

THE STATE OF NEVADA  
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

**Source** [Name of natural water source (use separate proofs for each major source)]: Wiseman Creek, also known as Johnson Creek and Tuttle Creek, also known as Crowder Creek The water is diverted from its source [Name of ditch, flume or pipe line]: Wiseman Creek Ditch and Crowder Ditch 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]:

WISEMAN CREEK DITCH: A point situate within the NE1/4 SE1/4 of Section 26, T35N, R61E, MDB&M from which the Northwest corner of said Section 26 bears N54°0'W a distance of 5,577 feet.

CROWDER DITCH: A point situate in the NE1/4 NW1/4 of Section 36, T35N, R61E, MDB&M from which the Northwest corner of Section 26, T35N, R61E, MDB&M bears N53°15'W a distance of 9,306 feet.

- (1) **Name of Claimant:** Amy Katherine Skov **Address:** Clover Valley, via Wells 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:** Not known
- (4) **The construction of the ditch or other works was begun:** See Addendum and completed: Unknown.
- (5) **The dimensions of the ditch or canal as originally constructed were:**  
 Width on bottom: Not known 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: \_\_\_\_\_ feet, width on top \_\_\_\_\_ feet, depth \_\_\_\_\_ feet, on a grade of \_\_\_\_\_ feet per thousand feet. Not measured. Of sufficient capacity to irrigate lands claimed.
- (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]: Full interest.

177  
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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 meadow, pasture and diversified pasture - formerly grain 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 January 1 to as long as available of each year.
- (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. See Addendum
- (14) The maximum acreage irrigated in any year was See Addendum 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. See Addendum
- (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]: See Addendum
- (17) The claimant's water right was ~~(was not)~~ recorded in the office of the County Recorder of Elko County, said record being at Pages 71 and 111 of Book 1 of Elko, and being a claim for See Addendum of water for the irrigation of See Addendum acres of land in the following legal subdivisions: See Addendum [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 three residences and stockwater.
- (19) The character of the soil is [Sandy, gravelly, loam] gravelly loam  
A continuous flow of no measurement cubic feet of water per second has been used to irrigate 830.00 acres of land and not known acre-feet per acre per annum have been used to irrigate the crops.
- (20) Remarks: See Addendum

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Estate of Agnes Rose Goodwin 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.] By Amy Katherine Skov, Executrix of the Estate of Agnes Rose Goodwin, deceased, by order of the Fourth Judicial District Court of the State of Nevada, in an for the County of Elko.

ESTATE OF AGNES ROSE GOODWIN

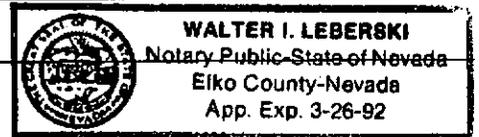
By Amy Katherine Skov

Subscribed and sworn to before me this 4th day of November, 1988.

Walter I. Leberski

Notary Public in and for the County of \_\_\_\_\_

My commission expires \_\_\_\_\_



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In addition, at that time, she apparently had some control over the N½ of Section 31, T35N, R62E.

The ditches as described were constructed or enlarged to sufficient capacity to irrigate the lands claimed herein.

No definite information as to the acreage irrigated has been found. Affidavits by Dorothy Boucher and Kathleen G. Mattice evidence that considerable acreage of grain and hay were produced. Lasca Maxwell, formerly Lasca Mattice, states by affidavit that in one year between 1925 and 1928, 500 acres of grain and 200 acres of hay and pasture were irrigated. This was from a portion of Johnson Creek (Wiseman Creek) and all of Tuttle Creek (Crowder Creek).

Based upon the above and the Doctrine of Relation Back as recognized in Nevada, applicant claims a priority of 1874 from the waters of Wiseman Creek and Tuttle Creek as co-mingled for a total of 830.00 acres within the following:

- ✓ YEAR 1874, 16.00 ACRES IN THE NW1/4 SW1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 28.00 ACRES IN THE NE1/4 SW1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 16.80 ACRES IN THE SW1/4 SW1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 17.80 ACRES IN THE SE1/4 SW1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE NW1/4 SE1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE NE1/4 SE1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE SW1/4 SE1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 40.80 ACRES IN THE SE1/4 SE1/4 OF SEC. 25, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 36.20 ACRES IN THE NW1/4 NE1/4 OF SEC. 36, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 29.40 ACRES IN THE NE1/4 NE1/4 OF SEC. 36, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 9.60 ACRES IN THE SW1/4 NE1/4 OF SEC. 36, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 26.20 ACRES IN THE SE1/4 NE1/4 OF SEC. 36, T. 35 N., R. 61 E.
- ✓ YEAR 1874, 38.60 ACRES IN THE Lot 3 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE NE1/4 SW1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE NW1/4 SE1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE NE1/4 SE1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 8.00 ACRES IN THE SE1/4 SE1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 6.60 ACRES IN THE SW1/4 SE1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 36.80 ACRES IN THE SE1/4 NW1/4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE Lot 4 OF SEC. 30, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 27.60 ACRES IN THE NW1/4 NW1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 35.80 ACRES IN THE NE1/4 NW1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 32.60 ACRES IN THE SW1/4 NW1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE SE1/4 NW1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 34.00 ACRES IN THE NW1/4 NE1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 40.00 ACRES IN THE SW1/4 NE1/4 OF SEC. 31, T. 35 N., R. 62 E.
- ✓ YEAR 1874, 29.20 ACRES IN THE SE1/4 NE1/4 OF SEC. 31, T. 35 N., R. 62 E.

Customary practice and previous agreements have satisfied this claim by diversion of the available waters of Wiseman Creek as to two-thirds (2/3) to the applicant, with the remaining one-third (1/3) of Wiseman Creek to the northerly adjacent ranch lands for the period of May 1 to July 10 and then one-half (1/2) to each during the remainder of the irrigation season, as evidenced by a conveyance executed by Frances Wiseman, et al to William C. Johnson recorded in Book 24 of Deeds at Page 100, Elko County, Nevada. Tuttle Creek is used in its entirety by the applicant.

ADDENDUM TO  
PROOF OF APPROPRIATION OF WATER  
FOR IRRIGATION FROM  
WISEMAN CREEK AND TUTTLE CREEK BY  
ESTATE OF AGNES ROSE GOODWIN

ITEMS 4, 13 THROUGH 17, INCLUSIVE

Applicant has had all records reviewed and has obtained affidavits from persons familiar with the property in the early 1900's. From the information acquired, applicant makes claim for vested rights as follows:

Those lands owned by predecessors in interest prior to March 1, 1905 are described as follows:

T35N, R61E, MDB&M

Section 25: S $\frac{1}{2}$   
Section 36: NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$

T35N, R62E, MDB&M

Section 30: S $\frac{1}{2}$   
Section 31: N $\frac{1}{2}$

Applicant owns other lands and makes no claim as to vested rights of them.

It is not possible to determine the acreage of lands irrigated or the subdivisions of land, year by year, prior to 1905. A Declaration of Water Rights executed by Mrs. Fanny Wiseman and recorded in Book 1 of Water Rights at Page 71, Elko County, Nevada, a certified copy of which is attached, states that diversions of water of Wiseman Creek were made in 1868 for three ditches described therein and named Middle Ditch, House Ditch and Upper Ditch. These ditches were used in the irrigation of lands owned but not fully described. Records document that lands owned were:

T35N, R61E, MDB&M

Section 25: S $\frac{1}{2}$

T35N, R62E, MDB&M

Section 30: SW $\frac{1}{4}$

In addition, Sarah Tuttle executed a Declaration of Water Rights, recorded in Book 1 of Water Rights at Page 111, Elko County, Nevada, a certified copy of which is attached, which states that a diversion of Wiseman Creek was made in 1874 at the approximately diversion point of the Wiseman diversion of the Upper Ditch in 1868. It is apparent that the Crowder Ditch and Upper Ditch were identical except that the Crowder Ditch extended the Upper Ditch and resulted in co-mingling of the waters of Wiseman Creek with Tuttle or Crowder Creek. The extension of Wiseman Ditch is further evidenced by a statement thereof in the Declaration.

At the date of this Declaration, Sarah Tuttle owned or controlled the following lands which are presently irrigated from the Crowder Ditch or Wiseman Upper Ditch and Tuttle or Crowder Creek:

T35N, R61E, MDB&M

Section 36: N $\frac{1}{2}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  NW $\frac{1}{4}$

T35N, R62E, MDB&M

Section 30: SE $\frac{1}{4}$

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