Filing Serial No. 04779

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR MINING* [redacted]

*Description provided by Mr. G.W. "Bill" Quinn, Chief Engineer, Las Vegas Branch Office, Dept. of Water Resources and is intended to mean mining, milling and ~~camp use~~.

Source Two springs and one well located on the Inspiration Group of mill sites.
Name of natural water source

The water is diverted from its source by pipelines shown on accompanying map #120188-1
Name of ditch, flume or pipe line

at the following point(s) Area is poorly surveyed (see map accompanying this filing).
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

Spring furnishing water for the No. 1 and No. 2 Inspiration Mill-Site Group is located in the west half of SW^4, SE^4, Sec. 23, T.6 S., R.39 E., MDM

Spring furnishing water to the No. 3, No. 4, and No. 5 Inspiration Mill-Site Group is situated along the N-S boundary between SW^4 and SE^4, SE^4, Sec. 23, T.6 S., R.39 E. The domestic well is located entirely within SW^4, SE^4, Sec. 23, T.6 S., R.39 E., MDM.

The flow of water from these low-yield springs is less than 1 gpm each. Pumping rate from the well is about 2 gpm over a short period.

(1) Name of claimant Don H. Clair and/or Margaret Clair, and the Estate of V.D. Clair

Address HCR-1, Dyer, County of Esmeralda

State of Nevada 89010

(2) The means of diversion employed Pipe Line
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was period July-October, 1988

(4) The construction of the ditch or other works was begun springs and underground water use via early wells,

and completed prior to 1904 (originally).

(X) The dimensions of the ditch or canal as originally constructed were: Width on bottom ..... feet, width on top ..... feet, depth ..... feet, on a grade of ..... feet per thousand feet.

(X) The conduit has (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

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ES

(X) The work of enlargement of the ditch or canal was begun .....

and completed .....

(X) 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.

(X) 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

(10) The nature of the title to the land for which the water right is claimed is a possessory right to occupy and utilize for mining/milling use under Federal Mining Statutes comprising the Inspiration Mill-Sites No. 1, No. 2, No. 3, No. 4 and No. 5.
Fee simple, public domain, etc.

(X) Crops of ..... have been grown upon the land irrigated.

(12) The water has been used for Mining [redacted] from January 1 to December 31 of each year.
Day of month — Day of month

(X) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

Year

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

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....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

....., ...acres in the.....of Sec....., T....., R.....E.

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

(15) The water claimed has ~~(has not)~~ been used for ~~irrigation~~ mining each and every year since the right was initiated. Strike out one not wanted

(16) The years during which no water was used for ~~irrigation~~ mining or during which the full water right was not used were the maximum consumption of water from all available sources occurred during operation of the Bullion Mill about 1918 to 1921;** 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 if necessary

(17) The claimant's water rights ~~was (was not)~~ were recorded in the office of the County Recorder of See Don H. Clair's County, said record being at page *.....of Book *.....of Affidavit accompanying this, and being a claim for (quantity not ~~cited~~ stated) filing, ...of water ~~for the irrigation of~~ *See Remarks, page 3 of ~~acres of land in the following legal subdivisions~~: this filing.

**Water was piped in from the Great Western Mine and the smelter well to supplement other low-yield sources. The smelter well is not potable and has been obliterated by summer flooding since that time.

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 mining: All use of water has been in conjunction with and for the support of mining, milling, and headquarters camp use.

(X) The character of the soil is (Sandy, gravelly, loam) acre-feet per acre per annum have been used to irrigate the crops. A continuous flow of cubic feet of water per second has been used to irrigate acres of land.

(20) Remarks: The long and documented record of continuous mining activities and Mining Claims and Mill/Furnace Site locations with water rights reserved began with the filing of the Sylvania Mill Site and Water Claim in Sylvania Canyon, Esmeralda County by Frank Buser on January 4, 1879--109 years ago. My father, Walter Delos Clair, purchased the principal group of mining claims, mill/furnace sites and water rights in Sylvania Canyon in 1904. This began the long succession of the Clair family mining operations up to the present time. To document these activities, I have prepared an extended affidavit describing my family's occupation and ownership of these properties over the intervening years. This affidavit is submitted with this proof of appropriation of water for mining along with a number of certified copies of mining claim location notices, recorded in the Esmeralda County Courthouse, Goldfield, Nevada. Also attached is Water-Right Surveyor's Map No. 120188-1.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Don H. Clair and/or Margaret Clair, and the Estate of V.D. Clair 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

Don H. Clair

Margaret Clair

Don H. Clair and/or Margaret Clair and for the Estate of V.D. Clair

Subscribed and sworn to before me this 31st day of January, 1989

Angela Williams

OFFICIAL SEAL
ANGELA WILLIAMS
NOTARY PUBLIC-STATE OF NEVADA
ESMERALDA COUNTY, NEVADA
Appointment expires Nov. 26, 1989

Notary Public in and for the County of Esmeralda

My commission expires November 26, 1989

$10 FILING FEE MUST ACCOMPANY PROOF

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