. 2, T.42N., R.56E., M. D. B. &amp; M., BEARS S.00°38'W. 680 FT. FROM THE NW COR. OF SAID SEC. 2.</p> <p>ALSO A BRANCH OF HANKS CREEK STARTS AGAIN IN THE SW¼NW¼, SEC. 3, T.42N., R.56E., M. D. B. &amp; M., BEARS S.30°48'E. 2.455 FT. FROM THE NW COR. OF SAID SEC. 3.</p>	<p>PRIVATE LAND JAN. 1 TO DEC. 31</p> <p>BLM LAND MAY 1 TO DEC. 31</p>	STOCK WATER 1888	0.459		





PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.											
R-08961	UNITED STATES OF AMERICA AS TRUSTEE ON BEHALF OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	P.O.D. #2 OWYHEE RIVER-CHINA DIVERSION	SW½SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION APRIL 16, 1877	684.43		85523.00											
PLACE OF USE 40 ACRE DESCRIPTIONS																			
M.D.B.#M. - LAND IRRIGATED IN NEVADA																			
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS			
1	T. 46 N., R. 51 E.	40.00	40.20	40.50	40.00	40.00	40.40	39.10	39.40	40.20	27.00	18.50			13.30	24.10	402.70	WATER ALSO USED FOR STOCK WATER PURPOSES. CERTIFICATE WAS ISSUED ON JAN. 14, 1914.	
2	T. 46 N., R. 52 E.	14.20	33.10	35.00	37.20	37.70	37.10	32.20	22.10	37.70							211.40		
3	T. 46 N., R. 52 E.	36.30	34.10	37.70	37.20	37.50	34.70	37.50	37.50	30.30		39.30	38.70				325.80		
4	T. 46 N., R. 52 E.	19.60	38.00	2.10	35.00	18.00	18.00			15.50	34.10	32.50	18.00				212.80		
5	T. 46 N., R. 52 E.	31.40	31.40	29.70	29.70	40.00	40.00	8.80	30.80	40.00	9.00	40.00			35.00	34.00	2.50	365.40	
6	T. 46 N., R. 52 E.					19.30									20.00			39.30	
1	T. 47 N., R. 51 E.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	26.00
1	T. 47 N., R. 51 E.																		42.00
2	T. 47 N., R. 51 E.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	102.70
3	T. 47 N., R. 51 E.											25.10	25.80						69.40
10	T. 47 N., R. 51 E.	40.50	40.20	39.80	39.40	39.80	23.50			17.10	2.30				39.70	33.60	5.00	15.50	297.30
11	T. 47 N., R. 51 E.	39.00	39.90	39.40	39.90	39.40	39.80	39.50	39.60	39.60	39.80	40.30	38.50	39.60	39.80	40.00	39.90	40.10	634.70
12	T. 47 N., R. 51 E.	42.00	42.00	19.60	3.40	15.60	40.30	40.00	40.00	23.80	8.50	39.60	39.30	24.80	39.10	39.20	39.60	39.40	544.50
13	T. 47 N., R. 51 E.	16.90	16.90	39.30	13.60	39.90	39.10	40.00	40.40	39.40	39.40	39.00	39.80	39.80	38.80	33.70	20.50	39.20	470.40
14	T. 47 N., R. 51 E.	39.90	39.60	39.90	40.50	30.90	21.30	18.20	32.20	20.10	15.90	29.00	10.70		31.50	10.40	19.00	34.20	169.50
22	T. 47 N., R. 51 E.	18.00	11.90	12.60	31.90										13.40				87.40
23	T. 47 N., R. 51 E.	39.50	19.10	25.40	40.40	27.90	39.50	39.40	16.10	28.90	37.70	34.10	38.20	29.60	14.00	8.90	32.80	32.80	471.50
24	T. 47 N., R. 51 E.	39.60	39.80	40.30	40.00	40.00	40.10	40.80	40.60	39.30	39.20	30.20	38.70	39.40	39.30	39.90	39.80	39.80	627.00
25	T. 47 N., R. 51 E.	40.60	40.50	39.80	39.90	39.50	29.70	23.20	29.70	23.70	30.40	26.20	24.00	40.00	39.90	32.90	38.90	538.90	
26	T. 47 N., R. 51 E.	28.60	27.90	28.90	37.70	34.30	15.00	6.40	37.80	9.10				39.50	20.20	8.50	36.60	330.50	
35	T. 47 N., R. 51 E.	16.30		19.20										1.20	39.70	17.40	39.00	39.90	172.70
36	T. 47 N., R. 51 E.	41.50	40.90	40.30	40.40	41.30	30.30	39.90	40.60	40.50	39.60	39.30	40.30	40.40	40.20	40.00	40.00	635.50	
3	T. 47 N., R. 52 E.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	104.00
4	T. 47 N., R. 52 E.											25.90	26.60						22.90
5	T. 47 N., R. 52 E.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	61.10
5	T. 47 N., R. 52 E.											26.00	18.00						18.30
6	T. 47 N., R. 52 E.											8.60	27.50						28.00
6	T. 47 N., R. 52 E.																		100.20
6	T. 47 N., R. 52 E.																		56.90

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

R-08961 (CONT.)	N E			N W			S W			S E									
	NE	NW	SE	NE	NW	SW	NE	NW	SW	NE	NW	SE							
7	22.80	31.20	29.40	20.30		2.90	14.00	25.80	36.00	19.00	16.80	40.00	274.20						
8	19.60	40.00	25.60	40.00	24.00	30.90	20.70	27.00	36.50	19.00	38.80	27.70	437.40						
9	22.50	39.40	38.20	31.80	31.60	21.40	18.70	27.00	27.00	11.30	36.70	37.10	458.20						
10	23.60	37.10	4.60	1.50	41.70	29.20	23.40	24.30	2.80	36.80			264.70						
14					12.10	14.30	15.80	13.40	11.50	14.10			106.10						
15					36.20	37.60	38.00	38.60	38.70	33.40	4.20	37.20	38.50	30.30	436.80				
16	37.40	24.30	37.30	3.50		26.00			30.50	36.80	5.00	15.00		31.50	319.30				
17	23.40	32.80	12.50	39.70	36.20	40.00	38.10	28.00	6.70					22.00	37.90	384.50			
18									4.70	23.20	39.80	36.30		0.80		123.50			
19	7.30	18.60	35.40	39.20	39.40	39.90	40.00	40.80	40.10	39.40	38.70	39.80		39.20	39.40	39.60	577.90		
20	25.00				11.90	31.10	18.10	31.00	35.00	35.50	39.90	39.70		15.60	38.30	11.20	332.30		
21	37.50				17.00	40.00	26.60	40.00	30.00					17.90	40.00	29.30	36.90	359.80	
22	40.00	37.70	38.90	37.50	24.90	27.50	38.40	28.10	33.70	29.10	36.50	36.10		37.50	35.10	33.20	28.90	543.10	
23					1.90	21.70	27.10		14.40	37.80	33.60	31.50						168.00	
26					32.00	26.60	38.30	25.40	31.40	39.40	34.80	33.80						344.90	
27	34.50	38.60	40.00	37.70	36.50	34.00	38.10	35.20	39.00	35.00	35.50	32.40		38.50	36.00	39.10	586.10		
28	34.00	23.00	26.60	31.60		34.00	37.20		24.70	22.50	27.00	37.70		27.60	23.10	23.50	35.10	407.60	
29	27.30	38.00	39.30	28.30	38.50	33.00	39.50	35.80	15.10	36.60	39.80	22.60						20.50	448.30
30	40.40	42.90	39.10	37.10	42.80	40.10	40.10	39.00	39.30	39.40	38.50	39.30		42.80	38.00	38.10	43.90	640.80	
31	42.50	37.50	33.00	21.50	39.80	40.50	39.80	39.80	3.10	39.80	38.90	2.00						378.20	
32	35.20	3.00			36.70	39.50	38.50	35.00	21.60		2.70	39.60		40.10	39.70	31.40	31.40	418.10	
33	34.10	34.20	18.60	26.30	33.30	34.40	16.90		25.00	32.00	14.70	30.00		34.70			37.10	371.30	
34	36.50	34.40	22.80	35.00	38.10	35.20	32.90	32.60	33.30	36.10	37.60	27.00		28.20	35.20	38.70	31.50	535.10	
35	20.80	23.90	37.40	28.60	37.60	37.20	35.70	37.00	38.00	37.50	32.30	37.30		22.60	38.70	38.60	28.10	531.30	
<b>TOTAL ACRES:</b>														16853.70					

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.													
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	P.O.D. #1 BOYLE CREEK (SOUTH FORK)	NE 1/4 SE 1/4 SW 1/4, SEC. 11, T. 47N., R. 52E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION APRIL 16, 1877	9.80		394.00													
PLACE OF USE																					
40 ACRE DESCRIPTIONS																					
M.D.B.&M. - LAND IRRIGATED IN NEVADA																					
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS	
2	T. 47 N., R. 52 E.																				
3	T. 47 N., R. 52 E.																				
10	T. 47 N., R. 52 E.																				
11	T. 47 N., R. 52 E.																				
TOTAL ACRES:																			329.70		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	P.O.D. #3 OWYHEE RIVER	SW¼SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION APRIL 16, 1877	684.43		85523.00										
<b>PLACE OF USE</b>																		
<b>40 ACRE DESCRIPTIONS</b>																		
<b>B.B.&amp;M. - LAND IRRIGATED IN IDAHO</b>																		
SEC.	TOWNSHIP	RANGE	N E			N W			S W			S E			ACRES PER SECT.	REMARKS		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
1	T. 16 S. R. 2 E.	39.90	39.80	40.20	40.30	39.90	8.60	39.80	40.50	28.70	26.60	27.70	4.10	39.30	39.80	521.70		
2	T. 16 S. R. 2 E.				7.60									2.40		0.60	10.60	
11	T. 16 S. R. 2 E.	17.60												22.50		6.00	33.50	102.20
12	T. 16 S. R. 2 E.	38.80					2.70	39.20	34.20							2.30		236.10
13	T. 16 S. R. 2 E.	1.10	8.30	27.90	17.80	40.40	40.40	40.30	40.50	30.60	39.60	39.90	40.20	33.90	39.80	40.10	33.80	514.00
14	T. 16 S. R. 2 E.	40.20	32.00	40.40	40.40	17.40	20.40	34.30	40.20	23.80	16.90	36.90	21.80	40.00	39.20	7.40	35.10	486.20
15	T. 16 S. R. 2 E.								7.00		9.40	1.60		29.40	5.10	40.00	40.00	132.50
16	T. 16 S. R. 2 E.										1.70	18.30	33.30	28.60	25.90	26.20	8.30	142.30
21	T. 16 S. R. 2 E.	5.80	33.60	39.90	14.20	38.40	26.40	31.30	39.90	39.90	39.00	37.30	39.80	35.20	39.80	39.80	39.80	540.10
22	T. 16 S. R. 2 E.	38.70	42.30	38.60	37.60	16.70					2.40	18.10		40.00	25.70	33.20	17.30	310.60
23	T. 16 S. R. 2 E.						36.50	39.60	38.00	37.30	35.00	35.00	33.80	38.20	26.10	34.90	28.90	482.50
24	T. 16 S. R. 2 E.	41.50	39.60	24.40	39.10	37.10	10.50	27.90		17.20	24.70	34.20	18.90	1.70	29.10	1.20	373.90	
25	T. 16 S. R. 2 E.	16.60	23.70	37.80	29.30	37.70	35.00	31.80	39.00	38.50	37.10	5.80	30.00	39.90	28.60	19.80	490.60	
26	T. 16 S. R. 2 E.	37.00	28.70	40.00	26.10	40.00	5.70	16.10	34.90	19.50	19.10	22.50	19.90	30.30	39.80	28.10	14.50	422.20
27	T. 16 S. R. 2 E.	15.70					30.80	36.80	39.70	37.90	35.00	36.00	36.00	40.00	19.60	11.70	31.30	476.00
28	T. 16 S. R. 2 E.	40.20	40.20	40.50	40.30	40.00	33.70	37.50	39.90	36.70	37.00	37.30	37.70	37.00	37.50	38.60	37.70	611.80
29	T. 16 S. R. 2 E.				2.80									11.60			22.20	36.60
5	T. 16 S. R. 3 E.									17.40	39.10	34.80	23.40					114.70
6	T. 16 S. R. 3 E.						38.00	41.60	11.50	30.30	40.60	41.20	41.00	40.50	32.00	34.50	25.80	377.00
7	T. 16 S. R. 3 E.	36.80	41.20	41.40	41.10	41.20	41.10	40.70	41.20	40.80	20.20	19.10		40.70	41.10	41.10	40.60	568.30
8	T. 16 S. R. 3 E.						30.50	8.00	16.50	30.90	5.20	17.30	8.10			16.00	28.70	163.60
16	T. 16 S. R. 3 E.								3.00									19.90
17	T. 16 S. R. 3 E.	9.60	31.40	18.70	21.40	17.80	27.30	40.10	33.70	12.20	35.80	39.70	14.20	30.40	32.50	21.90	13.40	400.10
18	T. 16 S. R. 3 E.	42.00	43.70	23.60	6.90	15.20			2.30	17.10	31.50	38.50	20.70	8.50			22.80	267.40
19	T. 16 S. R. 3 E.	22.10		9.50	38.50	19.50	37.60	40.40	38.10	17.00	40.20	40.70	15.80	16.50	4.70		37.70	378.40
20	T. 16 S. R. 3 E.		1.40	5.60		0.90	31.50	40.30	21.00	39.10	23.60	20.30	23.00		25.60	20.30		252.60
28	T. 16 S. R. 3 E.										25.90	30.50	10.60					67.00
29	T. 16 S. R. 3 E.		9.20	33.60	2.40	34.30	40.00	39.70	40.00	37.90	38.20	15.80	30.40	35.30	38.30	31.50	31.20	455.80
30	T. 16 S. R. 3 E.	41.50	40.30	32.60	39.30	38.30	14.80	23.70	10.00	14.50	38.10	33.10	19.90	24.40	15.00	14.80	10.10	410.40
<b>TOTAL ACRES:</b>														9325.10				

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																																			
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	P.O.D. #4 OWYHEE RIVER	SW $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 36, T. 47N., R. 52E., M. D. B. & M.	APRIL 15 - OCT. 15	IRRIGATION 1886	4.78	3.00	598.00																																																																			
<p style="text-align: center;"><b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b> <b>B.B.&amp;M. - LAND IRRIGATED IN IDAHO</b></p> <table border="1"> <thead> <tr> <th>SEC.</th> <th>TOWN-SHIP</th> <th>RANGE</th> <th>NE</th> <th>NW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> <th>SW</th> <th>NE</th> <th>NW</th> <th>SW</th> <th>SE</th> </tr> </thead> <tbody> <tr> <td>36</td> <td>T. 15 S.</td> <td>R. 2 E.</td> <td></td> <td></td> <td></td> <td></td> <td>1.90</td> <td></td> <td></td> <td></td> <td></td> <td>30.30</td> <td></td> <td></td> <td>4.70</td> <td>40.00</td> </tr> <tr> <td>31</td> <td>T. 15 S.</td> <td>R. 3 E.</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>14.80</td> <td></td> <td></td> <td></td> <td></td> <td>14.80</td> </tr> <tr> <td colspan="16" style="text-align: right;">TOTAL ACRES:</td> <td>207.00</td> </tr> </tbody> </table>									SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SW	NE	NW	SW	SE	36	T. 15 S.	R. 2 E.					1.90					30.30			4.70	40.00	31	T. 15 S.	R. 3 E.									14.80					14.80	TOTAL ACRES:																207.00
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SW	NE	NW	SW	SE																																																												
36	T. 15 S.	R. 2 E.					1.90					30.30			4.70	40.00																																																											
31	T. 15 S.	R. 3 E.									14.80					14.80																																																											
TOTAL ACRES:																207.00																																																											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	TRIBUTARY TO CIRCLE CREEK TRIBUTARY TO CIRCLE CREEK UNNAMED SPRING DUCK VALLEY CANAL DUCK VALLEY CANAL DUCK VALLEY CANAL DUCK VALLEY CANAL TRIB. TO BILLY SHAW SLOUGH DUCK VALLEY CANAL DUCK VALLEY CANAL DUCK VALLEY CANAL TRIB. TO SHEEP CREEK RES. DUCK VALLEY CANAL UNNAMED STREAM TRIBUTARY TO SHEEP CREEK THACKER SPRING UNNAMED SPRING UNNAMED SPRING GRANGER SPRING UNNAMED SPRING UNNAMED SPRING BARREL SPRING DUCK VALLEY CANAL DUCK VALLEY CANAL DUCK VALLEY CANAL SAGEBRUSH SPRING UNNAMED SPRING UNNAMED SPRING UNNAMED SPRING	SW $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 04, T. 46N., R. 50E., M. D. B. & M. NW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 11, T. 46N., R. 50E., M. D. B. & M. NW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 27, T. 46N., R. 50E., M. D. B. & M. NE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. SE $\frac{1}{2}$ NE $\frac{1}{2}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. NE $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ NE $\frac{1}{2}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 01, T. 46N., R. 51E., M. D. B. & M. SE $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 02, T. 46N., R. 51E., M. D. B. & M. SW $\frac{1}{2}$ NE $\frac{1}{2}$ , SEC. 08, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 11, T. 46N., R. 51E., M. D. B. & M. SW $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 12, T. 46N., R. 51E., M. D. B. & M. SW $\frac{1}{2}$ NE $\frac{1}{2}$ , SEC. 14, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ NE $\frac{1}{2}$ , SEC. 24, T. 46N., R. 51E., M. D. B. & M. SE $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 25, T. 46N., R. 51E., M. D. B. & M. NE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 26, T. 46N., R. 51E., M. D. B. & M. NW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 26, T. 46N., R. 51E., M. D. B. & M. SE $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 32, T. 46N., R. 51E., M. D. B. & M. SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 33, T. 46N., R. 51E., M. D. B. & M. SE $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 34, T. 46N., R. 51E., M. D. B. & M. SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 04, T. 46N., R. 52E., M. D. B. & M. NE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 05, T. 46N., R. 52E., M. D. B. & M. NW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 06, T. 46N., R. 52E., M. D. B. & M. NW $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 11, T. 46N., R. 52E., M. D. B. & M. NE $\frac{1}{2}$ NW $\frac{1}{4}$ , SEC. 11, T. 46N., R. 52E., M. D. B. & M. NE $\frac{1}{2}$ SW $\frac{1}{4}$ , SEC. 12, T. 46N., R. 52E., M. D. B. & M. NE $\frac{1}{2}$ SE $\frac{1}{2}$ , SEC. 13, T. 46N., R. 52E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877	0.02		







PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
R-08961 (CONT.)								
26	T. 47 N., R. 50 E.	X						STOCK POND
10	T. 47 N., R. 51 E.		X					THACKER RESERVOIR
18	T. 47 N., R. 51 E.	X						MANNING RESERVOIR
19	T. 47 N., R. 51 E.		X					SPENCER RESERVOIR
21	T. 47 N., R. 51 E.		X					STOCK POND
24	T. 47 N., R. 51 E.		X					STOCK POND
25	T. 47 N., R. 51 E.		X					STOCK PONDS
30	T. 47 N., R. 51 E.	X						STOCK POND
36	T. 47 N., R. 51 E.							BORROW PIT
11	T. 47 N., R. 52 E.	X						
14	T. 47 N., R. 52 E.	X						
19	T. 47 N., R. 52 E.		X					
23	T. 47 N., R. 52 E.							
24	T. 47 N., R. 52 E.	X						
32	T. 47 N., R. 52 E.	X						
7	T. 47 N., R. 53 E.		X					
9	T. 47 N., R. 53 E.	X						
10	T. 47 N., R. 53 E.	X						
15	T. 47 N., R. 53 E.		X					
26	T. 47 N., R. 53 E.	X						
35	T. 47 N., R. 53 E.	X						SPRING AND STOCK POND

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
R-08961 (CONT.)											
	DUCK VALLEY INDIAN RESERVATION	CIRCLE CREEK	SE 1/4 NE 1/4, SEC. 13, T. 46N., R. 50E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			26.00			
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
13	T. 46 N., R. 50 E.										CIRCLE CROSS RESERVOIR

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	TRIBUTARY TO SHEEP CREEK	SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 36, T.48N., R.50E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			135.60						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
36	T. 46 N., R. 50 E.								X					
									POKER FLAT RESERVOIR					
									REMARKS					
									PLACE OF USE 40 ACRE DESCRIPTIONS					
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13	T. 46 N., R. 51 E.										X			
									STOCK POND					
									REMARKS					

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.						
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	UNNAMED STREAM	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 23, T.46N., R.51E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			29.10						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
23	T. 46 N., R. 51 E.									X				
GRANGER SPRING RESERVOIR														
REMARKS														
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.						
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	TRIBUTARY TO SHEEP CREEK	NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 30, T.46N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			34.10						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
30	T. 46 N., R. 52 E.													X
STOCK POND														
REMARKS														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.																											
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	UNNAMED STREAM	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 16, T. 47N., R. 50E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			23.90																											
PLACE OF USE 40 ACRE DESCRIPTIONS																																			
SEC. 16	T. 47 N., R. 50 E.	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>RANGE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							X													RESERVATION FENCE RESERVOIR
RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																							
						X																													
REMARKS																																			
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.																											
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	CIRCLE CREEK	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 35, T. 47N., R. 50E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			89.00																											
PLACE OF USE 40 ACRE DESCRIPTIONS																																			
SEC. 35	T. 47 N., R. 50 E.	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>RANGE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> <td>NE</td> <td>NW</td> <td>SW</td> <td>SE</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							X												GROUND HOG RESERVOIR	
RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																							
						X																													
REMARKS																																			

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.					
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	TRIBUTARY TO BILLY SHAW SLOUGH	NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 20, T.47N., R.51E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			40.50					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
20	T. 47 N., R. 51 E.		X										
REMARKS													
SPENCER RESERVOIR													
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.					
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	BILLY SHAW SLOUGH	SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 34, T.47N., R.51E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877			23.90					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34	T. 47 N., R. 51 E.								X				
REMARKS													
COYOTE HOLE RESERVOIR													



R-08861 (CONT.)	<p>TRIBUTARY TO CIRCLE CREEK</p> <p>TRIBUTARY TO CIRCLE CREEK</p> <p>TRIBUTARY TO CIRCLE CREEK</p> <p>ROSS LAKE</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO SHEEP CREEK RES.</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO SHEEP CREEK RES.</p> <p>TRIB. TO SHEEP CREEK RES.</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO BILLY SHAW SLOUGH</p> <p>TRIB. TO N. FORK SKULL CREEK</p> <p>TRIB. TO N. FORK SKULL CREEK</p> <p>NORTH FORK SKULL CREEK</p> <p>TRIBUTARY TO SKULL CREEK</p> <p>TRIBUTARY TO SKULL CREEK</p> <p>TRIB. TO N. FORK SKULL CREEK</p> <p>NORTH FORK SKULL CREEK</p> <p>EAST FORK SKULL CREEK</p>	<p>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 21, T. 47N., R. 50E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 27, T. 47N., R. 50E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 33, T. 47N., R. 50E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 06, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 16, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 18, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 23, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 28, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 29, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 31, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 32, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SEC. 33, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 35, T. 47N., R. 51E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 17, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 19, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 21, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 27, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 28, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, SEC. 30, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, SEC. 32, T. 47N., R. 53E., M. D. B. &amp; M.</p> <p>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SEC. 34, T. 47N., R. 53E., M. D. B. &amp; M.</p>			
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R-08861 (CONT.)	NE				N.W				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33 T. 47 N., R. 50 E.	X																FUTURE STOCK POND
6 T. 47 N., R. 51 E.																	FUTURE STOCK POND
16 T. 47 N., R. 51 E.		X															FUTURE STOCK POND
18 T. 47 N., R. 51 E.																	FUTURE STOCK POND
23 T. 47 N., R. 51 E.																	FUTURE STOCK POND
28 T. 47 N., R. 51 E.					X												FUTURE STOCK POND
29 T. 47 N., R. 51 E.																	FUTURE STOCK POND
31 T. 47 N., R. 51 E.																	FUTURE STOCK POND
32 T. 47 N., R. 51 E.									X								FUTURE STOCK POND
33 T. 47 N., R. 51 E.																	FUTURE STOCK POND
35 T. 47 N., R. 51 E.																	FUTURE STOCK POND
17 T. 47 N., R. 53 E.										X							FUTURE STOCK POND
19 T. 47 N., R. 53 E.																	FUTURE STOCK POND
21 T. 47 N., R. 53 E.									X								FUTURE STOCK POND
27 T. 47 N., R. 53 E.																	FUTURE STOCK POND
28 T. 47 N., R. 53 E.														X			FUTURE STOCK POND
30 T. 47 N., R. 53 E.																	FUTURE STOCK POND
32 T. 47 N., R. 53 E.																	FUTURE STOCK POND
34 T. 47 N., R. 53 E.																X	FUTURE STOCK POND

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	GROUNDWATER GROUNDWATER GROUNDWATER GROUNDWATER	SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 13, T.46N., R.50E., M. D. B. & M. SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 30, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 11, T.47N., R.51E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 23, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & WILDLIFE APRIL 16, 1877	0.02									
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
13	T. 46 N., R. 50 E.					X									CIRCLE CREEK WELL DEEP WELL STATELINE WELL STOCK WELL
30	T. 47 N., R. 51 E.						X								
11	T. 47 N., R. 51 E.													X	
23	T. 47 N., R. 52 E.							X							
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION														CIRCLE CREEK INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
T.	N., R.	E.													THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SPRING CREEK	BEGINNING POINT: SE 1/4, SEC. 10, T. 46N., R. 50E., M. D. B. & M. ENDING POINT: NW 1/4, SEC. 33, T. 46N., R. 50E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02																																		
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">T.</td> <td style="width: 10%;">N.</td> <td style="width: 10%;">R.</td> <td style="width: 10%;">E.</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="background-color: #cccccc;">NE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> </tr> <tr> <td></td> </tr> </table> <p style="text-align: center;">THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.</p>									T.	N.	R.	E.											NE	NW	SW	SE	NW	SW	SE											
T.	N.	R.	E.																																					
				NE	NW	SW	SE	NW	SW	SE																														
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">T.</td> <td style="width: 10%;">N.</td> <td style="width: 10%;">R.</td> <td style="width: 10%;">E.</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="background-color: #cccccc;">NE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> </tr> <tr> <td></td> </tr> </table> <p style="text-align: center;">THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.</p>									T.	N.	R.	E.											NE	NW	SW	SE	NW	SW	SE											
T.	N.	R.	E.																																					
				NE	NW	SW	SE	NW	SW	SE																														
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SHEEP CREEK	BEGINNING POINT: SE 1/4, SEC. 34, T. 46N., R. 52E., M. D. B. & M. ENDING POINT: SW 1/4, SEC. 36, T. 46N., R. 50E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02																																		
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">T.</td> <td style="width: 10%;">N.</td> <td style="width: 10%;">R.</td> <td style="width: 10%;">E.</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="background-color: #cccccc;">NE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> <td style="background-color: #cccccc;">NW</td> <td style="background-color: #cccccc;">SW</td> <td style="background-color: #cccccc;">SE</td> </tr> <tr> <td></td> </tr> </table> <p style="text-align: center;">THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.</p>									T.	N.	R.	E.											NE	NW	SW	SE	NW	SW	SE											
T.	N.	R.	E.																																					
				NE	NW	SW	SE	NW	SW	SE																														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	BILLY SHAW SLOUGH	BEGINNING POINT: SW¼, SEC. 34, T.47N., R.51E., M. D. B. & M. ENDING POINT: SW¼, SEC. 03, T.47N., R.51E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SW	SE
	T.	N.	R.	E.								
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.												
REMARKS												
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	BOYLE CREEK	BEGINNING POINT: NW¼, SEC. 13, T.47N., R.52E., M. D. B. & M. ENDING POINT: SW¼, SEC. 01, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SW	SE
	T.	N.	R.	E.								
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.												
REMARKS												

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SOUTH FORK BOYLE CREEK	BEGINNING POINT: NE¼, SEC. 24, T.47N., R.52E., M. D. B. & M. ENDING POINT: SE¼, SEC. 03, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SKULL CREEK	BEGINNING POINT: SE¼, SEC. 04, T.47N., R.53E., M. D. B. & M. ENDING POINT: NE¼, SEC. 06, T.46N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	NORTH FORK SKULL CREEK	BEGINNING POINT: SE ¼, SEC. 16, T. 47N., R. 53E., M. D. B. & M. ENDING POINT: SE ¼, SEC. 31, T. 47N., R. 53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	EAST FORK SKULL CREEK	BEGINNING POINT: NW ¼, SEC. 35, T. 47N., R. 53E., M. D. B. & M. ENDING POINT: SE ¼, SEC. 32, T. 47N., R. 53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	REED CREEK	BEGINNING POINT: NW¼, SEC. 02, T.46N., R.53E., M. D. B. & M. ENDING POINT: SE¼, SEC. 07, T.46N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SUMMIT CREEK	BEGINNING POINT: SW¼, SEC. 35, T.46N., R.52E., M. D. B. & M. ENDING POINT: NE¼, SEC. 18, T.46N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
	T.	N.	R.	E.							
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											
REMARKS											

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	FAWN CREEK	BEGINNING POINT: SW¼, SEC. 31, T.46N., R.53E., M. D. B. & M. ENDING POINT: SE¼, SEC. 17, T.46N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SW	SE
	T.	N.	R.	E.								
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.												
REMARKS												
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	JONES CREEK	BEGINNING POINT: NW¼, SEC. 14, T.46N., R.53E., M. D. B. & M. ENDING POINT: NE¼, SEC. 21, T.46N., R.53E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02						
PLACE OF USE 40 ACRE DESCRIPTIONS												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SW	SE
	T.	N.	R.	E.								
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.												
REMARKS												

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER	BEGINNING POINT: NW¼, SEC. 26, T.46N., R.53E., M. D. B. & M. ENDING POINT: SW¼, SEC. 04, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	INSTREAM FLOW FOR STOCK WATER APRIL 16, 1877	0.02		
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC.	TOWN-SHIP	RANGE	NE NW SW SE		NE NW SW SE		NE NW SW SE	
	T.	N., R.	E.					
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.								
REMARKS								

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	LAKE LEVEL MAINTENANCE OF MOUNTAIN VIEW RESERVOIR FOR IRRIGATION LIVESTOCK RECREATION WILDLIFE & FISH APRIL 16, 1877			2276.00
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC.	TOWN-SHIP	RANGE	NE NW SW SE		NE NW SW SE		NE NW SW SE	
1	T. 16 S.	R. 2 E.						
12	T. 16 S.	R. 2 E.	X	X	X	X	X	X
13	T. 16 S.	R. 2 E.	X	X	X	X	X	X
7	T. 16 S.	R. 3 E.			X	X	X	X
18	T. 16 S.	R. 3 E.	X	X	X	X	X	X
REMARKS								

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.		
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T. 47N., R. 52E., M. D. B. & M.	JAN. 1 TO DEC. 31	LAKE LEVEL MAINTENANCE OF BILLY SHAW RESERVOIR FOR IRRIGATION WILDLIFE & FISH APRIL 16, 1877			1313.00		
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E	
			NE	NW	SW	SE	NE	NW	SW	SE
15	T. 47 N., R. 51 E.						X	X	X	X
21	T. 47 N., R. 51 E.		X	X	X	X				
22	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
27	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
34	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
REMARKS										
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.		
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T. 47N., R. 52E., M. D. B. & M.	JAN. 1 TO DEC. 31	LAKE LEVEL MAINTENANCE OF SHEEP CREEK RESERVOIR FOR LIVESTOCK RECREATION WILDLIFE & FISH APRIL 16, 1877			2784.00		
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E	
			NE	NW	SW	SE	NE	NW	SW	SE
16	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
21	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
28	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
29	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
REMARKS										

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW 1/4 SE 1/4 SW 1/4, SEC. 36, T. 47N., R. 52E., M. D. B. & M.	JAN. 1 TO DEC. 31	LAKE LEVEL MAINTENANCE OF GROUNDWATER RECHARGE PONDS FOR IRRIGATION APRIL 16, 1877			1069.00						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12	T. 47 N., R. 51 E.		X	X	X	X					X	X	X	X
13	T. 47 N., R. 51 E.		X	X	X	X					X	X	X	X
7	T. 47 N., R. 52 E.										X	X	X	X
17	T. 47 N., R. 52 E.										X	X	X	X
18	T. 47 N., R. 52 E.		X	X	X	X					X	X	X	X
19	T. 47 N., R. 52 E.		X	X	X	X					X	X	X	X
REMARKS														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																			
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SE 1/4 NE 1/4 SE 1/4, SEC. 08, T. 43N., R. 56E., M. D. B. & M.	JAN. 1 TO DEC. 31	LAKE LEVEL MAINTENANCE OF WILD HORSE RESERVOIR FOR IRRIGATION, DCM, HYDROPOWER GENERATION, RECREATION, FISH, LIVESTOCK & WILDLIFE APRIL 16, 1877			14966.00																			
PLACE OF USE 40 ACRE DESCRIPTIONS																											
SEC.	TOWNSHIP	RANGE	NE			NW			SE			SW			NE			NW			SE			SW			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	T. 43 N., R. 55 E.						X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
5	T. 43 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
6	T. 43 N., R. 55 E.		X	X	X	X																					
25	T. 44 N., R. 54 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
29	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
30	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
31	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
32	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
33	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
REMARKS																											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW 1/4 SE 1/4 SW 1/4, SEC. 36, T. 47N., R. 52E., M. D. B. & M.	JAN. 1 TO DEC. 31	RESERVOIR STORAGE, MAINTENANCE OF MOUNTAIN VIEW RESERVOIR FOR IRRIGATION LIVESTOCK RECREATION WILDLIFE & FISH APRIL 16, 1877			7115.00						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	N E			N W			S W			S E		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
1	T. 16 S. R. 2 E.													
12	T. 16 S. R. 2 E.		X	X	X	X	X	X	X	X	X	X	X	X
13	T. 16 S. R. 2 E.		X	X	X	X								
7	T. 16 S. R. 3 E.						X	X	X	X				
18	T. 16 S. R. 3 E.		X	X	X	X	X	X	X	X	X	X	X	X
REMARKS														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.		
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.		RESERVOIR STORAGE, MAINTENANCE OF BILLY SHAW RESERVOIR FOR IRRIGATION WILDLIFE & FISH APRIL 16, 1877			3300.00		
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E	
			NE	NW	SW	SE	NE	NW	SW	SE
15	T. 47 N., R. 51 E.						X	X	X	X
21	T. 47 N., R. 51 E.		X	X	X	X				
22	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
27	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
34	T. 47 N., R. 51 E.		X	X	X	X	X	X	X	X
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E	
			NE	NW	SW	SE	NE	NW	SW	SE
16	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
21	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
28	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
29	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
PLACE OF USE 40 ACRE DESCRIPTIONS										
PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.		
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.		RESERVOIR STORAGE, MAINTENANCE OF SHEEP CREEK RESERVOIR FOR LIVESTOCK RECREATION WILDLIFE & FISH APRIL 16, 1877			8000.00		
PLACE OF USE 40 ACRE DESCRIPTIONS										
SEC.	TOWN-SHIP	RANGE	N E		N W		S W		S E	
			NE	NW	SW	SE	NE	NW	SW	SE
16	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
21	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
28	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X
29	T. 46 N., R. 51 E.		X	X	X	X	X	X	X	X

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SW¼SE¼SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M.		RESERVOIR STORAGE, MAINTENANCE OF GROUNDWATER FOR IRRIGATION RECHARGE PONDS APRIL 16, 1877			38167.00						
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE			NW			SW			SE		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12	T. 47 N., R. 51 E.		X	X	X	X					X	X	X	X
13	T. 47 N., R. 51 E.		X	X	X	X								
7	T. 47 N., R. 52 E.						X	X	X	X				
17	T. 47 N., R. 52 E.						X	X	X	X				
18	T. 47 N., R. 52 E.		X	X	X	X	X	X	X	X	X	X	X	X
19	T. 47 N., R. 52 E.		X	X	X	X					X	X	X	X
REMARKS														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																		
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER CHINA DIVERSION NEVADA	SE 1/4 NE 1/4 SE 1/4, SEC. 08, T. 43N., R. 56E., M. D. B. & M.		LAKE LEVEL MAINTENANCE OF WILD HORSE RESERVOIR FOR IRRIGATION, DCM, HYDROPOWER GENERATION, RECREATION, FISH, LIVESTOCK & WILDLIFE APRIL 16, 1877			73500.00																		
PLACE OF USE 40 ACRE DESCRIPTIONS																										
SEC.	TOWNSHIP	RANGE	NE			NW			SE			SW			NE			NW			SE			SW		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
4	T. 43 N., R. 55 E.						X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5	T. 43 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
6	T. 43 N., R. 55 E.		X	X	X	X																				
25	T. 44 N., R. 54 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
29	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
30	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
31	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
33	T. 44 N., R. 55 E.		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

REMARKS

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	REED CREEK	BEGINNING POINT: NW¼, SEC. 10, T.46N., R.53E., M. D. B. & M. ENDING POINT: SE¼, SEC. 07, T.46N., R.53E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	0.40 0.50 1.40 3.90 3.90 1.80 0.50 0.30 0.20 0.20 0.20 0.30								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N.	R.	E.										
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
REMARKS														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	FAWN CREEK	BEGINNING POINT: SW¼, SEC. 30, T.46N., R.53E., M. D. B. & M. ENDING POINT: SW¼, SEC. 17, T.46N., R.53E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	0.80 1.20 3.00 4.60 4.60 3.80 1.00 0.60 0.40 0.30 0.50 0.60								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
									REMARKS					

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	SKULL CREEK	BEGINNING POINT: SE 1/4, SEC. 31, T. 47N., R. 53E., M. D. B. & M. ENDING POINT: NE 1/4, SEC. 06, T. 46N., R. 53E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	1.10 1.60 4.10 5.80 5.80 5.30 1.40 0.80 0.60 0.50 0.60 0.80								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N.	R.	E.										
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
									REMARKS					

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER FROM RESERVATION BOUNDARY TO REED CREEK	BEGINNING POINT: NW 1/4, SEC. 26, T. 46N., R. 53E., M. D. B. & M. ENDING POINT: SE 1/4, SEC. 07, T. 46N., R. 53E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	69.00 78.30 78.30 60.30 60.30 60.30 78.30 50.00 37.00 30.00 40.00 52.00								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N.	R.	E.										
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
REMARKS														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER FROM REED CREEK TO SE $\frac{1}{4}$ /NE $\frac{1}{4}$ /NW $\frac{1}{4}$ , SEC. 7, T.46N., R.53E., M.D.B. & M.	BEGINNING POINT: SE $\frac{1}{4}$ , SEC. 07, T.46N., R.53E., M. D. B. & M. ENDING POINT: NW $\frac{1}{4}$ , SEC. 07, T.46N., R.53E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	43.90 43.90 43.90 49.20 49.20 43.90 37.20 30.20 40.20 43.90								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
REMARKS														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER FROM SE $\frac{1}{4}$ /NE $\frac{1}{4}$ /NW $\frac{1}{4}$ SEC. 7, T.46N., R.53E. M.D.B.&M. TO CHINA DAM	BEGINNING POINT: NW $\frac{1}{4}$ , SEC. 07, T.46N., R.53E., M. D. B. & M. ENDING POINT: SW $\frac{1}{4}$ , SEC. 36, T.47N., R.52E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	69.40 101.50 104.70 89.20 89.20 89.20 86.50 50.30 37.20 30.20 40.20 52.30								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
									REMARKS					

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER FROM CHINA DAM TO THE IDAHO/NEVADA STATE LINE	BEGINNING POINT: SW¼, SEC. 36, T.47N., R.52E., M. D. B. & M. ENDING POINT: SW¼, SEC. 04, T.47N., R.52E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	41.20 41.20 41.20 14.50 14.50 41.20 41.20 41.20 34.00 41.20 41.20								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
REMARKS														

**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	DUCK VALLEY CANAL	BEGINNING POINT: NW¼, SEC. 11, T.46N., R.51E., M. D. B. & M. ENDING POINT: NE¼, SEC. 16, T.46N., R.51E., M. D. B. & M.	JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER	INSTREAM FLOW FOR FISH APRIL 16, 1877	6.70 6.70 6.70 8.40 8.40 8.40 6.70 6.70 6.70 6.70 6.70 6.70								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	T.	N., R.	E.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.														
REMARKS														

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	UNDERGROUND	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 28, T.46N., R.51E., M. D. B. & M. SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 28, T.46N., R.51E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 02, T.46N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 02, T.46N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 02, T.46N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 02, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 02, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 03, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 04, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 04, T.46N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 05, T.46N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 05, T.46N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 06, T.46N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 05, T.47N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 07, T.47N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 08, T.47N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SEC. 09, T.47N., R.52E., M. D. B. & M. NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SEC. 09, T.47N., R.52E., M. D. B. & M. NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SEC. 09, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	DOMESTIC APRIL 16, 1877	0.02		





**PRELIMINARY ORDER OF DETERMINATION  
EAST FORK OWYHEE RIVER**

R-08861 (CONT.)	UNDERGROUND	SE¼NE¼SE¼, SEC. 33, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NW¼NW¼SW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼NE¼NW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼NW¼NE¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NW¼NE¼NE¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼NE¼SW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SE¼SE¼NW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SE¼NW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SE¼SW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SW¼SE¼SE¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NW¼SE¼SE¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SW¼NE¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SW¼NW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SE¼SW¼SW¼, SEC. 34, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SE¼NE¼NW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SE¼NW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SE¼NE¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NE¼SW¼NE¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SW¼NW¼NE¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NW¼NW¼NW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	NW¼NW¼SW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SE¼SE¼NE¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SW¼NW¼SE¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SW¼SW¼NW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				
	UNDERGROUND	SW¼SW¼SW¼, SEC. 35, T.47N., R.52E., M.D.B. & M.				



# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
R-08961 (CONT.)	DUCK VALLEY INDIAN RESERVATION	UNDERGROUND	NW¼SE¼NE¼, SEC. 15, T.47N., R.52E., M. D. B. & M.	JAN. 1 TO DEC. 31	MUNICIPAL APRIL 16, 1877			58.00					
		UNDERGROUND	SW¼SE¼NE¼, SEC. 15, T.47N., R.52E., M. D. B. & M.					58.00					
		UNDERGROUND	SW¼SW¼SW¼, SEC. 23, T.47N., R.52E., M. D. B. & M.					55.00					
		UNDERGROUND	NE¼NW¼SE¼, SEC. 26, T.47N., R.52E., M. D. B. & M.					4.00					
		UNDERGROUND	NE¼NW¼SE¼, SEC. 26, T.47N., R.52E., M. D. B. & M.					4.00					
		UNDERGROUND	SE¼SW¼NE¼, SEC. 26, T.47N., R.52E., M. D. B. & M.					16.00					
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
15	T. 47 N., R. 52 E.				X								
23	T. 47 N., R. 52 E.							X					
26	T. 47 N., R. 52 E.				X							X	
PRESENT MUNICIPALGROUNDWATER USE - OWYHEE BASIN @ 195 AF.													
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
8	T. 47 N., R. 52 E.												
DOMESTIC WELLS ARE IN VARIOUS LOCATIONS WITHIN THE OWYHEE RIVER BASIN 3.472 RURAL GROUNDWATER CLAIMS IN THE OWYHEE RIVER BASIN. (180 EXISTING WELLS, 3.292 FUTURE WELLS).													

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																										
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	GROUNDWATER WELLS	VARIOUS LOCATIONS WITHIN THE OWYHEE RIVER BASIN		MUNICIPAL APRIL 16, 1877			805.00																																																										
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">SEC.</th> <th rowspan="2">TOWN-SHIP</th> <th rowspan="2">RANGE</th> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> </tr> <tr> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>T. 47 N.</td> <td>R. 52 E.</td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> </tr> </tbody> </table> <p style="text-align: center;">MUNICIPAL WELLS ARE IN VARIOUS LOCATIONS WITHIN THE OWYHEE RIVER BASIN GROUNDWATER FOR FUTURE MUNICIPAL USE IN OWYHEE BASIN @ 805 AF.</p>									SEC.	TOWN-SHIP	RANGE	NE				NW				SW				SE				NE	NW	SW	SE	8	T. 47 N.	R. 52 E.																																
SEC.	TOWN-SHIP	RANGE	NE				NW					SW				SE																																																		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																																																
8	T. 47 N.	R. 52 E.																																																																
REMARKS																																																																		
R-08861 (CONT.)	DUCK VALLEY INDIAN RESERVATION	OWYHEE RIVER	SE 1/4 NW 1/4, SEC. 26, T. 46N., R. 53E., M. D. B. & M.		INDUSTRIAL APRIL 16, 1877			464.00																																																										
<p style="text-align: center;">PLACE OF USE 40 ACRE DESCRIPTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">SEC.</th> <th rowspan="2">TOWN-SHIP</th> <th rowspan="2">RANGE</th> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> </tr> <tr> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> </tr> </thead> <tbody> <tr> <td>T. N., R. E.</td> <td></td> <td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> </tr> </tbody> </table> <p style="text-align: center;">VARIOUS LOCATIONS WITHIN THE OWYHEE RIVER BASIN</p>									SEC.	TOWN-SHIP	RANGE	NE				NW				SW				SE				NE	NW	SW	SE	T. N., R. E.																																		
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
V-09406	BETTY J. CORBARI AS TRUSTEE OF THE CORBARI CREDIT SHELTER TRUST	HOT CREEK SPRINGS & TRIBUTARIES	SE 1/4 SE 1/4, SEC. 4, T. 43N., R. 55E., M. D. B. & M., BEARS N 54° 55' 00" W, 1,208.00 FT. FROM THE SE COR. OF SAID SEC. 4.	MAR. 1 TO NOV. 30	STOCK WATER 1877	0.0094												
PLACE OF USE 40 ACRE DESCRIPTIONS																		
4	T. 43 N., R. 55 E.	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X	X	X	X
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																		
V-09460	5 C LIVING TRUST, GARY CARRIGAN, TRUSTEE	UNNAMED SPRING	NW 1/4 SW 1/4, SEC. 35, T. 44N., R. 55E., M. D. B. & M., BEARS N 69° 51' 44" E, 4,078.04 FT. FROM THE NW 1/4 COR. OF SEC. 3, T. 43N., R. 55E., M. D. B. & M.	MAR. 15 TO NOV. 30	STOCK WATER 1877	0.02421												
PLACE OF USE 40 ACRE DESCRIPTIONS																		
35	T. 44 N., R. 55 E.	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X	X	X	X
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.																		







# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
V-09467	5 C LIVING TRUST, GARY CARRIGAN, TRUSTEE	UNNAMED SPRING	NE½SW¼, SEC. 36, T. 44N., R. 55E., M. D. B. & M., BEARS N.80°09'36"E. 11,029.20 FT. FROM THE N¼ COR. OF SEC. 3, T. 43N., R. 55E., M. D. B. & M.	MAR. 15 TO NOV. 30	STOCK WATER 1877	0.02421					
PLACE OF USE 40 ACRE DESCRIPTIONS											
36	T. 44 N., R. 55 E.										
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
								X			
REMARKS											
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											
V-09468	5 C LIVING TRUST, GARY CARRIGAN, TRUSTEE	HANKS CREEK	NE¼NE¼, SEC. 3, T. 42N., R. 55E., M. D. B. & M., BEARS S.80°09'36"W. 11,029.20 FT. FROM THE N¼ COR. OF SEC. 3, T. 43N., R. 55E., M. D. B. & M. SW¼NE¼, SEC. 33, T. 43N., R. 55E., M. D. B. & M.	MAR. 15 TO NOV. 30	STOCK WATER 1877	0.02421					
PLACE OF USE 40 ACRE DESCRIPTIONS											
3	T. 42 N., R. 55 E.										
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE
								X			
REMARKS											
REFER TO MAP AND PROOFS V-06811-2. STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT, ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F. STOCK WATER PP. 11-12.											
THE PLACE OF USE IS DESCRIBED AS THE ENTIRE REACH OF THE STREAM BETWEEN THE DESCRIBED POINTS OF DIVERSION.											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
V-09469	5 C LIVING TRUST, GARY CARRIGAN, TRUSTEE	UNNAMED SPRING	NE¼SW¼, SEC. 2, T.43N., R.55E., M. D. B. & M.,	MAR. 15 TO NOV. 30	STOCK WATER 1877	0.02421								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
2	T. 43 N., R. 55 E.											X		
REMARKS														
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.														
V-09470	5 C LIVING TRUST, GARY CARRIGAN, TRUSTEE	HOT CREEK	S¼SW¼, SEC. 3, T.43N., R.55E., M. D. B. & M.,	MAR. 15 TO NOV. 30	STOCK WATER 1877	0.02421								
PLACE OF USE 40 ACRE DESCRIPTIONS														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
3	T. 43 N., R. 55 E.												X	X
REMARKS														
STOCK WATERING IS ACCEPTED AS SET FORTH IN THE SETTLEMENT AGREEMENT. ATTACHED AS APPENDIX A, AS DESCRIBED UNDER ARTICLE V, § 1.F., STOCK WATER PP. 11-12.														

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																							
PERMIT 2531 CERT. 276	UNITED STATES OF AMERICA - FOREST SERVICE	PENROD CREEK	SE 1/4 NE 1/4 SEC. 32, T. 45N., R. 56E., M. D. B. & M.	MAY 1 TO OCT. 1	IRRIGATION OCT. 18, 1912	0.325	2.8	74.5																																																							
PLACE OF USE 40 ACRE DESCRIPTIONS																																																															
SEC. 32	T. 45 N., R. 56 E.	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">RANGE</th> <th colspan="2">NE</th> <th colspan="2">NW</th> <th colspan="2">SW</th> <th colspan="2">SE</th> </tr> <tr> <td>NE</td><td>NW</td><td>SW</td><td>SE</td><td>NE</td><td>NW</td><td>SW</td><td>SE</td><td>NE</td><td>NW</td><td>SW</td><td>SE</td> </tr> <tr> <td></td><td></td><td>7.63</td><td>2.87</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	RANGE		NE		NW		SW		SE		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			7.63	2.87									<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">SW</th> <th colspan="2">NW</th> <th colspan="2">SE</th> </tr> <tr> <td>SW</td><td>NW</td><td>SW</td><td>NW</td><td>SE</td><td>SE</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>1.90</td><td>14.20</td> </tr> </table>	SW		NW		SE		SW	NW	SW	NW	SE	SE					1.90	14.20	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">SE</th> </tr> <tr> <td>SE</td><td>SE</td> </tr> <tr> <td></td><td>26.60</td> </tr> </table>	SE		SE	SE		26.60	WATER ALSO USED FOR DOMESTIC PURPOSES CERTIFICATE WAS ISSUED ON DEC. 7, 1916. = ACREAGE REDUCED PER FIELD INVESTIGATION OF JULY 28, 1997.
RANGE		NE		NW		SW		SE																																																							
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PLACE OF USE 40 ACRE DESCRIPTIONS																																																															
PERMIT 2562 CERT. 14070	HOLLAND RANCH PARTNERSHIP	DRY LAKE CREEK	NW 1/4 NW 1/4 SEC. 15, T. 42N., R. 55E., M. D. B. & M. S. 86°00'00"E; 2850.0 FT. FROM THE S 1/4 COR. OF SEC. 9, T. 42N., R. 55E., M. D. B. & M.	MAY 15 TO OCT. 1	IRRIGATION NOV. 20, 1912	1.00	1.8	53.66																																																							
PLACE OF USE 40 ACRE DESCRIPTIONS																																																															
SEC. 9	T. 42 N., R. 55 E.	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">RANGE</th> <th colspan="2">NE</th> <th colspan="2">NW</th> <th colspan="2">SW</th> <th colspan="2">SE</th> </tr> <tr> <td>NE</td><td>NW</td><td>SW</td><td>SE</td><td>NE</td><td>NW</td><td>SW</td><td>SE</td><td>NE</td><td>NW</td><td>SW</td><td>SE</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>15.10</td><td>7.69</td><td>1.04</td><td>1.61</td><td></td><td></td><td></td><td></td> </tr> </table>	RANGE		NE		NW		SW		SE		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					15.10	7.69	1.04	1.61					<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">SW</th> <th colspan="2">NW</th> <th colspan="2">SE</th> </tr> <tr> <td>SW</td><td>NW</td><td>SW</td><td>NW</td><td>SE</td><td>SE</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>3.06</td><td>1.31</td> </tr> </table>	SW		NW		SE		SW	NW	SW	NW	SE	SE					3.06	1.31	<table border="1" style="width: 100%; text-align: center;"> <tr> <th colspan="2">SE</th> </tr> <tr> <td>SE</td><td>SE</td> </tr> <tr> <td></td><td>29.81</td> </tr> </table>	SE		SE	SE		29.81	CERTIFICATE WAS ISSUED ON JAN. 27, 1995 = ACREAGE REDUCED PER FIELD INVESTIGATIONS
RANGE		NE		NW		SW		SE																																																							
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																																																				
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.				
PERMIT 6517 CERT. 3989	ARCHIE F. CORBARI, JR.	DEEP CREEK	SW 1/4 SW 1/4 SEC. 22, T. 43N., R. 54E., M. D. B. & M. N. 03°52' E. 400.00 FT. FROM THE SW COR. OF SAID SEC. 22	APR. 1 TO SEPT. 1	IRRIGATION NOV. 21, 1913	5.60	2.80 1.8	386.652 356.652				
PLACE OF USE												
40 ACRE DESCRIPTIONS												
HAY MEADOW												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	ACRES PER SECT.
14	T. 43 N., R. 54 E.											28.91
22	T. 43 N., R. 54 E.		0.60		12.57	35.59					13.74	94.54
23	T. 43 N., R. 54 E.						14.64				8.98	14.84
HAY MEADOW ACRES: 138.09												
DIVERSIFIED PASTURE												
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	SE	ACRES PER SECT.
14	T. 43 N., R. 54 E.		29.10								28.00	81.86
22	T. 43 N., R. 54 E.		0.13	4.41			1.70	23.43	25.04		24.03	116.08
23	T. 43 N., R. 54 E.					0.20						0.20
DIV. PASTURE ACRES: 198.14												
TOTAL ACRES: 336.23												
ACREAGE CLASSIFICATION AND AMOUNTS BASED ON FIELD INVESTIGATIONS									REMARKS			
									CERTIFICATE WAS ISSUED ON NOV. 27, 1953 ACREAGE REDUCED BY THE STATE ENGINEER			

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
PERMIT 8415 CERT. 2157	JOHN & MARJORIE VIPHAM	TRAIL CREEK AND TRIBUTARIES	NE 1/4 SE 1/4 SEC. 16, T. 44N., R. 53E., M. D. B. & M. S. 20°40' W. 3433.00 FT. FROM THE NE COR. OF SAID SEC. 16	APR. 1 TO AUG 15	IRRIGATION DEC. 30, 1927	1.37	2.8	29.18			
PLACE OF USE											
40 ACRE DESCRIPTIONS											
HAY MEADOW											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.
10	T. 44 N., R. 53 E.										5.17
11	T. 44 N., R. 53 E.						1.97		3.28		5.25
TOTAL ACRES: 10.42											
ACREAGE CLASSIFICATION AND AMOUNTS BASED ON FIELD INVESTIGATIONS									REMARKS		
									CERTIFICATE WAS ISSUED ON NOV. 23, 1935 ACREAGE WAS REDUCED AFTER NEGOTIATIONS WITH THE VIPHAMS.		

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.									
9651 CERT. 2264	U.S. FOREST SERVICE	UNNAMED SPRING	SW 1/4 SW 1/4 SEC. 33, T.45N., R.56E., M. D. B. & M. N.31°35' E. 1218.00 FT. FROM THE SW COR. OF SAID SEC. 33	APR. 1 TO OCT. 1	IRRIGATION & DOMESTIC OCT. 27, 1931	0.025	2.8	0.70									
PLACE OF USE																	
40 ACRE DESCRIPTIONS																	
HAY MEADOW																	
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	ACRES PER SECT.	REMARKS	
32	T. 43 N., R. 54 E.					0.25											
TOTAL ACRES:															0.25		
TOTAL ACRES:															0.25		
CERTIFICATE WAS ISSUED ON SEPT. 16, 1936																	

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
APP. 23420	LORRAINE E. IRLAND	A SPRING	NE 1/4 SW 1/4 SEC. 10, T. 44N., R. 53E., M. D. B. & M. N. 18°28' W. 2,259.30 FT. FROM THE S 1/4 CORNER OF SAID SEC. 10.	JAN. 1 TO DEC. 31	STOCK WATER & DOMESTIC SEPT. 28, 1966	0.10		
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 10	TOWN-SHIP T. 44 N., R. 53 E.	RANGE NE NW SW SE	NE NW SW SE	NW SW SE	SW SW SE	SE SE	SE SE	
300 CATTLE ARE PROPOSED TO BE WATERED WITHIN H.E.S. 74.								
APPLICATION READY FOR ACTION MAY 1, 1967								
REMARKS								
PERMIT NO. 24724 CERT. 8176	DONALD AND BARBARA WELLINGTON	UNNAMED SPRING NO. 2	NE 1/4 SE 1/4 SEC. 32, T. 45N., R. 56E., M. D. B. & M. N. 57°50' E. 2840.08 FT. FROM THE S 1/4 COR. OF SAID SEC. 32.	JAN. 1 TO DEC. 31	STOCK WATER OCT. 17, 1968	0.0003125	NA	
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 32	TOWN-SHIP T. 45 N., R. 56 E.	RANGE NE NW SW SE	NE NW SW SE	NW SW SE	SW SW SE	SE SE	SE SE	
CERTIFICATE WAS ISSUED ON NOVEMBER 9, 1973								
SUFFICIENT WATER FOR 10 HORSES.								
REMARKS								





PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																						
PERMIT 30054 CERT. 10965	ARCHE F. CORBARI, JR.	UNDERGROUND	SE 1/4 NE 1/4 SEC. 17, T. 43N., R. 55E., M. D. B. & M. S. 33°30'00"E. 2634.48 FT. FROM THE N 1/4 COR. OF SAID SEC. 17	JAN. 1 TO DEC. 31	QUASI-MUNICIPAL MAR. 5, 1977	0.05	NA	0.025 MILLION GALLONS ANNUALLY																																																						
PLACE OF USE 40 ACRE DESCRIPTIONS																																																														
SEC. 17	T. 43 N., R. 55 E.	<table border="1" style="display: inline-table; text-align: center;"> <tr><td>NE</td><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td>X</td><td></td><td></td><td>X</td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NE</td><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td></td><td></td><td></td><td></td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td></td><td></td><td></td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td></td><td></td><td></td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NE</td><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td>X</td><td></td><td></td><td>X</td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NE</td><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td></td><td></td><td></td><td></td></tr> </table> <table border="1" style="display: inline-table; text-align: center;"> <tr><td>NE</td><td>NW</td><td>SW</td><td>SE</td></tr> <tr><td></td><td></td><td></td><td></td></tr> </table>	NE	NW	SW	SE	X			X	NE	NW	SW	SE					NW	SW	SE				NW	SW	SE				NE	NW	SW	SE	X			X	NE	NW	SW	SE					NE	NW	SW	SE												
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# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.										
30189	NEVADA DIVISION OF STATE PARKS	OWYHEE RIVER AND TRIBUTARIES WILDHORSE RESERVOIR	NE 1/4 NW 1/4 SEC. 25, T. 44N., R. 54E., M. D. B. & M. S. 86701/34"W., 9071.32 FT. FROM THE NE COR. OF SEC. 30, T. 44N., R. 55E., M. D. B. & M.	JAN. 1 TO DEC. 31	RECREATION APR. 23, 1976		NA	72000.00										
<b>PLACE OF USE</b>																		
<b>40 ACRE DESCRIPTIONS</b>																		
SEC.	TOWN-SHIP	RANGE	PLACE OF USE												REMARKS			
			N			E			S			W						
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	S	E	SW	SE
17	T. 44 N., R. 55 E.								X						X			
19	T. 44 N., R. 55 E.																	
20	T. 44 N., R. 55 E.																	
27	T. 44 N., R. 55 E.																	
28	T. 44 N., R. 55 E.																	
29	T. 44 N., R. 55 E.																	
30	T. 44 N., R. 55 E.																	
31	T. 44 N., R. 55 E.																	
32	T. 44 N., R. 55 E.																	
33	T. 44 N., R. 55 E.																	
25	T. 44 N., R. 54 E.																	
36	T. 44 N., R. 54 E.																	
4	T. 43 N., R. 55 E.																	
5	T. 43 N., R. 55 E.																	
6	T. 43 N., R. 55 E.																	
8	T. 43 N., R. 55 E.																	
9	T. 43 N., R. 55 E.																	
17	T. 43 N., R. 55 E.																	

PROOF OF BENEFICIAL USE WAS RECEIVED ON OCTOBER 13, 1987.

THIS PERMIT IS ISSUED FOR RECREATION PURPOSES FOR THE WATERS STORED IN WILDHORSE RESERVOIR.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
PERMIT 30740 CERT. 10825	ARCHIE F. CORBARI, JR.	UNDERGROUND WELL NO. 3	SE 1/4 NE 1/4 SEC. 17, T. 43N., R. 55E., M. D. B. & M. S. 29°19'00"E. 2871.0 FT. FROM THE N 1/4 COR. OF SAID SEC. 17.	JAN. 1 TO DEC. 31	QUASI-MUNICIPAL OCT. 12, 1976	0.074	NA	0.874 MILLION GALLONS ANNUALLY					
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	SE	SW	SE	NW	SW	SE	SW	SE	SW	SE
17	T. 43 N., R. 55 E.		X								X		X
REMARKS													
CERTIFICATE WAS ISSUED ON DECEMBER 13, 1983.													
WATER IS USED WITHIN A STORE, TWO BATHROOMS, BAR, SERVICE STATION, CASINO, 40 UNIT MOTEL AND 100 OVERNIGHT CAMPER SPACES.													
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
APP. 30757	LARRY R. AND PATRICIA OTHEIM	OTHEIM SPRINGS	NE 1/4 NW 1/4 SEC. 16, T. 44N., R. 53E., M. D. B. & M. N. 25°02'32"E. 4,802.02 FT. FROM THE SW CORNER OF SAID SEC. 16.	APR. 1 TO DEC. 1	IRRIGATION & DOMESTIC OCT. 18, 1976	1.00							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	SE	SW	SE	NW	SW	SE	SW	SE	SW	SE
16	T. 44 N., R. 53 E.												
REMARKS													
ACRES PER SECT.													
3.264 ACRES ARE PROPOSED TO BE IRRIGATED WITHIN THE DELINEATED QUARTER SECTION(S).													
APPLICATION READY FOR ACTION JANUARY 22, 1977													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
PERMIT 34900 CERT. 11228	WILDHORSE CATTLE COMPANY	UNDERGROUND	NE 1/4 SE 1/4 SEC. 7, T. 43N., R. 55E., M. D. B. & M. N. 24°49'21"W. 1609.92 FT. FROM THE SE COR. OF SAID SEC. 7	JAN. 1 TO DEC. 31	STOCK WATER JAN. 20, 1978	0.013	NA	2.92 MILLION GALLONS ANNUALLY
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 7	TOWN-SHIP T. 43 N., R. 55 E.	RANGE NE NW SW SE NE NW SW SE NE NW SW SE	NW SW SE NE NW SW SE NE NW SW SE	SE NE NW SW SE				
CERTIFICATE WAS ISSUED ON AUGUST 8, 1985 SUFFICIENT WATER FOR 400 HEAD OF CATTLE.								
REMARKS								
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
PERMIT 35319 CERT. 12454	DONALD AND BARBARA WELLINGTON	UNNAMED SPRING NO. 2	NE 1/4 SE 1/4 SEC. 32, T. 45N., R. 56E., M. D. B. & M. N. 57°50'00"E. 2840.08 FT. FROM THE S 1/4 COR. OF SAID SEC. 32.	JAN. 1 TO DEC. 31	DOMESTIC APRIL 19, 1980	0.0022	NA	0.519 MILLION GALLONS ANNUALLY
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 32	TOWN-SHIP T. 45 N., R. 56 E.	RANGE NE NW SW SE NE NW SW SE NE NW SW SE	NW SW SE NE NW SW SE NE NW SW SE	SE NE NW SW SE				
CERTIFICATE WAS ISSUED ON JUNE 13, 1980 SERVES A SINGLE HOUSEHOLD AND ASSOCIATED LANDSCAPING.								
REMARKS								

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
APP. 38882	DENNIS AND MARCIA BIEROTH	UNNAMED SPRING	NW 1/4 SEC. 26, T. 45N., R. 53E., M. D. B. & M. S. 84°43'36"W, 2,384 FT. FROM THE E 1/4 CORNER OF SAID SEC. 26.	JAN. 1 TO DEC. 31	STOCK WATER & DOMESTIC AUG. 28, 1979	0.50					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
25	T. 45 N., R. 53 E.		X		X		X				
26	T. 45 N., R. 53 E.		X		X		X			X	
REMARKS									PROPOSED DIVERSION TO PROVIDE SUFFICIENT WATER FOR 500-1000 HEAD OF CATTLE.		
APPLICATION READY FOR ACTION JUNE 15, 1980											
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
PERMIT 39108 CERT. 13352	ARCHIE F. CORBARI, JR.	GEOHERMAL	SE 1/4 SEC. 4, T. 43N., R. 55E., M. D. B. & M. N. 54°55'00"W, 1208.0 FT. FROM THE SE COR. OF SAID SEC. 4	JAN. 1 TO DEC. 31	GEOHERMAL HEATING SEPT. 21, 1979	0.164	NA	38.69 MILLION GALLONS ANNUALLY			
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	SE
4	T. 43 N., R. 55 E.									X	X
REMARKS									CERTIFICATE WAS ISSUED ON MAY 11, 1992 WATER IS USED FOR GEOHERMAL HEATING OF TWO MOBILE HOMES AND ONE GREENHOUSE.		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
PERMIT 42714 CERT. 12308	STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE PARKS	UNDERGROUND	NW¼ NE¼ SEC. 32, T.44N., R.55E., M. D. B. & M. S.80°56'55"E, 1210.74 FT. FROM THE N¼ COR. OF SAID SEC. 32	JAN. 1 TO DEC. 31	RECREATION & DOMESTIC MAR. 23, 1954	0.065	NA	1.4252 MILLION GALLONS ANNUALLY			
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
32	T. 44 N., R. 55 E.		X	X							CERTIFICATE WAS ISSUED ON OCT. 25, 1989. WATER IS DISTRIBUTED TO A RESIDENCE, CAMPGROUND AREA AND THE DAY USE AREA.
PLACE OF USE 40 ACRE DESCRIPTIONS											
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
APP. 44206	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	UNDERGROUND	NE¼SE¼ SEC. 20, T.45N., R.54E., M. D. B. & M. N.56°19'19"E, 12,611.49 FT. FROM THE SW CORNER OF SEC. 30, T.45N., R.54E., M. D. B. & M.	JAN. 1 TO DEC. 31	IRRIGATION & DOMESTIC JULY 29, 1981	2.00					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
20	T. 45 N., R. 54 E.										80.1 ACRES ARE PROPOSED TO BE IRRIGATED WITHIN THE DELINEATED QUARTER SECTION(S). APPLICATION READY FOR ACTION MAY 6, 1982
29	T. 45 N., R. 54 E.		X	X							
30	T. 45 N., R. 54 E.						X				
TOTAL ACRES: 80.10											

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
APP. 45017	MOUNTAIN CITY WATER AND SEWER USERS, INC.	MILLER SPRINGS	SE 1/4 SW 1/4, SEC. 06, T. 46N., R. 54E., M. D. B. & M., BEARS S. 70°34'28"E, 10,793.59 FT. FROM THE CLOSING SEC. CORNER BETWEEN SECS. 2 AND 11, T. 46N., R. 53E., M. D. B. & M.	JAN. 1 TO DEC. 31	MUNICIPAL 1889						
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SE
1	T. 45 N., R. 53 E.		LOT 1	LOT 2	LOT 3	LOT 4					
2	T. 45 N., R. 53 E.		LOT 8								
36	T. 46 N., R. 53 E.						X				X
REMARKS									MUNICIPAL WATER FOR THE TOWN OF MOUNTAIN CITY. NO DIVERSION RATE OR DUTY CLAIMED.  SEE PROOF V-04088  APPLICATION READY FOR ACTION MAY 30, 1982		
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.			
APP. 46552	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	NO NAME SPRING	SE 1/4 SW 1/4, SEC. 15, T. 45N., R. 54E., M. D. B. & M. N. 87°34'37"W, 13,482.05 FT. FROM THE SW CORNER CORNER OF SEC. 18, T. 45N., R. 55E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & DOMESTIC JAN. 18, 1983	0.010					
PLACE OF USE 40 ACRE DESCRIPTIONS											
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	SW	NE	NW	SW	SE	SE
15	T. 45 N., R. 54 E.										X
REMARKS									PROPOSED DIVERSION TO PROVIDE SUFFICIENT WATER FOR 350 HEAD OF CATTLE.  APPLICATION READY FOR ACTION APRIL 29, 1983		

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
APP. 46553	SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION	NO NAME SPRING	SE 1/4 SEC. 16, T. 45N., R. 54E., M. D. B. & M. N. 89°13'18"W, 16,931.56 FT. FROM THE SW CORNER CORNER OF SEC. 18, T. 45N., R. 55E., M. D. B. & M.	JAN. 1 TO DEC. 31	STOCK WATER & DOMESTIC JAN. 18, 1983	0.010																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.
PERMIT 47932 CERT. 12415	UNITED STATES OF AMERICA FOREST SERVICE	UNDERGROUND WILDHORSE WELL NO. 2	NE 1/4 SEC. 9, T. 44N., R. 54E., M. D. B. & M. S. 80°30'W., 17338.0 FT. FROM THE NE COR. OF SEC. 12, T. 44N., R. 54E., M. D. B. & M.	MAY 20 TO NOV. 15	RECREATION MAR. 23, 1984	0.02	NA	7,000 GALLONS PER SEASON
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 9	T. 44 N., R. 54 E.	NE	NW	SE	NE	NW	SW	SE
		X	X	X				
					NE	NW	SW	SE
					X	X	X	X
REMARKS CERTIFICATE WAS ISSUED ON MARCH 6, 1990. THIS WELL SERVES ONE THIRD OF THE 37 UNIT WILDHORSE CROSSING CAMPGROUND.								
PERMIT 47933 CERT. 12416	UNITED STATES OF AMERICA FOREST SERVICE	UNDERGROUND WILDHORSE WELL NO. 1	SW 1/4 NE 1/4 SEC. 9, T. 44N., R. 54E., M. D. B. & M. S. 82°22'W., 17707.0 FT. FROM THE NE COR. OF SEC. 12, T. 44N., R. 54E., M. D. B. & M.	MAY 20 TO NOV. 15	RECREATION MAR. 23, 1984	0.02	NA	7,000 GALLONS PER SEASON
PLACE OF USE 40 ACRE DESCRIPTIONS								
SEC. 9	T. 44 N., R. 54 E.	NE	NW	SE	NE	NW	SW	SE
		X	X	X				
					NE	NW	SW	SE
					X	X	X	X
REMARKS CERTIFICATE WAS ISSUED ON MARCH 6, 1990. THIS WELL SERVES ONE THIRD OF THE 37 UNIT WILDHORSE CROSSING CAMPGROUND.								

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.								
PERMIT 52261 CERT. 16340	DUNNS WILDHORSE RESORT	UNDERGROUND	SE 1/4 NE 1/4 SEC. 17, T. 43N., R. 55E., M. D. B. & M. S. 29°19'00"E. 2871.00 FT. FROM THE N 1/4 COR. OF SAID SEC. 17	JAN. 1 TO DEC. 31	QUASH-MUNICIPAL JUN. 24, 1988	0.07	NA	2 619 MILLION GALLONS ANNUALLY								
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC. 17	TOWNSHIP T. 43 N., R. 55 E.	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	REMARKS	
			X													USE IS FOR: A 16 UNIT MOTEL, 34 RECREATIONAL VEHICLE SPACES, 2 LAUNDROMATS, 3 EMPLOYEE LIVING QUARTERS, AND 4 MOBILE HOMES. COMBINED DUTY OF THIS PERMIT AND PERMIT 30064, CERTIFICATE 10965 AND PERMIT 52261 SHALL NOT EXCEED 5.567 MILLION GALLONS ANNUALLY.
PLACE OF USE 40 ACRE DESCRIPTIONS																
PERMIT 52343 CERT. 13060	U.S. DEPT. OF THE INTERIOR BUREAU OF LAND MANAGEMENT	UNDERGROUND (WILDHORSE SOUTH WELL)	SW 1/4 SE 1/4 SEC. 19, T. 44N., R. 55E., M. D. B. & M. N. 84°26'53"W. 2,510.24 FT. FROM THE SE COR. OF SAID SEC. 19	MAY 15 TO NOV. 30	QUASH-MUNICIPAL	0.001										
PLACE OF USE 40 ACRE DESCRIPTIONS																
SEC. 19	TOWNSHIP T. 44 N., R. 55 E.	RANGE	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	REMARKS	
																CERTIFICATE ISSUED OCTOBER 14, 1991 WATER FOR 18 UNITS AT THE BLM WILDHORSE RESERVOIR CAMPGROUND

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
PERMIT 52344 CERT. 13061	U.S. DEPT. OF THE INTERIOR BUREAU OF LAND MANAGEMENT	UNDERGROUND (WILDHORSE NORTH WELL)	SW 1/4 SE 1/4 SEC. 19, T. 44N., R. 55E., M. D. B. & M. N. 68°10'35"W. 2,828.17 FT. FROM THE SE COR. OF SAID SEC. 19	MAY 15 TO NOV. 30	QUASH- MUNICIPAL	0.001							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
19	T. 44 N.,	R. 55 E.											
REMARKS CERTIFICATE ISSUED OCTOBER 14, 1991 WATER FOR 18 UNITS AT THE BLM WILDHORSE RESERVOIR CAMPGROUND													
PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.					
PERMIT 52452	ANGLOGOLD (JERRITT CANYON) CORP.	UNDERGROUND	LOT 4 SEC. 3, T. 42N., R. 54E., M. D. B. & M. S. 10°30'E. 700 FT. FROM THE NW COR. OF SAID SEC. 3	JAN. 1 TO DEC. 31	MINING, MILLING, & DOMESTIC	0.20							
PLACE OF USE 40 ACRE DESCRIPTIONS													
SEC.	TOWN-SHIP	RANGE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE
3	T. 42 N.,	R. 54 E.	LOT 1	LOT 2	LOT 3	LOT 4							
4	T. 42 N.,	R. 54 E.	LOT 1	LOT 2									
33	T. 43 N.,	R. 54 E.											
34	T. 43 N.,	R. 54 E.											
REMARKS WATER SOURCE IS APPARENTLY A PERCHED TABLE FORMATION INTERCEPTED BY A FRENCH DRAIN. WATER WILL BE COMINGLED WITH OTHER PERMITTED RIGHTS. PERMIT APPROVED FEB. 27, 1990													

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.							
PERMIT 53271	ANGLOGOLD (JERRITT CANYON) CORP.	UNDERGROUND WELL NO. 3	SE 1/4, SE 1/4 SEC. 30, T. 43N., R. 55E., M. D. B. & M. N. 21°00'W. 1,027.00 FT. FROM THE SE COR. OF SAID SEC. 30	JAN. 1 TO DEC. 31	MINING, MILLING, & DOMESTIC	0.33									
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
3	T. 42 N., R. 54 E.		X	X	X	X	X	X	X	X					APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF PERMIT 51802.
4	T. 42 N., R. 54 E.		X	X	X	X									PERMIT APPROVED FEB. 27, 1990
33	T. 43 N., R. 54 E.												X	X	
34	T. 43 N., R. 54 E.												X	X	
PLACE OF USE 40 ACRE DESCRIPTIONS															
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	REMARKS
3	T. 42 N., R. 54 E.		X	X	X	X	X	X	X	X					APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF PERMIT 51802.
4	T. 42 N., R. 54 E.		X	X	X	X									PERMIT APPROVED FEB. 27, 1990
33	T. 43 N., R. 54 E.												X	X	
34	T. 43 N., R. 54 E.												X	X	

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.	
PERMIT 53273	ANGLOGOLD (JERRITT CANYON) CORP.	UNDERGROUND WELL NO. 5	NE 1/4 SEC. 30, T. 43N., R. 56E., M. D. B. & M. N. 1° 16' W. 2,357.00 FT. FROM THE SE COR. OF SAID SEC. 30	JAN. 1 TO DEC. 31	MINING, MILLING, & DOMESTIC	0.34			
PLACE OF USE 40 ACRE DESCRIPTIONS									
SEC.	TOWNSHIP	RANGE	NE NE SW SE			NW NW SW SE			SE SE
3	T. 42 N.	R. 54 E.	X	X	X	X	X	X	
4	T. 42 N.	R. 54 E.	X	X	X				X
33	T. 43 N.	R. 54 E.				X	X	X	X
34	T. 43 N.	R. 54 E.							X
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF PERMIT 51802. PERMIT APPROVED FEB. 27, 1990									
APP. 57029	JOHN H. MARTIN JR. MARY ELLEN MARTIN AND THE W. LEBERSKI TRUST	GOLD CREEK AND SPRINGS (GOLD CREEK DITCH 1 AND 2)	SE 1/4 NW 1/4 SEC. 18, T. 44N., R. 56E., M. D. B. & M. S. 18° 09' W. 2,237.00 FT. FROM THE N 1/4 COR. OF SAID SEC. 18.	APR. 15 TO JULY 15	IRRIGATION & DOMESTIC	0.14			
PLACE OF USE 40 ACRE DESCRIPTIONS									
SEC.	TOWNSHIP	RANGE	NE NE SW SE			NW NW SW SE			SE SE
18	T. 44 N.	R. 56 E.				X			
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF PROOF V-06496. APPLICATION READY FOR ACTION APRIL 10, 1992									

# PRELIMINARY ORDER OF DETERMINATION EAST FORK OWYHEE RIVER

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ACRE	TOTAL AC.-FT.						
APP. 57030	JOHN H. MARTIN JR. MARY ELLEN MARTIN AND THE W. LEBERSKI TRUST	COLEMAN CANYON CREEK AND SPRINGS	SE 1/4 NW 1/4 SEC. 18, T. 44N., R. 56E., M. D. B. & M. S. 18'00" W. 2,237.00 FT. FROM THE N 1/4 COR. OF SAID SEC. 18.	APR. 15 TO JULY 15	IRRIGATION & DOMESTIC	0.025								
<b>PLACE OF USE</b> <b>40 ACRE DESCRIPTIONS</b>														
SEC.	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
18	T. 44 N., R. 56 E.		LOT 2			LOT 3			X					
<b>REMARKS</b>														
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF PROOF V-05497.  APPLICATION READY FOR ACTION APRIL 10, 1992														

**APPENDIX B:  
AGREEMENT TO ESTABLISH THE RELATIVE WATER RIGHTS OF  
THE SHOSHONE-PIAUTE TRIBES OF THE DUCK VALLEY  
INDIAN RESERVATION AND THE UPSTREAM WATER USERS,  
EAST FORK OWYHEE RIVER**

**AGREEMENT TO ESTABLISH THE RELATIVE WATER RIGHTS OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION AND THE UPSTREAM WATER USERS, EAST FORK OWYHEE RIVER**

This Agreement is entered into by and among the Shoshone Paiute Tribes of the Duck Valley Indian Reservation ("Tribe"); the water users of the East Fork Owyhee River upstream from the Duck Valley Indian Reservation ("Upstream Water Users"); the United States, acting as trustee for the Shoshone-Paiute Tribes; and the State of Nevada, to establish the relative rights to water between the Tribes and the Upstream Water Users in the East Fork of the Owyhee River Basin within the State of Nevada.

**ARTICLE I - RECITALS**

WHEREAS, pursuant to an order of the Nevada State Engineer dated July 14, 1989, proceedings were initiated to determine all rights to the use of water in Nevada, both surface and underground, within the Owyhee River Basin;

WHEREAS, the United States has filed claims to reserved Indian water rights on behalf of the Tribe based on the establishment of the Duck Valley Indian Reservation in 1877, as expanded by Executive Orders in 1886 and 1910;

WHEREAS, the Upstream Water Users have filed claims to vested water rights for use made prior to 1905 or have obtained permits of appropriation after 1905 for beneficial purposes under Nevada law;

WHEREAS, the parties desire that their relative water rights be settled through agreement rather than through administrative and court proceedings;

NOW THEREFORE, the parties enter into this Agreement for the purpose of settling the respective water rights claims of the Tribe and the Upstream Water Users within the East Fork of the Owyhee River Basin in the State of Nevada.

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D. C. M. R.  
OFFICE OF THE DIRECTOR  
2005 OCT 17 PM 1:05

## ARTICLE II - DEFINITIONS

1. "Tribe" means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.
2. "Reservation" means all lands within the Duck Valley Indian Reservation established by Executive Order of April 16, 1877, as expanded by Executive Orders of May 4, 1886 and July 1, 1910.
3. "Upstream Water Users" means all users of water and their successors and assigns within the drainage area of the East Fork of the Owyhee River upstream from the Duck Valley Indian Reservation, who have filed claims to water under Nevada law and desire to resolve those claims by Agreement.
4. "State" means the State of Nevada, including the Department of Conservation and Natural Resources.
5. "United States" means the United States of America as trustee for the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.
6. "Main Stem Owyhee River" means that portion of the East Fork of the Owyhee River from the outlet of Wild Horse Reservoir downstream along the channel of the East Fork of the Owyhee River to the China Dam diversion.
7. "Hay Meadow Lands" means lands that grow crops of grains, alfalfa, and native and/or domesticated grasses, with defined ditches currently in use, and which may or may not be harvested due to equipment access. Such lands are identified in Addenda A and B.
8. "Diversified Pasture" means lands that grow crops of native and/or domesticated grasses which may be intermixed with sagebrush, other brush or willows, and which have existing defined ditch systems which provide water to said lands during periods of runoff which

produce water in excess of that for hay meadow lands. Such lands are identified in Addenda A and B.

9. "Consumptive Use" means the quantity of water actually used in the growth of a crop.

10. "Domestic well" means a well used for domestic purposes as defined in NRS 534.013 where the draught does not exceed a daily maximum of 1,800 gallons as provided in NRS 534.180.

11. "Upstream Water Users on the Main Stem" means those Upstream Water Users who divert water directly from the Main Stem of the Owyhee River. This term does not refer to and does not include Upstream Water Users who divert from tributaries to the Owyhee River.

### **ARTICLE III - SHOSHONE-PAIUTE WATER RIGHTS**

1. The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation shall have the following right to use surface water which right shall be held in trust by the United States for the benefit of the Tribe as a federal reserved Indian water right:

- a. The Tribe shall have the right to 111,476 acre-feet of surface water annually from the East Fork Owyhee River Basin.
- b. The Tribe shall have the right to the entire flow of all springs and creeks originating within the exterior boundaries of the Reservation.
- c. The priority date of the Tribe's water right is April 16, 1877.
- d. The period of use shall be January 1 through December 31 of each year.
- e. The Tribe may divert, consume and store its water, or authorize others to divert, consume and store tribal water, up to the full tribal allocation, for any purpose that may be authorized by the governing body of the Tribe, consistent with this

Agreement, for use or storage on the Reservation or storage in Wild Horse Reservoir off the Reservation.

- f. The Tribe may also use its water right, or authorize others to use its water right, off the Reservation, in accordance with applicable Federal law and state law, provided that no portion of the Tribe's water right may be permanently alienated.
- g. Non-use of the Tribe's water right shall not constitute a relinquishment, forfeiture or abandonment of the right, and state law doctrines relating to the use of water, including relinquishment, forfeiture and abandonment do not apply to the Tribe's water right.

2. The Tribe has a claim to an annual diversion of 2,606 acre-feet of groundwater, which is hereby recognized and protected as part of its water right. The quantity of this right is based on all groundwater historically or currently used on the Reservation. Additional groundwater use shall be permitted under the terms and conditions of the Tribal Water Code provided for in Article VI.1. The maximum quantity of groundwater that can be appropriated and developed for beneficial uses shall not exceed a net depletion that is greater than the natural long term historical average perennial yield of the groundwater basin as determined by the U.S. Geological Survey or other authoritative body for that portion of hydrographic basin 37 lying within the boundaries of the Duck Valley Reservation, provided: 1) this limitation shall not apply to groundwater available as a result of artificial recharge from the Tribe's surface water rights; 2) the Tribe may exceed the long term historical average perennial yield on a short term emergency basis if the Tribe determines that additional groundwater is necessary to insure the public health and/or to preserve the economic welfare of the Reservation, and declares an emergency by resolution of the Tribal Council identifying the reasons therefor, and the additional groundwater

shall not exceed an amount or be pumped for a duration of time that will have a long term negative effect on the groundwater basin. The Tribe shall provide notice to the State of all applications for such additional groundwater use, and the State may object or comment on such applications in its capacity as a water right holder. The terms and conditions of paragraphs 1.c-g of this Article shall apply to the groundwater right in this paragraph.

Nothing in this Article III.2 shall be construed or interpreted as a precedent for any future Indian water rights settlement or litigation of Indian water rights in Nevada, and nothing in this Article III.2 shall be construed as establishing any standard to be used for quantification of any other federal reserved rights, aboriginal claims, or any other Indian water claims in any judicial or administrative proceeding.

3. The Tribe's water rights shall be administered in accordance with Article VI of this Agreement.

#### **ARTICLE IV - UPSTREAM WATER USERS WATER RIGHTS**

The Upstream Water Users have the following right to water:

1. The Upstream Water Users' shall have the right to water in such quantities and under such priorities as shall be determined by the Nevada State Engineer and decreed by the Nevada Courts.

2. The Tribe and the United States reserve the right under state law to object to any priority date before April 16, 1877 claimed by an Upstream Water User.

3. The Upstream Water Users' water rights shall be administered in accordance with Article VI of this Agreement.

**ARTICLE V - IMPLEMENTATION OF RIGHTS AS BETWEEN  
THE TRIBE AND THE UPSTREAM WATER USERS**

1. For purposes of settling all water rights issues between the Tribe, the Upstream Water Users and the State of Nevada, the parties agree that the respective water rights of the Tribe and the Upstream Water Users shall be administered without regard to priority dates or specific quantities ultimately decreed by the court, provided that the terms and conditions set forth in this Article shall be complied with by all parties. The parties agree that the Owyhee River above the Reservation is a gaining stream, and that any water not used by the Upstream Water Users in accordance with this Article is available for use or storage by the Tribe.

a. Upstream Water Users' Surface Water Use. The Upstream Water Users shall have the right to divert, without regard to an established diversion rate, sufficient surface water to irrigate 4201.11 acres of Hay Meadow Lands and 837.57 acres of Diversified Pasture, a total of 5038.68 acres, during the irrigation season (April 15 through October 15) , provided:

- i. The consumptive use shall not exceed 2.8 acre feet per acre annually for Hay Meadow Lands and 1.8 acre feet per acre annually for Diversified Pasture Lands.
- ii. If the volume of water in Wild Horse Reservoir is less than the specified Reservoir Volume on the measurement dates indicated in the following table, no diversions shall be allowed during the corresponding effective month or months:

Measurement Date	Reservoir Volume	Effective Month(s)
April 30	20,000 acre-feet	May
May 31	20,000 acre-feet	June

June 30	15,000 acre-feet	July
July 31	10,000 acre-feet	August-October (end of irrigation season)

- iii. If at any time when the Upstream Water Users' diversions are restricted pursuant to paragraph 1.a.ii of this Article, the Reservoir Volume increases to a volume equal to or greater than the Reservoir Volume indicated for that month, diversions may recommence and continue for the remainder of the effective month(s). For example, if the Reservoir volume on June 30 is 14,500 acre-feet, but increases to 15,000 acre-feet on July 10, Upstream Water Users' diversions shall cease between July 1 and July 10, but from July 10 to July 30 diversions may resume even if the Reservoir volume drops below 15,000 acre-feet later in the effective month.
  - iv. Upstream Water Users on the Main Stem shall also be subject to the additional conditions set out in paragraph 1.b of this Article.
  - v. A listing of the Hay Meadow Lands and Diversified Pasture lands which can be irrigated under paragraph 1.a of this Article is attached to this Agreement as Addendum A. The location of these lands is identified on the Map attached hereto as Addendum B.
- b. Upstream Water Users on the Main Stem /Storage Water. Upstream Water Users on the Main Stem may only divert surface water which enters the stream system downstream from Wild Horse Reservoir or from uncontrollable spills from Wild Horse Reservoir. Upstream Water Users on the Main Stem may also call for and

require the Tribe to release up to 265 acre feet annually from Wild Horse Reservoir storage between July 1 and September 30 for use by the Main Stem water users, provided that the Upstream Water Users may not call for storage water if the volume of water in Wild Horse Reservoir falls below the following Reservoir Volumes during the effective month:

<b>Measurement Date</b>	<b>Reservoir Volume</b>	<b>Effective Month(s)</b>
June 30	17,500 acre-feet	July
July 31	12,500 acre-feet	August-October (end of irrigation season)

If during any month, the Reservoir Volume increases to an amount equal to or greater than the Reservoir Volume applicable for that month, diversions from any remaining storage may recommence and continue for the remainder of the effective month(s). The following additional terms and conditions shall also apply to the 265 acre feet of Wild Horse storage water:

- i. Releases shall be measured at the USGS gage located below Wild Horse Reservoir. Storage water may not be carried over from year to year.
- ii. The Upstream Water Users on the Main Stem shall pay annual Wild Horse Reservoir and Dam operating, maintenance, and rehabilitation costs associated with the 265 acre feet Wild Horse storage water in an amount per acre foot equal to and not to exceed the per acre rate applicable to Indians established by the Bureau of Indian Affairs, or its successors or assigns, to recover the costs to administer, operate, maintain and rehabilitate the Duck Valley Irrigation Project, which rate is currently

\$5.30 per acre pursuant to the Notice published in the Federal Register at 70 Fed. Reg. 5210 (2005), and which rate is subject to periodic adjustment by the Bureau of Indian Affairs or its successors or assigns.

- iii. The Upstream Water Users on the Main Stem shall appoint a representative annually who is authorized to request storage water, and who shall be responsible for making arrangements for the collection and payment of annual operation and maintenance charges.
  - iv. Water requested by the Upstream Water Users on the Main Stem shall be released from Wild Horse Reservoir within 24 hours after receiving a request for water. The Upstream Water Users on the Main Stem shall maintain appropriate records relating to diversions of the 265 acre feet Wild Horse storage water.
  - v. The Tribe agrees it will not call for or use any portion of the 265 acre feet of Wild Horse storage on the Rizzi Ranch so long as the Ranch is owned by the Tribe or by the United States in trust for the Tribe, and that the share of the 265 acre feet allocated to such property may be used by other Upstream Water Users on the Main Stem during said ownership. The Tribe may use other Wild Horse storage water for Rizzi Ranch.
- c. Calculation of Wild Horse Storage Volume. In calculating Wild Horse Reservoir storage volumes for purposes of paragraphs a and b above, if storage water is used by the Tribes in a given year as a commodity marketed off the Reservation, or for purposes of filling any storage facility on the Reservation for uses other than stock water and irrigation, any such use shall not be counted to reduce the reservoir

volume. In addition, releases from Wild Horse Reservoir for such storage and marketing uses after August 1 and before December 31 shall not be counted to reduce reservoir volumes on the next April 30 measurement date, but any such credit shall not apply to any measurement date after the April 30 measurement date. The gates at Wild Horse Reservoir will be closed from April 1 through April 30, except for amounts which must be released to meet Federal minimum flow requirements, if any, and irrigation flow and stock water use, unless water is cresting the spillway. Notwithstanding the foregoing, the gates may be opened at any time for the purpose of maintaining the integrity and safety of the dam. The Tribes shall maintain appropriate records concerning diversions of storage water for on-reservation reservoirs or for marketing off the Reservation, including a record of the date and time the subject releases begin and end, the amount of water released, the destination of the release, and weekly on-reservation reservoir levels. Such information shall be made available to the State Engineer, and upon request to the representative of the Upstream Water Users appointed in accordance with paragraph b.iii of this Article. The Tribes shall install appropriate monitoring devices for this purpose within one (1) year of the effective date of this Agreement.

- d. Releases from Wild Horse Reservoir for Tribal Use. Any water released from Wild Horse Reservoir for use by the Tribes must be available at the gage at the Reservation boundary within 24 hours of release. If, within 24 hours of release, the flows at the Reservation boundary gage are less than the Tribe's releases from Wild Horse Reservoir, the Tribe shall immediately notify the representative of the

Upstream Water Users who shall take steps to insure that releases from the Reservoir are available at the Reservation boundary within 12 hours from the time of the notice. After the third such notice and any subsequent notice(s) within the same irrigation season, the Upstream Water Users' diversions from the Main Stem Owyhee River and from tributaries which converge with the Owyhee River downstream of Wild Horse Reservoir shall immediately cease until the flows at the Reservation boundary gage are greater than or equal to the Tribe's releases from Wild Horse Reservoir. This provision shall not apply to releases of water from Wild Horse for use on Rizzi Ranch.

- e. Upstream Water Users' Impoundments. Upstream Water Users may not impound water for irrigation purposes, except that all existing impoundments for irrigation as identified in Addendum C shall be allowed. Failure to use any identified impoundments within ten years of the effective date of this Agreement shall be deemed to be conclusive intentional abandonment of the water rights associated with those impoundments, and such water shall become part of the Tribe's water right.
- f. Stock Water. Stock water claims filed with the State Engineer and located on Upstream Water User land or on associated grazing allotments are hereby recognized, provided that: 1) stock water ponds do not exceed 3 acre feet in volume measured on July 1, and troughs do not exceed 5000 gallons at the date of filing; and 2) stock water is utilized only for current cattle operation practices and not for commercial feedlot or other extraordinary livestock operations. Any future stock water ponds and troughs shall be subject to the same limitations as

described above, except that stock water ponds shall be limited to 3 acre feet in capacity, measured year round. Total stock water use from surface and ground water, both present and future, shall not exceed the carrying capacity of the land as established under State or Federal law.

g. Upstream Water Users' Existing Domestic Wells. All existing domestic wells are hereby acknowledged and agreed to by the parties. Any additional domestic wells shall comply with all requirements of Nevada law.

h. Use by Tribe if Water is Not Used or is Abandoned by Upstream Water Users. All surface water not used by the Upstream Water Users in accordance with this Article shall be available for use and storage by the Tribe. Any surface water right of the Upstream Water Users that is determined to be abandoned or forfeited under state law shall become part of the Tribe's water right at the time it is finally declared to be abandoned or forfeited.

2. No Additional Surface Water Permits. The State Engineer shall declare the surface waters of the East Fork Owyhee River and tributaries within the State of Nevada fully appropriated, and no additional surface water permits shall be issued, except that changes in point of diversion and manner and place of use may be granted in accordance with Article VI.2 of this Agreement.

3. Groundwater Permits Restricted in Owyhee Groundwater Basin. The State Engineer shall issue an order in the form attached as Addendum D to this Agreement designating the Owyhee River Area Ground Water Basin, Elko County, Nevada, as a groundwater basin in need of additional administration pursuant to Chapter 534, NRS. The State Engineer's order shall be subject to all applicable provisions of Nevada law including, but not limited to,

provisions relating to the issuance, implementation, modification and enforcement of the order.

Such order shall govern future development of groundwater within the Basin, provided that:

- a. the order shall not apply within the exterior boundaries of the Reservation;
  - b. applications by Upstream Water Users may be considered for appropriation of groundwater for supplemental irrigation wells for the lands described in Addendum A only, not to exceed a total of 1500 acre feet annually for all Upstream Water Users, provided that if such applications are granted, all such wells shall be sealed to a minimum depth of 100 feet; and
  - c. the parties to this Agreement reserve the right to object under state law, to any application for groundwater off the Reservation for any purpose.
4. The Tribe shall recognize and protect the right of Wild Horse State Recreation Area to 1.42 million gallons of water annually, and an additional amount of up to 3 million gallons annually for future expansion.

#### **ARTICLE VI - ADMINISTRATION OF WATER RIGHTS**

1. Administration of Tribe's Water Right. The water right of the Tribe, both surface and ground water, shall be administered on the Reservation exclusively by the Tribe in accordance with a Water Code to be adopted by the Tribe within three years of the effective date of this Agreement. The Water Code shall address use of tribal surface water and tribal ground water both on and off the Reservation consistent with the terms of this Agreement. Use of Tribal water off the Reservation shall be governed by Article III.1.f. The Water Code shall specifically include among other things, provisions at least as protective as state law: a) governing conjunctive use of groundwater and surface water; b) governing allocation of groundwater in times of shortage; and c) provisions that will ensure that development of the groundwater

resource within the Reservation will be based on good scientific information and data to avoid long-term and short-term adverse impacts including, but not limited to, land subsidence, water quality deterioration and depletion of the discharge sources (springs, seeps, etc.) both on and off the Reservation.

2. Administration of Upstream Water Users Water Right. The Nevada State Engineer shall administer and enforce the water rights of the Upstream Water Users in accordance with this Agreement and provisions of state law.

- a. Changes of point of diversion and manner and place of use may be granted by the State Engineer as provided under state law.
- b. The Tribe shall be notified of all change applications at the time they are filed.
- c. In the event there is a change of use from irrigation to another use, only the consumptive use shall be transferred.

3. Wild Horse Reservoir. The Tribe shall be entitled to all water in Wild Horse Reservoir except as provided in Art. V.1.b. Wild Horse Reservoir shall be operated in accordance with an annual plan of operations to be developed as agreed between the Tribe and the United States. Neither the State nor the Upstream Water Users shall have any role in the operation of the Reservoir. The Reservoir Volumes in Article V.1.a and b shall not apply during the irrigation season directly following the year in which the Reservoir is materially drawn down for maintenance or emergency purposes.

4. Disputes Between the Tribe and Upstream Water Users

- a. Informal Dispute Resolution. For disputes arising under this Agreement between the Tribe and the Upstream Water Users, the parties shall first attempt to resolve the matter informally in accordance with the following procedure:

- i. The Tribe and the Upstream Water Users shall each appoint a representative for purposes of this informal resolution process, and shall provide the name of the representative to the other party within 180 days of the effective date of this Agreement. Any changes in representatives shall be reported to the other party within thirty days of the appointment.
    - ii. In the case of any dispute arising in the implementation of this Agreement, the appointed representative shall notify the other party of the dispute and the representatives shall meet or otherwise communicate to resolve the dispute.
    - iii. The representatives may jointly request technical assistance from a mutually agreed upon person or entity or from the State of Nevada.
    - iv. The parties agree to attempt to resolve disputes through this informal process before formal state enforcement is requested.
  - b. Administrative/Court Enforcement. If disputes relating to the implementation of the Decree cannot be resolved informally, any party may request the State of Nevada, through the State Engineer's Office, to enforce the Decree in the State Decree Court under the procedures provided for under State law.
5. Disputes Between Tribe and State or the United States and the State. Disputes between the Tribe and the State or the United States and the State concerning the meaning and interpretation of the Decree shall be brought before the Decree court. Nothing in this Agreement shall otherwise be construed or interpreted to restrict, enlarge, or otherwise determine the subject matter jurisdiction of any state, tribal, or federal court.

6. Disputes Between the Upstream Water Users
  - a. Execution of this agreement by the Upstream Water users shall not prejudice their right to protest and/or contest the claim of vested water rights by another Upstream Water User in administrative or court proceedings leading to a decree of water rights for the Upstream Water User.
  - b. Subsequent to the issuance of the Decree, any disputes between the Upstream Water Users shall be resolved under the procedures provide for under State law.

#### **ARTICLE VII - CONTRIBUTIONS TO SETTLEMENT**

1. State Contribution. As part of this settlement, the State of Nevada shall provide services for the implementation and administration of this settlement, including the services of a water commissioner. The State shall also fund and maintain, subject to State budget approval, the gages on the Owyhee River near Gold Creek (Station # 13174500), Owyhee River near Mountain City, NV (Station # 13175100), and the Wild Horse Reservoir stage recording station. No portion of the costs described in this paragraph shall be assessed against the Upstream Water Users. The State may enter into a contract to provide these services.

2. Federal Contribution. A federal contribution to this settlement shall be negotiated by the Tribe and the Federal Government and included in federal legislation to this settlement.

#### **ARTICLE VIII - EFFECTIVENESS, INCORPORATION INTO DECREE, AND RELINQUISHMENT OF CLAIMS**

1. Effective Date. This Agreement shall be effective on the date it is ratified by the Tribe, by the Upstream Water Users, by the State, and by the Congress of the United States, whichever date is last, provided that Congress ratifies the Agreement no later than three years from the date it is ratified by all other parties, and provided further that this Agreement shall not become effective if the Tribe and the United States do not reach agreement on the federal

contribution to settlement or if Congress fails to authorize and appropriate funds for the federal contribution.

2. Binding Effect. The parties intend this Agreement to settle the respective water rights of the Tribe and the Upstream Water Users. Upon the effective date of the Agreement, the Agreement shall be binding on all parties, their successors and assigns, and all individuals and entities claiming by or through them.

3. Agreement Not Precedential. Nothing in this Agreement shall be construed or interpreted as a precedent for any future Indian water right settlement or litigation of Indian water rights in Nevada. Nothing in this Agreement shall be construed as establishing any standard to be used for quantification of federal reserved rights, aboriginal claims, or any other Indian water claims in any judicial or administrative proceeding.

4. Incorporation Into Preliminary and Final Orders of Determination and Decree

a. Within 180 days of the effective date of this Agreement, the parties shall jointly file this Agreement with the Nevada State Engineer. The parties agree that the State Engineer shall include this Agreement in his preliminary order of determination issued under Nevada law, and that such determination shall include language providing that the Agreement applies to and governs each water right of the parties to the Agreement. No party to this Agreement shall object to any portion of the Agreement in the administrative or court proceedings leading to a decree of water rights of the parties, except as provided in Article IV.2.

b. Within 180 days of the effective date of this Agreement, the Tribe, the United States and the State of Nevada, shall file a motion before the State Engineer for inclusion in the preliminary determination describing the Tribe's water right. No

party to this Agreement shall object to the Tribe's water right in the administrative or court proceedings leading to a decree of water rights of the parties.

- c. As soon as practicable after 180 days, but no later than one year from the effective date of this Agreement, the State Engineer shall issue a preliminary determination of all water rights within the East Fork Owyhee Basin. Except as provided in Article IV.2, the Tribe and the United States shall not object to the water rights of any party to this Agreement in the administrative or court proceedings leading to a decree of water rights of the parties.
- d. In the event this Agreement is not included in the State Engineer's final order of determination or is not approved by the Nevada courts or any further reviewing court, this Agreement shall become null and void and shall have no effect, and the parties shall proceed with a determination of their water rights under applicable law.

IN WITNESS WHEREOF the representatives of the Shoshone-Paiute Tribes, the Upstream Water Users, the State of Nevada, and the United States, have signed this Agreement on the dates indicated.

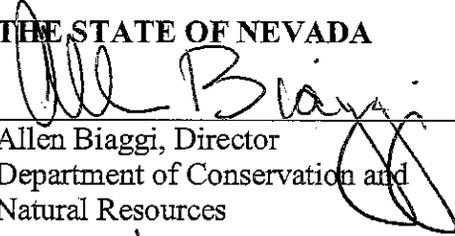
**THE SHOSHONE PAIUTE TRIBES OF THE  
DUCK VALLEY INDIAN RESERVATION**

  
\_\_\_\_\_  
Terry Gibson, Chairman

Date 10/4/06

  
\_\_\_\_\_  
Kyle Prior, Vice-Chairman

Date 10/3/06

**THE STATE OF NEVADA**  
  
\_\_\_\_\_  
Allen Biaggi, Director  
Department of Conservation and  
Natural Resources

Date 10/17/06

**THE UNITED STATES OF AMERICA**

\_\_\_\_\_  
Department of the Interior

Date \_\_\_\_\_

\_\_\_\_\_  
Department of Justice

Date \_\_\_\_\_

**UPSTREAM WATER USERS**

\_\_\_\_\_  
Dennis R. Bieroth

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marcia J. Bieroth

\_\_\_\_\_  
Date

ELLISON RANCHING COMPANY, A  
Nevada Corporation

By: \_\_\_\_\_  
Peter K. Ellison, President

\_\_\_\_\_  
Date

**THE SHOSHONE PAIUTE TRIBES OF THE  
DUCK VALLEY INDIAN RESERVATION**

\_\_\_\_\_  
Terry Gibson, Chairman

Date \_\_\_\_\_

\_\_\_\_\_  
Kyle Prior, Vice-Chairman

Date \_\_\_\_\_

**THE STATE OF NEVADA**

\_\_\_\_\_  
Allen Biaggi, Director  
Department of Conservation and  
Natural Resources

Date \_\_\_\_\_

**THE UNITED STATES OF AMERICA**

\_\_\_\_\_  
Department of the Interior

Date \_\_\_\_\_

\_\_\_\_\_  
Department of Justice

Date \_\_\_\_\_

**UPSTREAM WATER USERS**

\_\_\_\_\_  
Dennis R. Bieroth

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marcia J. Bieroth

\_\_\_\_\_  
Date

ELLISON RANCHING COMPANY, A  
Nevada Corporation

By: *Peter K. Ellison*  
Peter K. Ellison, President

\_\_\_\_\_  
*9-22-06*  
Date

**THE SHOSHONE PAIUTE TRIBES OF THE  
DUCK VALLEY INDIAN RESERVATION**

\_\_\_\_\_  
Terry Gibson, Chairman

Date \_\_\_\_\_

\_\_\_\_\_  
Kyle Prior, Vice-Chairman

Date \_\_\_\_\_

**THE STATE OF NEVADA**

\_\_\_\_\_  
Allen Biaggi, Director  
Department of Conservation and  
Natural Resources

Date \_\_\_\_\_

**THE UNITED STATES OF AMERICA**

\_\_\_\_\_  
Department of the Interior

Date \_\_\_\_\_

\_\_\_\_\_  
Department of Justice

Date \_\_\_\_\_

**UPSTREAM WATER USERS**

Dennis R. Bieroth  
Dennis R. Bieroth

Marcia J. Bieroth  
Marcia J. Bieroth

9/25/06  
Date

9/25/06  
Date

ELLISON RANCHING COMPANY, A  
Nevada Corporation

By: \_\_\_\_\_  
Peter K. Ellison, President

\_\_\_\_\_  
Date

*John Vipham*  
John Vipham

09-25-06  
Date

*Marjorie Vipham*  
Marjorie Vipham

09-25-06  
Date

THE DANIEL & TERI WILSON  
FAMILY TRUST

By: *Daniel J. Wilson*  
Daniel J. Wilson, Co-Trustee

Sept 27, 2006  
Date

By: *Teri Wilson*  
Teri Wilson, Co-Trustee

9/27/2006  
Date

*Phillip Mason*  
Phillip Mason

9/25/06  
Date

*Diana Lee Parten*  
Diana Lee Parten

September 25, 2006  
Date

Dale W. Hoover

Date

Rebecca A. Delaney

Date

MASINI INVESTMENTS  
a Nevada General Partnership

By: Lawrence Bryan Masini, Managing Partner

Date

JEFFREY J. RIFE & DEBORAH K. RIFE  
FAMILY TRUST, dated June 8, 2000

By: Jeffrey J. Rife, Trustee

Date

By: Jeff J. Rife, Trustee

Date

\_\_\_\_\_  
John Vipham

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marjorie Vipham

\_\_\_\_\_  
Date

THE DANIEL & TERI WILSON  
FAMILY TRUST

By: \_\_\_\_\_  
Daniel J. Wilson, Co-Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Teri Wilson, Co-Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phillip Mason

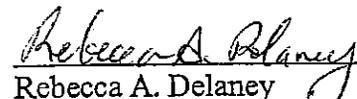
\_\_\_\_\_  
Date

\_\_\_\_\_  
Diana Lee Parten

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dale W. Hoover

\_\_\_\_\_  
2 OCTOBER 2006  
Date

  
\_\_\_\_\_  
Rebecca A. Delaney

\_\_\_\_\_  
2 Oct. 2006  
Date

MASINI INVESTMENTS  
a Nevada General Partnership

By: \_\_\_\_\_  
Lawrence Bryan Masini, Managing Partner

\_\_\_\_\_  
Date

JEFFREY J. RIFE & DEBORAH K. RIFE  
FAMILY TRUST, dated June 8, 2000

By: \_\_\_\_\_  
Jeffrey J. Rife, Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Jeff J. Rife, Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Vipham

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marjorie Vipham

\_\_\_\_\_  
Date

THE DANIEL & TERI WILSON  
FAMILY TRUST

By: \_\_\_\_\_  
Daniel J. Wilson, Co-Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Teri Wilson, Co-Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phillip Mason

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diana Lee Parten

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dale W. Hoover

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rebecca A. Delaney

\_\_\_\_\_  
Date

MASINI INVESTMENTS (as to an undivided 80%)  
a Nevada General Partnership

By: \_\_\_\_\_  
Lawrence Bryan Masini, Managing Partner

\_\_\_\_\_  
Date 11/15/06

JEFFREY J. RIFE & DEBORAH K. RIFE (as to an undivided 20%)  
FAMILY TRUST, dated June 8, 2000

By: \_\_\_\_\_  
Jeffrey J. Rife, Trustee

\_\_\_\_\_  
Date 11/15/06

By: \_\_\_\_\_  
Jeff J. Rife, Trustee

\_\_\_\_\_  
Date 11/15/06

Estella L. Morse  
Estella Morse

Sept 25, 2006  
Date

\_\_\_\_\_  
John H. Martin

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Ellen Martin

\_\_\_\_\_  
Date

\_\_\_\_\_  
W. LEBERSKI TRUST

By: \_\_\_\_\_  
Walter I. Leberski

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mitchell L. Moiola

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clayre E. Moiola

\_\_\_\_\_  
Date

\_\_\_\_\_  
WILDHORSE CATTLE COMPANY  
A Nevada Partnership

By: \_\_\_\_\_  
John Fraser, Managing Partner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard J. Marvel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marsha M. Grant

\_\_\_\_\_  
Date

\_\_\_\_\_  
John E. Marvel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Karen U. Marvel

\_\_\_\_\_  
Date

Estella Morse

*Estella Morse*

Date

*9-22-06*

John H. Martin

*Mary Ellen Martin*

Date

*9-22-06*

Mary Ellen Martin

Date

W. LEBERSKI TRUST

By: *Walter I. Leberski*

Walter I. Leberski

*9-22-06*

Date

*Mitchell L. Moiola*

Mitchell L. Moiola

*9-27-06*

Date

*Clayre E. Moiola*

Clayre E. Moiola

*9-27-06*

Date

WILDHORSE CATTLE COMPANY

A Nevada Partnership

By:

John Fraser, Managing Partner

Date

Richard J. Marvel

Date

Marsha M. Grant

Date

John E. Marvel

Date

Karen U. Marvel

Date

\_\_\_\_\_  
Estella Morse

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\_\_\_\_\_  
John H. Martin

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Date

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Mary Ellen Martin

\_\_\_\_\_  
Date

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W. LEBERSKI TRUST

By: \_\_\_\_\_  
Walter I. Leberski

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mitchell L. Moiola

\_\_\_\_\_  
Date

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Clayre E. Moiola

\_\_\_\_\_  
Date

\_\_\_\_\_  
WILDHORSE CATTLE COMPANY  
A Nevada Partnership

By:  \_\_\_\_\_  
John Fraser, Managing Partner

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10 - 20 - 06  
Date

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Richard J. Marvel

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Date

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Marsha M. Grant

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Date

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John E. Marvel

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Date

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Karen U. Marvel

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Date

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Estella Morse

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Date

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John H. Martin

\_\_\_\_\_  
Date

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Mary Ellen Martin

\_\_\_\_\_  
Date

\_\_\_\_\_  
W. LEBERSKI TRUST

By: \_\_\_\_\_

Walter I. Leberski

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mitchell L. Moiola

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clayre E. Moiola

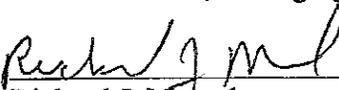
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WILDHORSE CATTLE COMPANY  
A Nevada Partnership

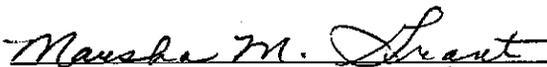
By: \_\_\_\_\_

John Fraser, Managing Partner

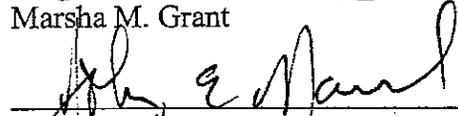
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Richard J. Marvel

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10-23-06  
Date

  
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Marsha M. Grant

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10/19/06  
Date

  
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John E. Marvel

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10/30/06  
Date

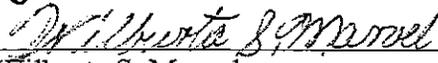
  
\_\_\_\_\_  
Karen U. Marvel

\_\_\_\_\_  
10.31.06  
Date

JOHN W. MARVEL TRUST

By:   
John W. Marvel, Co-Trustee

10/11/06  
Date

By:   
Wilburta S. Marvel

10/10/06  
Date

OLD DOG, LLC, A Nevada Limited Liability Company

By: \_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ted Conley Baker

\_\_\_\_\_  
Date

HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

ESTATE OF GUADALUPE GOICOECHEA

By: HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

JOHN W. MARVEL TRUST

By: \_\_\_\_\_  
John W. Marvel, Co-Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Wilburta S. Marvel

\_\_\_\_\_  
Date

OLD DOG, LLC, A Nevada Limited  
Liability Company

By: Gary D. Aho  
Manager GARY D. AHO

10/25/06  
Date

\_\_\_\_\_  
Ted Conley Baker

\_\_\_\_\_  
Date

HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

ESTATE OF GUADALUPE GOICOECHEA

By: HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

JOHN W. MARVEL TRUST

By: \_\_\_\_\_  
John W. Marvel, Co-Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Wilburta S. Marvel

\_\_\_\_\_  
Date

OLD DOG, LLC, A Nevada Limited  
Liability Company

By: \_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

Ted Conley Baker  
Ted Conley Baker

9/25/06  
Date

HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

ESTATE OF GUADALUPE GOICOECHEA

By: HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: \_\_\_\_\_

\_\_\_\_\_  
Date

JOHN W. MARVEL TRUST

By: \_\_\_\_\_  
John W. Marvel, Co-Trustee

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Wilburta S. Marvel

\_\_\_\_\_  
Date

OLD DOG, LLC, A Nevada Limited  
Liability Company

By: \_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ted Conley Baker

\_\_\_\_\_  
Date

HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

By: Alicia M. Goicoechea

11/15/06  
Date

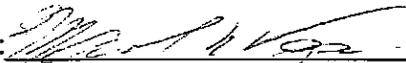
ESTATE OF GUADALUPE GOICOECHEA

By: HOLLAND RANCH PARTNERSHIP,  
A Nevada Partnership

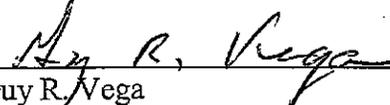
By: Alicia M. Goicoechea

11/15/06  
Date

VEGA RANCH, LLC, A Nevada  
Limited Liability Company

By:   
Manuel R. Vega Jr., Manager

9/22/06

  
Guy R. Vega

10/25/06  
Date

VEGA RANCH, LLC, A Nevada  
Limited Liability Company

By: \_\_\_\_\_  
Manuel R. Vega Jr., Manager

\_\_\_\_\_  
Guy R. Vega

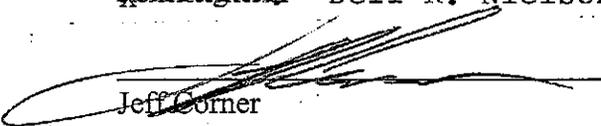
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Date

HUD & SONS, a Nevada  
Corporation

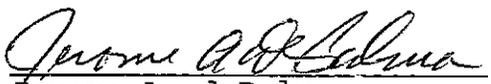
BY:  10-2-06  
Darrell Wayne Hudson Date

WILDHORSE PARTNERSHIP

BY:  10-24-06  
~~Rank Vigorito~~ Dell R. Nielson Date

  
Jeff Corner

\_\_\_\_\_  
Sean M. Defevre

 10-24-06  
Jerome A. dePalma Date

ADDENDUM "A"  
PROOFS

PROOF #	CERTIFICATE #	OWNER	ACRES CLAIMED	ACCEPTED DWR ACRES	HAY MEADOW	DIVERSIFIED PASTURE
V-01020	N/A	DENNIS R. AND MARCIA J. BIEROTH	128.88	128.88	128.88	
V-01246	N/A	ELLISON RANCHING COMPANY	73.87	73.87	73.87	
V-01247	N/A	ELLISON RANCHING COMPANY	16.64	16.64	16.64	
V-01856	N/A	JOHN AND MARJORIE VIPHAM	22.90	22.90	22.90	
V-02276(TOTAL)	N/A	DANIEL AND TERI WILSON FAMILY TRUST	230.91	230.91	230.91	
V-02277	N/A	DANIEL AND TERI WILSON FAMILY TRUST	72.47	72.47	72.47	
V-02570	N/A	JOHN AND MARJORIE VIPHAM	102.82	102.82	102.82	
V-02597	N/A	JOHN AND MARJORIE VIPHAM	104.88	104.88	104.88	
V-02598	N/A	JOHN AND MARJORIE VIPHAM	81.40	17.72	17.72	
V-02616	N/A	DENNIS R. AND MARCIA J. BIEROTH	45.60	45.60	45.60	
V-02650	N/A	PHILLIP MASON AND DIANA LEE PARTEN	114.30	118.43	118.43	
V-02863	N/A	SHOSHONE-PAIUTE TRIBES	212.90	204.90	204.90	
V-02866	N/A	SHOSHONE-PAIUTE TRIBES	80.10	80.10	80.10	
V-02871	N/A	ELLISON RANCHING COMPANY	95.40	95.40	87.50	7.90
V-02907	N/A	ELLISON RANCHING COMPANY	95.40	0.00		
V-03307	N/A	ELLISON RANCHING COMPANY	40.58	40.58	40.58	
V-03308	N/A	ELLISON RANCHING COMPANY	3.00	3.00	3.00	
V-03309	N/A	ELLISON RANCHING COMPANY	5.25	5.25	5.25	
V-03706	N/A	DALE W. HOOVER AND REBECCA A. DELANEY	34.15	34.15	34.15	
V-03707	N/A	PHILLIP MASON AND DIANA LEE PARTEN	44.40	44.40	44.40	
V-04551	N/A	ESTELLA L. MORSE	2.00	0.00		
V-04552	N/A	ESTELLA L. MORSE	24.40	2.20	2.20	
V-04553	N/A	ESTELLA L. MORSE	31.80	19.88	19.88	
V-05184	N/A	DANIEL AND TERI WILSON FAMILY TRUST	130.00	105.90	105.90	
V-05186	N/A	DANIEL AND TERI WILSON FAMILY TRUST	72.97	64.54	64.54	
V-05191	N/A	DALE W. HOOVER AND REBECCA A. DELANEY	37.70	37.70	37.70	
V-05496	N/A	JOHN H., JR. AND MARY ELLEN MARTIN; WALTER I. LEBERSKI, TRUSTEE OF THE W. LEBERSKI TRUST;	5.56	5.56	5.56	
V-05497	N/A	MITCHELL L. MOIOLA, CLAYRE E. MOIOLA JOHN H., JR. AND MARY ELLEN MARTIN AND WALTER I. LEBERSKI, TRUSTEE OF THE W. LEBERSKI TRUST HUD & SONS	0.90	0.90	0.90	
V-05498	N/A	JOHN H., JR. AND MARY ELLEN MARTIN AND WALTER I. LEBERSKI, TRUSTEE OF THE W. LEBERSKI TRUST	0.965	0.965	0.965	
V-06525	N/A	SHOSHONE-PAIUTE TRIBES	10.14	5.12	5.12	
V-06533	N/A	VEGA RANCH, LLC, AND GUY R. VEGA	34.94	34.94	34.94	

EAST OWYHEE RIVER ADJUDICATION

PROOFS

PROOF #	CERTIFICATE #	OWNER	ACRES CLAIMED	ACCEPTED DWR ACRES	HAY MEADOW	DIVERSIFIED PASTURE
V-06534	N/A	VEGA RANCH, LLC, AND GUY R. VEGA	175.47	175.47	157.44	18.03
V-06543	N/A	WILDHORSE CATTLE COMPANY MASINI INVESTMENTS, A NEVADA PARTNERSHIP WILDHORSE PARTNERSHIP	2058.16	389.23	389.23	146.52
V-06544	N/A	RICHARD J. MARVEL, MARSHA M. GRANT, JOHN W. MARVEL AND WILBURTA S. MARAVEL, CO-TRUSTEE OF THE JOHN W. MARVEL TRUST AND JOHN E. MARVEL AND KAREN U. MARVEL	73.59	73.59	73.59	
V-06545	N/A	ELLISON RANCHING COMPANY	178.10	82.70	82.70	
V-06546	N/A	ELLISON RANCHING COMPANY	84.40	84.40	84.40	
V-06547	N/A	ELLISON RANCHING COMPANY	78.81	78.81	64.79	14.02
V-06548	N/A	OLD DOG, LLC	75.29	25.78	25.78	
V-06564	N/A	CAL WORTHINGTON TRUST (WITHDRAWN)	73.52	73.52		73.52
V-06565	N/A	CAL WORTHINGTON TRUST (WITHDRAWN)	18.42	18.42		18.42
V-06567	N/A	CAL WORTHINGTON TRUST (WITHDRAWN)	65.45	0.00		
V-06577	N/A	ELLISON RANCHING COMPANY	245.79	245.79		245.79
V-06680	N/A	TED CONLEY BAKER	357.87	357.87	357.87	
V-06766	N/A	HOLLAND RANCH PARTNERSHIP	134.47	134.47	134.47	
V-06767	N/A	HOLLAND RANCH PARTNERSHIP	37.97	37.97	37.97	
V-06768	N/A	HOLLAND RANCH PARTNERSHIP	55.21	55.21		55.21
V-06769	N/A	HOLLAND RANCH PARTNERSHIP	120.51	120.51	120.51	
VESTED PROOF TOTALS			5800.88	4459.77*	3972.30	487.97*
APP., PERM. + CERT. TOTALS			3624.52	578.91	228.81	350.10
GRAND TOTALS (APPS, PERMS., CERTS. + VESTED)			9425.40	5038.68	4201.11	837.57

NOTE: Those proofs shown as having "0" acres accepted by DWR may be supplemental waters to other accepted acres. Refer to proofs and Order of Determination.  
\* These totals do not include the withdrawn claims of Cal Worthington Trust.

EAST OWYHEE RIVER ADJUDICATION

ADDENDUM "A"  
PERMITS

PERMIT #	CERTIFICATE #	ASSOCIATED PROOF	OWNER	ACRES ON CERTIFICATE	ACCEPTED DWR ACRES	HAY MEADOW	DIVERSIFIED PASTURE
001491	000328	V-03706V-05191	DALE W. HOOVER AND REBECCA A. DELANEY	30.60	0.00		
001529	000428	V-05184	DANIEL AND TERI WILSON FAMILY TRUST	130.00	0.00		
001841	000169	V-02863	SHOSHONE-PAIUTE TRIBE	24.00	0.00		
001842	000170	V-02863	SHOSHONE-PAIUTE TRIBE	81.40	0.00		
002531	000276	N/A	UNITED STATES OF AMERICA - FOREST SERVICE	32.50	26.60	26.60	
002562	014010	V-06768	HOLLAND RANCH PARTNERSHIP	83.97	29.81		29.81
002656	000481	V-02650V-06680	TED CONLEY BAKER	39.75	0.00		
002838	N/A	N/A	SEE 3987	41.30	0.00		
002839	000569	UNDERWATER	UNITED STATES BUREAU OF INDIAN AFFAIRS	139.60	0.00		
002841	N/A	N/A	SEE 6517	560.00	0.00		
002858	001863		MASINI INVESTMENTS, A NEVADA PARTNERSHIP	163.20	162.95	40.80	122.15
003904	001862		MASINI INVESTMENTS, A NEVADA PARTNERSHIP	285.40	0.00		
003905	001861		MASINI INVESTMENTS, A NEVADA PARTNERSHIP	274.40	0.00		
003967	004064		ABANDONED, MULTIPLE	41.30	0.00		
004065	001173	N/A	GUADALUPE GOICOECHEA	78.20	12.65	12.65	
004469	000764	V-06544	RICHARD T. MARVEL AND MARY O. MARVEL, CO-TRUSTEE OF THE RICHARD T. MARVEL TRUST, JOHN W. MARVEL AND WILBURTA S. MARVEL, CO-TRUSTEE OF THE RICHARD T. MARVEL TRUST AND JOHN E. MARVEL AND KAREN U. MARVEL	73.59	0.00		
004474	001407	N/A	SEE 30129	81.10	0.00		
005083	001529	V-06577	ELLISON RANCHING COMPANY	45.27	0.00		
005117	000928	V-06767	HOLLAND RANCH PARTNERSHIP	9.72	0.00		
005118	001123	V-06767	HOLLAND RANCH PARTNERSHIP	48.22	0.00		
005167	000954	V-06766	HOLLAND RANCH PARTNERSHIP	62.30	0.00		
005219	001049	V-06577	ELLISON RANCHING COMPANY	29.30	0.00		
005220	001050	V-06577	ELLISON RANCHING COMPANY	50.30	0.00		
005497	002381	V-06546	ELLISON RANCHING COMPANY	50.58	0.00		
005514	002324	V-06547	ELLISON RANCHING COMPANY	45.30	0.00		
005983	001217	V-06577	ELLISON RANCHING COMPANY	25.50	0.00		
006003	001133	N/A	DENNIS R. AND MARCIA J. BIEROTH	12.73	0.00		
006517	003989		MASINI INVESTMENTS, A NEVADA PARTNERSHIP	560.00	336.23	138.09	198.14
006831	001762	V-06534	VEGA - REJECTED	15.40	0.00		
007068	002108	UNDERWATER	UNITED STATES BUREAU OF INDIAN AFFAIRS	126.90	0.00		
008415	002157	N/A	JOHN AND MARJORIE VIPHAM	137.42	10.42	10.42	
009551	002264	N/A	UNITED STATES OF AMERICA - FOREST SERVICE	0.25	0.25	0.25	
030129	010084	V-06545	ELLISON RANCHING COMPANY	81.10	0.00		
057029		V-05498	JOHN H., JR. AND MARY ELLEN MARTIN AND WALTER LEBERSKI, TRUSTEE; W. LEBERSKI TRUST	5.56	0.00		
057030		V-05498	JOHN H., JR. AND MARY ELLEN MARTIN AND WALTER LEBERSKI, TRUSTEE; W. LEBERSKI TRUST	0.97	0.00		
PERM. + CERT. TOTALS				3624.52	578.91	228.81	350.10

9/21/2005

**Addendum C**  
**Summary of Existing Storage Reservoirs within East Fork Owyhee River Basin**  
**Upstream of Duck Valley Indian Reservation<sup>1</sup>.**

Proof of Appropriation Number	Owner	Reservoir Location <sup>2</sup>				Storage Capacity (acre-feet)
		Township	Range	Section	1/4 - 1/4 Section	
V-06564	Cal Worthington Trust	44 North	56 East	6	NE1/4 - NW1/4	< 5
V-06545	Ellison	45 North	55 East	36	SE1/4 - NW 1/4	2,057
V-06766	Holland Ranch	43 North	54 East	26	E1/2 - NE 1/4	< 20
V-06769	Holland Ranch	43 North	54 East	36	NE1/4 - NW1/4	< 20

1. Based on May 23, 2005 letter from Steve Walmsley (NDWR) to Peter Morros.

2. Reservoir location is given by the location of the dam in this summary table.

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

**1204**

**ORDER**

**DESIGNATING AND DESCRIBING THE  
OWYHEE RIVER AREA HYDROGRAPHIC BASIN (037)  
IN ELKO COUNTY, NEVADA**

**WHEREAS**, the State Engineer finds that conditions warrant the designation of the Owyhee River Area Hydrographic Basin, Elko County, Nevada, and by this Order designates the following described area of lands as a hydrographic basin coming under the provisions of NRS Chapter 534 (Underground Water and Wells):

**T.47N., R51E., M.D.B.&M.**

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36 and that portion of Sections 6, 7, 17, 18, 20, 29, 32 and 33 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.47N., R52E., M.D.B.&M.**

All Sections.

**T.47N., R.53E., M.D.B.&M.**

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 and that portion of Sections 3, 10, 14, 15, 23, 26, 35 and 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.47N., R.54E., M.D.B.&M. (Unsurveyed)**

That portion of Section 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.54½E., M.D.B.&M. (Unsurveyed)**

All of Section 31 and that portion of Sections 18, 19 and 30 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.51E., M.D.B.&M.**

All of Section 1 and that portion of Sections 2, 3, 4, 11 and 12 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.52E., M.D.B.&M.**

All of Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35 and 36 and that portion of Sections 7, 8, 16, 17, 21, 22, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.53E., M.D.B.&M. (Partially Unsurveyed)**

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Section 1 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.54E., M.D.B.&M. (Unsurveyed)**

All of Sections 7, 8, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Sections 4, 5, 6, 9, 10, 11, 12, 13, 15 and 24 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.46N., R.55E., M.D.B.&M.**

That portion of Sections 19, 30 and 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

- T.45N., R.52E., M.D.B.&M. (Partially Unsurveyed)**  
All of Sections 1, 12, 13, 24 and 25 and that portion of Sections 2, 3, 10, 11, 14, 23, 26, 35 and 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.45N., R.53E., M.D.B.&M.**  
All Sections.
- T.45N., R.54E., M.D.B.&M.**  
All Sections.
- T.45N., R.55E., M.D.B.&M.**  
All of Sections 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Sections 6, 7, 8, 9, 10, 14, 15, 16, 23, 24 and 25 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.45N., R.56E., M.D.B.&M.**  
All of Sections 21, 22, 28, 29, 30, 31, 32 and 33 and that portion of Sections 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.44N., R.52E., M.D.B.&M.**  
That portion of Section 1 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.44N., R.53E., M.D.B.&M. (Partially Unsurveyed)**  
All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 35 and 36 and that portion of Sections 6, 7, 18, 19, 28, 29, 30, 32, 33 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.44N., R.54E., M.D.B.&M.**  
All Sections.
- T.44N., R.55E., M.D.B.&M.**  
All Sections.
- T.44N., R.56E., M.D.B.&M.**  
All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32 and 33, and that portion of Sections 3, 10, 14, 15, 23, 26, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.43N., R.53E., M.D.B.&M.**  
All of Sections 1, 2, 12, 13 and 24 and that portion of Sections 3, 10, 11, 14, 15, 22, 23, 25, and 26 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.43N., R.54E., M.D.B.&M.**  
All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36 and that portion of Sections 29, 30, 32 and 33 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.43N., R.55E., M.D.B.&M.**  
All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and that portion of Section 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.43N., R.56E., M.D.B.&M.**  
All of Sections 4, 5, 6, 7, 8, 9 and 10 and that portion of Sections 2, 3, 11, 14, 15, 16, 17, 18, 19, 30 and 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.
- T.42N., R.54E., M.D.B.&M.**  
All of Section 1 and that portion of Sections 2, 3, 4, 11 and 12 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

**T.42N., R.55E., M.D.B.&M.**

All of Sections 2, 3, 4, 5, 6, 8, 9, 10, 14, 15, 16, 22 and 23 and that portion of Sections 1, 7, 11, 12, 13, 17, 18, 20, 21, 24, 25, 26, 27, 28 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

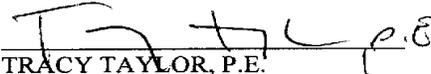
**WHEREAS**, this Order hereby excludes any and all lands within the boundary of the Duck Valley Indian Reservation per Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River (Agreement). The designated Owyhee River Area Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

**WHEREAS**, A public hearing as required under NRS § 534.030, in the matter of the designation of the Owyhee River Area Hydrographic Basin was held in Elko, Nevada, on September 4, 2009. Based on information received at the hearing and other data and information available to the State Engineer and the Agreement, it is determined that this ground-water basin is in need of additional administration under the provisions of NRS Chapter 534.

**NOW, THEREFORE**, it is ordered that, with the following exceptions, any application filed to appropriate water from the ground-water source pursuant to Chapter 534 within the designated Owyhee River Area Hydrographic Basin will be denied:

**EXCEPTIONS:**

1. Those applications filed for supplemental irrigation by upstream water users as defined in Article V, Section 3.b of the *Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River*, not to exceed 1,500 acre-feet and any such wells must be sealed to a minimum depth of 100 feet.
2. Those applications for environmental permits filed pursuant to NRS § 533.437.
3. Those applications filed for water from the geothermal aquifer.
4. Those applications for any purpose except irrigation and mining and milling which seek to appropriate 2.0 acre feet per year or less.
5. Mining and milling applications for which the period of use is temporary in nature and restricted to such purpose only.

  
TRACY TAYLOR, P.E.  
State Engineer

Dated at Carson City, Nevada this

\_\_\_\_29th\_\_\_\_ day of \_\_\_\_\_September\_\_\_\_\_, 2009.



JIM GIBBONS  
Governor

STATE OF NEVADA



LEO DROZDOFF  
Acting Director

JASON KING, P.E.  
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

May 20, 2010

Gary Carrington  
5C Living Trust, Gary Carrington TTE  
P.O. Box 382  
Pioche, NV 89043  
Certified Mail  
#7106 7808 0630 0042 9566

Bill Hall  
Ellison Ranching Company  
HC 32 Box 240  
Tuscarora, NV 89834  
Certified Mail  
#7106 7808 0630 0042 9528

Sharon Bachman  
Baker Bros. Ranch  
2193 Industrial Way  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9634

Holland Ranch Partnership  
HC 31 Box 90  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9382

Dennis and Marcia Bieroth  
HC 31, Box 60  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9351

John and Marjorie Vipham  
HC 35 Box 50  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9399

Doby George LLC  
165 W Liberty St  
Reno, NV 89501  
Certified Mail  
#7106 7808 0630 0042 9368

John W. Marvel Trust  
P.O. Box 2645  
Elko, NV 89803  
Certified Mail  
#7106 7808 0630 0042 9405

M.L. Investment Company  
HC 85 Box 275  
Grandview, ID 83604  
Certified Mail  
#7106 7808 0630 0042 9412

Re: East Fork Owyhee River Adjudication  
May 20, 2010  
Page 2

Masini Investments Llc  
11 N. Main St.  
Yerington, NV 89447  
Certified Mail  
#7106 7808 0630 0042 9429

Mountain City Water & Sewer Users  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9436

Gary D. Aho  
Old Dog LLC  
818 Taughenbaugh Blvd., Suite 105  
Rifle, CO 81650  
Certified Mail  
#7106 7808 0630 0042 9573

Petan Company of Nevada  
HC 32  
Tuscarora, NV 89834  
Certified Mail  
#7106 7808 0630 0042 9443

Philip Mason and Diana Lee Parten  
HC 35 Box 30  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9450

Queenstake Resources  
HC 31 Box 78  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9467

Rancho Grande, Inc.  
P.O. Box 1358  
San Jose, CA 95109  
Certified Mail  
#7106 7808 0630 0042 9474

Duck Valley Shoshone-Paiute Tribes  
P.O. Box 219  
Owyhee, NV 89832  
Certified Mail  
#7106 7808 0630 0042 9375

Simplot Livestock Company  
HC 85 Box 275  
Grandview, ID 83604  
Certified Mail  
#7106 7808 0630 0042 9481

U.S.D.A. Forest Service  
324 25th Street  
Ogden, UT 84401  
Certified Mail  
#7106 7808 0630 0042 9498

U.S.D.I. Bureau of Land Management  
P.O. Box 831  
Elko, NV 89803  
Certified Mail  
#7106 7808 0630 0042 9504

United States of America - Forest Service  
2035 Last Chance Rd.  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9511

Walter I. Leberski  
c/o Vaughn and Hull Ltd.  
530 Idaho St.  
Elko, NV 89803  
Certified Mail  
#7106 7808 0630 0042 9658

Re: East Fork Owyhee River Adjudication  
May 20, 2010  
Page 3

Manuel Vega  
Vega Ranch  
P.O. Box 1630  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9610

Jeanne Whiteing  
Whiteing and Smith  
1136 Pearl St., Suite 203  
Boulder, CO 80302  
Certified Mail  
#7106 7808 0630 0042 9597

John Fraser  
Wildhorse Cattle Company  
P.O. Box 758  
Fernley, NV 89408  
Certified Mail  
#7106 7808 0630 0042 9603

Doris I. Widerburg  
P.O. Box 257  
Osage, KS 66254-0257  
Certified Mail  
#7106 7808 0630 0042 9542

Rex C. Claridge  
P.O. Box 430  
Elko, NV 89801  
Certified Mail  
#7106 7808 0630 0042 9627

Dale W. Hoover  
P.O. Box 117  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9535

James Clark Talley  
12820 Thomas Creek Road  
Reno, NV 89511  
Certified Mail  
#7106 7808 0630 0042 9580

Estella L. Morse  
HC 35 Box 70  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9559

Daniel and Teri Wilson Family Trust  
HC 31 Box 20  
Mountain City, NV 89831  
Certified Mail  
#7106 7808 0630 0042 9344

Re: East Fork Owyhee River Adjudication

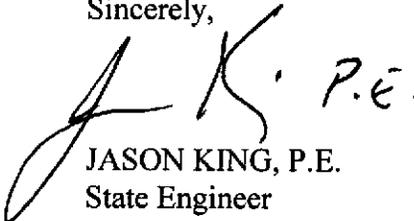
Ladies and Gentlemen:

Enclosed are copies of the Abstract of Claims, Preliminary Order of Determination and Notice and Order Fixing Time and Place of Inspection in The Matter of the Determination of the Relative Rights in and to the Waters, both Surface and Underground, within the Drainage Area of the Owyhee River (Sometimes Called the East Fork Owyhee River) and its Tributaries located within the East Fork Owyhee River Area, Elko County, Nevada.

Any objections to the Preliminary Order of Determination may be filed in this office in accordance with the provisions of NRS § 533.145.<sup>1</sup>

If no objections are received on or before August 18, 2010, the Order of Determination will be prepared and filed in accordance with the provisions of NRS § 533.160 and 533.165.

Sincerely,



JASON KING, P.E.  
State Engineer

JK/sw  
Enclosures

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<sup>1</sup> **NRS 533.145 Objections to preliminary order of determination; form and contents of objection.**

1. Any person claiming any interest in the stream system involved in the determination of relative rights to the use of water, whether claiming under vested right or under permit from the State Engineer, may object to any finding, part or portion of the preliminary order of determination made by the State Engineer by filing objections with the State Engineer within 30 days after the evidence and proofs, as provided in NRS 533.140, shall have been opened to public inspection, or within such further time as for good cause shown may be allowed by the State Engineer upon application.

2. Such objections shall be verified by the affidavit of the objector, or the objector's agent or attorney, and shall state with reasonable certainty the grounds of objection.

[29:140:1913; A 1921, 171; NCL § 7916]

**NOTICE AND ORDER FIXING AND SETTING  
TIME AND PLACE FOR INSPECTION**

**Before the State Engineer of the State of Nevada**

**oOo**

**IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS  
IN AND TO THE WATERS, BOTH SURFACE AND UNDERGROUND, WITHIN  
THE DRAINAGE AREA OF THE OWYHEE RIVER (SOMETIMES CALLED  
THE EAST FORK OWYHEE RIVER) AND ITS TRIBUTARIES LOCATED  
WITHIN THE EAST FORK OWYHEE RIVER AREA, ELKO COUNTY,  
NEVADA.**

**TO ALL INTERESTED PERSONS:**

In accordance with the provisions of NRS § 533.140, you are hereby notified that all evidence, maps, plats, proof of claims and related data heretofore taken by or filed with the State Engineer in connection with the Determination of the Relative Rights in and to the Waters, both Surface and Underground, within the Drainage Area of the Owyhee River (Sometimes Called the East Fork Owyhee River) and its Tributaries located within the East Fork Owyhee River Area, Elko County, Nevada will be open for inspection from July 19, 2010, to August 18, 2010, (Saturday, Sunday and legal holidays excepted) from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. of each day in the Office of the State Engineer in Carson City, Nevada.

**BY ORDER OF THE STATE ENGINEER.**

 P.E.  
**JASON KING, P.E.**  
State Engineer

Dated at Carson City, Nevada

this 20th day of May, 2010.