Serial No. 05004

AMENDED

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant SMITH BROS. OX RANCH

OX RANCH (Street and No. or P.O. Box No.) of RUBY VALLEY (City or town)

NEVADA 89833 (State and Zip Code No.)

(2) Source of water Refer to "Remarks" (Name of natural water source.)

(3) The water is diverted by Natural Channels (Dam, ditch, pipe line, natural channel, spring area, etc.)

(4) The water is diverted at the following point(s) ASPEN GROVE - SE 1/4 SE 1/4 (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. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.)

Section 13, T. 30 N., R. 58 E., M.D.B. & M., or at a point from which the SE Corner of said Section 13 bears S 21° 11' E., 176 feet.

BIG ROCK - SW 1/4 SE 1/4 Section 18, T. 30 N., R. 59 E., M.D.B. & M.

or at a point from which the SW Corner of said Section 18 bears

S 86° 15' W., 2,624 feet.

See attached sheet for Small Meadow and Rosebud Drainage.

(5) The water is impounded in Natural Channels (Troughs, tanks, pools, reservoir, natural channel, etc.)

(6) The construction of the ditch or other works was begun 1869 (Date)

and completed 1869 (Date)

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Both Public Domain with Grazing Permit and Deeded - (Patented, deeded, public domain with grazing permit, etc.)

ASPEN GROVE - SE 1/4 SE 1/4 Sec. 13, T. 30 N., R. 58 E. (Public Domain)

BIG ROCK - SW 1/4 SE 1/4 Sec. 18, T. 30 N., R. 59 E. (Deeded)

SMALL MEADOW - SE 1/4 NE 1/4 Sec. 24, T. 30 N., R. 58 E. (Public Domain)

ROSEBUD DRAINAGE - SE 1/4 NE 1/4 Sec. 18, T. 30 N., R. 59 E. (Deeded)

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of

.....County, at Page.....of Book.....of.....

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year 1869 (Date), was 1000 cattle, 50 horses, 500 sheep and 900 deer and (Other) 1500 wildlife. The watering was conducted during each of the following months

January to and including December.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

1000 cattle, 50 horses, 500 sheep, 900 deer and 1500 wildlife.

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.02 cubic feet per second. Per seep and drainage.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Refer to Question No. 7. All works are located on public surveyed land.

Remarks

The following are minor seeps along with their drainage lying between Indian Graveyard Basin Creek and Meyer's Creek drainages.

Aspen Grove - SE 1/4 SE 1/4 Section 13, T. 30 N., R. 58 E., M.D.B.&M. (Seep and drainage)

Big Rock - SW 1/4 SE 1/4 Section 13, T. 30 N., R. 59 E., T. 30 N., R. 59 E., M.D.B. & M. (Seep and drainage).

Question No. 4 cont.

Small Meadow - SE 1/4 NE 1/4 Section 24, T. 30 N., R. 58 E., M.D.B. & M. or at a point from which the E 1/4 corner of said Section 24 bears S. 21° 02' E., 920 feet.

Rosebud Drainage - SE 1/4 NE 1/4 Section 18, T. 30 N., R. 59 E., M.D.B. & M. or at a point from which the NE corner of said Section 18 bears N. 30° 04' E., 2504 feet.

Remarks

Small Meadow - SE 1/4 NE 1/4 Section 24, T. 30 N., R. 58 E., M.D.B. & M. (Seep)

Rosebud Drainage - SE 1/4 NE 1/4 Section 24, T. 30 N., R. 59 E., M.D.B. & M. (Seeps and drainage).

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Paul W. Smith are full and correct to the best of his knowledge and belief.

Partner in Smith Bros. OX RANCH

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

SMITH BROS. OX RANCH
Claimant

702 779-2293

By [signature]

OX RANCH
Street and No., or P.O. Box No.

RUBY VALLEY, NEVADA 89833
City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of May, 19 90

Phyllis C. Naylor

Notary Public in and for the County of Elko

My commission expires 12/28/91

PHYLLIS C. NAYLOR
Notary Public
State of Nevada
Elko County, Nevada
My Commission Expires 12/28/1991

$50 FILING FEE MUST ACCOMPANY PROOF

Serial No. 05004

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant SMITH BROS OX RANCH

OX RANCH (Street and No. or P.O. Box No.) of RUBY VALLEY (City or town)

NEVADA 89833 (State and Zip Code No.)

(2) Source of water Please refer to page 2 Remarks (Name of natural water source.) (UNNAMED SEEPS)

(3) The water is diverted by natural channels (Dam, ditch, pipe line, natural channel, spring area, etc.)

(4) The water is diverted at the following point(s) (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. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.)

(1) Aspen Grove - SW 1/4 NE 1/4 Sec 13 T 30 N R 58 E

(2) Big Rock - NE 1/4 NE 1/4 Sec 13 T 30 N R 58 E

(3) Small Meadow - NE 1/4 NE 1/4 Sec 24 T 30 N R 58 E MDB M

(4) Roadbed Drainage pond spring located at: NW 1/4 SW 1/4 of Section 13 T 30 N R 58 E at a point from which the S 1/4 corner of said Section 13 bears S 31° 01' E, 3003 feet.

(5) The water is impounded in natural channels (Troughs, tanks, pools, reservoir, natural channel, etc.)

(6) The construction of the ditch or other works was begun 1869 (Date)

and completed 1869 (Date)

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain with grazing permit. (Patented, deeded, public domain with grazing permit, etc.)

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E1

(8) The claimant's water right was ~~(was not)~~ NOT recorded in the office of the County Recorder of

County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year 1869, (Date) was 1000 cattle 50 horses 500 sheep ~~of~~ and 900 deer 1500 wildlife (Other) The watering was conducted during each of the following months January thru December

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

1000 cattle 50 horses 500 sheep 900 deer 1500 wildlife

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.

from 1869 to present time (1989)

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.02 cubic feet per second per seep and drainage.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at Aspen Grove SW1/4 NE1/4 Sec 13 T.30N R58E

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Big Rock NE1/4 NE1/4 Section 13 T.30N R59E Small Meadow NE1/4 NE1/4 Section 24 T30N R58E Roselink NW1/4 SW1/4 Sec 13 T.30N R58E MDB M

Remarks The following are minor seeps along with their drainage laying between Indian Grove and Basin Creek and Rogers Creek. These channels run water during the spring and early summer furnishing water to animals etc.

(1) Aspen Grove Section 13 Seeps and Drainage

(2) Big Rock South Section 18 Seeps and Drainage

(3) Small Meadow Section 24 Seeps

(4) Roselink Drainage Section 18 Seeps and Drainage

Remarks Aspen Grove Drainage - SW 1/4 NE 1/4; SE 1/4 Sec 13 Big Rock - NE 1/4 NE 1/4 Sec 13; NE 1/4 Sec 13 T.30N R58E; S 1/2 Sec 18 T.30N R59E. Small Meadow NE 1/4 NE 1/4 Sec 24 Rosebud - NW 1/4 SW 1/4 Sec 13 T.30N R58E; N 1/2 Section 18 T.30 R.59E MDBM

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by SMITH BROS & X RANCH 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.

Claimant

Telephone No.(.....)

By [signature]

X Ranch
Street and No., or P.O. Box No.

Ruby Valley NV 89833
City, State, Zip Code No.

Telephone No.(702) 779-2293

Subscribed and sworn to before me this 30 day of October, 1989

Wanda Lee Krenka

Notary Public in and for the County of Elko

My commission expires 4-17-93

WANDA LEE KRENKA
Notary Public-State of Nevada
Elko County-Nevada
Comm. Exp. 4-17-93

$50 FILING FEE MUST ACCOMPANY PROOF

Form A4 (Rev. 11-83)

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