

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 and Collection Ditch and Runoff Waters **The water is diverted from its source** [Name of ditch, flume or pipe (line)]: through Dawley Ditches and collection ditches 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 #12: A point on Franklin River within the NW1/4 NE1/4 of Section 14, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S54°40'00"E a distance of 8,620.00 feet.

POINT OF DIVERSION: A collection of runoff within the NW1/4 NW1/4 of Section 13, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S45°15'00"E a distance of 7,240.00 feet.

POINT OF DIVERSION #11: A point on Franklin River within the NE1/4 NE1/4 of Section 14, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S49°20'00"E a distance of 7,855.00 feet.

POINT OF DIVERSION #13: A point on Franklin River within the NE1/4 NE1/4 of Section 14, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S51°40'00"E a distance of 7,220.00 feet.

POINT OF DIVERSION #14: A point on Franklin River within the SE1/4 NE1/4 of Section 14, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S61°43'00"E a distance of 6,310.00 feet.

POINT OF DIVERSION #15: A point on Franklin River within the NW1/4 SW1/4 of Section 13, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S70°08'00"E a distance of 5,540.00 feet.

POINT OF DIVERSION #16: A point on Franklin River within the SW1/4 SW1/4 of Section 13, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S82°16'00"E a distance of 4,885.00 feet.

POINT OF DIVERSION #17: A point on Franklin River within the SW1/4 SW1/4 of Section 13, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears S88°12'00"E a distance of 5,020.00 feet.

176  
EL

POINT OF DIVERSION #18: A point on Franklin River within the NE1/4 NE1/4 of Section 23, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears N84°00'00"E a distance of 5,425.00 feet.

POINT OF DIVERSION: A point on a collection ditch within the NW1/4 SW1/4 of Section 24, T33N, R60E, MDB&M from which the Southeast corner of Section 13, T33N, R60E, MDB&M bears N57°59'00"E a distance of 5,500.00 feet.

- (1) Name of Claimant: S & D Company, a partnership composed of R. Sim Duval and Don W. Duval Address: Arthur Route, Wells, Nevada 89835 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: 1886
- (4) The construction of the ditch or other works was begun: 1886 and completed: 1886
- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 6 feet, width on top: \_\_\_\_\_ feet, depth: 3 feet, on a grade of: 6.31 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: November, 1886 and completed: April, 1887
- (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% Interest.
- (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 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.

YEAR 1886, 29.06 ACRES IN THE NW1/4 NE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 8.87 ACRES IN THE NE1/4 NW1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 22.47 ACRES IN THE SE1/4 NW1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 30.64 ACRES IN THE SW1/4 NE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 40.00 ACRES IN THE NE1/4 SE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 39.42 ACRES IN THE NW1/4 SE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 26.54 ACRES IN THE NE1/4 SW1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 21.70 ACRES IN THE SE1/4 SW1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 33.38 ACRES IN THE SW1/4 SE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 40.00 ACRES IN THE SE1/4 SE1/4 OF SEC. 14, T. 33 N., R. 60 E.

YEAR 1886, 40.00 ACRES IN THE NE1/4 NE1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1886, 23.44 ACRES IN THE NW1/4 NE1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1886, 24.31 ACRES IN THE NE1/4 NW1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1886, 11.13 ACRES IN THE SE1/4 NW1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1886, 25.12 ACRES IN THE SW1/4 NE1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1886, 40.00 ACRES IN THE SE1/4 NE1/4 OF SEC. 23, T. 33 N., R. 60 E.  
 YEAR 1902, 7.72 ACRES IN THE NW1/4 NW1/4 OF SEC. 13, T. 33 N., R. 60 E.  
 YEAR 1902, 12.89 ACRES IN THE SW1/4 NW1/4 OF SEC. 13, T. 33 N., R. 60 E.  
 YEAR 1902, 12.26 ACRES IN THE NW1/4 SW1/4 OF SEC. 13, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE SW1/4 SW1/4 OF SEC. 13, T. 33 N., R. 60 E.  
 → YEAR 1902, 38.72 ACRES IN THE NW1/4 NW1/4 OF SEC. 14, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE SE1/4 NE1/4 OF SEC. 14, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE NW1/4 NW1/4 OF SEC. 14, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE SW1/4 NW1/4 OF SEC. 14, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE NW1/4 SW1/4 OF SEC. 14, T. 33 N., R. 60 E.  
 YEAR 1902, 40.00 ACRES IN THE SW1/4 SW1/4 OF SEC. 14, T. 33 N., R. 60 E.

MSM?

Sec 24?

- (14) The maximum acreage irrigated in any year was 767.67 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.
- (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 542 of Book 1 of Water Rights, and being a claim for Unknown of water for the irrigation of 800 acres of land in the following legal subdivisions:  
Described as parts of Sections 14, 23 and 26, T33N, R60E, MDB&M of which the above-described acreage is a portion as to those parcels upon which a priority of 1886 is claimed. [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] sandy loam.  
 A continuous flow of unknown cubic feet of water per second has been used to irrigate 456.08 acres of land and unknown acre-feet per acre per annum have been used to irrigate the crops.
- (20) Remarks: The Declaration of Water Rights described in Item 17 also claims rights from certain sources referred to as "Dry Creeks" which are designated on the "Government Maps" which said sources are still used for a water source on portions of the lands described in Item 13 herein.  
As to the lands with a priority of 1902, no recorded evidence is found as to said priority. However, a chain of title evidences acquisition of said lands in 1902 by J. J. Wright. To the best information and belief of the Claimant, water would have been diverted with irrigation of that acreage being done by that date.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by S & D 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.]

S & D COMPANY  
A Partnership

By R. Sim Duval  
R. SIM DUVAL, Partner

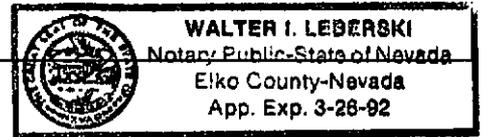
By Don W. Duval  
DON W. DUVAL, Partner

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 \_\_\_\_\_



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

RECEIVED  
STATE ENGINEERS OFFICE

'88 DEC 12 P 3:05