Filing Serial No. 05053

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Mica Creek and Tributaries
Name of natural water source (use separate proofs for each major source)

The water is to be diverted from its source Scoville Ditch
Name of ditch, flume or pipe line

at the following point(s) NE 1/4 SE 1/4 of Section 16, T.29 N., R.58 E., M.D.B.& M., or at
List all points of diversion from this source, appending a sheet if necessary

a point from which the NE corner of Section 3, T.29 N., R.58 E., M.D.B.& M., bears
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

N. 24°14'22" E., 15,806 feet.
land, it should be stated.

(1) Name of Claimant Dawley Creek Ranch, c/o Clifton Gardner

Address Ruby Valley, County of Elko

State of Nevada 89833

(2) The means of diversion employed Rock Dam and Open Ditches
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was 1865

(4) The construction of the ditch or other works was begun 1865

and completed 1865.

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom

Varies feet, width on top Varies feet, depth Varies feet, on a grade of Varies feet per thousand feet.

176 (6) The conduit has not been enlarged.

E1 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

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.

(9) The claimant is an owner in the above-described conduit.

The ditches are maintained by the Claimant and are partially on his private land

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

Fee Simple

Fee simple, public domain, etc.

(11) Crops of Native Hay, Meadow 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 April 1 (Day of month) to October 15 (Day of month) of each year.

(13) 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.

HARVEST

1865, 5.20 acres in the NW 1/4 NW 1/4 of Sec. 15, T. 29 N., R. 58 E.

1865, 37.45 acres in the SW 1/4 NW 1/4 of Sec. 15, T. 29 N., R. 58 E.

1865, 28.30 acres in the SE 1/4 NW 1/4 of Sec. 15, T. 29 N., R. 58 E.

1865, 5.85 acres in the Lot 2 of Sec. 15, T. 29 N., R. 58 E.

1865, 14.03 acres in the Unsurveyed Part of Sec. 15, T. 29 N., R. 58 E.

MEADOW PASTURE

1865, 86.90 acres in the Unsurveyed Part of Sec. 11, T. 29 N., R. 58 E.

1865, 72.52 acres in the " of Sec. 15, T. 29 N., R. 58 E.

1865, 295.18 acres in the " of Sec. 14, T. 29 N., R. 58 E.

1865, 55.69 acres in the " of Sec. 22, T. 29 N., R. 58 E.

1865, 66.70 acres in the " of Sec. 23, T. 29 N., R. 58 E.

DIVERSIFIED PASTURE

1865, 0.90 acres in the Unsurveyed Part of Sec. 11, T. 29 N., R. 58 E.

1865, 213.97 acres in the " of Sec. 13, T. 29 N., R. 58 E.

1865, 306.21 acres in the " of Sec. 14, T. 29 N., R. 58 E.

1865, 1.02 acres in the " of Sec. 22, T. 29 N., R. 58 E.

1865, 484.97 acres in the " of Sec. 23, T. 29 N., R. 58 E.

1865, 131.35 acres in the " of Sec. 24, T. 29 N., R. 58 E.

1865, 1.43 acres in the " of Sec. 25, T. 29 N., R. 58 E.

1865, 331.76 acres in the " of Sec. 26, T. 29 N., R. 58 E.

1865, 52.64 acres in the " of Sec. 27, T. 29 N., R. 58 E.

1865, 32.07 acres in the Lot 1 of Sec. 24, T. 29 N., R. 58 E.

1865, 42.42 acres in the Lot 2 of Sec. 24, T. 29 N., R. 58 E.

1865, 12.77 acres in the Lot 3 of Sec. 24, T. 29 N., R. 58 E.

1865, 24.25 acres in the Lot 4 of Sec. 24, T. 29 N., R. 58 E.

1865, 80.00 acres in the E 1/2 SW 1/4 of Sec. 24, T. 29 N., R. 58 E.

1865, 38.57 acres in the Lot 1 of Sec. 25, T. 29 N., R. 58 E.

1865, 80.00 acres in the E 1/2 NW 1/4 of Sec. 25, T. 29 N., R. 58 E.

1865, 40.00 acres in the SW 1/4 NW 1/4 of Sec. 25, T. 29 N., R. 58 E.

1865, 80.00 acres in the N 1/2 SW 1/4 of Sec. 25, T. 29 N., R. 58 E.

1865, 27.80 acres in the SW 1/4 SW 1/4 of Sec. 25, T. 29 N., R. 58 E.

1865, 23.20 acres in the Lot 1 of Sec. 26, T. 29 N., R. 58 E.

1865, 37.70 acres in the Lot 2 of Sec. 26, T. 29 N., R. 58 E.

1865, 8.10 acres in the SE 1/4 SE 1/4 of Sec. 26, T. 29 N., R. 58 E.

(14) The maximum acreage irrigated in any year was 2,718.95 acres.

(15) The water claimed **has** 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 **Dry years when the water from the Creek did not reach the**

If water was not used, or used in reduced quantity at any time, full information as to causes

Franklin Lake

and duration of non-use should be given, appending a sheet if necessary.

(17) The claimant's water right **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: _____

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: **Stockwater**

(19) The character of the soil is **Sandy Loam**. A continuous flow of **5** cubic
(Sandy, gravelly, loam)

feet of water per second has been used to irrigate **2,718.95** acres of land and **3** acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: **The waters of Mica Creek co-mingle with the waters of Dawley Creek, Mica Spring and Coon Hollow Spring along with water from the Franklin River to irrigate the lands listed under Question No. 13.**

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

Officer in the Dawley Creek Ranch Corporation

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

Cliff Gardner

Subscribed and sworn to before me this 23 day of Feb, 1987

Phyllis C. Taylor

Notary Public in and for the County of Elko

My commission expires 12/28/87

PHYLLIS C. TAYLOR
Notary Public - State of Nevada
Elko County, Nevada
Appointment expires 12-28-87

$50 FILING FEE MUST ACCOMPANY PROOF