

STATE OF NEVADA  
**PROOF OF APPROPRIATION OF WATER**

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):

Primary (Please select only one):

Irrigation  Stock water  Mining and Milling  Domestic   
Municipal  Industrial  Quasi-Municipal  Commercial   
Federal Reserved Right  Other (OTH) \_\_\_\_\_

Secondary (Select all that may be applicable):

Stock water  Domestic

NAME OF CLAIMANT Eureka County

Address P.O. Box 714 City of Eureka County of Eureka

State of NV Telephone No. 775.237.5372 Email Address rdamele@eurekanv.org

1. Source of water Prospect Spring  
Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion Cut-off wall, collection box, meter vault, wildlife trough and pipeline to distribution.  
Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):  
Within the SE¼NE¼ Section 12, T.18N., R.53E., M.D.M., (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.M., bears N. 7° 04' E. a distance of 11,975.48 feet. (See Additional Supporting Remarks section for additional data related to the location of the point of diversion.)

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun unknown  
and completed on or before September 30, 1880

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:  
Public Domain  
Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / was not recorded in the office of the County Recorder of  
(circle one)  
Eureka County, at Page 75 of Book 9 of official record

7. The amount of water diverted for the claim's purpose has been measured at  
0.111 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second

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8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):

Place of use is within the Eureka Townsite including portions of the <sup>SW 1/4 NE 1/4</sup> SW 1/4 NE 1/4 and W 1/2 SW 1/4 Section 13, portions of the SE 1/4 NE 1/4 and SE 1/4 Section 14, portions of the N 1/2 NE 1/4 and SE 1/4 NE 1/4 Section 23 and portions of the W 1/2 NW 1/4 Section 24, all in T.19N., R.53E., M.D.M., Eureka County, Nevada

email letter 6/9/2016

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

**QUESTIONS REGARDING WATERING OF LIVESTOCK - N/A**

9. The approximate number of animals watered by the claimant during the first year of \_\_\_\_\_ was \_\_\_\_\_ cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep \_\_\_\_\_ other (describe in remarks) Year

The watering was conducted during each of the following months: \_\_\_\_\_

10. The approximate number of animals watered by the claimant in subsequent years was: \_\_\_\_\_ cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep \_\_\_\_\_ other (describe in remarks)

11. The water is impounded in \_\_\_\_\_ Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

**QUESTIONS WITH REGARD TO IRRIGATION - N/A**

12. The date of survey of ditch, canal, or pipe line was \_\_\_\_\_

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom \_\_\_\_\_ feet, width on top \_\_\_\_\_ feet, depth \_\_\_\_\_ feet, for \_\_\_\_\_ lineal feet of improvement, on a grade of \_\_\_\_\_ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

14. The dimensions and type of pipeline as originally constructed were: Diameter of \_\_\_\_\_ inches with a type of pipe of \_\_\_\_\_ for \_\_\_\_\_ feet in length. Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged. (circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced \_\_\_\_\_ and completed \_\_\_\_\_

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17. The dimensions of the enlarged ditch or canal are: Width on bottom \_\_\_\_\_ feet, width on top \_\_\_\_\_ feet, depth \_\_\_\_\_ feet, for \_\_\_\_\_ lineal feet of improvement, on a grade of \_\_\_\_\_ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of \_\_\_\_\_ inches with a type of pipe of \_\_\_\_\_ for \_\_\_\_\_ lineal feet in length.  
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.  
(circle one)

\_\_\_\_\_  
If claimant is an owner in the conduit, state interest held on this line.

20. Crop(s) of \_\_\_\_\_  
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)  
have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from \_\_\_\_\_ to \_\_\_\_\_ of each year. The average number of cuttings in a year is typically \_\_\_\_\_ cuttings and the maximum number of cuttings in a year is \_\_\_\_\_ cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.  
(circle one)

23. 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):

24. The characteristics of the soil are \_\_\_\_\_  
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is \_\_\_\_\_ cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is \_\_\_\_\_ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is \_\_\_\_\_ cubic feet per second.

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27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acres	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E. (circle one)

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**ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING**

Prospect Spring was at one point in time referred to as "Summit Spring". There are several springs in this area that were similarly referred to as "Summit Spring".

Prior to filing the original Proof of Appropriation, the predecessor-in-interest to the Claimant filed Application 40165, which was permitted and subsequently certified as Certificate No. 12936.

The location of the point of diversion as described above varies some from the description included in the original proofs of appropriation and the certificate (12936). This is due to improvements in surveying technology since the base survey and map (Permit 26532) was prepared in 1967. The location of the point of diversion, as described above, has been confirmed by survey and comparison of ortho-rectified imagery per National Agriculture Imagery Program, dated August 2013.

Commencing in December 2013 the Claimant made substantial improvements to the source and water works associated therewith. Those improvements were completed on or before December 2013. The total cost of work, including improvements to other sources (i.e. Gorman Spring, Summit Spring, Lanie Spring, Lucky Spring and Fred Spring) was \$2,936,200, more or less.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by

Eureka County are full and correct to the best of their knowledge and belief.  
(Name)

Agent for Claimant

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Robert O. Anderson, P.E., CFM, WRS  
(Please type or print name)

Signature *Robert O. Anderson*  
(Please sign in the presence of a Notary Public)

Address P.O. Box 2229, Minden State of NV ZIP Code 89423

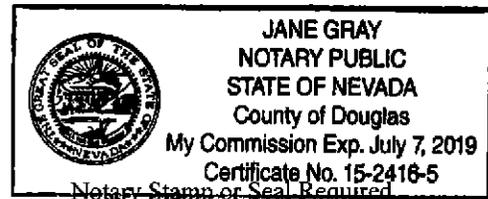
Telephone Number 775.782.2322 Email Address randerson@ROAnderson.com

State of Nevada  
County of Douglas

Subscribed and sworn to before me on May 27, 2016  
(Date)

by Robert O. Anderson, P.E., CFM, WRS  
R.O. ANDERSON ENGINEERING, INC.

*Jane Gray*  
Signature of Notary Public Required



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**THE FILING FEE IS \$120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A \$60 FILING FEE.**

THE STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER FOR  
~~STOCK WATERING~~ PURPOSES  
MUNICIPAL

(1) Name of claimant Eureka Water Association, Inc.  
P.O. Box 257 of Eureka  
Street and No. or P.O. Box No. City or town  
Nevada 89316  
State and Zip Code No.

(2) Source of water Prospect Springs  
Name of natural water source.

(3) The water is diverted by Spring box and pipeline  
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) NE<sup>4</sup>NE<sup>4</sup> Sec. 12, T.18N., R.53E., 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 (unsurveyed) or at a point from which the NE corner of Sec. 36, be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.  
T.19N., R.53E., M.D.M., bears N.7°04'E a distance of 11,975.48 feet.  
reach.

(5) The water is impounded in storage tank  
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun 1873  
Date  
and completed -  
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain  
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of          County, at Page          of Book          of         

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

*Low  
10-153*

(9) The approximate number of animals watered by the claimant during the first year....., Date  
was.....cattle.....horses.....sheep or..... The watering  
Other  
was conducted during each of the following months.....  
.....  
.....

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

.....  
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.  
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(11) The amount of water which has been necessary to be diverted for this purpose has been  
0.111 cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NE<sup>4</sup>NE<sup>4</sup> Sec.12, T.18N., R.53E., M.D.M. (unsurveyed)  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

land, it should be stated.  
.....  
.....

Remarks Place of use is within the Eureka Townsite within the SE<sup>4</sup>NE<sup>4</sup>,  
SE<sup>4</sup> Sec.14, SE<sup>4</sup>NE<sup>4</sup>, N<sup>2</sup>NE<sup>4</sup> Sec. 23, SW<sup>4</sup>NW<sup>4</sup>, W<sup>2</sup>SW<sup>4</sup> Sec.13, W<sup>2</sup>NW<sup>2</sup> Sec.24,  
T.19N., R.53E., M.D.M.

Use map filed under Application #26532 dated February 1972.  
.....  
.....  
.....  
.....  
.....

Remarks Water is used January 1 through December 31 each year.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Eureka Water Association, Inc. are full and correct to the best of his knowledge and belief.

Agent for claimant.

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

Eureka Water Association, Inc.

Claimant

Telephone No. (.....)

Lumos & Associates, Inc.

By

David M. Bayne

3100 Mill Street #114

Street and No., or P.O. Box No.

Reno, Nevada

City, State, Zip Code No.

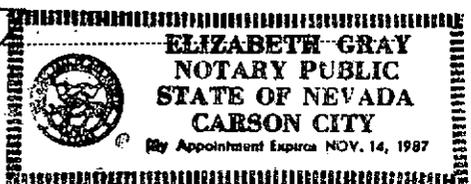
Telephone No. (702.) 348-7277

Subscribed and sworn to before me this 12<sup>th</sup> day of August, 1985

Elizabeth Gray

Notary Public in and for the County of Washoe

My commission expires Nov. 14, 1987



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