

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source BATTLE CREEK
Name of natural water source (use separate proofs for each major source)
The water is diverted from its source "BC" No. 1 ditch and pipeline
Name of ditch, flume or pipe line
at the following point(s) NE 1/4 NW 1/4 Section 8, T. 30N., R. 59E., M.D.R. & M. or at a point
List all points of diversion from this source; appending a sheet if necessary
from which the NW corner of said Section 8 bears S. 66° 02' E., for a distance of
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
1888 feet.
land, it should be stated

(1) Name of claimant Smith Bros. OX Ranch, Inc.
Address Ruby Valley, County of Elko
State of Nevada 89833

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

(3) The date of the survey of ditch, canal, or pipe line was 1866

(4) The construction of the ditch or other works was begun 1866
and completed 1866

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom varies
feet, width on top varies feet, depth varies feet, on a grade of varies 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 Pipeline 1965
and completed Pipeline 1966

(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.
Pipeline 10 inches in diameter; Grade varies

(9) The claimant is (is not) an owner in 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
Fee simple, public domain, etc.

(11) Crops of Alfalfa and native hay
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 15 to October 15
of each year. Day of month Day of month

SMITH BROS. OX RANCH

RUBY VALLEY, NEVADA 89833

702-779-2293

March 1, 1990

Att: Mr. Gene Clock
Nevada Division of Water Resources
Capitol Complex
201 South Fall St.
Carson City, Nevada

Amendment to Vested Proof No. 04146

Dear Mr. Clock:

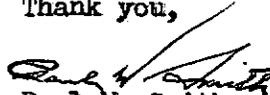
Would you kindly amend the following:
The State Of Nevada Proof of Appropriation of Water For Irrigation.
Filing Serial No. 04146
Page 4 (last page) (question 18) Water from the source given through the
works described, is also used for the following purposes other than irrig-
ation:

1. Stockwater for 1000 head of cattle, 50 head of horses, 1000 head of sheep.
2. Wildlife water for 900 head of deer, 1500 head of other units of wildlife.
3. Recreation:
 - A. Water needs for pleasure camping.
 - B. Water needs for deer camps.
4. Mining:
 - A. Water needs for milling purposes on Battle Creek.
 - B. Water needs for mining camp sites on Battle Creek.

The use made of Battle Creek water for the above water needs was during January 1 to December 31, from 1866 to the present time 1989.

The demand for water for the above four purposes was created on Sections 34, 35, 36, T31N, R58E, Sections 1, 2, T30N R58E, Sections 6, 7, T30N R59E as well as sections previously described in this Proof of Appropriation.

Thank you,


Paul W. Smith

21018

at 10:10 AM

ATTACHMENT

1866, 3.20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 2.03 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 29.79 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 28.80 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 17.83 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 22.17 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 37.16 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 27.61 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 10.48 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 30.09 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
1866 5.91 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 34.18 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 5.82 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.30N., R.59E.
" 320.00 acres in the W $\frac{1}{2}$ of Section 9, T.30N., R.59E.
" 160.00 acres in the W $\frac{1}{2}$ E $\frac{1}{2}$..of Section 9, T.30N., R.59E.
" 21.52 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T.30N., R.59E.
" 40.00 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T.30N., R.59E.
" 40.00 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T.30N., R.59E.
" 160.00 acres in the NW $\frac{1}{4}$of Section 16, T.30N., R.59E.
" 160.00 acres in the W $\frac{1}{2}$ E $\frac{1}{2}$..of Section 16, T.30N., R.59E.
" 40.00 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T.30N., R.59E.
" 9.86 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 0.98 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 39.02 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 80.00 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 40.00 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 19.82 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 40.00 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
1866 39.73 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 39.20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 24.52 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 5.31 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.30N., R.59E.
" 2.98 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.30N., R.59E.

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

(19) The character of the soil is Sandy Loam A continuous flow of 16 cubic feet of water per second has been used to irrigate 1538.01 acres of land and 3.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: Over the years, since 1866, some of the ditches claimed by William Meyers in his affidavit filed in the Elko County Recorder's Office on August 31, 1889 have been eliminated and/or replaced with pipelines.

SEE LETTER FILED MARCH 1, 1990 FILED HEREIN

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Smith Bros. OX Ranch, Inc. are full and correct to the best of his knowledge and belief. Corporate Officer

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

claimant

Albert N. Smith

Subscribed and sworn to before me this 28 day of February, 1984

Thomas White

Notary Public in and for the County of Webb Co.

My commission expires Apr 1, 1984

~~\$10~~ **\$50 FILING FEE MUST ACCOMPANY PROOF**

STATE ENGINEERS OFFICE

84 MAR -7 P2:09

