

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Van Duzen Creek & tributaries

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source by ditch systems

Name of ditch, flume or pipe line

at the following point(s) see attached

List all points of diversion from this source, appending a sheet if necessary

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated

(1) Name of claimant Dennis R. & Marcia J. Bieroth

Address Bieroth Ranch, County of Elko

State of Mountain City, NV 89831 Telephone No. (702) 763-6637

(2) The means of diversion employed by ditch systems

Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was unknown

(4) The construction of the ditch or other works was begun 1885

and completed 1885

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom unknown

feet, width on top feet, depth feet, on a grade of feet per thousand feet.

(6) The conduit has (has not) been enlarged.

NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun unknown

and completed unknown

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on

top feet, depth feet, on a grade of feet per thousand feet. unknown

(9) The claimant is (is not) an owner in the above-described conduit.

Claimant is the sole owner of the subject property

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

(10) The nature of the title to the land for which the water right is claimed is

fee simple

Fee simple, public domain, etc.

(11) Crops of see attached

have been grown upon the land irrigated. (e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

(12) The water has been used for irrigation from see attached to

of each year.

Day of month

Day of month

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

see attached _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 Year _____
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.

(14) The maximum acreage irrigated in any year was 101.79 _____ acres.

(15) The water claimed has ~~(has not)~~ been used for irrigation each and every year since the right was initiated. Strike out one not wanted

(16) The years during which no water was used for irrigation or during which the full water right was not used were see attached _____
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

(17) The claimant's water right was (was not) recorded in the office of the County Recorder of _____ County, said record being at page _____ of Book _____ of _____, and being a claim for _____ of water for the irrigation of _____ acres of land in the following legal subdivisions: _____

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (17)

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation:..... water also used for stockwater and domestic

(19) The character of the soil is..... see attached..... A continuous flow of..... cubic feet of water per second has been used to irrigate..... acres of land and..... acre-feet per acre per annum have been used to irrigate the crops.
(Sandy, gravelly, loam)

(20) Remarks:..... see attached

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by..... Dennis R. & Marcia J. Bieroth..... are full and correct to the best of his knowledge and belief. Deponent is acting as authorized agent for claimant

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

claimant

5405 Mae Anne Avenue
Reno, NV 89523

Michael D. Buschelman

Michael D. Buschelman, P.L.S.

Telephone No. (702) 747-8550

Subscribed and sworn to before me this 14th day of June, 1994

Lynn E. Walters

LYNN E. WALTERS

Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JAN. 12, 1997

Notary Public in and for the County of Washoe, Nevada

My commission expires Jan. 12, 1997

\$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

ITEM: POINTS OF DIVERSION, ITEM NO. 11 & ITEM NO. 13

BIEROTH RANCH - VAN DUZER CREEK - AMENDED PROOF NO. 01020

SOURCE: VAN DUZER CREEK & TRIBUTARIES

POD #1: NW1/4 NW1/4 SECTION 31 T45N,R54E MDM at a point from which the NW corner of Section 30 T45N,R54E MDM bears N.4° 12' W., a distance of 6,482.0 feet.

POD #2: NW1/4 SW1/4 SECTION 30 T45N,R54E MDM

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
45	54	19	SE	NW	0.60 ✓	0	0
		19	SW	NW	2.89 ✓	0	0
		19	NW	SW	2.93 ✓	0	0
		19	NE	SW	15.51 ✓	0	0
		19	SE	SW	4.79 ✓	0	0
45	54	30	NE	NW	4.06 ✓	0	0

30.78
71.01
101.79

ITEM NO. 11 - EXPLANATION OF CROPS IRRIGATED

Cultures being irrigated are defined as follows:

- H AC = Harvest land in acres with crops of oats, alfalfa, native and/or domesticated grasses. In some areas, oats and alfalfa have been planted but the predominate plants are grasses. Harvest lands are being irrigated as long as water was available. In less than adequate water years and as water flows declined, Harvest acreage closest to the points of diversion continue to be irrigated. Crops within the hay corrals noted on the culture maps are irrigated and harvested prior to stacking hay.
- M AC = Meadow land in acres with crops of native and/or domesticated grasses. The distinction between Meadow and Harvest lands is observed to be defined by the ability of haying equipment to access the parcel. The lack of water way crossings, topography and/or rocky field conditions prevented equipment access. The volume of water utilized for irrigation is the same as Harvest lands. The period of time that Meadow lands are irrigated is the same as Harvest.
- DP AC = Diversified Pasture land in acres with crops of native and/or domesticated grasses intermixed with sage brush or other brushes. The volume of water utilized for the diversified pasture irrigation is diverted during runoff periods. These runoff periods are defined as those times when the streams and/or rivers provided more water than needed to irrigate Harvest and Meadow crop lands.

ITEM NO. 12 - IRRIGATION SEASON

The diversion of water for irrigation purposes begins on April 1st and ends on September 15th of each year.

ITEM NO. 16 - NON IRRIGATION OR LESS THAN FULL IRRIGATION YEARS

Surface water flows vary considerably from year to year. During normal or above normal years essentially all of the crop lands are irrigated. The claimant must derive the maximum crop yield to maintain a financial good standing. During less than normal water years, certain inaccessible areages are not irrigated and the water is utilized where it is most prudent and economical.

Water has been used for irrigation, stockwater and domestic purposes for approximately 100 years. During drought conditions there have been numerous acreages that have not received water or less than their full allotment. The claimant is not able to provide a full detailed explanation of each particular non-irrigated acreages or drought years, at this time.

ITEM NO. 19 - SOIL CHARACTERISTICS, WATER FLOW & DUTY ESTIMATES

The irrigated acreages are normally located along the course of the spring, stream or river supplying the needed water supplies. The soil characteristics along these water courses are normally composed of a thin layer of topsoil over sands and gravels.

An estimate of continuous water flow requirements have not been determined due to the fluctuation in water flow in the spring, stream or river providing water. A measurement and monitoring program will need to be completed before an accurate rate of flow and volume per acre can be determined.

ITEM NO. 20 - REMARKS

The diversion of water for stockwater and domestic purposes begins on January 1st and ends on December 31st of each year.

Utilize supporting maps filed under Proof No. 01020 and Application No. 23601.

Additional acreage is being added to Proof No. 01020 by this amended proof. The original proof noted a total irrigated acreage of 71.01 acres. By this amendment, an additional 30.78 acres is being added to Proof No. 01020. A grand total of 101.79 acres is being claimed under Proof No. 01020.

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

FILED
Feb. 1, 1967
STATE ENGINEER'S OFFICE

Source Van Duzer Creek
Name of natural water source

The water is diverted from its source _____
Name of ditch, flume or pipe line

at the following point A point of diversion in the NW 1/4 NW 1/4, Sec. 31, T. 45 N., R. 54 E., M.D.B.M., or at a point from which the NW Corner Sec. 30, T. 45 N., R. 54 E., unsurveyed, bears N. 4° 12' W. 6482' distant.
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated

(1) Name of claimant HUGH C. BIEROTH
Address Mountain City, County of Elko
State of Nevada

(2) The means of diversion employed A concrete dam at point of diversion diverting water to a head ditch.
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was May 13, 1912 by Paul Schulze, supplemented by survey Nov. 28-30, 1966 by R.W. Millard & Associates, Inc.

(4) The construction of the ditch or other works was begun 1885
and completed 1885

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom three feet, width on top three feet, depth two feet, on a grade of ten feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun _____
and completed _____

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet.

(9) The claimant is (~~is not~~) an owner in the above-described conduit, and together with his wife, owns the entire interest therein.
If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is Hugh C. Bieroth and his wife, Mabel I. Bieroth, own the fee simple estate of the land.

(11) Crops of native hay, timothy, clover and red top have been grown upon the land irrigated.

(12) The water has been used for irrigation from April 1 to December 1 of each year.
Day of month Day of month

(13) The water was first used for irrigation by claimant or his grantors in the year 1885 when 71.01 acres were irrigated in ~~the~~ portions _____ of ~~Sec~~ the following legal subdivisions:

T. 45 N., R. 54 E., M.D.B. & M.
Section 30: W 1/2 SW 1/4; S 1/2 NW 1/4; NE 1/4 NW 1/4
Section 31: NW 1/4 NW 1/4; In T. 45 N., R. 53 E., M.D.B. & M.
Section 25: # 1/2 SE 1/4

[Handwritten signatures]

(19) Water from the source given and through the works described is also used for the following purposes other than irrigation: To provide stockwater for 200 head of cattle from September 1 to March 31 of each year.

(20) The character of the soil is loam (Sandy, gravelly, loam) The soil needs 400 acre-feet per annum to properly irrigate the crops. A continuous flow of 1.3 cubic feet of water per second, during the irrigation season of 5 months, is needed to irrigate each 100 acres of land.

(21) Remarks: This Amended Proof of Appropriation is filed to amend that certain Proof No. 01020, filed by Joseph R. Paleni. The purpose of the amendment is to supplement and clarify such Proof of Appropriation, and to sever therefrom that portion of the Proof which refers to the irrigation of water from Chicken Creek, which will be the subject of a separate Proof of Appropriation. The amount of acreage claimed to be irrigated has not been changed.

That the Map submitted by Paul Schulze, contained certain errors relative to the location of the irrigated land. That at the time of such survey, the area was unsurveyed, and the Homestead Entry Survey No. 71, depicted upon the Schulze Map is misplaced. That the correct location of Homestead Entry Survey No. 71, patented from the United States of America to Joseph R. Paleni on October 2nd, 1916, is correctly depicted upon the map prepared by R. W. Millard & Associates, Inc., being submitted in connection with this Proof. That the irrigated land is not located entirely within Section 30 of T. 45 N., R. 54 E., but is correctly depicted on the map being submitted herewith. That there is likewise being submitted herewith the Affidavit of George Nelson, a person conversant with the facts, in support of this Proof.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Hugh C. Bieroth are full and correct to the best of his knowledge and belief.

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

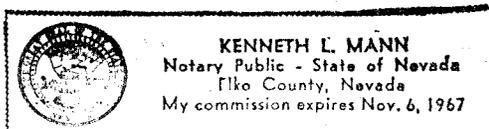
Hugh C. Bieroth ✓

Subscribed and sworn to before me this 30th day of January, 1967.

Kenneth L. Mann

Notary Public in and for the County of Elko

My commission expires



This part of form to be left blank by claimant

Filing Serial No. **01020**

STATE OF NEVADA

PROOF OF APPROPRIATION OF
WATER FOR IRRIGATION

Water Source *Van Duzer Creek*

Through *Ditch*

Claimant *Hugh C. Biscanah*

Filed in the office of the State Engineer on

February 1, 19*67*

George W. Hansen
State Engineer

Certificate No. issued hereunder

..... 19.....



RECEIVED
FEB 1 1967
STATE ENGINEER
CARRINGTON, NEVADA

THE STATE OF NEVADA
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

FILED
 Dec. 27, 1910
 STATE ENGINEER'S OFFICE

From Van Duzer Creek
Name of natural water source.

Through Joseph R. Paleni's Ditch
Name of ditch, flume, or pipe line.

JOSEPH R. PALENI, the undersigned, being first

duly sworn, deposes and says that the facts relative to the appropriation of water by him are full and correct to the best of his knowledge and belief.

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

(1) Name of claimant JOSEPH R. PALENI
 Address Mountain City, County of Elko,
 State of Nevada.

(2) The means of diversion employed Dam in Creek with ditch on each side
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was about the year 1885.

(4) The construction of the ditch or other works was begun about the year 1885
 and completed about the year 1886

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2 ft.
 feet, width on top 3ft. feet, depth 2ft. feet, on a grade of 30in. feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8).

(7) The work of enlargement of the ditch or canal was begun none
 and completed none

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet.

(9) The claimant is ~~(is not)~~ an owner in the above-described conduit.
owns the entire ditch
If claimant is an owner in the conduit, state interest held on this line.

(10) The nature of the title to the land for which the water right is claimed is All hay land

(11) Crops of hay
 have been grown upon the land irrigated.

(12) The water has been used for irrigation from 10th of May to Last of August
Day of month. Day of month.
 of each year.

(13) The water was first used for irrigation by ~~claimant~~ grantors in the year 1885
 when acres acres were irrigated in the part of Secs 29 & 30,
 T. 45, R. 54 E.,

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year. _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.
 _____, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.

Remarks: I havent the legal subdivisions but the land is all in
 Sections 29 and 30 Append a sheet of necessary.

(15) The maximum acreage irrigated in any year was about 85 or 90 acres.

(16) The water claimed has ~~been~~ not been used for irrigation each and every year since the right was initiated.
Strike out one not wanted.

(17) The years during which no water was used for irrigation or during which the full water right was not used were none
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.

(18) The claimant's water right ~~was~~ was not recorded in the office of the County Recorder of _____ County, said record being at page _____ of Book _____ of _____, and being a claim for _____ of water for the irrigation of _____ acres of land in the following legal subdivisions: _____

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19).

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Domestic purposes

(21) Remarks: This water was first used by Sam McGinnis in the year 1885, he used it for eleven years when Joseph R. Paleni bought his right and has used the water every year since.

Joe Paleni

Subscribed and sworn to before me this 6th day of December, 1910

E. P. Carville

Notary Public in and for the County of Elko

My commission expires Oct. 4th, 1913.

01020020

This part of form to be left blank by claimant

Filing Serial No. _____

STATE OF NEVADA

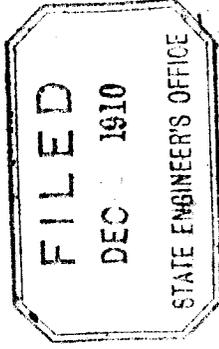
Proof of Appropriation of

Water for Irrigation

Water Source VAN DUZER CREEK

Through DITCH

Claimant JOSEPH R. PALENI



Filed in State Engineer's Office on

_____, 19____

State Engineer.

Certificate No. _____ issued hereunder

_____, 19____