

THE STATE OF NEVADA
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

SOURCE [NAME OF NATURAL WATER SOURCE (USE SEPARATE PROOFS FOR EACH MAJOR SOURCE)]: Winchell Creek also known as Lake Creek and its tributaries of Mink Creek, Apparition Creek and Titan

THE WATER IS DIVERTED FROM ITS SOURCE [NAME OF DITCH, FLUME OR PIPE LINE]: Ditches and pipeline described on the attached addenda

AT THE FOLLOWING POINT(S) [LIST ALL POINTS OF DIVERSIONS FROM THIS SOURCE, APPENDING A SHEET IF NECESSARY] [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]:

- (1) NAME OF CLAIMANT: Dalton Livestock, a partnership composed of D. Vernon Dalton, Joann Bradish Dalton, husband and wife, and James Bradish Dalton, a married man.
 ADDRESS: Clover Route, Wells
 COUNTY OF: Elko
 STATE OF: Nevada
- (2) THE MEANS OF DIVERSION EMPLOYED [DAM AND DITCH, PIPE LINE, FLUME, ETC.]: Dam and ditch and pipeline
- (3) THE DATE OF THE SURVEY OF DITCH, CANAL, OR PIPE LINE WAS:
 See addenda
- (4) THE CONSTRUCTION OF THE DITCH OR OTHER WORKS WAS BEGUN
 See addenda AND COMPLETED See addenda
- (5) THE DIMENSIONS OF THE DITCH OR CANAL AS ORIGINALLY CONSTRUCTED WERE: WIDTH ON BOTTOM _____ FEET,
 WIDTH ON TOP _____ FEET, ON A GRADE OF _____ FEET PER THOUSAND FEET. See addendum
- (6) THE CONDUIT HAS (~~MAXXMAX~~) BEEN ENLARGED. See addendum
 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 _____ See addendum.
- (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. See remarks.
- (9) THE CLAIMANT IS (~~XXXXXX~~) AN OWNER IN THE ABOVE-DESCRIBED CONDUIT. [IF CLAIMANT IS AN OWNER IN THE CONDUIT, STATE INTEREST HELD ON THIS LINE] All interest.
- (10) THE NATURE OF THE TITLE TO THE LAND FOR WHICH THE WATER RIGHT IS CLAIMED IS ~~IS~~ [FEE SIMPLE, PUBLIC DOMAIN, ETC.] Fee simple.
- (11) CROPS OF harvest (hay and grain), meadow, pasture, 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 4-1
[DAY OF MONTH] TO as long as available [DAY OF
MONTH] OF EACH YEAR.

(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.
<u>Kate Crocker</u>						
--	80	---				
1869	1,940	S1/2 S1/2	Sec 29,	T 36 N,	R 62 E.	
to		S1/2 S1/2	Sec 30,	T 36 N,	R 62 E.	
1905		E1/2; NW1/4; N1/2; SW1/4	Sec 31,	T 36 N,	R 62 E.	
		All	Sec 32,	T 36 N,	R 62 E.	
		See addenda				

Dillon Roberts

1904 23.08 S1/2 Sec 26, T 36 N, R 61 E.

(14) THE MAXIMUM ACREAGE IRRIGATED IN ANY YEAR WAS 1,209.02
ACRES.

(15) THE WATER CLAIMED HAS (~~MAXIMUM~~) BEEN USED FOR IRRIGATION
EACH AND EVERY YEAR SINCE THE RIGHT WAS INITIATED.

(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] full water right
used each year unless water not available

(17) THE CLAIMANT'S WATER RIGHT WAS (~~MAXIMUM~~) RECORDED IN THE
OFFICE OF THE COUNTY RECORDER OF Elko COUNTY, SAID
RECORD BEING AT PAGE 466 OF BOOK 1 OF
Water Rights, AND BEING A CLAIM FOR not shown
OF WATER FOR THE IRRIGATION OF 1940
ACRES OF LAND IN THE FOLLOWING LEGAL SUBDIVISIONS: Not
specified -- said water right being under the name of Kate
Crocker, a second water right in the name of Dillon Roberts
was recorded at Page 441 in Book 2 of Water Rights and being
a claim of water for the irrigation of lands within the S1/2
of Section 26, T. 36 N., R. 61 E.

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: domestic and stock water

(19) THE CHARACTER OF THE SOIL IS [SANDY, GRAVELLY, LOAM]
gravelly loam. A CONTINUOUS FLOW OF not known
CUBIC FEET OF WATER PER SECOND HAS BEEN USED TO IRRIGATE
1,209.02 ACRES OF LAND AND not known
ACRE-FEET PER ANNUM HAVE BEEN USED TO IRRIGATE THE CROPS.

(20) REMARKS: The 1,209.02 acres irrigated as shown in Item 19
are irrigated by the commingling of waters from Winchell
Creek, K-G, Conway or Renshaw Creek, Wiseman Creek and Fish
Springs. Due to said commingling it is not possible to
state the exact acreage irrigated from the source of
Winchell Creek.

ADDENDA
TO
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION
FROM
WINCHELL CREEK ALSO KNOWN AS CROCKER CREEK
BY
DALTON LIVESTOCK

This proof of vested water rights is based upon statements of Water Rights of Mrs. Kate Crocker, recorded August 31, 1889 in Book 1 of Water Rights at page 465 and Dillon Roberts, recorded July 31, 1905 in Book 2 of Water Rights at page 441, Elko County, Nevada.

Mrs. Crocker claimed a total of 12 points of diversion, of which some are from ditches after diversion, and Dillon Roberts claimed 2 points of diversion.

The present diversions are as follows:

POD #1
(2012)
Apparition Creek: located within the NW1/4 SE1/4 of Section 25, T. 36 N., R. 61 E., MDB&M, from which point the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 5°04'30" E., a distance of 7,017.30 feet.

17"
POD #4
Dalton Pipeline: located within the NW1/4 SE1/4 of Section 25, T. 36 N., R. 61 E., MDB&M, from which point the Northeast corner of Section 1, T. 35 N., R. 61 E., bears S. 2°25'41" E., a distance of 6,853.91 feet.

POD #5
Dalton Ditch 5: located within the NE1/4 SE1/4 of Section 25, T. 36 N., R. 61 E., MDB&M, from which point the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 5°15'37" W., a distance of 7,018.88 feet.

per ltr 3-30-89 filed herein etc.
POD #6
Crocker Ditch 1: located within the NE1/4 SE1/4 of Section 25, T. ~~36~~ N., R. 61 E., MDB&M, from which point the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 8°29'52" W., a distance of 6,920.00 feet.

17"
POD #7
Crocker Ditch 2: located within Lot 4, Section 30, T. 36 N., R. 62 E., MDB&M, from which point the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 14°50'09" W., a distance of 6,755.77 feet.

17"
POD #1
(10/22)
Roberts Ditch 1: located within Lot 6 of Section 26, T. 36 N., R. 61 E., MDB&M, at a point from which the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 52°22'10" E., a distance of 12,025.43 feet.

SW per letter 3-30-89 plad herci
loc.

POD #2
Roberts Ditch 2: located within the NE1/4 SE1/4 of Section 26, T. 36 N., R. 61 E., MDB&M, at a point from which the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 47°39'27" E., a distance of 10,087.42 feet.

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POD #3
Crocker Ditch 7: located within SE1/4 SE1/4 of Section 26, T. 36 N., R. 61 E., MDB&M, at a point from which the Northeast corner of Section 1, T. 35 N., R. 61 E., MDB&M bears S. 37°37'04" E., a distance of 7,073.20 feet.

Items 3, 4 and 5

Exact information for items 3, 4 and 5 is not available. The Statement of Water Rights of Mrs. Kate Crocker does not state a date of survey but does state construction of all diversion ditches to be as of June 1, 1869.

Her statement also shows construction of Crocker Ditch 2b and 3a to be as of June 1, 1874, but the sketch map attached indicates this is for an extension or delivery ditch and not a diversion ditch from the main channel.

Of the original diversions of June 1, 1869, all have been changed except for Crocker Ditch 1 and 2. To the best information of the applicant the Apparition Creek Diversion and Dalton Ditch 5 were constructed prior to March 1, 1905, and the Dalton Pipeline resulted in change of point of diversion only for more efficient use of the water. Priority of all waters presently used is June 1, 1869.

Diversions of the original diversions are as shown on the Water Rights Statement of Kate Crocker attached.

Dalton Roberts stated that the waters were diverted on May 1, 1904, but no dimensions of the ditches were given.

All ditches are of capacity to carry sufficient water to irrigate the lands claimed.

Items 7 and 8

The dimensions of the various diversion ditches are:

Apparition Creek - sufficient to carry all except heavy stream flow and then surplus diverted farther down creek.

Dalton Pipeline - 16" pipe at diversion.

Dalton Ditch No. 5 - 6' at bottom and 3' deep and of sufficient grade to carry all water required.

Crocker Ditch 1 - 4' at bottom and 4' deep and of sufficient grade to carry all water required.

Crocker Ditch 2 - 4' at bottom and 3' deep and of sufficient grade to carry all water required.

Roberts Ditch 1 - 4 feet wide at bottom and 1 foot deep and of sufficient grade to carry all water required.

Roberts Ditch 2 - 2 feet wide at bottom and 1 foot deep and of sufficient grade to carry all water required.

Crocker Ditch 7 - 5 feet wide at bottom and 2 feet deep and of sufficient grade to carry all water required.

Item 13

Mrs. Kate Crocker claimed the irrigation of 1940 acres on the Statement of Water Rights, which is the total of all acreages claimed by each ditch except for line ditches which are shown as originating on diversion ditches. As there was not that acreage owned, it is apparent that some acreages shown on the Statement was the result of commingling of waters among ditches. A total priority of 1869 is claimed for all lands irrigated from Winchell Creek within Section 25, T. 36 N., R. 61 E., MDB&M and Sections 29, 30, 31 and 32, T. 36 N., R. 62 E., MDB&M, including the commingling of waters from K-C Conway on Pershaw Creek as claimed by J.H. Bradish (Proof 02186) and water from Fish Springs and Wiseman Creek and a priority of 1904 for lands irrigated within Section 26, T. 36 N., R. 61 E.

The total acreage claimed under this proof from the priority of Mrs. Kate Crocker is 1,185.94 acres and from the priority of Dillon Roberts 23.08 acres with commingling of the waters as described above.

THE UNDERSIGNED, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT THE FACTS RELATIVE TO THE APPROPRIATION OF WATER BY Dalton Livestock, a partnership, ARE FULL AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. [IF PROOF IS NOT MADE BY CLAIMANT, DEPONENT SHOULD STATE ON THIS LINE BY VIRTUE OF WHAT AUTHORITY HE REPRESENTS THE CLAIMANT] D. Vernon Dalton, a partner of Dalton Livestock, a partnership composed of D. Vernon Dalton, Joanne Bradish Dalton, husband and wife and James Bradish Dalton, a married man.

Dalton Livestock, a partnership

By D. Vernon Dalton
D. Vernon Dalton, Partner

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF APRIL, 1988.

Walter I. Leberski

NOTARY PUBLIC IN AND FOR THE COUNTY OF _____

MY COMMISSION EXPIRES _____



WALTER I. LEBERSKI
Notary Public-State of Nevada
Elko County-Nevada
App. Exp. 3-26-92

\$50 FILING FEE MUST ACCOMPANY PROOF