

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is to be diverted from its source Unnamed Open Ditches
Name of ditch, flume or pipe line

at the following point(s) SE 1/4 SE 1/4 of Section 3, 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 said Section 3 bears N. 16°23'26" E., 4,205 feet.
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.

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

(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.

All ditches are on 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 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 to October 15 of each year.
Day of month Day of month

(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, 30.83 acres in the NE 1/4 NE 1/4 of Sec. 10, T. 29 N., R. 58 E.
1865, 3.30 acres in the SW 1/4 NE 1/4 of Sec. 10, T. 29 N., R. 58 E.
1865, 38.50 acres in the SE 1/4 NE 1/4 of Sec. 10, T. 29 N., R. 58 E.
1865, 8.50 acres in the Lot 1 of Sec. 10, T. 29 N., R. 58 E.
1865, 5.07 acres in the NW 1/4 NW 1/4 of Sec. 11, T. 29 N., R. 58 E.
1865, 48.98 acres in the Lot 3 of Sec. 11, T. 29 N., R. 58 E.
1865, 5.80 acres in the Lot 2 of Sec. 11, T. 29 N., R. 58 E.
1865, 54.34 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 701.29 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 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 701.29 acres of land and 3 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The waters from Jasper Creek co-mingle with the waters from Williamson Creek, Mayhew Creek and 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 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.

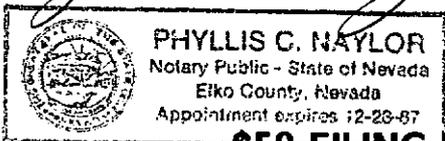
Walter Gardner

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



\$50 FILING FEE MUST ACCOMPANY PROOF

PLACE OF USE

PROOF 05068

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Part</u>	<u>Acres</u>
29N	58E	10	NE¼ NE¼	30.83
29N	58E	10	SW¼ NE¼	3.30
29N	58E	10	SE¼ NE¼	38.50
29N	58E	10	Lot 1	8.50
29N	58E	11	NW¼ NW¼	5.07
29N	58E	11	Lot 3	48.98
29N	58E	11	Lot 2	5.80
29N	58E	11	Unsurveyed	54.34
29N	58E	11	Unsurveyed	167.56
29N	58E	12	Unsurveyed	152.00
29N	58E	13	Unsurveyed	176.01
29N	58E	14	Unsurveyed	10.40

The unsurveyed part is riparian land in the Franklin Lake bed and designated on culture map as the unsurveyed W½ of Franklin Lake (Parcel II in Deed).