

ADJUDICATIONS

Daniel Taylor

Water Resource Specialist II

Nevada Division of Water Resources

Important Information:

Nevada Division of Water Resources (State Engineer's Office)
901 S. Stewart Street Suite 2002
Carson City, Nevada 89701
(775)684-2800

<http://water.nv.gov>

Current Adjudication Staff:

Shannon McDaniel, PE Manager II	(775)684-2842
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Katherine Mellon, PE	(775)684-2868
Dan Taylor	(775)684-2822
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Why file?

NRS § 533.087 - Requirement for claimant of vested water right to submit proof of claim.

A claimant of any water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed abandoned.

Why file?

Who can file?

Why file?

Who can file?

What can be filed on?

Why file?

Who can file?

What can be filed on?

Surface Waters

Springs

Streams

Lakes/Reservoirs

Underground

Artesian

Percolating

For what manner of use?

For what manners of use?

Irrigation

With secondary stockwater

With secondary stockwater and domestic

Stockwater

With secondary domestic

Domestic

Commercial

With secondary domestic

Industrial

With secondary domestic

Municipal/Quasi-municipal

With secondary domestic

Mining and Milling

With secondary domestic

Proof of Beneficial Use and Priority Dates

Surface waters

March 1, 1905

Underground waters

Artesian

March 22, 1913

Percolating

March 25, 1939

THE APPLICATION



Proof of Appropriation of Water

Five pages long

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER

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

USE(S):

Primary (Please select only one):

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

Secondary (Select all that may be applicable):

Stock water Domestic

NAME OF CLAIMANT _____

Address _____ City of _____ County of _____

State of _____ Telephone No. _____ Email Address _____

1. Source of water _____

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

2. The means of diversion _____

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

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

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

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

and completed _____

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

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

6. The claimant's water right was / was not recorded in the office of the County Recorder of
(circle one)

_____ County, at Page _____ of Book _____ of _____ .

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

_____ cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

[Redacted area]

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

QUESTIONS REGARDING WATERING OF LIVESTOCK

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

The watering was conducted during each of the following months: _____

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

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

QUESTIONS WITH REGARD TO IRRIGATION

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

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

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

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

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

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

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

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

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

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

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

have been grown upon the land(s) irrigated.

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

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

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

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

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

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

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

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

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

[Large blue rectangular area for additional supporting remarks]

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

_____ are full and correct to the best of their knowledge and belief.
(Name)

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

Name _____ Signature _____
(Please type or print name) (Please sign in the presence of a Notary Public)

Address _____ State of _____ ZIP Code _____

Telephone Number _____ Email Address _____

State of Nevada
County of _____

Subscribed and sworn to before me on _____
(Date)

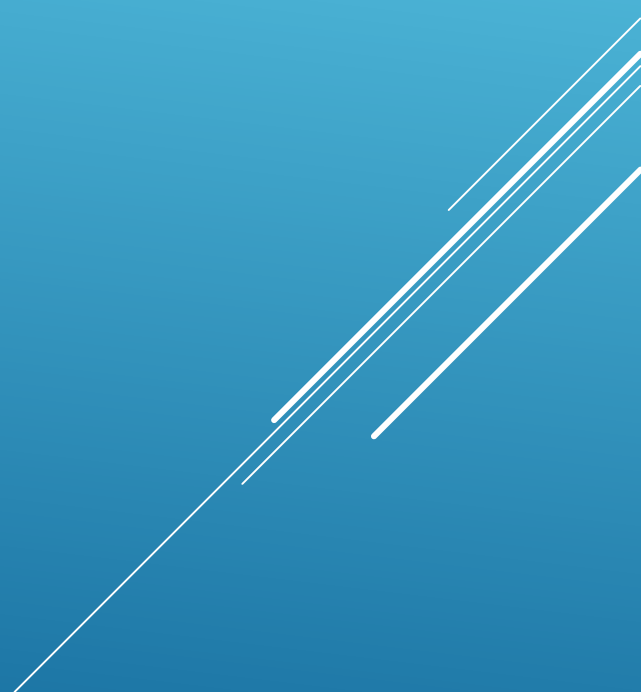
by _____

Signature of Notary Public Required

Notary Stamp or Seal Required

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

THE MAP



The Supporting Map

NRS § 533.115 (3) The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS § 533.100.

The Supporting Map

NRS § 533.115 (3) The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS § 533.100.

The supporting map may also be a map previously filed and accepted by the State Engineer's Office in support of another statutory application or Proof of Appropriation.

The Supporting Map

Proofs filed before May 26, 2017, which did not require a map at the time of filing, will need to file a supporting map at the time the adjudication is called by the State Engineer

The Supporting Map

Minimum requirements and general layout is the same as those required for a map filed in support for an application

The Supporting Map

*Must be completed and signed by a State of Nevada licensed
Water Rights Surveyor*

Minimum Scales

*Irrigation: NRS 533.100 Mylar map on a scale of not less than 1,000
feet to the inch (1:12,000).*

*Stockwater: NRS 533.115 Mylar map on a scale of not less than
2,000 feet to the inch (1:24,000).*

Other Uses: Same as Irrigation.

The Supporting Map

Points of Diversion

Irrigation: Bearing and tie to an established and known survey monument.

Stockwater: Accurately depicted on the map (no bearing and tie necessary).

Other Uses: Same as Irrigation.

The Supporting Map

Places of Use

Irrigation: NRS 533.100 Area and outline of each parcel of land and the type of culture (crop) on each parcel.

Stockwater: NRS 533.115 Identify the location and extent of livestock use by 1/16 sections within a numbered section, township and range.

Other Uses: Same as irrigation.

THE INITIAL REVIEW



If the submission is found to be defective

NRS § 533.125 (3) If a proof of appropriation or a supporting map is found to be defective, it shall be returned with a statement explaining why the proof or map was found to be defective.

If the submission is found to be defective

NRS § 533.125 (3) If a proof of appropriation or a supporting map is found to be defective, it shall be returned with a statement explaining why the proof or map was found to be defective.

NRS § 533.125 (4) A person may file a corrected proof of appropriation or supporting map with the Office of the State Engineer within 60 days after the date of return for correction. A defective proof of appropriation or supporting map that is not properly corrected and refiled within 60 days must be rejected. Upon application for an extension of time within the 60 day period, the State Engineer may, in his or her discretion, grant an extension of time not to exceed 60 days in which the person may file the corrected proof of appropriation or supporting map.

Amendments

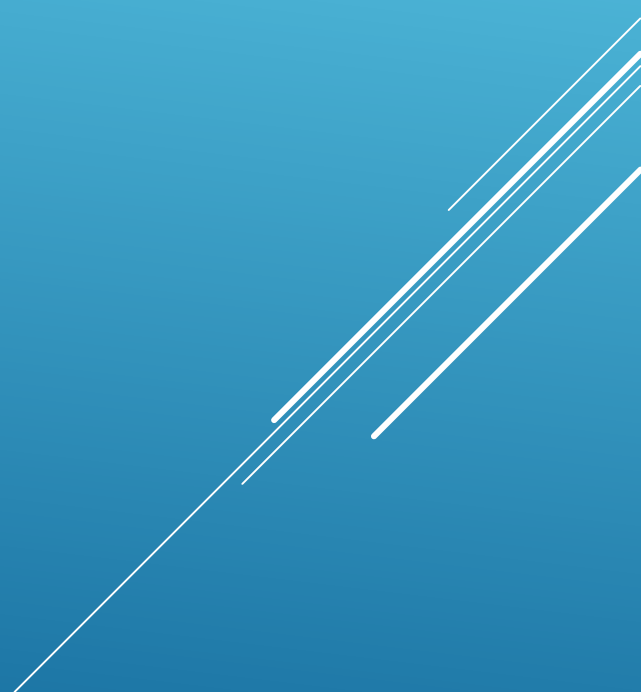
Currently there is no fee to file an amended proof or supporting map

There is no limit to the number of times a proof can be amended

Amendments to proofs filed before May 26, 2017, which did not have the map requirement, now need to have a map filed at the same time as the amended proof

If an amended proof changes information on the support map, a new map is required

THE DOCUMENTATION



START THIS PROCESS ASAP

Types of Documentation

Title:

Federal Patents

State Patents

Possessory Claims

Tax Records

Survey Records:

GLO Plat

GLO Survey Notes

Water Location Surveys

State Surveys

Local Contract Surveys

Types of Documentation

Published Histories

Oral Histories

Diaries

Newspaper Articles

Photographs

Affidavits

Correspondence

Where to Find Documentation

BLM

Master Title Plat and Historical Index

GLO Plate and GLO Survey Notes

Federal Land Patent

National Archives

Division of Water Resources

Proof Files

Permit Files

Maps

Division of State Lands

State Patents and Support Documents

Where to Find Documentation

County Offices

Recorder

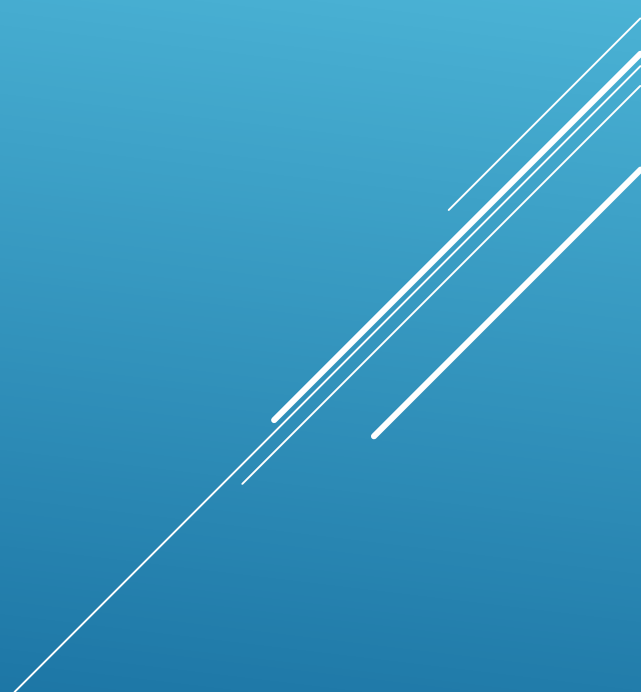
Assessor

Historical Society

Public and University Libraries

Internet

SUBMISSION



Submission of Support Documentation

Usually occurs when an adjudication is called for by the State Engineer

Submission can occur anytime after the proof has been filed

Does not have to be all at once

Should be Organized

Binders

File Boxes with dividers

Acco binders

Digital

Currently no procedure in place for acceptance

Still a good idea for archival reasons

EVALUATION



TIMEFRAME



Current Adjudications and Status

- East Fork Owyhee River - Order of Determination (in Court)**
- Pony Canyon - Order of Determination (to be submitted to Court)**
- Jersey Valley - Order of Determination (in progress)**
- Diamond Valley - Preliminary Order of Determination**
- Cold Spring Valley - Preliminary Order of Determination**
- Smoke Creek Desert - Preliminary Order (in progress)**
- Honey Lake - Preliminary Order (in progress)**
- Bruneau River - Preliminary Order (in progress)**
- Jarbidge - Preliminary Order (in progress)**
- Little Owyhee River - Preliminary Order (in progress)**
- Ruby Valley - Field Work Completed**
- Clover Valley - Field Work Completed**
- South Fork Owyhee River - Field Work Completed**
- Independence Valley - Field Work Completed**
- Buena Vista Valley - Field Work**

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