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Filing Serial No. 05066

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

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

at the following point(s) SE 1/4 SW 1/4 of Section 12, T.29 N., R.58 E., M.D.B.& M.,
List all points of diversion from this source, appending a sheet if necessary

(Unsurveyed) or at a point from which the NW corner of Section 2, T.29 N., R.58 E.,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

M.D.B.& M., bears N. 38°58'00" W., 12,144 feet
land, it should be stated.

(1) Name of Claimant Gardner 1983 Trust, c/o Walter Gardner

Address Ruby Valley, County of Elko

State of Nevada

(2) The means of diversion employed Natural Lake Bed of Franklin Lake
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was N/A

(4) The construction of the ditch or other works was begun N/A

and completed N/A.

(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.

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(6) The conduit 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 _____

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 natural channels and sloughs of the Franklin River are on the Claimant's 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 **Meadow 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, **119.35** acres in the **Unsurveyed Part** of Sec. **11**, T. **29** N., R. **58** E.

MEADOW PASTURE

1865, **167.56** acres in the **Unsurveyed Part** of Sec. **11**, T. **29** N., R. **58** E.

1865, **152.00** acres in the **"** of Sec. **12**, T. **29** N., R. **58** E.

1865, **176.01** acres in the **"** of Sec. **13**, T. **29** N., R. **58** E.

1865, **10.40** acres in the **"** of Sec. **14**, T. **29** N., R. **58** E.

(14) The maximum acreage irrigated in any year was **625.32** 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 **During dry years when the lake bed was dry because water was not present in the Franklin River**.

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 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: _____

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 Loam (Sandy, gravelly, loam). A continuous flow of 6.3 cubic feet of water per second has been used to irrigate 625.32 acres of land and 3 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The waters of Mayhew, Jasper and Williamson Creek co-mingle with Franklin River water to irrigate the land listed under Question No. 13.

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

Trustee of the Gardner 1983 Trust

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

Walter Gardner

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

Phyllis C. Naylor

Notary Public in and for the County of Elko

My commission expires 12/28/87

PHYLLIS C. NAYLOR
Notary Public - State of Nevada
Elko County, Nevada
Appointment Expires

$50 FILING FEE MUST ACCOMPANY PROOF