Filing Serial No. 03527

2nd AMENDED

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Cottonwood 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) within the SE¼NE¼ of Section 20, T. 45 N., R. 57 E., MDM, (unsurveyed) at
List all points of diversion from this source, appending a sheet if necessary

a point from which the NW corner of Section 18, T. 45 N., R. 57 E., MDM, bears N. 55°19' W., 12,774 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

(1) Name of claimant State of Nevada, Department of State Lands for and on behalf of the Nevada Department of Wildlife

Address Nevada Department of State Lands, 505 East King, Carson City, County of Carson City

State of Nevada 898710

Address Nevada Department of Wildlife, 1100 Valley Road, Reno, County of Washoe

State of Nevada 89520

(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 1900

and completed 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. (Unknown)

(6) The conduit 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 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 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 (Day of month) to October 31 (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.

Ditch	SEC.	1/4 1/4	T. N.	R. E.	ACRES	TYPE OF CULTURE	DATE OF CULTURE
1	20	NW NE	45	57	8.04	Pasture	1900 ✓
1	17	SW SE	45	57	8.14	Pasture	1900 ✓
1	17	SE SW	45	57	2.19	Pasture	1900 ✓

(14) The maximum acreage irrigated in any year was 18.37 acres.

(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 recorded in the office of the County Recorder of Elko County, said record being at Page 195 of Book 2 of Water Rights, and being a claim for all

_____ 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 (Sandy, gravelly, loam). A continuous flow of 2½ cubic 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: In Water Rights, Book 2, Page 195, dated January 1, 1897 all of the waters of Cottonwood Creek for mining, agriculture, and power were claimed, also another affidavit states use of water for mining purposes in 1900 by D.F. and A.P. Shirely, Water Rights Book 2, Page 365. An Affidavit made by Frank P. Shirely states he was acquainted with the ranches from Charleston to Miller Creek, Book 242, Page 532. We are claiming a 1904 for Little Cottonwood and 1990 for Cottonwood. This is H.E.S. #129.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by State of Nevada, Department of State Lands for and on behalf of the Nevada Department of Wildlife 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. Fisbet

421 Court Street, Elko, NV 89801

Subscribed and sworn to before me this 28th day of October, 1992

Coralee Griswold

CORALEE GRISWOLD
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
APPT. EXP. JUL-12-94

Notary Public in and for the County of Elko

My commission expires July 12, 1994

$100 FILING FEE MUST ACCOMPANY PROOF

AMENDED

Filing Serial No. 03527

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Cottonwood 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) Within the SE¼ NE¼ of Section 20, T 45 N, R 57 E, MDM,
List all points of diversion from this source, appending a sheet if necessary

(unsurveyed) at a point from which the NW corner of Section 18, T 45 N, R 57 E,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

MDM, bears N 55° 19' W 12,744 feet
land, it should be stated

(1) Name of claimant Howard Ranches

Address Rowland, Nevada via 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 (Day of month) to October 31 (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 in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...acres in the.....of Sec....., T....., R.....E.

.....(Year), ...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.: 03527 SOURCE: Cottonwood 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	NE	20	45	57			
	NW	NE	20	45	57		8.04	
	SW	SE	17	45	57		8.14	
	SE	SW	17	45	57		2.19	
							18.37	

(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 (Sandy, gravelly, loam). A continuous flow of 2½ 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.

(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. Nisbet

Subscribed and sworn to before me this 19th day of March, 19 81

Leora Bernadot

Notary Public in and for the County of Elko, Nevada

My commission expires May 2, 1982

$10 FILING FEE MUST ACCOMPANY PROOF

4316

LEORA BERNADOT
Notary Public - State of Nevada
Elko County, Nevada
Commission Expires May 2, 1982

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.

03527 E/160

Filing Serial No. 03527 #4

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Cottonwood 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) within portions of Sections 17 and 20, T 45 N, R 57 E, MDM
List all points of diversion from this source, appending a sheet if necessary

(unsurveyed) adjacent to Homestead Entry Survey No. 129, from which Corner No. 4 of
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

said Homestead bears N 47° 10' W 1690 feet
land, it should be stated

(1) Name of claimant Howard Ranches
Address Rowland, Nevada via 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

(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.

(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)

(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 (Sandy, gravelly, loam). A continuous flow of 2½ 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.

(20) Remarks:

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. Nisbet, agent

Subscribed and sworn to before me this 29th day of ~~August~~ September, 19 80.

Leora Bernadot

Notary Public in and for the County of Elko, Nevada

My commission expires May 2, 1982

LEORA BERNADOT
Notary Public - State of Nevada
Elko County, Nevada
Commission Expires May 2, 1982

$10 FILING FEE MUST ACCOMPANY PROOF

4316