

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Leach Creek The water is diverted from its source [Name of ditch, flume or pipe line]: by 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 NO. 1: A point situate in the NE1/4 SE1/4 of Section 2, T35N, R62E, MDB&M from which the Southeast corner of said Section 2 bears S10°52'E a distance of 1,576 feet.

POINT OF DIVERSION NO. 2: A point situate in the NE1/4 SE1/4 of Section 2, T35N, R62E, MDB&M from which the Southeast corner of said Section 2 bears S07°56'E distance of 1,596 feet.

- (1) Name of Claimant: Ballard Ranches, Inc., a Nevada corporation Address: Clover Route, Wells County of Elko, State of: Nevada
- (2) The means of diversion employed [Dam and ditch, pipe line, flume, etc.]:
Dam and ditch
- (3) The date of the survey of ditch, canal, or pipe line was: unknown
- 17
21 (4) The construction of the ditch or other works was begun: in 1869 for lands irrigated in N1/2 S1/2 of Section 1, T35N, R61E, the S1/2 of Section 6, T35N, R62E and 1875 as to that portion of the S1/2 SE1/4 of Section 1, T35N, R62E, MDB&M owned and S1/2 S1/2 of Section 5, N1/2 NW1/4 and the north 868 feet of the NE1/4 of Section 8, T35N, R62E, MDB&M and completed: at an unknown date.
- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: unknown feet, width on top: unknown feet, depth: unknown feet, on a grade of: unknown 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: unknown
- (8) The dimensions of the ditch or canal as enlarged are: Width on bottom: unknown feet, width on top unknown feet, depth unknown feet, on a grade of unknown 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 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.
- (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	<u>1869,</u>	<u>153.88</u>	ACRES IN THE	<u>N1/2 S1/2</u>	OF SEC.	<u>1,</u>	T.	<u>35</u>	N.,	R.	<u>61</u>	E.
YEAR	<u>1869,</u>	<u>306.30</u>	ACRES IN THE	<u>S1/2</u>	OF SEC.	<u>6,</u>	T.	<u>35</u>	N.,	R.	<u>62</u>	E.
YEAR	<u>1875,</u>	<u>68.40</u>	ACRES IN THE	<u>Part S1/2 SE1/4</u>	OF SEC.	<u>1,</u>	T.	<u>35</u>	N.,	R.	<u>62</u>	E.
YEAR	<u>1875,</u>	<u>167.80</u>	ACRES IN THE	<u>S1/2 S1/2</u>	OF SEC.	<u>5,</u>	T.	<u>35</u>	N.,	R.	<u>62</u>	E.
YEAR	<u>1875,</u>	<u>123.30</u>	ACRES IN THE	<u>N1/2 NW1/4 N868' of N1/2 NE1/4</u>	OF SEC.	<u>8,</u>	T.	<u>35</u>	N.,	R.	<u>62</u>	E.
YEAR	<u>1903,</u>	<u>96.30</u>	ACRES IN THE	<u>S1/2 NW1/4</u>	OF SEC.	<u>1,</u>	T.	<u>35</u>	N.,	R.	<u>61</u>	E.
YEAR	<u>1903,</u>	<u>72.40</u>	ACRES IN THE	<u>S1/2 SW1/4</u>	OF SEC.	<u>1,</u>	T.	<u>35</u>	N.,	R.	<u>61</u>	E.
YEAR	<u>1875,</u>	<u>3.03</u>	ACRES IN THE	<u>Part S1/2 SW1/4</u>	OF SEC.	<u>4,</u>	T.	<u>35</u>	N.,	R.	<u>62</u>	E.

- (14) The maximum acreage irrigated in any year was 991.21 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 Remarks.
- (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 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 79 of Book 1 of Water Rights and at Page 403 of Book 2 of Miscellaneous Records, and being a claim for an unspecified amount of water for the irrigation of unspecified acres of land in the following legal subdivisions:

T35N, R61E, MDB&M

Section 1: N1/2 S1/2; S1/2 SE1/4

T35N, R62E, MDB&M

Section 5: S1/2 S1/2

Section 6: S1/2

Section 8: N1/2 NW1/4 and North 868' of N1/2 NE1/4

[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 stockwater

(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 991.21 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 1869 is based upon the Certificate of Water Location executed by Moses Duval recorded in Book 1 of Water Rights at Page 79, Elko County, Nevada wherein he claimed water for the irrigation of the N1/2 S1/2 of Section 1, T35N, R61E and the S1/2 of Section 6, T35N, R62E. Record title does not indicate ownership of all of the described lands but as a later quiet title action was completed, it is believed that he had an interest in the claimed lands.

The priority of 1875 is based upon the Location of Water Rights executed by Charles Lampman recorded in Book 2 of Miscellaneous Records at Page 130, Elko County, Nevada. He does not state the lands irrigated, but it is assumed that the water was to be applied to lands that he then owned or was in the process of acquiring.

The priority of 1903 is based upon the acquisition of the S1/2 NW1/4 and S1/2 SW1/4 of Section 1, T35N, R61E, MDB&M from the Central Pacific Railroad in 1904 and 1907 by persons known to own adjacent irrigated lands which were served by ditches passing through those portions of Section 1. It is believed that said ditches were used to divert water upon those lands prior to the date of conveyance due to a time lapse between the contract of purchase and payment in full. That parcel acquired in 1907 was pursuant to a contract dated 1902, and possession was prior to the date of conveyance.

Evidence as to acreage irrigated in each priority year or prior to 1905 has not been found. If the entire acreage under each priority was not irrigated in the year claimed, the entire acreage listed in Item 13 is claimed for each of the three priority periods on the "Doctrine of Relation Back".

The vested water rights claimed herein are subject to that water rights agreement dated November 29, 1963 executed by Russell S. Weeks, et ux and Maude N. Ballard, et al recorded December 3, 1963 in Book 41 of Official Records at Page 257, Elko County, Nevada wherein it is agreed that Claimant herein shall have the use of one-half of the waters of Leach Creek.

The Culture Map submitted at this time is to support the Proof of Appropriation from Leach Creek as described in this Proof, together with an amended Proof of 01390.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Ballard Ranches, Inc., a Nevada corporation 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.]

BALLARD RANCHES, INC.
A Nevada Corporation

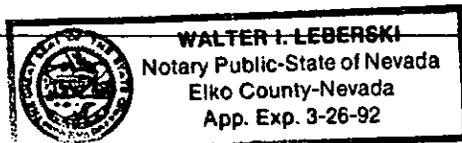
By Verma S. Ballard, Pres.

Subscribed and sworn to before me this 27th day of October,
1989.

Walter J. Leberski

Notary Public in and for the County of _____

My commission expires _____



\$100 FILING FEE MUST ACCOMPANY PROOF

30
OCT 30 1989