

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Owyhee River
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via ditch systems
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

P.O.D. #1-Byington Ditch-within Homestead Entry Survey No. 76, Section 1, T. 45 N., R 53 E, MDM, at a point from which the SW corner of Section 31, T. 46 N., R. 54 E., MDM land, it should be stated (unsurveyed) bears S 48° 18' E 1250 feet.

P.O.D. #2-Vitale Ditch-within Homestead Entry Survey No. 39 (SE 1/4 NW 1/4) Section 36, T 46 N, R 53 E, MDM (unsurveyed) at a point from which the SE corner of said Section 36 bears S 46° 39' E 3892 feet

(1) Name of claimant August J. & Marjorie S. Vitale
Address 127 West Pine, County of Elko, State of Nevada 89801

(2) The means of diversion employed Diversion Dam, Headgate and Ditch System
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun 1896 and completed 1896

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom feet, width on top 3.2 feet, depth 3.3 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.
See Remarks
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 Native 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

037
E2

(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.
.....	.....	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.....34.15.....acres...SEE REMARKS.....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 & 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: Item #9-Claimant holds a vested right in and to the ditch that flows through upstream ownership to the head of the claimant's fields.

Item #14-Priority-Research to date describes ditch construction and water use beginning in 1896

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by August J. & Marjorie S. Vitale are full and correct to the best of his knowledge and belief. Deponent has been authorized by the claimant's to act as their 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 17th day of November, 1982

Leora Bernadot  
Notary Public in and for the County of Elko



My commission expires May 2, 1986

**\$10 FILING FEE MUST ACCOMPANY PROOF**

Acres in the

Sec.

CULTURE TABULATION FOR PROOF NO. 03706

		UNSURVEYED			ACREAGE	
1/4	1/4	SEC.	T.N.	R.E.	HARVEST	MEADOW
NE	SW	36	46	53	3.69	
NW	SE	36	46	53	1.30	
SE	NW	36	46	53	5.66	
SE	NW	36	46	53	3.83*	
SW	NW	36	46	53	.17*	
NE	NW	36	46	53	.82*	
NW	NW	36	46	53	3.25*	
NE	NE	36	46	53	4.12*	
SW	SW	25	46	53	.47*	
SE	SE	26	46	53	7.32*	3.52*

\* Acreage Irrigated By Both POD #1 and POD #2

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Owyhee River
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

POD #1 - NW 1/4 NW 1/4 Section 1 T.45 N., R. 53 E., M.D.M.

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
POD #2 - NE 1/4 NW 1/4 Section 36 T.46 N., R. 53 E., M.D.M.

(1) Name of claimant August J. & Marjorie S. Vitale

Address 127 West Pine, County of Elko
Elko,
State of Nevada 89801

(2) The means of diversion employed Diversion Dam, Headgate & Ditch System
Dam and ditch, pipe line, flume, etc.

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

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

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom
feet, width on top 3.2 feet, depth 3.3 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.
See Remarks

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 Native hay, meadow, and diversified 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 to Oct. 31
of each year. Day of month Day of month



(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stockwater & 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 100 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks:

Item #4 - Research is continuing in order to define the priority attached to the water right.

Item #9 - Claimant holds a vested right in & to the ditch that flows through upstream ownership to the head of the claimant's fields.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by August J. & Marjorie S. Vitale are full and correct to the best of his knowledge and belief. Deponent has been authorized by the claimant's to act as their agent.

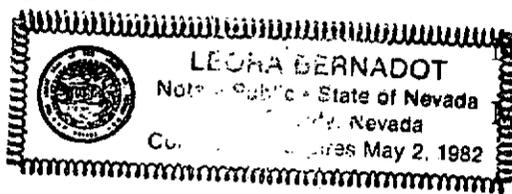
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the

claimant

William A. Probet, agent

Subscribed and sworn to before me this 15<sup>th</sup> day of October, 19 81

Leona Bernadot



Notary Public in and for the County of Elko, Nevada

My commission expires May 2, 1982

**\$10 FILING FEE MUST ACCOMPANY PROOF**