

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Pole Creek together with tributaries of Woolverton or Galligan Creek and Horse Creek. The water is diverted from its source [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. 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]:

A. WOOLVERTON-GALLIGAN DITCH: A point situate on Pole Creek located within the NW1/4 NW1/4 of Section 19, T34N, R60E, MDB&M from which the Southwest corner of Section 19, T34N, R60E, MDB&M bears approximately S12°37'00"W a distance of 4,285.00 feet, more or less.

B. HORSE CREEK DITCH: A point situate on Horse Creek located within the NW1/4 SW1/4 of Section 19, T34N, R60E, MDB&M from which the Southwest corner of Section 19, T34N, R60E, MDB&M bears approximately S5°18'00"W a distance of 2,245.00 feet, more or less.

A3
EL
POINT OF DIVERSION NO. 7: A point situate on Pole Creek located within the NE1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of Section 25, T34N, R60E, MDB&M bears approximately N30°37'00"W a distance of 3,125.00 feet, more or less.

NW NE?
C. WOOLVERTON DITCH: A point situate on Pole Creek located within the NE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of Section 25, T34N, R60E, MDB&M bears approximately N80°11'00"W a distance of 2,760.00 feet, more or less.

? on map
POINT OF DIVERSION NO. 2: A point situate on Pole Creek located within the SE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of Section 25, T34N, R60E, MDB&M bears approximately N36°53'00"W a distance of 2,600.00 feet, more or less.

POINT OF DIVERSION NO. 16: A point situate on Pole Creek located within the SW1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of Section 35, T34N, R60E, MDB&M bears approximately S00°26'00"W a distance of 400.00 feet, more or less.

POINT OF DIVERSION NO. 17: A point situate on Pole Creek located within the NW1/4 NW1/4 of Section 36, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N54°32'00"W a distance of 410.00 feet, more or less.

POINT OF DIVERSION NO. 18: A point situate on Pole Creek located within the NW1/4 NW1/4 of Section 36, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N7°58'00"W a distance of 1,185.00 feet, more or less.

POINT OF DIVERSION NO. 19: A point situate on Pole Creek located within the SE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N1°52'00"E a distance of 1,675.00 feet, more or less.

POINT OF DIVERSION NO. 20: A point situate on Pole Creek located within the SE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N5°00'00"E a distance of 2,385.00 feet, more or less.

POINT OF DIVERSION NO. 21: A point situate on Pole Creek located within the SE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N32°04'00"E a distance of 2,010.00 feet, more or less.

POINT OF DIVERSION NO. 22: A point situate on Pole Creek located within the SE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N39°02'00"E a distance of 1,860.00 feet, more or less.

POINT OF DIVERSION NO. 23: A point situate on Pole Creek located within the SW1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N53°40'00"E a distance of 2,230.00 feet, more or less.

POINT OF DIVERSION NO. 24: A point situate on Pole Creek located within the NE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N71°40'00"E a distance of 1,220.00 feet, more or less.

POINT OF DIVERSION NO. 25: A point situate on Pole Creek located within the NE1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N89°00'00"E a distance of 965.00 feet, more or less.

POINT OF DIVERSION NO. 26: A point situate on Pole Creek located within the NW1/4 NE1/4 of Section 35, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately N88°45'00"E a distance of 1,720.00 feet, more or less.

POINT OF DIVERSION NO. 27: A point situate on Pole Creek located within the SE1/4 SE1/4 of Section 26, T34N, R60E, MDB&M from which the Northeast corner of Section 35, T34N, R60E, MDB&M bears approximately S76°21'00"E a distance of 365.00 feet, more or less.

POINT OF DIVERSION NO. 28: A point situate on Pole Creek located within the NW1/4 SE1/4 of Section 35, T34N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately S35°49'00"E a distance of 3,130.00 feet, more or less.

POINT OF DIVERSION NO. 29: A point situate on Pole Creek located within the NW1/4 SE1/4 of Section 35, T34N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately S53°51'00"E a distance of 2,715.00 feet, more or less.

POINT OF DIVERSION NO. 30: A point situate on Pole Creek located within the NW1/4 SE1/4 of Section 35, T34N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately S56°34'00"E a distance of 3,080.00 feet, more or less.

POINT OF DIVERSION NO. 31: A point situate on Pole Creek located within the NE1/4 SW1/4 of Section 35, T34N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately S63°15'00"E a distance of 3,065.00 feet, more or less.

POINT OF DIVERSION NO. 32: A point situate on Pole Creek located within the SW1/4 SE1/4 of Section 35, T34N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately S64°13'00"E a distance of 2,240.00 feet, more or less.

POINT OF DIVERSION NO. 34: A collection point of waste water located within the SW1/4 NE1/4 of Section 36, T34N, R60E, MDB&M from which the East one-quarter corner of Section 36, T34N, R60E, MDB&M bears approximately S87°15'00"E a distance of 1,810.00 feet, more or less.

- (1) Name of Claimant: Duval Ranching Company, a Nevada corporation Address: Arthur Route, Wells, Nevada County of Elko, State of: Nevada
- (2) The means of diversion employed [Dam and ditch, pipe line, flume, etc.]: Dams and ditches.
- (3) The date of the survey of ditch, canal, or pipe line was: Unknown

- (4) The construction of the ditch or other works was begun: 1874 and completed: by 1895, together with various other dates up to 1895.
- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 2½ feet, width on top: 4 feet, depth: 2 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: Unknown and completed: Unknown
- (8) The dimensions of the ditch or canal as enlarged are: Width on bottom: Unknown 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. [If claimant is an owner in the conduit, state interest held on this line]: Woolverton Ditch, Galligan Ditch and Horse Creek Ditch have other undetermined ownerships, and balance of conduits are owned by claimant in their entirety.
- (10) The nature of the title to the land for which the water right is claimed is [Fee simple, public domain, etc.]: Fee simple.
- (11) Crops of harvest, pasture 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 March 15 to September 15 of each year, or as long as water is available.
- (13) List the year of priority for acreage irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

STEELE:

YEAR 1873, 3.31 ACRES IN THE NE1/4 SE1/4 OF SEC. 25, T. 34 N., R. 60 E.
 YEAR 1873, 37.95 ACRES IN THE NW1/4 SE1/4 OF SEC. 25, T. 34 N., R. 60 E.
 YEAR 1873, 39.92 ACRES IN THE SW1/4 SE1/4 OF SEC. 25, T. 34 N., R. 60 E.
 YEAR 1873, 30.32 ACRES IN THE SE1/4 SE1/4 OF SEC. 25, T. 34 N., R. 60 E.
 YEAR 1873, 39.92 ACRES IN THE NE1/4 SW1/4 OF SEC. 25, T. 34 N., R. 60 E.
 YEAR 1873, 39.94 ACRES IN THE SE1/4 SW1/4 OF SEC. 25, T. 34 N., R. 60 E.

WOOLVERTON:

YEAR 1876, 40.00 ACRES IN THE NE1/4 NE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE NW1/4 NE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SW1/4 NE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SE1/4 NE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE NE1/4 SE1/4 OF SEC. 35, T. 34 N., R. 60 E.

YEAR 1876, 40.00 ACRES IN THE NW1/4 SE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SW1/4 SE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SE1/4 SE1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 0.90 ACRES IN THE SE1/4 NW1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 1.60 ACRES IN THE NE1/4 SW1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1876, 2.30 ACRES IN THE SE1/4 SW1/4 OF SEC. 35, T. 34 N., R. 60 E.
 YEAR 1874, 32.30 ACRES IN THE NW1/4 SE1/4 OF SEC. 36, T. 34 N., R. 60 E.
 YEAR 1874, 16.80 ACRES IN THE SW1/4 SE1/4 OF SEC. 36, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE NE1/4 SW1/4 OF SEC. 36, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE NW1/4 SW1/4 OF SEC. 36, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SW1/4 SW1/4 OF SEC. 36, T. 34 N., R. 60 E.
 YEAR 1876, 40.00 ACRES IN THE SE1/4 SW1/4 OF SEC. 36, T. 34 N., R. 60 E.

- (14) The maximum acreage irrigated in any year was 725.26 acres.
- (15) The water claimed has ~~(has not)~~ [strike out one not wanted] 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 is necessary]:
Water used each year to the full extent available.
- (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 91 of Book 1 of Water Rights as to Section 25, T 34 N, R 60 E, Page 299 of Book 2 of Miscellaneous Records as to portions of Section 36, T 34 N, R 60 E, Page 14 of Book 2 of Miscellaneous Records as to portions of Section 36, T 34 N, R 60 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 livestock.
- (19) The character of the soil is [Sandy, gravelly, loam] Gravelly loam.
 A continuous flow of Unknown cubic feet of water per second has been used to irrigate _____ acres of land and Unknown acre-feet per acre per annum have been used to irrigate the crops.
- (20) Remarks: The priority of 1873 as to those lands described in the SE1/4 and E1/2 SW1/4 of Section 25, T 34 N, R 60 E is based upon that Declaration of Water Right executed by James A. Steele being recorded in Book 1 of Water Rights at Page 91, Elko County, Nevada. The priority claimed in Section 36, T 34 N, R 60 E is based upon those Declarations of Water Rights executed by Isaac P. Woolverton, et al recorded in Book 2 of Miscellaneous Records at Page 14 and that of John Galligan recorded in Book 2 of Miscellaneous Records at Page 299, Elko County, Nevada

Records. These documents provide evidence of a priority of 1874 as to the lands in the SE1/4 of Section 36 and as to 1876 for the lands in the SW1/4 of said section. As to those lands described in Section 35, a priority of 1876 is claimed on the basis of the affidavits of Edd Helth recorded July 11, 1935 in Book 10 of Miscellaneous records at Page 316 and that one of W. J. Woolverton recorded in Book 10 of Miscellaneous Records, Elko County, Nevada records. Certified copies of each of the referred-to documents are attached hereto.

Two culture maps are submitted in connection with this Proof. One culture map is entitled, "Culture Map of Lands of Grace Duval and Estate of S. Duval" dated June 17, 1921 and the other is entitled, "Map to Accompany Proof of Appropriation for Irrigation and Stockwater by Duval Ranching Company" prepared from a survey conducted in August, 1988.

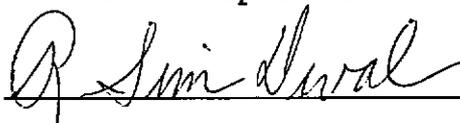
The original of the "Culture Map of Lands of Grace Duval and Estate of S. Duval" has been lost, and a copy of said map is submitted with an Affidavit executed by William A Nisbet, a registered water right surveyor of Nevada, identifying the origin of the map.

The acres claimed in this Proof as the lands described in Sections 35 and 36, T34N, R60E are based upon the affidavits of Edd Helth and W. J. Woolverton which state that at least 675 acres of land owned by Grace R. Duval and Robert E. Duval in 1935, of which the lands described herein are a portion, were irrigated by 1895. The culture map entitled, "Culture Map of Lands of Grace Duval and Estate of S. Duval" includes all lands described in the affidavits and shows a total of 787.1 acres being irrigated on said map of which the lands described herein are a portion. The entire acreage herein is claimed under the priorities specified based upon the assumption that the estimate of 675 acres by the affiants was intended to be conservative and on the Doctrine of Relation Back.

The acres claimed in this Proof as to the lands described in Section 25, T34N, R60E are based upon the Declaration of Water Rights executed by James A. Steele and on the Doctrine of Relation Back.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Duval Ranching Company 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.]

DUVAL RANCHING COMPANY
A Nevada Corporation

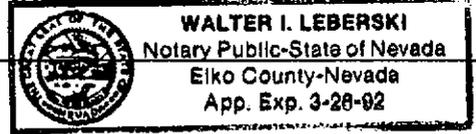
By 

Subscribed and sworn to before me this 14th day of October,
1988.

Walter I Leberski

Notary Public in and for the County of _____

My commission expires _____



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