

THE STATE OF NEVADA
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Mayhugh Creek, spelled as Mayhew on existing Geological Survey Plats, formerly known as Wines Creek.
The water is diverted from its source [Name of ditch, flume or pipe line]: in Mayhew Ditches 1 through 11, inclusive 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]: Eleven points of diversion as described on Addendum attached hereto.

(1) **Name of Claimant:** Miller S. Vaughan, Janet C. Pierce and Dorothy M. Kaiser, all married persons dealing with their sole and separate property. Address: c/o Robert O. Vaughan, P. O. Box 1420, Elko 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:** 1864 and **completed:** unknown. See Addendum.

(5) **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. See Addendum.

(6) **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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 (7) **The work of enlargement of the ditch or canal was begun:** _____ and **completed:** See Addendum.

(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. See Addendum.

(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]: All 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 native hay, meadow, diversified pasture continuously with portions in alfalfa and grain in the past 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 See Addendum to _____ 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 1,185.06 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]: Full water right used continuously to the best information and belief of Claimant, to the extent of availability.
- (17) The claimant's water right was ~~—(was not)—~~ recorded in the office of the County Recorder of _____ County, said record being at Page _____ of Book _____ of _____, and being a claim for _____ of water for the irrigation of _____ acres of land in the following legal subdivisions: The Claimant's water right was recorded as discussed in Addendum, with copies attached hereto as Exhibits "A" and "B". [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 purposes and stockwater purposes, year long.
- (19) The character of the soil is [Sandy, gravelly, loam] Gravelly loam. A continuous flow of (See Remarks) cubic feet of water per second has been used to irrigate (See Remarks) acres of land and (See Remarks) acre-feet per acre per annum have been used to irrigate the crops.
- (20) Remarks: No measurements of water have been maintained as the amount of water used to irrigate the 1,185.06 acres claimed under this Proof is not available. Customarily, the waters of Mayhugh Creek are divided between the Claimant and the adjoining owner to the south, Robert O. Vaughan.

At the time the culture map was prepared, approximately 8.65 acres of harvest land adjacent to Lot 5, Section 1, T 29 N, R 58 E, MDM was inundated by Franklin Lake. The 8.65 acres of harvest is claimed as having a vested right with a priority of 1866.

 The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Miller S. Vaughan, Janet C. Pierce, and Dorothy M. Kaiser 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.] Being executed by Robert O. Vaughan, attorney for Claimant.

30 OCT - 1 1989
 By Robert Vaughan

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

Walter J. Leberski

Notary Public in and for the County of _____
 My commission expires _____

\$50 FILING FEE MUST ACCOMPANY

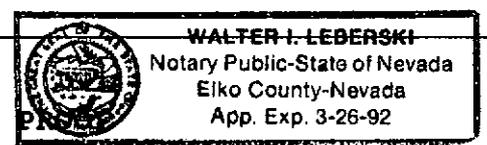


EXHIBIT "A"

PROOF 05026

<u>Section</u>	<u>Sub-division</u>	<u>Township</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
12	Lot 3	T29N	R58E	4.13	Harvest
12	Lot 2	T29N	R58E	25.12	Harvest
12	Lot 1	T29N	R58E	23.85	Harvest
1	Lot 4	T29N	R58E	0.47	Pasture
1	Lot 4	T29N	R58E	19.39	Harvest
1	SW $\frac{1}{4}$ NW $\frac{1}{4}$	T29N	R58E	39.79	Harvest
1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	T29N	R58E	33.09	Harvest
1	SW $\frac{1}{4}$ NE $\frac{1}{4}$	T29N	R58E	5.25	Harvest
1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	T29N	R58E	13.87	Harvest
1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	T29N	R58E	37.38	Harvest
1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	T29N	R58E	40.00	Harvest
1	NW $\frac{1}{4}$ SW $\frac{1}{4}$	T29N	R58E	40.00	Harvest
1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	T29N	R58E	31.66	Harvest
1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	T29N	R58E	40.00	Harvest
1	SW $\frac{1}{4}$ SE $\frac{1}{4}$	T29N	R58E	40.00	Harvest
1	Lot 5	T29N	R58E	27.26	Harvest
2	Lot 3	T29N	R58E	0.63	Orchard
2	Lot 2	T29N	R58E	0.79	Orchard
2	Lot 2	T29N	R58E	7.23	Harvest
2	Lot 2	T29N	R58E	24.30	Pasture
2	Lot 1			10.53	Pasture
2	Lot 1			29.69	Harvest
2	SE $\frac{1}{4}$ NE $\frac{1}{4}$			26.36	Harvest
2	SE $\frac{1}{4}$ NE $\frac{1}{4}$			16.64	Pasture
2	SW $\frac{1}{4}$ NE $\frac{1}{4}$			37.62	Pasture
2	SE $\frac{1}{4}$ NW $\frac{1}{4}$			4.11	Pasture
2	NW $\frac{1}{4}$ SE $\frac{1}{4}$			3.04	Pasture
2	NE $\frac{1}{4}$ SE $\frac{1}{4}$			1.42	Pasture
2	NE $\frac{1}{4}$ SE $\frac{1}{4}$			31.33	Harvest
2	SE $\frac{1}{4}$ SE $\frac{1}{4}$			3.47	Harvest

Culture growing in an unsurveyed area = 566.64 acres of pasture.
 Total cultivated area = 1185.06 acres.