

3rd AMENDED

**THE STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION**

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

The water is diverted from its source via Unnamed Ditches #1 thru #5  
Name of ditch, flume or pipe line

at the following point(s) P.O.D. #1 within the NW¼NW¼ of Section 27, T. 47 N., R. 55 E., MDM, at  
List all points of diversion from this source, appending a sheet if necessary  
*7-1-93 47 gm 9-22-99*  
a point from which the SE corner of said Section 23 T. 46 N., R. 55 E., bears N. 85°53' E., 9555 feet.  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

P.O.D. #2, within the SE¼SW¼ of Section 22, T. 47 N., R. 55 E., MDM, at a point from which the SE  
land, it should be stated  
corner of Section 23, T. 47 N., R. 55 E., MDM, bears S. 88°20' E., 8169 feet.

P.O.D. #3, within the NE¼SE¼ of Section 22, T. 47 N., R. 55 E., MDM, at a point from which the SE  
corner of Section 23, T. 47 N., R. 55 E., MDM, bears S. 70°12' E., 5885 feet.

P.O.D. #4, within the SE¼SE¼ of Section 24, T. 47 N., R. 55 E., MDM, at a point from which the SE  
corner of Section 23, T. 47 N., R. 55 E., MDM, bears S. 74°52' W., 4507 feet.

P.O.D. #5, within the SW¼SW¼ of Section 17, T. 47 N., R. 56 E., MDM, at a point from which the S¼  
corner of said Section 17, bears S. 62°40' E., 2149 feet.

(1) Name of claimant Howard Ranches

Address Rt. Box 14, Bruneau, County of \_\_\_\_\_

State of Idaho 83604

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, Nevada, 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 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. (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 (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.

<u>DITCH</u>	<u>SEC.</u>	<u>1/4</u>	<u>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	27	NW	NW	47	55	0.23	Harvest	1901
1	27	NW	NW	47	55	0.54	Pasture	1901
1	27	NE	NW	47	55	1.03	Harvest	1901
1	27	NE	NW	47	55	1.96	Pasture	1901
1	22	SE	SW	47	55	0.23	Harvest	1901
1	22	SE	SW	47	55	0.50	Pasture	1901
2	22	SE	SW	47	55	0.84	Harvest	1902
2	22	SE	SW	47	55	0.68	Pasture	1902
2	22	SW	SE	47	55	3.72	Harvest	1902
2	22	SW	SE	47	55	0.10	Pasture	1902
2	22	NW	SE	47	55	0.38	Harvest	1902
2	22	SE	SE	47	55	0.14	Harvest	1902
2	22	NE	SE	47	55	0.43	Harvest	1902
3	22	NE	SE	47	55	0.59	Diversified	1903
3	23	NW	SW	47	55	2.25	Harvest	1903
3	23	NW	SW	47	55	0.74	Pasture	1903
3	23	NW	SW	47	55	3.42	Diversified	1903
3	23	SW	SW	47	55	0.08	Harvest	1903
3	23	SW	SW	47	55	0.16	Pasture	1903
3	23	SW	SW	47	55	0.06	Diversified	1903
3	23	NE	SW	47	55	0.10	Diversified	1903
3	23	SE	SW	47	55	1.70	Harvest	1903
3	23	SE	SW	47	55	0.42	Pasture	1903
3	23	SE	SW	47	55	0.77	Diversified	1903
4	24	SE	SE	47	55	0.02	Pasture	1904
4	24	NE	SE	47	55	5.21	Harvest	1904
4	24	NE	SE	47	55	0.04	Pasture	1904
4	24	SE	NE	47	55	4.44	Harvest	1904
5	17	SW	SW	47	56	1.55	Pasture	1893
5	17	SE	SW	47	56	4.34	Pasture	1893
5	17	SE	SW	47	56	0.92	Harvest	1893
5	17	NW	SE	47	56	0.13	Pasture	1893
5	17	NW	SE	47	56	0.07	Pasture	1893
5	17	NW	SE	47	56	0.03	Harvest	1893
5	17	NW	SE	47	56	0.20	Harvest	1893
5	17	NW	SE	47	56	0.53	Pasture	1893
5	17	NW	SE	47	56	0.70	Harvest	1893
5	17	NE	SE	47	56	0.02	Harvest	1893
5	17	SE	SW	47	56	1.27	Pasture	1893
5	17	SE	SW	47	56	0.14	Pasture	1893
5	17	SE	SW	47	56	2.45	Harvest	1893
5	17	SW	SE	47	56	0.27	Pasture	1893
5	17	SW	SE	47	56	2.17	Harvest	1893
5	17	SW	SE	47	56	1.81	Harvest	1893
5	17	SW	SE	47	56	2.69	Pasture	1893
5	17	NW	SE	47	56	1.04	Harvest	1893

(14) The maximum acreage irrigated in any year was 52 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 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

(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 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: Point of Diversion #1 and #2. Henry Roberson was on this property before 1901. The Elko County Tax sheets show that he was paying taxes on this property starting in 1901. The Cadastral Survey made in 1904 shows his property. We are claiming a 1901 for Point of Diversion #1 and a 1902 for Point of Diversion #2.

Point of Diversion #3. A. Roberson was on this property in 1901, 1902 and 1903. the Elko County Tax sheets show him on the roll in those years with Charles Roberson starting to pay taxes in 1904. We are claiming a 1903 on this ditch and property.

Point of Diversion #4. E.P. Martin was on this property in 1901 with Elko County Tax sheets showing him on the tax roll, starting to pay taxes in 1901. We are claiming a 1904 on this ditch and property.

Point of Diversion #5. This land was purchased from J.A. Taylor in 1899 and shows on the Tax roll starting in 1900 as J.B. Scott and shows as J.A. Taylor on the Tax roll from 1892 to 1899. Claiming 1893 on ditch and land.

Bruneau River at Rowland and McDonald Creek. Affidavit states that water from these sources were used for irrigation as far back as 1890. Refer to Book 242, Page 528, Elko County and also a deed from J.A. Taylor to John B. Scott dated Nov. 4, 1899, which J.A. Taylor sells ditches and land from McDonald Creek and Bruneau River.

Ditches and land one thru four belong to the Nevada Department of Wildlife. Ditch and lands under five belong to both Howard Ranches and Nevada Department of Wildlife.

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 and Howard Ranches are full and correct to the best of his knowledge and belief Deponent has

If proof is not made by claimant, deponent should state

been authorized by the claimant to act as his agent

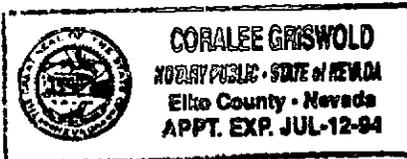
on this line by virtue of what authority he represents the claimant

William A. Fisher

421 Court Street, Elko, NV 89801

Subscribed and sworn to before me this 21 day of June, 1993

Coralie Griswold



Notary Public in and for the County of Elko

My commission expires July 12, 1994

**\$100 FILING FEE MUST ACCOMPANY PROOF**