

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 and its tributaries of Persons Springs and Horse Creek The water is diverted from its source (Name of ditch, flume or pipe line): of Pole Creek, Horse Creek and Persons Springs 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 #1: A point on Pole Creek situate in the NW1/4 NW1/4 of Section 19, T34N, R61E, MDB&M from which the Southwest corner of said Section 19 bears S12°37'00"W a distance of 4,285.00 feet. Mooney Ditch.

POINT OF DIVERSION #2: A point on Pole Creek situate in the SW1/4 SE1/4 of Section 24, T34N, R60E, MDB&M from which the Southwest corner of said Section 24 bears S75°25'00"W a distance of 3,850.00 feet.

POINT OF DIVERSION #3: A point on Pole Creek situate in the SW1/4 SE1/4 of Section 24, T34N, R60E, MDB&M from which the Southwest corner of said Section 24 bears S78°10'00"W a distance of 3,550.00 feet.

POINT OF DIVERSION #4: Woolverton Ditch, a point on Pole Creek situate in the NW1/4 NE1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N80°11'00"W a distance of 2,760.00 feet.

PERSONS SPRINGS #1: A point in the NE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N68°18'00"W a distance of 1,830.00 feet.

PERSONS SPRINGS #2: A point in the NE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N61°37'00"W a distance of 1,525.00 feet.

POINT OF DIVERSION #5: A point in the NE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N58°05'00"W a distance of 2,280.00 feet.

POINT OF DIVERSION #6: A point on Pole Creek situate in the SE1/4 NW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N36°53'00"W a distance of 2,600.00 feet.

POINT OF DIVERSION #7: A point on Pole Creek situate in the NE1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N30°37'00"W a distance of 3,125.00 feet.

POINT OF DIVERSION #8: A point on Pole Creek situate in the NW1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest Corner of said Section 25 bears N21°31'00"W a distance of 3,380.00 feet.

POINT OF DIVERSION #9: A point on Pole Creek situate in the NW1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N16°06'00"W a distance of 3,830.00 feet.

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POINT OF DIVERSION #10: A point on Pole Creek situate in the SW1/4 SW1/4 of Section 25, T34N, R60E, MDB&M from which the Northwest corner of said Section 25 bears N6°33'00"W a distance of 4,700.00 feet.

HORSE CREEK DITCH: A point in Horse Creek situate in the NW1/4 SW1/4 of Section 19, T34N, R61E, MDB&M from which the Southwest corner of said Section 19 bears S5°18'00"W a distance of 2,245.00 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: Unknown.
- (4) The construction of the ditch or other works was begun: between 1873 and 1880 and completed: between 1873 and 1880 (See Remarks).
- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: varies feet, width on top: _____ feet, depth: _____ feet, on a grade of: _____ feet per thousand feet. (See Affidavit.)
- (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]: 100% interest in all but Woolverton Ditch in which an undetermined interest is held.
- (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 for irrigation.

(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 1873, 0.13 ACRES IN THE SE1/4 NE1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 17.97 ACRES IN THE NE1/4 SE1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 1.30 ACRES IN THE NW1/4 SE1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 26.57 ACRES IN THE SW1/4 SE1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 23.70 ACRES IN THE SE1/4 SE1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 0.33 ACRES IN THE SE1/4 SW1/4 OF SEC. 24, T. 34 N., R. 60 E.
YEAR 1873, 12.73 ACRES IN THE NE1/4 NE1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1873, 40.00 ACRES IN THE NW1/4 NE1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 29.73 ACRES IN THE NE1/4 NW1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 14.50 ACRES IN THE NW1/4 NW1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 40.00 ACRES IN THE SW1/4 NW1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 39.96 ACRES IN THE SE1/4 NW1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1873, 37.70 ACRES IN THE SW1/4 NE1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1873, 1.71 ACRES IN THE SE1/4 NE1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 39.87 ACRES IN THE NW1/4 SW1/4 OF SEC. 25, T. 34 N., R. 60 E.
YEAR 1880, 39.96 ACRES IN THE SW1/4 SW1/4 OF SEC. 25, T. 34 N., R. 60 E.

(14) The maximum acreage irrigated in any year was 366.16 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]:
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 91 of Book 1 of Water Rights, and being a claim for 450 miner's inches of water for the irrigation of an unspecified number of acres of land in the following legal subdivisions: being as described in 13 above.

Note: Said Declaration describes the Horse Ditch as serving the S1/2 SW1/4 of Section 24. Due to topography, this is an impossibility, and it is assumed that the Declaration is in error and should have read S1/2 SE1/4 of said Section. [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 366.16 acres of land and Unknown acre-feet per acre per

annum have been used to irrigate the crops.

(20) Remarks: This Proof is based upon the Declaration of Water Rights executed by James A. Steele and recorded in Book 1 of Water Rights at Page 91, Elko County, Nevada as to priority dates. This is a Declaration for James A. Steele, S. T. Weeks, K. J. Conway and W. B. Gibbs. Not all of these persons appear in the chain of title in all of the land, but affidavits attached to said Declaration by Joseph Smith and William Gardner evidence the claimed priorities.

The acreage claimed under this Proof are based upon the Declaration of James A. Steele as described above under the "Doctrine of Relation Back" and the parcels to be irrigated as described in said Declaration.

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

S & D COMPANY

By R. Sim Duval
R. SIM DUVAL, Partner

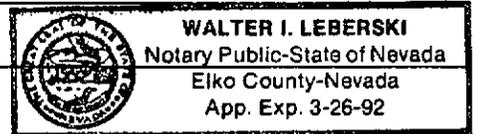
By Don W. Duval
DON W. DUVAL, Partner

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

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STATE ENGINEERS OFFICE

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