

4TH AMENDED

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Willow Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via Unnamed Ditches
Name of ditch, flume or pipe line

at the following point(s) P.O.D. #1, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T. 43 N., R. 57 E., MDM.
List all points of diversion from this source, appending a sheet if necessary

at a point from which the NE corner of Section 35, T. 43 N., R. 57 E., MDM, bears S. 14°49' E., 10,985
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
feet.

land, it should be stated

P.O.D. #2, within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T. 43 N., R. 57 E., MDM, at a point from which the NE
corner of Section 35, T. 43 N., R. 57 E., MDM, bears S. 22°24' E., 11,573 feet.

(1) Name of claimant Newmont Gold Company

Address PO Box 669, County of Elko

State of Carlin, Nevada 89822

(2) The means of diversion employed diversion dam and ditches

Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was May 27, 1977

(4) The construction of the ditch or other works was begun 1894

and completed 1897

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom _____

feet, width on top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet. (Unknown)

(6) The conduit has been enlarged. (improved)

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 unknown

and completed _____

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EL

- (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. (unknown)
- (9) The claimant is an owner in the above-described conduit.

Total interest

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 Title

Fee simple, public domain, etc.

- (11) Crops of Meadow Hay and Meadow 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 October 31 of each year.
Day of month Day of month

- (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.

<u>P.O.D.</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>T. N.</u>	<u>R. E.</u>	<u>ACRES</u>	<u>TYPE OF CULTURE</u>	<u>DATE OF CULTURE</u>
1	23	NE NW	43	57	0.08	Harvest	1897
1	23	NE NW	43	57	1.41	Pasture	1897
1	14	SW SW	43	57	5.79	Harvest	1897
1	14	SW SW	43	57	2.23	Pasture	1897
1	23	NW NW	43	57	27.85	Harvest	1897
1	23	NW NW	43	57	3.89**	Pasture	1897
1	15	NE SE	43	57	1.49**	Harvest	1894
1	15	SE SE	43	57	32.23**	Harvest	1894
1	15	SE SE	43	57	3.72* *	Pasture	1894
1	15	SW SE	43	57	1.65* *	Harvest	1894
1	22	NE NE	43	57	7.19	Harvest	1897
2	14	SW SW	43	57	14.13	Harvest	1897
2	14	SW SW	43	57	1.49	Pasture	1897
2	15	SE SE	43	57	0.41	Harvest	1897
2	15	SE SE	43	57	2.31	Pasture	1897
2	14	NW SW	43	57	18.26	Harvest	1897
2	15	NE SE	43	57	3.97	Harvest	1897
2	15	NE SE	43	57	6.20	Pasture	1897
2	14	SW NW	43	57	2.31	Harvest	1897
2	14	SW NW	43	57	11.90**	Harvest	1894
2	15	SE NE	43	57	21.40**	Harvest	1894
2	15	SE NE	43	57	5.79**	Pasture	1894
2	14	NW NW	43	57	5.54* *	Harvest	1894
2	15	NE NE	43	57	26.45**	Harvest	1894
2	15	NE NE	43	57	5.70**	Pasture	1894

**** Acreages that may receive water from the Bruneau River under Proof 03524, Ditches #1, #2, and #4.**

14) The maximum acreage irrigated in any year was 97.52 acres, with additional 115.87 acres on the Bruneau River, which also can be irrigated under Proof 03524, Bruneau River, Ditches #1, #2, and #4.

(15) The water claimed has 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 _____

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 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: Stockwater and Domestic

(19) The character of the soil is sandy loam . A continuous flow of 2½ cubic
(Sandy, gravelly, loam)

feet of water per second has been used to irrigate 100 acres of land and 4.0

acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: An Affidavit by Frank. P. Shively, Book 242, Page 532 states that the waters from the Bruneau River (Charleston Reservoir) built in 1894 and that all of that land was irrigated from Bruneau and Willow Creek. Affidavit made by John B. Scott found in Book 242, Page 528 that the waters of the Bruneau River were irrigated in the late 1800's. Affidavit filed in Book 242, Page 531 by J.M. Knight that the land and reservoirs were in place in 1917. Affidavit filed by Philip O. Morse for a ditch out of the Bruneau near mouth of Dolly Creek in 1893, Water Rights Book 2, Page 229. Also Affidavit filed by J.A. Terbranche for a ditch in 1894 for another ditch out of the Bruneau near where Dolly Creek empties into the Bruneau, found Water Rights, Book 2, Page 240. Affidavit found in Water Rights, Book 2, Page 295

filed by A.M. Harris and W.J. Plumb for agriculture out of Willow Creek in 1897. We are claiming a 1894 for ditches #1 through #5 out of the Bruneau and Charleston Reservoir and also a 1894 out of Willow Creek for that land that irrigates from both Bruneau and Willow Creek. The rest of Willow Creek claiming at 1897.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Newmont Gold Company

are full and correct to the best of his knowledge and belief Deponent has been authorized by
If proof is not made by claimant, deponent should state
the claimant to act as his agent

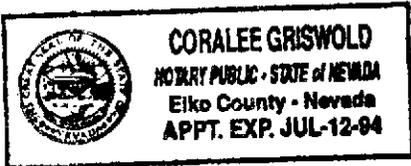
on this line by virtue of what authority he represents the claimant

William C. Fiskel

421 Court Street, Elko, NV 89801

Subscribed and sworn to before me this 17 day of June, 1994

Coralee Griswold



Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$100 FILING FEE MUST ACCOMPANY PROOF

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Willow Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via Unnamed Ditch
Name of ditch, flume or pipe line

at the following point(s)
List all points of diversion from this source, appending a sheet if necessary

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
P.O.D. #1 Within the SE 1/4 SW 1/4 of Section 14, T. 43 N., R. 57 E., MDM, at a point from

which the NE corner of Section 35, T. 43 N., R. 57 E., MDM, bears S. 14° 49' E. 10,985 feet

P.O.D. #2 Within the SW 1/4 SW 1/4 of Section 14, T. 43 N., R. 57 E., MDM, at a point from

which the NE corner of Section 35, T. 43 N., R. 57 E., MDM, bears S. 22° 24' E. 11,573 feet

(1) Name of claimant Howard Ranches

Rowland, Nevada via

Address Grassmere, Idaho 83625, County of Elko

State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was May 27, 1977

(4) The construction of the ditch or other works was begun See Remarks
and completed

(5) The dimensions of the ditch or canal as originally constructed were: 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.

Total interest

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 Title

Fee simple, public domain, etc.

(11) Crops of Meadow Hay and Grass
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 October 31
of each year. Day of month Day of month

(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 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.
 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..... See Attached..... 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.....
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)

PROOF NO.: 03526

SOURCE: Willow Creek

*Acreages Receiving Water From Additional Points of Diversion or Sources

P.O.D.	1/4	1/4	SECTION	T.N.	R.E.	HARVEST	ACREAGES PASTURE	DIVERSIFIED
#1	SE	SW	14	43	57			
	NE	NW	23	43	57	0.08	1.41	
	SW	SW	14	43	57	5.79	2.23	
	NW	NW	23	43	57	27.85	3.89	
	NE	SE	15	43	57	1.49*		
	SE	SE	15	43	57	32.23*	3.72*	
	SW	SE	15	43	57	1.65*		
	NE	NE	22	43	57	7.19		
#2	SW	SW	14	43	57			
	SW	SW	14	43	57	14.13	1.49	
	SE	SE	15	43	57	0.41	2.31	
	NW	SW	14	43	57	18.26		
	NE	SE	15	43	57	3.97	6.20	
	SW	NW	14	43	57	2.31		
	SW	NW	14	43	57	11.90*		
	SE	NE	15	43	57	21.40*	5.79*	
	NW	NW	14	43	57	5.54*		
	NE	NE	15	43	57	26.45*	5.70*	

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stockwater and Domestic

(19) The character of the soil is sandy loam. A continuous flow of 2 1/2 cubic feet of water per second has been used to irrigate 100 acres of land and acre-feet per acre per annum have been used to irrigate the crops.
(Sandy, gravelly, loam)

(20) Remarks: See Attached

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Howard Ranches are full and correct to the best of his knowledge and belief. Deponent has been authorized by the claimant to act as his agent

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

claimant

William A. Fiebel

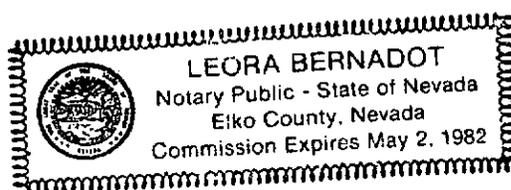
Subscribed and sworn to before me this 19th day of March, 19 80

Lura Bernadot

Notary Public in and for the County of Elko, Nevada

My commission expires May 2, 1982

\$10 FILING FEE MUST ACCOMPANY PROOF



Item 20 - Remarks

The following is a summary of information gathered in order to establish an approximate date of priority. The other information confirming the use of water and cultures grown has also been collected and enclosed. However, this information has not been included in this summary.

Bruneau River & Willow Creek-Affidavit states that Mr. Charlie Pearson and Mr. Jesson built the reservoir (Charleston Reservoir) in 1894 and irrigated lands from these two sources. Refer to Affidavit in Book 242, Page 532 recorded in Elko County.

Badger Creek-Affidavit states use of water for mining purposes in 1893 by C.E. Pearson. Refer to Affidavit in Water Rights Book No. 2, Page 183 recorded in Elko County.

Also refer to Affidavit in Book 242, Page 530 of Elko County indicating irrigated lands well established in 1910 when Alex Palacio's father owned this land.

Cottonwood Creek-Affidavit states use of water for mining purposes in 1900 by D.F. and A.P. Shively. Refer to Water Rights Book No. 2, Page 365 recorded in Elko County.

Bruneau River at Miller Creek and Miller Creek-Affidavit states waters from Miller Creek and Bruneau River were used for irrigation in the late 1800's. Refer to Book 242, Page 528 recorded in Elko County.

Irrigation from Miller Creek and Bruneau River also mention in Affidavit under Book 242, Page 533 of Elko County.

Affidavit states use of water for mining purposes in 1893. Refer to Water Rights Book No. 2, Page 206 recorded in Elko County.

Bruneau River at Rowland and McDonald Creek-Affidavit states that waters from these sources were used for irrigation as far back as 1890. Refer to Book 242, Page 528 of Elko County.

Further research is needed in order to clearly define priorities for the remaining points of diversion and sources of water. However, we uphold our claim that water use under these points and source was initiated prior to 1900.

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Willow Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via Unnamed Ditch
Name of ditch, flume or pipe line

at the following point(s) See Attachment
List all points of diversion from this source, appending a sheet if necessary

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 Howard Ranches
Rowland, Nevada via
Address Grassmere, Idaho 83625, County of Elko
State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was May 27, 1977

(4) The construction of the ditch or other works was begun Prior to 1900
and completed Prior to 1900

(5) The dimensions of the ditch or canal as originally constructed were: 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.

Total interest
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 Title
Fee simple, public domain, etc.

(11) Crops of Meadow Hay and Grass
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 October 31
of each year. Day of month Day of month

P.O.D. # 1 . Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T 43 N, R 57 E, MDM.

P.O.D. # 2 Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T 43 N, R 57 E, MDM.

P.O.D. # 3 Within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T 43 N, R 57 E, MDM.

(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.

.....	acres in the.....	of Sec.....	T.....	R.....	E.....
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.....
.....	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.....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.....

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)

