

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Franklin River The water is diverted from its source [Name of ditch, flume or pipe line]: Franklin River 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]:

POINT OF DIVERSION NO. 15: A point situate on Franklin River located within the SE1/4 NW1/4 of Section 35, T34N, R60E, MDB&M from which the Southwest corner of Section 26, T34N, R60E, MDB&M bears approximately N38°15'00"W a distance of 2,970.00 feet, more or less.

POINT OF DIVERSION NO. 33: A point situate on Franklin River located within the NW1/4 NE1/4 of Section 2, T33N, R60E, MDB&M from which the Southeast corner of Section 35, T34N, R60E, MDB&M bears approximately N84°04'00"E a distance of 2,590.00 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.]:
Dam and ditch

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EL
(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: Unknown

(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: Unknown 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%

- (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 meadow 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 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, 38.2 ACRES IN THE NE1/4 NW1/4 OF SEC. 2, T. 33 N., R. 60 E.
- YEAR 1876, 4.2 ACRES IN THE NW1/4 NW1/4 OF SEC. 2, T. 33 N., R. 60 E.
- YEAR 1876, 3.3 ACRES IN THE SW1/4 NW1/4 OF SEC. 2, T. 33 N., R. 60 E.
- YEAR 1876, 32.5 ACRES IN THE SE1/4 NW1/4 OF SEC. 2, T. 33 N., R. 60 E.
- (14) The maximum acreage irrigated in any year was 78.2 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 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 492 of Book 2 of Miscellaneous Records, and being a claim for an unspecified amount of water for the irrigation of acres of land in the following legal subdivisions: Lot 3 of Section 2, T 33 N, R 60 E and also by affidavits executed by Edd Helth and W. J. Woolverton attached hereto. [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 watering.
- (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 78.2 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 A. W. Gedney recorded in Book 2 of Miscellaneous Records at Page 492, 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, Elko County, Nevada, certified copies attached. The affidavit of W. J. Woolverton provides evidence of a priority of 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.

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*

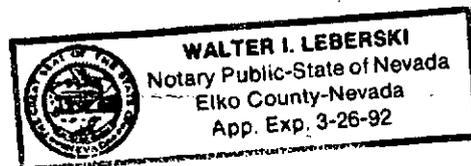
Subscribed and sworn to before me this 14th day of October,
1988.

Walter I. Leberski

Notary Public in and for the County of _____

My commission expires _____

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