

AMENDED
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source CHICKEN CREEK & DRAIN & WASTE WATER FROM VAN DUZER CREEK VIA THE MCCLAY DITCH
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source CHICKEN CR. & VAN DUZER CR.
Name of ditch, flume or pipe line

at the following point(s) CHICKEN CR: NE 1/4 SW 1/4 Sec. 25, T. 45N, R. 53E., M.D.B.&M. or at a point
List all points of diversion from this source, appending a sheet if necessary

from which the NE corner of said Sec. 25 bears N. 48° 30' E., a distance of 4,136 feet.
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

VAN DUZER CR; MCCLAY DITCH: Within H.E.S. #66, near Lot 5, Section 2, T. 44N., R. 53E.,

M.D.B.&M., or at a point from which the SE corner of said Sec. 2 bears S. 44° 40' E.,

a distance of 5,327 feet.

(1) Name of claimant Dennis R. Bieroth and Marcia J. Bieroth
Address HC31, Box 80, Mountain City, County of Elko
State of Nevada, 89831 Telephone No. (775) 763-6637

(2) The means of diversion employed earthen dams and headgates
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 a survey Nov. 28-30, 1966, by R.W. Millard & Assoc., Inc.

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

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1 1/2 feet, width
on top 1 1/2 feet, depth 1 feet, on a grade of 10 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 (XXXX) an owner in the above-described conduit. owns full interest in the
Chicken Creek works of diversion and conveyance and owns and maintains the waste and
drain ditch after it leaves the Baker ranch.
If claimant is an owner in the conduit, state interest held on this line

(16) The years during which no water was used for irrigation or during which the full water right was not used were None. The seasonal flow varies, but there has always been full utilization of available water from these sources. 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 Elko 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:
To provide stockwater for 200 head of cattle from September 1 to March 31 of each year.

(19) The character of the soil is loam (Sandy, gravelly, loam). A continuous flow of 1.3 cubic feet of water per second has been used to irrigate 45.60 acres of land and 400 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks. This Proof of Appropriation is filed to supplement that certain Proof No. 01020, filed by Joseph R. Paleni. Proof No. 01020, indicated a diversion of water from Chicken and Van Duzer Creeks. The purpose of this Proof of Appropriation is to sever from Proof No. 01020 that portion of the Proof which refers to the irrigation water from Chicken Creek and the drain and waste water from Van Duzer Creek via the McClay Ditch on the Baker Ranch. The map submitted by Paul Schulze in support of Proof 01020 contained certain errors relative to the location of the irrigated land. At the time of the survey, this area was unsurveyed, and the Homestead Entry Survey No. 71, depicted upon the Schulze Map is misplaced. The correct location of the Homestead Entry Survey No. 71, patented from the United States of America to Joseph R. Paleni on October 2nd, 1916, is correctly depicted on the map prepared by R.W. Millard & Associates, Inc., being submitted in connection with this Proof. The irrigated land is not located entirely within Section 30 of T.45N., R.54E., as set forth on the Schulze Map, but is correctly depicted on the map being submitted herewith. There is likewise being submitted herewith the Affidavit of George Nelson, a person conversant with the facts, in support of this Proof. Refer to the map filed in support of Proof of Appropriation No. 06680 for the location of the point of diversion and the McClay Ditch that irrigates land on the Baker Ranch and is the source of drain and waste water utilized on the Bieroth Ranch.

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

Dennis R. Bieroth

Telephone No. (775) 763-6637

Subscribed and sworn to before me this 17 day of August, 2005

Elizabeth Nunez



Notary Public in and for the County of Elko

My commission expires 8/9/2008

STATE ENGINEERS OFFICE
05 AUG 22 PM 1:43

\$100 FILING FEE MUST ACCOMPANY PROOF



THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Chicken 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 NE 1/4 SW 1/4 of Sec. 25., T. 45

N., R. 53 E., M.D.B. & M., or at a point from which the NE Corner of
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
said Section 25 bears N. 48° 30' E., 4136 distant.

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 An earthen 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 a 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 1 1/2
feet, width on top 1 1/2 feet, depth 1 feet, on a grade of 10 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 45.60 acres were irrigated in the SE 1/4; SW 1/4 NE 1/4; / of Sec. 25
T. 45, R. 53 E., M.D.B. & M.

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(14) The date of culture, number of acres and legal description of the land irrigated in subsequent years:

1885, 0.23 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 Year
 1885, 5.58 acres in the NE $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 1885, 0.62 acres in the SW $\frac{1}{2}$ NE $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 1885, 25.56 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 1885, 11.24 acres in the NE $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 1885, 0.11 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.
 1885, 2.26 acres in the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 25, T. 45 N., R. 53 E.

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(15) The maximum acreage irrigated in any year was 45.60 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. The seasonal flow varies, but there has always been full utilization of available water from this source. 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 of 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 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) 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 Proof of Appropriation is filed to supplement that certain Proof No. 01020, filed by Joseph R. Paleni, Proof No. 01020, indicated a diversion of water from two separate sources, and the purpose of this Supplemental Proof of Appropriation is to sever from Proof No. 01020 that portion of the Proof which refers to the irrigation of water from Chicken Creek. (~~The xxxxxxxxxx of xxxxxxxx claimed to be irrigated as set forth in Proof No. 01020 has been changed~~) The map submitted by Paul Schulze in support of Proof 01020 contained certain errors relative to the location of the irrigated land. At the time of the survey, this area was unsurveyed, and the Homestead Entry Survey No. 71, depicted upon the Schulze Map is misplaced. 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. The irrigated land is not located entirely within Section 30 of T. 45 N., R. 54 E., as set forth on the Schulze Map, but is correctly depicted on the map being submitted herewith. 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

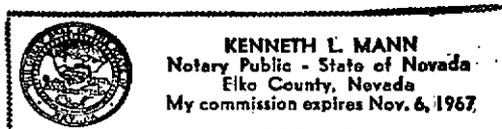
Hugh C. Bieroth

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.

STATE OF NEVADA
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-8-62-2M

4316



1967 FEB 1 AM 10 31
OFFICE STATE ENGINEER

1967 APR 7 AM 9 52
OFFICE STATE ENGINEER