Filing Serial No. 01402 (Amended)

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Snow Canyon Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source: 0 JW 2/18/99
Name of ditch, flume or pipe line

at the following point(s): in Lot 12 of Sec. 3X, T.41N., R.53E., MDB&M, and at a
List all points of diversion from this source, appending a sheet if necessary

point in Lot 5 of Sec. 31, T.41N., R.53E., MDB&M.

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: Bidart Bros., a California corporation

Address: 34741 Seventh Standard Rd., County of: Bakersfield

State of: California 93312-9452 Telephone No. (805) 399-9121

(2) The means of diversion employed: earthen dam
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was: prior to 1901

(4) The construction of the ditch or other works was begun: 1901

and completed: about 1905

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 1½ feet, width on top: 2 feet, depth: 1 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.

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: wild hay, meadow pasture, alfalfa, bunch grass, potatos and garden 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 (Day of month) to: September 30 (Day of month) of each year.

(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.

Year	acres					
		acres in the		of Sec.	T. N.,	R. E.
1901	3.6	acres in the	Lot 10	of Sec. 30	T. 41 N.,	R. 53 E.
1901	2.3	acres in the	Lot 11	of Sec. 30	T. 41 N.,	R. 53 E.
1901	7.2	acres in the	Lot 2	of Sec. 31	T. 41 N.,	R. 53 E.
1901	35.0	acres in the	Lot 3	of Sec. 31	T. 41 N.,	R. 53 E.
1901	1.8	acres in the	Lots 2 & 3	of Sec. 31	T. 41 N.,	R. 53 E.
1901	0.4	acres in the	Lot 3	of Sec. 31	T. 41 N.,	R. 53 E.
1901	13.8	acres in the	Lot 4	of Sec. 31	T. 41 N.,	R. 53 E.
1901	2.0	acres in the	Lot 5	of Sec. 31	T. 41 N.,	R. 53 E.
1901	1.5	acres in the	Lot 9	of Sec. 31	T. 41 N.,	R. 53 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 67.6 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: a washout of major proportions occurred, with real property in Lots 4,5 & 9 not being fully irrigated in the last several years. (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: Domestic use - one house

(19) The character of the soil is sandy loam (Sandy, gravelly, loam) A continuous flow of 1.5 cubic feet of water per second has been used to irrigate 67.6 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: This amended proof of appropriation is intended to supersede the original Proof 01402 filed in the State Engineer's Office on August 4, 1915. The historic data in that file is incorporated herein, as well as historic data set forth in file numbers 3540 and 3541. Claimant asserts the doctrine of "relation back" as set forth in "Ophir Silver Mining Co. v. Carpenter", 4 Nev. 534 (1868). Claimant is in the process of completing title to the real property to which this claim is appurtenant. The original claimant was John Saval. Use map under proof of beneficial use for Permits 3540 and 3541 filed June 1, 1920.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Bidart Bros. are full and correct to the best of his knowledge and belief. The undersigned is the attorney for claimant and completes this document based upon records on file in the Nevada State Engineer's Office, discussions with claimant and claimant's predecessors in interest.

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

Ross E. de Lapkau

Ross E. de Lapkau

Telephone No. (775) 323-1601

Subscribed and sworn to before me this day of February, 19 99

Linda B. Eller

Notary Public in and for the County of Washoe

My commission expires 2/9/02

LINDA B. ELLER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 94-0690-2 - EXPIRES FEB. 9, 2002

$100
FILING FEE MUST ACCOMPANY PROOF

(Rev. 10-83) 4316

Fee is in check on M.K's desk. 6/4/15

Filing Serial No. 01402
01402

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Snow Canyon Creek, Elko County, Nevada.
Name of natural water source

Through Saval Ditch No. 2.
Name of ditch, flume, or pipe line

John Saval, *the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by* himself *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* ~~John Saval~~ Joe Saval

Address Tuscarora, *County of* Elko,

State of Nevada.

(2) *The means of diversion employed* a small quartering rock dam and ditch.
Dam and ditch, pipe line, flume, etc.

(3) *The date of the survey of ditch, canal, or pipe line was* 1901.

(4) *The construction of the ditch or other works was begun* 1901

and completed 1906.

(5) *The dimensions of the ditch or canal as originally constructed were: Width on bottom* one *feet, width on top* 1½ *feet, depth* 1 *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.*

Owns the 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* under a homestead entry, Elko Serial No. 0914.

(11) *Crops of* grain and vegetables *have been grown upon the land irrigated.*

(12) *The water has been used for irrigation from* April 15th (Day of month) *to* October 1st (Day of month) *of each year.*

(13) *The water was first used for irrigation by claimant or* his *grantors in the year* 1901 *when* 3.8 *acres were irrigated in the* Lot 5 *of Sec.* 31, *T.* 41 N., *R.* 53 E., M.D.B.&M.

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

1906 (Year), 1.4 *acres in the* Lot 4 *of Sec.* 31, *T.* 41N, *R.* 53 *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: .....

Append a sheet if necessary

.....

.....

.....

(15) *The maximum acreage irrigated in any year was* 5.2 *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* .....*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.* Map not yet prepared, willing State Engineer should have work done.

(20) *Water from the source given and through the works described is also used for the following purposes other than irrigation:* domestic purposes all of the year, ever since the date of appropriation.

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

Remarks: In 1901, claimant settled on Lots 3, 4, 5 and 9 of Section 31, Township 41 N., Range 53 E., M.D.B.&M., and has resided there ever since, and on January 2, 1913, entered this land as a homestead, now Elko Serial No. 0914, and thereupon 1901 appropriated sufficient of the waters of Snow Canyon Creek, for his domestic use; and to irrigate enough ground to furnish grain for the usual number of chickens and hogs about a farm, and for an ample vegetable garden. A dam and ditch were made in 1901, and never enlarged. In 1906, he changed the location of his house, and had to extend the ditch from Lot 5, into Lot 4, in order to secure a small stream for domestic purposes, and to irrigate a garden patch of less than two acres. The entire appropriation hereby claimed, relates back to the original appropriation made in 1901. The head of the ditch has never been enlarged since first constructed, nor has the grade of the ditch been changed.

John Sewell

Subscribed and sworn to before me this 25th *day of* July, *19* 15.

J. L. Dartt

Notary Public in and for the County of Elko.

My commission expires Feb. 6, 1916.

This part of form to be left blank by claimant

Filing Serial No. .....

01402

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Water Source .....

Through .....

Claimant .....

.....

Filed in the office of the State Engineer on

....., 191....

.....
State Engineer

Certificate No. ..... issued hereunder

....., 191....

Form No. B UNION LABEL 3M—10-10-14

8/4/15

Filing Serial No. 01402

01402

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Snow Canyon Creek.
Name of natural water source

Through Two small ditches. One from the East channel and one from the West Channel of said Creek.
Name of ditch, flume, or pipe line

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

Address Tuscarora, *County of* Elko

State of Nevada.

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

(3) *The date of the survey of ditch, canal, or pipe line was* prior to 1901

(4) *The construction of the ditch or other works was begun* prior to 1901

and completed prior to 1901.

(5) *The dimensions of the ditch or canal as originally constructed were: Width on bottom* 1½ *feet, width on top* 2 *feet, depth* 1 *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.*

Owns the ditches.
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*

Homestead Application Elko Serial 0914.

(11) *Crops of* wild hay

have been grown upon the land irrigated.

(12) *The water has been used for irrigation from* May 1st (Day of month) *to* Aug. 1st (Day of month)

of each year.

(13) *The water was first used for irrigation by claimant or* his *grantors in the year* 1901

when 18.9 *acres were irrigated in the* Lot 9 *of Sec.* 31,

T. 41 N., *R.* 53 *E.,* M.D.B.& M.

(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: .....

Append a sheet if necessary

.....

.....

.....

(15) *The maximum acreage irrigated in any year was* 18.9 *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* 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: .....

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

Remarks: Claimant settled on Lots 3, 4, 5 and 9 of Section 31, Tp.41 N.R. 53 E. M.D.M. in 1901. At that time the land described in the proof here as 18.9 acres in Lot 9 was under irrigation and was in the same condition as a meadow as it now is, and had been for many years been irrigated by the ditches described herein. These ditches have been used every year since 1901 by claimant for the irrigation of same meadow, and he has cut crops therefrom ever since said year, and every year since said time.

John Sacal

Subscribed and sworn to before me this 25th day of July, 1915.

J. L. Dartt

Notary Public in and for the County of Elko

My commission expires Feb. 6, 1916.

This part of form to be left blank by claimant

Filing Serial No. 01402

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Water Source Snow Canyon Creek.

Through Ditches.

Claimant John Saval,

Tuscarora, Nevada.

Filed in the office of the State Engineer on

August 7th, 1915.

By S. C. State Engineer

Certificate No. ..... issued hereunder

....., 191....

Form No. B 3M—10-10-14