

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Martin Creek also known as Penrod Creek
Name of natural water source (use separate proofs for each major source)
The water is diverted from its source Martin Creek Ditch
Name of ditch, flume or pipe line
at the following point(s) SW 1/4 SW 1/4 of Section 8, T 44 N, R 56 E, MDB & M., at
List all points of diversion from this source, appending a sheet if necessary
a point from which the SW corner of said Section 8 bears S 21° 16' 00"
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
W, 1334.00 feet.
land, it should be stated

(1) Name of claimant Robert M. and Donna Marie Schmidtlein
Address Toadstool Ranch-Gold Creek, County of Elko
State of Nevada Telephone No. (702) 758-5417

(2) The means of diversion employed Dams and Ditches
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was December, 1897

(4) The construction of the ditch or other works was begun December, 1897
and completed June, 1906

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3
feet, width on top 8 feet, depth 2 feet, on a grade of 3 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 (X) (not) an owner in the above-described conduit.
Claimants are Sole Owners
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 Meadow Hay and Pasture
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 April 1 to September 30
of each year. Day of month Day of month

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stockwater - January 1 through December 31 each year.

(19) The character of the soil is Gravelly-Loam (Sandy, gravelly, loam). A continuous flow of 2.5 cubic feet of water per second has been used to irrigate 73.87 acres of land and 5 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: Start of Irrigation season varies depending on early or late Spring. Meadows are irrigated after Hay is off, when water is available, with end of irrigation determined by water availability. 1897 Priority is based on John R. Hardman's Notice of Water Right, recorded on Page 462, Book 2 of Elko County Water Rights, which is a Claim for 3000 Miners Inches of water through the "Hardman Townsite Ditch" for Mining, Milling, Agriculture and Domestic Purposes. Proof Map 01246 - 01247 shows this diversion with waters being returned to the creek and diverted at P.O.D. in Proof 01246, which P.O.D. Claimants still use to irrigate lands originally owned by John R. Hardman. The "Hardman Townsite Ditch" was not being used in March of 1977 when Claimants purchased the land irrigated under Proof 01246 and has not been used since that date. The part of Penrod Creek in which the above diversions are located is now known as Martin Creek.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Robert M. and Donna Marie Schmittlein 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

Robert M. Schmittlein
Donna Marie Schmittlein

Telephone No. (702) 758-5417

Subscribed and sworn to before me this 26th day of October, 1990

Notary Public in and for the County of Elko

My commission expires May 5, 1993

\$100 FILING FEE MUST ACCOMPANY PROOF

