

**SUPPLEMENT AND AMENDMENT
TO
PROOF V01192**

Proof V011912 was filed by Balbino Achabal in the office of the State Engineer. Through mesne conveyance of record, the water rights and the land under the subject proof are now vested in Ellison Ranching Company of record in State Engineer's office. Proof V06575 was filed in the Office of the state Engineer in 1994 and the lands listed therein include the lands under Proof V01192. The purpose of this supplement and amendment is to remove the acreage appurtenant to V01192 from Proof V06575 and place under V01192 and to correct the acres of culture.

As to the priority of use, the Proof states the water right was recorded in the Office of Elko County Recorder in Book 2 of Miscellaneous records with no reference to the page. A search of the title shows that Balbino Achabal was a successor of P.J. Harrington who filed a Statement of Water Rights in Book 2 of Miscellaneous Records at page 592. This statement is for the waters of Jack Creek to be used to irrigate lands of the Harrington Ranch. This statement has been previously filed with the State Engineer and a copy is attached hereto.

The Statement of Water Rights by Harrington does not state the number of acres to be irrigated but the Proof of Appropriation filed by Achabal show a total acreage irrigated as 183.65 acres. This included the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T41N, R52E, MDB&M which was not owned at the time but later added to the Harrington Ranch. That parcel is now included in this Proof and the year of priority is the same as the balance of the land described herein under the Doctrine of Relation Back. The year of 1879 is stated to be the year of appropriation in the statement of Harrington and is the priority for the lands and culture as described on page 2 of this Supplement and Amendment, attached hereto.

The proof as filed by Achabal claims irrigation and stockwater, but does provide specific information as to the number of livestock. Early tax assessment records do not include number of livestock owned. For that reason, later assessment rolls were reviewed. The 1903 tax roll assesses John Thompson, a predecessor of Achabal, for 75 stock cattle and as that is within the priority period, that is the number claimed as vested.

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SOURCE: HARRINGTON CREEK TRIBUTARY TO SOUTH FORK OWYHEE RIVER.

POD #1: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T41N, R52E MDB&M, at a point from which the SE corner of Section 35, T42N, R52E, MDB&M, bears N44°31'E, a distance of 7,234.1 feet.

T N	R E	SEC	1/4	1/4	H AC	MAC	DP AC
41	52	10	NE	NE	16.20	0	0
		10	SE	NE	39.27	0	0
		10	SW	NE	8.98	0	0
		10	NW	SE	37.30	0	0
		10	NE	SE	40.27	0	0
		11	NW	NW	14.04	0	0
		11	SW	NW	9.31	0	0
		11	NW	SW	5.00	0	0
		11	SW	SW	3.05	0	0
			TOTAL		173.42	0	0

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T. J. Harrington

Location of Water Right

I, T. J. Harrington of Independence Valley, Elko County, State of Nevada, do hereby certify and declare that I have this sixteenth day of September 1899, appropriated and do hereby intend to continue the appropriation of the waters of Jacks Creek, situated in said Independence Valley for the purposes of irrigation and for domestic uses, and have appropriated the same in the manner following to-wit: By means of ditches commencing on Jacks Creek where Marsh Creek empties into said Jacks Creek and running down Jacks Creek to a hereby One mile more fully described in Section 2, Section 10 Township 4, North of Range 52 East which track of land is known as Harringtons

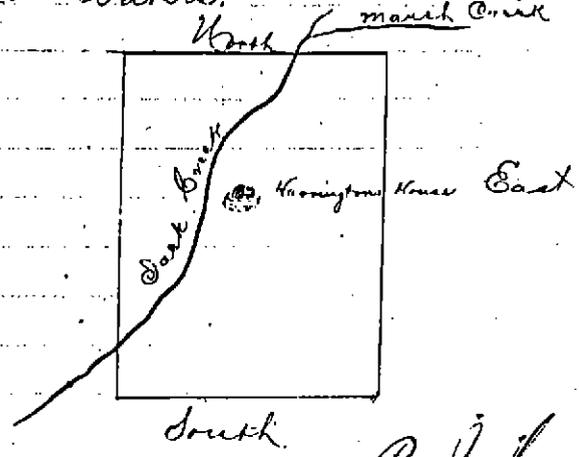
Elko County
Misc
Book 2
Page 592

Recd accompanying diagram showing the
said Creek and Waters.

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CERTIFICATION OF COPY
STATE OF NEVADA
COUNTY OF ELKO,) ss.

JERRY D. REYNOLDS, the duly elected and
qualified Recorder of Elko County, in the State of
Nevada, do hereby certify that this is a true and
correct copy of the instrument now on record
in this office. IN WITNESS WHEREOF, I have
hereunto set my hand and affixed the seal of my
office, in Elko, Nevada this

19th day of March A.D. 1920
JERRY D. REYNOLDS COUNTY RECORDER

(SEAL)
By *[Signature]*

P. J. Harrington

State of Nevada
County of Elko,) ss.

On this Sixteenth day of September
A.D. one thousand eight hundred and twenty nine,
before me Mart Smith, a Notary Public in and
for the County of Elko, residing therein, duly com-
missioned and sworn, personally appeared P. J.
Harrington whose name is subscribed to the
aforesaid instrument, as a party thereto, personally
known to me to be the person described in and
who executed the said aforesaid instrument and
who duly acknowledged to me that he executed
the same freely and voluntarily and for the
uses and purposes therein mentioned.

In witness whereof I have hereunto
set my hand and affixed my official Seal
at my office in Tuscarora, the day and
year in this Certificate first above written.

[Signature]
Notary Public in and for said County

Filed for Record + Recorded at request of P. J.
Harrington Sept 18th 1899. at 8⁰⁰ am

[Signature] Recorder
By A. J. Lewis, Notary

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Jack or Harrington Creek
Name of natural water source

Through various ditches
Name of ditch, flume, or pipe line

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

the Achabal & Sarala and their grantors are full and correct to the best of his
knowledge and belief.

One half owner.
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 Achabal & Sarala
Address Tuscarora, County of Elko
State of Nevada

(2) The means of diversion employed Dams, ditches and channels of Jack Cr.
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun 1879
and completed.....

(5) The dimensions of the ditch or canal as originally constructed were: See map.
Width on bottom.....
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.....
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.
As half owner
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 Patent

(11) Crops of Hay, vegetables & fruit
have been grown upon the land irrigated.

(12) The water has been used for irrigation from March to November
of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or their grantors in the year 1879
when 44.81 acres were irrigated in the E. 1/2 NE 1/4 of Sec. 10
T. 41 N., R. 52 E., 22.88 Acres in the W 1/2 N. W 1/4 Sec 11,
4.47 Acres in S.W 1/4 NE 1/4 Sec. 10, 31.75 Acres in N.W 1/4 S.E 1/4
Sec. 10, T. 41 N. R. 52 E.

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

Year	1890	78.23	acres in the	NE 1/4 NW 1/4	of Sec. 11	T. 41 N.	R. 52 E.
	1890	38.75	acres in the	NE 1/4 SE 1/4	of Sec. 10	T. 41 N.	R. 52 E.
	1890	22.76	acres in the	W 1/2 SW 1/4	of Sec. 11	T. 41 N.	R. 52 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: _____
 Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 183.65 acres.

(16) The water claimed has ~~(has 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 _____
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 Elko County, said record being at page _____ of Book 2 of Miscellaneous Records, and being a claim for not stated _____ of water for the irrigation of not stated _____ 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 (10)

(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: Stock purposes and Domestic use.

(21) Remarks:

+ Achabalt Sabales
By Ballino Tibabul

Subscribed and sworn to before me this 28th day of December, 1912

W. S. Hillman
Notary Public in and for the County of Elko
My commission expires 29th day of May 1913

This part of form to be left blank by claimant

Filing Serial No. 01192

STATE OF NEVADA

Proof of Appropriation of
Water for Irrigation

Water Source

Through

Claimant

Filed in the Office of the State Engineer on

January 14, 1913

W. M. Kearney
State Engineer
By S. G.

Certificate No. issued hereunder

....., 191

112115