

AMENDED  
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Mott Canyon Creek  
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source by diversion splitter box and unnamed pipeline  
Name of ditch, flume or pipe line

at the following point(s) within the NE 1/4 SE 1/4, Section 4, T.12N., R.19E., M.D.B.&M.  
List all points of diversion from this source, appending a sheet if necessary

or at a point from which the East 1/4 corner of said Section 4 bears North 14°15'43"  
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  
East, a distance of 767.47 feet.

(1) Name of claimant Lorilyn V. & Randall R. Chitwood  
Address P.O. Box 961, Minden  
1211 Jones Road, Gardnerville, County of Douglas  
State of Nevada Telephone No. (702) 782-4435

(2) The means of diversion employed diversion box, pipeline ditches  
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun 1852  
and completed 1853

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1.5 feet, width on top 2.0 feet, depth 1.5 feet, on a grade of.....feet per thousand feet.

(6) The conduit has ~~(has not)~~ been enlarged. (See attached historical agreement)  
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 ~~(is not)~~ an owner in the above-described conduit.  
Percentage based on final decreed right  
If claimant is an owner in the conduit, state interest held on this line



(16) The years during which no water was used for irrigation or during which the full water right was not used were None  
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 Douglas County, said record being at page 112 of Book A of Ditch & Water Rights, and being a claim for 3/16 interest in Mott Canyon Creek of water for the irrigation of 100 acres of land in the following legal subdivisions: NOT SPECIFIED

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 and domestic

(19) The character of the soil is sandy loam <sup>rotation</sup> A ~~continuous~~ flow of 1.2 cubic feet of water per second has been used to irrigate 7.07 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks..... Chitwood, Melnikoff, Mirtle, and Wright have been using 100% of the Jones' 1/4 portion of Mott Creek (see 1952 agreement) in rotation. These Claimant's portion of Motts Canyon Creek (being 1/4 of the flow) is derived from the Court Decree June 3, 1871 in Taylor vs. Jones (3/16 to Jones); and Taylor vs. Alvey, June 3, 1871 (1/16 of the flow or 3 miners inches) to Alvey and thence to Jones which decrees are attached hereto. 3 miners inches decreed to Alvey is approximately 34 gpm, which is 1/16 of 1/4 of the flow in Mott Canyon Creek [ eg  $\frac{1.2 \text{ cfs}}{16} = 34 \text{ gpm}$ ]. See Affidavit dated March 16, 1993, filed herewith.

Chain of Title from Jones & Alvey to Claimant's portion on file in 05070. Also, see attached agreement dated December 5, 1952, dividing the Mott Canyon Creek into four equal parts. Stockwater use is continuous through out the year and 12 head of livestock are watered year round.

Supporting map filed herewith.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Lorilyn V. & Randall R. Chitwood 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

Lorilyn V. Chitwood

Randall R. Chitwood

Telephone No. (.702...) 782-4435

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 1994

Karen Leet



Notary Public in and for the County of Douglas

My commission expires Aug 27 1994

**\$100 FILING FEE MUST ACCOMPANY PROOF**

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Mott Canyon Creek
Name of natural water source (use separate proofs for each major source)
The water is diverted from its source via division box and unnamed pipeline
Name of ditch, flume or pipe line
at the following point(s) Primary division box in the NE 1/4, SE 1/4, Sec. 4, T.12N., R.19E.,
List all points of diversion from this source, appending a sheet if necessary
approximately 3400' S. 4 1/2' W from the common corner of Sec. 3 & 4, T12N., and
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
and 33 & 34, T13N.
land, it should be stated

(1) Name of claimant Lorilyn V. and Randall R. Chitwood
P.O. Box 961
Address 1211 Jones Ranch Road, County of Douglas
State of Nevada Telephone No. (702) 782-4435

(2) The means of diversion employed Division box and pipe line
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was 1853 (see attached Decree)

(4) The construction of the ditch or other works was begun 1853
and completed 1853

105
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(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1.5
feet, width on top 2 feet, depth 1.5 feet, on a grade of feet per thousand feet.

(6) The conduit has ~~been~~ been enlarged. (see attached agreement)
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 ~~(is not)~~ an owner in the above-described conduit.
Approximately 7/80ths of 1/4th interest in Mott Canyon Creek
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 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 January 1 to December 1
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.

1853	7.071	acres in the	SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ & SW $\frac{1}{4}$ of the SE $\frac{1}{4}$	of Sec. 3	T. 12N.	R. 19	E.
Year		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.
		acres in the		of Sec.	T.	R.	E.

(14) The maximum acreage irrigated in any year was 7.071 acres.

(15) The water claimed has ~~(was not)~~ been used for irrigation each and every year since the right was initiated. Strike out one not wanted

(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 if necessary

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

Douglas County, said record being at page \_\_\_\_\_ of Book \_\_\_\_\_ of Court Decree dated June 3rd, 1871, and being a claim for 3/16ths of the Mott Canyon Creek \_\_\_\_\_ of water for the irrigation of \_\_\_\_\_ 160 \_\_\_\_\_

acres of land in the following legal subdivisions: The SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  and the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 3 and the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 2, T.12N., R.19E.

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 and Domestic

(19) The character of the soil is Gravelly A continuous flow of 1.1 cubic feet of water per second has been used to irrigate 7.071 acres of land and 14 acre-feet per acre per annum have been used to irrigate the crops.  
(Sandy, gravelly, loam)

(20) Remarks: See attached Court Degree from June 3, 1871, decreeing 3/16ths of the Mott Canyon Creek to David Jones. Also, see attached agreement dividing the Mott Canyon Creek into 4 equal parts. Irrigation Historical use is full stream 4 days per month. Stockwater use is continuous throughout the year and 12 head of livestock are watered year round.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Randall and Lorilyn Chitwood 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

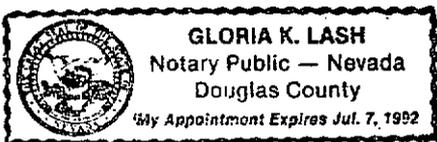
claimant

Randall R. Chitwood + Lorilyn Chitwood

P.O. Box 961, Minden, NV 89423

Telephone No. (702) 782-4435

Subscribed and sworn to before me this 24 day of October, 1989.



Gloria K. Lash

Notary Public in and for the County of Douglas

My commission expires July 7, 1992

\$100

~~\$50~~ **FILING FEE MUST ACCOMPANY PROOF**

