

**SUPPLEMENT AND AMENDMENT  
TO  
PROOF OF APPROPRIATION V02432**

George and Alma Smiraldo filed a Proof of Appropriation which was executed on December 29, 1958, filed in the Office of the State Engineer on December 30, 1958 as Proof V02432. In that proof, it is claimed that water was first used for irrigation in 1916. As this would not qualify as a vested water right, further research was done to ascertain a more correct date as to priority of use.

The first cadastral survey in 1871 records the existence of a cabin in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of section 5, T25N, R53E. M.DB&M and a lake in portions of the S $\frac{1}{2}$  of the same section. The lake is situated in the same location as the main spring in the area which is later shown as a point of diversion. The cadastral survey notes do not mention any agricultural use in the section.

A further search of records maintained in the office of the Eureka County Recorder revealed that the lands to which this proof is appurtenant was originally known as the Scott Ranch. The records of the Eureka County Assessor show an assessment to J.B. Scott for a "possessory claim to a tract of Land situated in Eureka Co. Nev. About 40 miles North of the Town of Eureka and 10 miles North of the Shipley Ranch on the old Nevada Transportation Wagon Road contg. 160 acres. Log House and Corral" for which the tax of \$4.95 was paid on Nov. 15, 1873. This description places the assessed property as a portion of the presently owned property. Taxes to JB Scott are also for the same description in 1874. In 1874 and 1876, J.B.Scott executed mortgages for a loan of land with the same description as that in the assessment rolls. On November, 1880, John B. Scott conveyed the Scott Ranch by deed recorded in Book 9 of Deeds at page 320, and in addition to the description stated that it was a hay and vegetable ranch and had about 20 acres already broken up. On April 17, 1884, John B. Scott, et al conveyed the property to Robert Bailey. The above is summarized on the Abstract of Title entitled "Scott Ranch" attached hereto with the documents attached. On August 8, 1887, an application was filed for a homestead entry in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  within Section 5 which was cancelled on April 3, 1889. In 1888, 1891, 1892 Agreements of Sale were executed between the State of Nevada Land Department as Seller and

Mariettea Bailey, Robert Bailey and James Powell for purchase of the presently irrigated lands through the State Selection process. The Bailey family was acquiring not only this property, but had an additional ranch property in T24N, R53E, MDB&M which was an established operation due to a claim of diversion of water in 1880 as set forth in Proof of Appropriation V01104.

A Decree of Distribution was issued in the Matter of the Estate of Robert Bailey dated March 9, 1904 named Robert D. Bailey as an heir and subsequently the other heirs conveyed the subject property to him by Deed recorded in Eureka County, Nevada in Book 17 of Deeds at page 52, naming the property as the "Scott Ranch". Patents were not issued by the State of Nevada on those lands upon which Agreements of Sale were not issued until until 1916 and 1917 after payment by Joseph Flynn, Sr. and a Court Order directing issuance of the patents. The chain of title and copies of the documents evidencing these transactions are attached.

Based on the above, a priority of 1873 is claimed, with additional lands being added to the "Scott Ranch" having the same priority based on the Doctrine of Relation Back. The original proof filed in 1958 claims irrigation of 102 acres. However, Permit 50075, Cert. 12332 names as the source the main spring which is the remnant of lake recorded in the survey of 1871 as irrigating 278.38 acres and being the same spring named as the source in V02432. Therefore, based on the Doctrine of Relation Back the entire 278.38 acres has a claimed priority of 1873. The map submitted for Permit 50075 depicts the culture claimed herein.

# Water Rights Database, Page 3

## Place of Use Information

...Application No.: V02432 ... Application Status: VST... Certificate No.: ...

Place of Use Data

QQ	Q	Sec	Twn	Rng	BM	Acres	APN	County
	LT03	05	25N	53E	MD	42.34		
	LT04	05	25N	53E	MD	11.84		
	SE	NW	05	25N	53E	MD	37.47	
	SW	NW	05	25N	53E	MD	18.17	
	NW	SE	05	25N	53E	MD	15.95	
	SW	SE	05	25N	53E	MD	0.23	
	NE	SW	05	25N	53E	MD	39.18	
	NW	SW	05	25N	53E	MD	29.67	
	SE	SW	05	25N	53E	MD	15.74	
	SW	SW	05	25N	53E	MD	11.44	
	SW	SE	32	26N	53E	MD	12.96	
	SE	SW	32	26N	53E	MD	32.71	
	SW	SW	32	26N	53E	MD	10.68	

**Total Acres Irrigated:** 278.38

**Water Use:** IRRIGATION      **Use Units:** INDETERMINATE NO. OF STOCK CLAIMED.  
TCD=932.25AFA

Remarks 3:

THE STATE OF NEVADA  
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Lake Dow-Pah-Gate  
Name of natural water source

Through \_\_\_\_\_  
Name of ditch, flume, or pipe line

Me, George Smiraldi & Alma Smiraldi the undersigned, being first  
 duly sworn, deposes and says that the facts relative to the appropriation of water by us

\_\_\_\_\_ 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 George Smiraldi & Alma Smiraldi  
 Address Eureka, County of Eureka  
 State of Nevada

(2) The means of diversion employed by a pump and pipe line.  
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was Dec. 22, 1957

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

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 12 in pipeline  
 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.

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 owned and  
deeded

(11) Crops of alfalfa, grain and grass  
 have been grown upon the land irrigated.

(12) The water has been used for irrigation from Jan 1 to December 31  
Day of month Day of month  
 of each year.

(13) The water was first used for irrigation by claimant or \_\_\_\_\_ grantors in the year 1916  
 when 2.7 acres were irrigated in the S.E. 1/4 of SW 1/4 of Sec. 5  
T. 25, R. 53 E.,

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

~~1905~~ Year, 31 acres in the NE 1/4 of SW 1/4 of Sec. 5, T. 25, R. 53 E.  
 1915, 18 acres in the SE 1/4 of N. NW 1/4 of Sec. 5, T. 25, R. 53 E.  
 1915, 4 acres in the SW 1/4 of N. NW 1/4 of Sec. 5, T. 25, R. 53 E.  
 1949, 7 acres in the SW 1/4 of SW 1/4 of Sec. 5, T. 25, R. 53 E.  
 1950, 15 acres in the NW 1/4 of SW 1/4 of Sec. 5, T. 25, 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.

Remarks: \_\_\_\_\_  
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 102 acres 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: \_\_\_\_\_

(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 watering

(21) The character of the soil is loam The soil needs 1.5 acre-feet per annum to properly irrigate the crops. A continuous flow of 3 cubic feet of water per second, during the irrigation season of 8 months, is needed to irrigate each 100 acres of land.

(22) Remarks:

George Smiraldo  
Alma Smiraldo

Subscribed and sworn to before me this 29<sup>th</sup> day of December, 1958

Elizabeth A. Hochquet

Notary Public in and for the County of Leho

My commission expires June 13, 1961



This part of form to be left blank by claimant

Filing Serial No. ....

STATE OF NEVADA  
02432

PROOF OF APPROPRIATION OF  
WATER FOR IRRIGATION

Water Source .....

Through .....

Claimant .....

Filed in the office of the State Engineer on

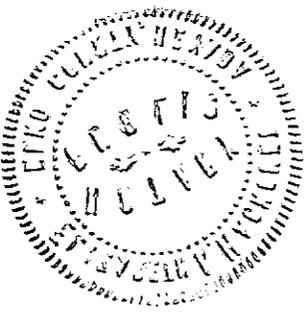
19

State Engineer.

Certificate No. .... issued hereunder

19

Form B 3-15-49-1M



OFFICE  
STATE ENGINEER  
1958 DEC 30 PM 1 11