

THE STATE OF NEVADA
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Angel Creek, aka. McElhaney Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source through several named & unnamed ditches
Name of ditch, flume or pipe line

at the following point(s) Diversions used in 1949 S.C.S. aerial photo
List all points of diversion from this source, appending a sheet if necessary

P.O.D. #1: within the SE 1/4 SW 1/4 Section 7, T 36 N, R 62 E, MDM, at a point from which
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
 the S 1/4 corner of said Section 7 bears S 26° 00' E 525 feet.

P.O.D. #2: within the NW 1/4 NE 1/4 Section 18, T 36 N, R 62 E, MDM, at a point from which
 N 1/4 corner of said Section 18 bears N 60° 00' W 1000 feet.

P.O.D. #3: within the NW 1/4 NE 1/4 Section 18, T 36 N, R 62 E, MDM, at a point from which
 the N 1/4 corner of said Section 18 bears N 62° 00' W 1100 feet.

NOTE: Beyond P.O.D. #3 the natural channel of Angel, aka, McElhaney Creek is not
 recognizable due to the numerous ditch systems beyond this point (see remarks)

(1) Name of claimant David K. & Patricia H. Anderson

Address Clover Valley, Wells, County of Elko

State of Nevada 89835

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

(3) The date of the survey of ditch, canal, or pipe line was prior to 1887 see Remarks for
 description by E.C. McClellan, surveyor

(4) The construction of the ditch or other works was begun prior to 1869

and completed continued improvements are still being constructed and future
 construction of pipelines, sprinkler systems, etc. are being considered

(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.~~

Claimant is the sole owner of the above-described conduit

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 simple

except that portion irrigated in Section 7, which is leased from the railroad
Fee simple, public domain, etc.

(11) Crops of alfalfa hay, grass hay, orchard 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 January 1 to December 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.

DITCH		Year	Acreage	Location	Remarks	Sec.	T.	R.	E.
#1	1882	300	acres in the	see Remarks			36	62	E.
#2	1881	100	acres in the	"			"	"	E.
#2a	1886	40	acres in the	"			"	"	E.
#2b	1886	80	acres in the	"			"	"	E.
#3	1886	200	acres in the	"			"	"	E.
#4	1880	50	acres in the	"			"	"	E.
#A	1869	200	acres in the	"			"	"	E.
SPAULDING-Benton	1875	all flow	acres in the	"			"	"	E.
			acres in the						E.
			acres in the						E.
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(14) The maximum acreage irrigated in any year was 675.69 acres.

(15) The water claimed has ~~(was 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 _____ Elko _____ County, said record being at page 392 of Book 1 of _____ Water Rights _____, and being a claim for all water from Angel, aka, _____ McElhaney Creek _____ of water for the irrigation of _____ 970 acres _____

acres of land in the following legal subdivisions: none stated-

Also recorded in Elko County under Book of Miscellaneous, Page 97 is a description of the Spaulding-Benton Ditch diverting water from McElhaney Creek claiming all waters of McElhaney Creek (see attached copies)

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: water diverted during winter months to "ice" fields for water storage, stockwater and domestic

(19) The character of the soil is gravelly loam A continuous flow of _____ cubic feet of water per second has been used to irrigate _____ 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 David K. & Patricia H. Anderson are full and correct to the best of his knowledge and belief. I, William A. Nisbet, am acting as agent for the claimants.

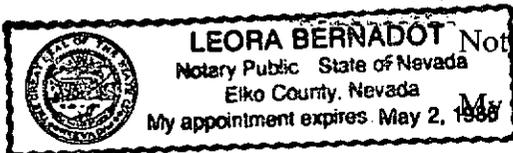
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the

claimant

William A. Nisbet
Agent

Subscribed and sworn to before me this _____ day of _____, 19____

Leora Bernadot



Notary Public in and for the County of Elko
My commission expires May 2, 1986

\$10 FILING FEE MUST ACCOMPANY PROOF

STATE ENGINEERS OFFICE
RECEIVED

83 JUL -7 10:05

PROOF NO.

ANGEL CREEK aka MC ELHANEY CREEK

DAVID K. & PATRICIA H. ANDERSON

REMARKS:

Several points of diversion are listed on the enclosed copies of the water right claims recorded in the Elko Co. Recorder's Office. However, several attempts have been made to relocate these original diversions without success. Due to land leveling, new ditch construction and design, most of the original diversions and ditch systems listed on these documents cannot be distinguished. The earliest aerial photographs available are dated in August and October of 1949. These were taken by the U.S. Dept. of Agriculture's Soil Conservation Service. The ditch systems had been altered enough even by the date of these photographs that the original diversions were not recognizable. Therefore, the only diversions described on this Proof are those that are being utilized today to divert water from Angel aka McElhaney Creek.

The place of use illustrated on the recorded documents include portions of Sections 7, 8, 17 and 18, T. 36 N., R. 62 E., M.D.M. No further description of irrigated acreage has been discovered other than the S.C.S. aerial photographs. The entire flow of Angel aka McElhaney Creek has been claimed in the document reserving water for the Spaulding-Benton Ditch. Utilizing the 1949 S.C.S. aerial photographs, it was found that 675+ acres within portions of Sections 7, 8, 9, 17 & 18, T. 36 N., R. 62 E., M.D.M. had been irrigated prior to the installation of the pipeline line, irrigation wells and sprinkler systems. A culture tabulation for those acreages being irrigated prior to the above described improvements has been compiled and a supporting map drafted. Also included is a cultural tabulation and supporting map describing the present place of use of waters being utilized from Angel aka McElhaney Creek and irrigation wells.

Priorities have not been listed for particular acreages due to the lack of conclusive evidence listed on the recorded documents.

In addition to the documents recorded in the Elko County Recorder's Office, reference to original settlers of these acreages is made by E.C. McClellan, an Elko County Surveyor. The following is the description of the original settlers found in his survey notebook entitled Water and dated 1887:

T. 36 N., R. 62 E., Warren Angel - Spaulding took out a homestead on the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18 in 1878. Gilmer homesteaded before that on the W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 8. Head of main ditch is about 4' x 1-1/2' and 20' to a mile and takes water from McElhaney Creek. McElhaney was the first settler along with Petty and Wiseman. Petty and Wiseman had first right to land on Section 17 and used the first water out of the creek on it. McElhaney cut hay on what is now Section 8. Petty and Wiseman, whom appeared to be partners, used water on both Sections 17 & 18.

McElhanev claimed the meadow. Armstrong took out ditches in 1882 that irrigated the grainfield. J.C. Spaulding filed Homestead Entry on the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18, T 35 N, R 62 E, on November 7, 1878, and received final proof on August 18, 1881

The claimant and his predecessors have greatly improved the ditch systems and constructed a pipeline and sprinkler irrigation system to more efficiently utilize the water from Angel Creek. By these improvements they have been able to increase the duration of water flow and constantly upgrade the cultures being grown. Diversified pasture and meadow lands have been upgraded to harvest cultures. Rotation is still practiced today. Due to the above mentioned improvements the number of acres affected by rotation has been substantially reduced.

During the winter months water continues to be diverted in order to provide storage for early spring irrigation in the form of ice. This practice is common and allows the maximum number of acres to be cultivated.

PROOF NO. 04091

ANGEL CREEK, aka, McELHANEY CREEK (1949 irrigation scheme)

DAVID K. & PATRICIA H. ANDERSON

Diversion	$\frac{1}{4}$ $\frac{1}{4}$	Section	T. N.	R. E.	Harvest	Acreages Meadow	Diversified	
P.O.D. #1	SE SW	7	36	62				
	NW NE	18	36	62	8.59			
	SW NE	18	36	62	2.72			
					5.56*			
					12.36*			
P.O.D. #2	NW NE	18	36	62				
	NW NE	18	36	62	5.56*			
	SW NE	18	36	62	12.36*			
P.O.D. #3	NW NE	18	36	62				
	NW NE	18	36	62	0.59			
	SW NE	18	36	62	5.59			
	NE NE	18	36	62	36.99			
	SE NE	18	36	62	32.64		4.19✓	
	NE SE	7	36	62	0.33	3.33✓		
	SE SE	7	36	62	28.59✓	0.85✓		
	NW NW	17	36	62	15.26✓		24.74✓	
	SW NW	17	36	62	3.00✓		36.37✓	
	NE NW	17	36	62	0.18		39.82✓	
	SE NW	17	36	62			39.17✓	
	NE SW	17	36	62			1.15✓	
	NW NE	17	36	62			2.73✓	
	SW NE	17	36	62			0.10✓	
		SW NW					13.67	
		SW NE	8	36	62			
		NW SW	8	36	62	15.34✓	20.70✓	
		SW SW	8	36	62	40.00✓		
		SE NW	8	36	62	5.67✓	26.70✓	
	NE SW	8	36	62	37.81✓	2.19✓		
	SE SW	8	36	62	40.00✓			
	SW NE	8	36	62	16.00✓	0.15✓	7.67✓	
	NW SE	8	36	62	39.93✓			
	SW SE	8	36	62	21.54✓		11.88✓	
	NE NE	8	36	62			0.56✓	

SEE LTR
7-27-83
RZ

PROOF NO. 04091

ANGEL CREEK, aka, McELHANEY CREEK (1949 irrigation scheme)

DAVID K. & PATRICIA H. ANDERSON

Diversion	¼ ¼	Section	T. N.	R. E.	Harvest	Acreages Meadow	Diversified
	SE NE	8	36	62	7.22 ✓		4.22 ✓
	NE SE	8	36	62	20.52 ✓		
	SE SE	8	36	62	8.07 ✓		11.33 ✓
	SW NW	9	36	62	3.89 ✓		
	NW SW	9	36	62	6.63 ✓		
	SW SW	9	36	62	7.63 ✓		1.52 ✓
					422.65	67.59	185.45

* Acreage receiving water from P.O.D. #1 & P.O.D. #2