

04715

Filing Serial No. [REDACTED]

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Hall Creek, Pole Creek and Springs (tributary to Franklin River). **The water is diverted from its source** [Name of ditch, flume or pipe line]: by ditches **at the following point(s):**

3 Springs, 9 Diversions [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]:

POINT OF DIVERSION NO. 3: A point situate on a spring located within the SW1/4 SE1/4 of Section 23, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately S89°20'00"W a distance of 1,815.00 feet, more or less.

POINT OF DIVERSION NO. 4: A point situate on a spring located within the SW1/4 SW1/4 of Section 23, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately S60°58'00"W a distance of 1,020.00 feet, more or less.

POINT OF DIVERSION NO. 5: A point situate on Hall Creek located within the SE1/4 SE1/4 of Section 22, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately S77°05'00"E a distance of 460 feet, more or less.

POINT OF DIVERSION NO. 6: A point situate on Hall Creek located within the NW1/4 NW1/4 of Section 27, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately N9°20'00"E a distance of 335.00 feet, more or less.

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POINT OF DIVERSION NO. 7A: A point situate on Hall Creek located within the NW1/4 NW1/4 of Section 26, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately N15°29'00"W a distance of 800.00 feet, more or less.

POINT OF DIVERSION NO. 8: A point situate on a spring located within the NE1/4 NW1/4 of Section 26, T34N, R60E, MDB&M from which the Northwest corner of Section 26, T34N, R60E, MDB&M bears approximately N75°08'00"W a distance of 2,150.00 feet, more or less.

POINT OF DIVERSION NO. 9: A point located within the NE1/4 SW1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S39°15'00"W a distance of 2,485.00 feet, more or less.

POINT OF DIVERSION NO. 10: A point situate on Hall Creek located within the NE1/4 SW1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S43°25'00"W a distance of 2,740.00 feet, more or less.

POINT OF DIVERSION NO. 11: A point situate on Hall Creek located within the NE1/4 SW1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S47°20'00"W a distance of 2,590.00 feet, more or less.

(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.

YEAR 1876, 2.6 ACRES IN THE NE1/4 NW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 15.7 ACRES IN THE NW1/4 NW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 12.0 ACRES IN THE SW1/4 NW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 35.4 ACRES IN THE SE1/4 NW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 31.2 ACRES IN THE NE1/4 SW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 4.2 ACRES IN THE SW1/4 SW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 33.6 ACRES IN THE SE1/4 SW1/4 OF SEC. 26, T. 34 N., R. 60 E.
YEAR 1876, 0.6 ACRES IN THE NE1/4 NE1/4 OF SEC. 27, T. 34 N., R. 60 E.

(14) The maximum acreage irrigated in any year was 136.1 acres.

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(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]:
All waters used to the full extent available each year.

(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 244 of Book 2 of Miscellaneous Records, and being a claim for unspecified of water for the irrigation of unspecified acres of land in the following legal subdivisions: [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: 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 136.1 acres of land and unknown acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The priority claimed herein of 1876 is based upon a Location of Water Right executed by James Karnel recorded January 28, 1876 in Book 2 of Miscellaneous Records at Page 244, the affidavit of Edd Helth recorded July 11, 1935 in Book 10 of Miscellaneous Records at Page 316 and the affidavit of W. J. Woolverton recorded July 11, 1935 in Book 10 of Miscellaneous Records at Page 317, all Elko County, Nevada Records, certified copies attached hereto. The location of Water Right of James

Karnel claims a priority of 1876. However, he does not appear to be an owner of record in the office of the County Recorder of Elko County, Nevada. The claim of priority, however, is substantiated by the affidavit of W. J. Woolverton who states that the lands in this proof and other lands had been irrigated since 1875 or 1876. The Doctrine of Relation Back provides a priority of 1876 for the entire acreage described herein.

The acres in this proof 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 submitted in conjunction with this proof evidences that as of June 17, 1921, there was a total of 787.1 acres irrigated instead of the 675 acres estimated by the affiants. The culture map being 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 described herein is claimed based upon the assumption that the estimate by the affiants of 675 acres was intended to be conservative and on the Doctrine of Relation Back. Waters of Pole Creek are co-mingled with the waters of Hall Creek and Springs within portions of the E1/2 SW1/4 of Section 26, T 34 N, R 60 E, MDB&M and are included as a portion of this proof.

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

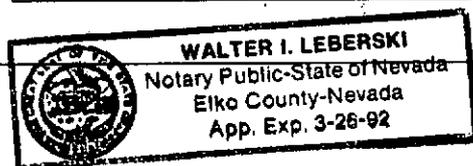
By *R. Linn Duval*

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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POINT OF DIVERSION NO. 12: A point situate on a tributary of Pole Creek located within the NW1/4 SE1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S55°36'00"W a distance of 3,840.00 feet, more or less.

POINT OF DIVERSION NO. 13: A point situate on a tributary of Pole Creek located within the NW1/4 SE1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S61°25'00"W a distance of 3,080.00 feet, more or less.

POINT OF DIVERSION NO. 14: A point situate on a tributary of Pole Creek located within the SW1/4 SE1/4 of Section 26, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately S78°00'00"W a distance of 2,700.00 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: 1876 and completed: 1876
- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: Unknown. 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: Not known. and completed: _____
- (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]: 100%.
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- (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 native hay, pasture and diversified pasture have been grown upon the land irrigated. [e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture]

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