

ORIGINAL

Filing Serial No. [REDACTED]

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source.....Sheridan Creek.....
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via a concrete diversion structure and unnamed
Name of ditch, flume or pipe line ditches.

at the following point(s) within the NE 1/4 Sec 15, T. 12N., R. 19E., M. D. M.
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

(1) Name of claimant Donald T. Hall & Peggy Hall, husband & wife as joint
tenants.
Address Box 102, County of Douglas
Glenbrook
State of Nevada, 89413 Telephone No. (702.)

(2) The means of diversion employed Diversion structure, ditches (See attachment.)
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See attachment.)

(4) The construction of the ditch or other works was begun prior to March 1, 1905
and completed prior to March 1, 1905. (See attachment.)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 4 +/- feet, width
on top 6 +/- feet, depth 1.5 +/- feet, on a grade of 3.3 +/- feet per thousand feet.

(6) The conduit has (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 (is not) an owner in the above-described conduit.
12.78 percent, North Diversion. (See attachment.)
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 See attachment.

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 1132 & ¹¹³⁴ of Book 1187 of

....., and being a claim for all appurtenant rights

88.12 acre feet annually of water for the irrigation of 22.03

acres of land in the following legal subdivisions:

Divivision of Land Map, Gerald F. and Pamela F. Whitmire, Douglas
County Records, Book 1286, Page 552. Boundary Line Adjustment,

Douglas County Records, Book 1088, Pages 370 and 371.

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:

Stock watering and domestic, January 1 through December 31 of each
year.

(19) The character of the soil is gravelly sandy loam A continuous flow of .2644 cubic

(Sandy, gravelly, loam)
feet of water per second has been used to irrigate 22.03 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Donald T. and Peggy Hall claim vested rights to 12.79
percent of 65.43 percent of the waters of Sheridan Creek (North
Diversion) for irrigaiton during the period May 1 to October 15
annually to irrigate 22.03 acres.

See attachment for more complete description of claim of vested
right.

STATE ENGINEERS OFFICE
94 MAR 18 P 1:34

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

Deponent, a State Water Right Surveyor, is Claimant's Agent.

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

Send copies of all notices to:
Milton L. Sharp, P.E.
1005 Terminal Way, #257
Reno, NV. 89502

Milton L. Sharp

Telephone No. (...702) 323-7006

Subscribed and sworn to before me this 18th day of March, 19 94

Michael Rudnik



Notary Public in and for the County of Washoe

My commission expires 1-10-95

\$100 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

SUPPLEMENTARY INFORMATION, PROOF OF APPROPRIATION OF WATER FOR IRRIGATION.

GENERAL

Claims of vested right by Donald T. and Peggy Hall to a portion of the waters of Sheridan Creek are supported by information contained in a report prepared by Milton L. Sharp, P.E., State Water Right Surveyor No. 784, titled Water Rights and Water Resources Investigation, Sheridan Creek, Stutler Creek and Gansberg Spring, dated March 1993. A copy of the report has been submitted to the State Engineer in support of Proofs of Appropriation filed by Donald S. and Kristina M. Forrester, Donald T. and Peggy Hall, Robert S. and June E. Severson, Theodore and Katherine A. Weber, Ron and Ginger Mitchell, Ernest E. Pestana and Joy Whipple, referring to the waters of Sheridan Creek and Stutler Canyon Creek.

DESCRIPTION OF DIVERSION, ITEMS 2, 3, 4 AND 9.

Sheridan Creek has been divided into two branches for the purpose of diverting water for irrigation, as indicated on the map which accompanies this Proof of Appropriation. The two branches are referred to as the North Diversion and South Diversion. Historical evidence indicates that the pattern of distribution and use of water through the North Diversion has existed without significant change, since prior to March 1, 1905. The pattern of distribution

and use of water from the South Diversion has been altered in recent years, probably as late as the 1970's. The map which accompanies this Proof of Appropriation delineates point of diversion and location and alignment of the North and South Diversions of Sheridan Creek based on the historical documentation available. Date of survey refers to date indicated on the map filed in the office of the State Engineer by E.H. Sweetland, State Water Right Surveyor, July 29, 1930.

The claimants assert claim of ownership in the ditches and works of improvement in the same percentage as they assert claim of vested right to the waters of Sheridan Creek, North Diversion (Item 9). Also see response to Items 13 and 20.

DESCRIPTION OF CLAIMS OF VESTED RIGHT AND DATE OF PRIORITY OF USE,
ITEMS 13, 15 AND 16.

The map which accompanies this Proof of Appropriation identifies lands which have vested rights to use of Sheridan Creek water based on evidence of use established prior to March 1, 1905, continuing to the present time. Table 6-1, page 6-26, of the Sharp report contains a summary of land areas by 40 acre sectional subdivision which have verifiable claims of vested right and the total annual appropriation based on duty of 4.0 acre feet per acre during the irrigation season and 2.02 acre feet annual appropriation for separate domestic use. The information contained in Table 6-1 indicates that 65.43 percent of the water flowing in Sheridan Creek

has been diverted into the North Diversion and 34.57 percent into the South Diversion.

A tabulation of cultivated acreage within quarter-quarter sections and type of cultivation is also provided on the map which accompanies this Proof of Appropriation.

Date of priority of use for the waters of Sheridan Creek is determined to be 1852 based on historical evidence and with particular reference to the determination of date of priority of use of 1852 for waters of Barber Creek as indicated in the 1921 Barber Creek Decree. Historical evidence used to establish date of priority of use is also cited in Subsection 6.2 of the report.

Justification and documentation used to identify lands with vested rights to Sheridan Creek water are described in Subsection 6.2 of the Sharp Report. Principal map documentation referenced in delineation of lands with vested rights to Sheridan Creek water are:

Map titled, Cultural Maps, Plot of Barber Canyon Creek, prepared by George W. Lloyd and dated October 2, 1914.

Map titled, Map to Accompany Proof of Beneficial Use under Application NO. 7595, Certificate Record No. 1760, prepared by E.H. Sweetland, State Water Right Surveyor, filed in the office of the State Engineer on July 28, 1930.

There is no evidence to indicate that vested rights with a later

date of priority of use and prior to March 1, 1905 could be claimed for other lands not included in Table 6-1 or the cultural tabulation on the map.

The historical record indicates that irrigation of lands now owned by Claimants using the water of Sheridan Creek has been continuous since the use was initiated. (See Sharp Report, Subsection 6.2.) The full water right was used in every year, except during years when the yield from Sheridan Creek was insufficient to supply the full water right. During years in which yield was deficient, the maximum amount of water available was used.

DESCRIPTION OF HALL CLAIM OF VESTED RIGHT, ITEMS 13, 16 AND 20.

Claimants Donald T. and Peggy Hall assert claim of vested right to a portion of the waters of Sheridan Creek consisting of 12.78 percent of 65.43 percent of flow (North Diversion) to irrigate 22.03 acres, .2644 cubic feet per second, not to exceed 88.12 acre feet during the period May 1 to October 15 annually.

Table 6-2 of the Sharp Report (beginning on page 6-28) summarizes vested rights for Sheridan Creek water for all land parcels for which vested rights can be claimed. Land parcels are identified by the Douglas County Assessor's parcel number designation. The map which accompanies this Proof of Appropriation also includes tabulation of cultivated acreage for separate parcels. The Claimants own APN 19-212-42.

Claimants also assert claim of vested right to a portion of the waters of Stutler Canyon Creek under separate Proof of Appropriation, supplementary to vested right from Sheridan Creek, for 22.03 acres and assert claim to a portion of the waters of Gansberg Spring heretofore appropriated under Certificate of Appropriation No. 1760, Permit No. 7595, supplementary to vested right from Sheridan Creek and Stutler Canyon Creek for 22.03 acres. Claimants limit their claims to a maximum of 4.0 acre feet per acre from all sources during the period May 1 to October 15.

Claimants also assert claim of vested right to a portion of the waters of Sheridan Creek for stock watering and for domestic use during the period January 1 to December 31 of each year.

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is diverted from its source via a concrete diversion structure and unnamed ditches
Name of ditch, flume or pipe line

at the following point(s) within the NE 1/4 SE 1/4 of Section 15, T. 12 N., R. 19 E.,
List all points of diversion from this source, appending a sheet if necessary

M.D.M. from which the southwest corner of said Section 15 bears S 72°
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
20' 31" W a distance of 5,412.47 feet.

(1) Name of claimant Donald T. Hall & Peggy Hall, husband & wife as joint tenants.

Address Box 102, Glenbrook, County of Douglas

State of Nevada 89413 Telephone No. (.....)

(2) The means of diversion employed diversion structure, ditches (See attachment.)
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See attachment.)

(4) The construction of the ditch or other works was begun prior to March 1, 1905
and completed prior to March 1, 1905. (See attachment.)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 4 ± feet, width
on top 6 ± feet, depth 1.5 ± feet, on a grade of 33 ± feet per thousand feet.

(6) The conduit has (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 (is not) an owner in the above-described conduit.
12.78 percent, North Diversion. (See attachment.)

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

(11) Crops of alfalfa, native hay, 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..... May 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.

1852, 11.88 acres in the NW 1/4 NW 1/4 of Sec. 14, T. 12 N, R. 19 E.
Year

1852, 8.88 acres in the NE 1/4 NW 1/4 of Sec. 14, T. 12 N, R. 19 E.

1852, 1.0 acres in the SE 1/4 NW 1/4 of Sec. 14, T. 12 N, R. 19 E.

1852, 1.17 acres in the SW 1/4 NW 1/4 of Sec. 14, T. 12 N, R. 19 E.

..... acres in the..... of Sec....., T....., R.....E.

(14) The maximum acreage irrigated in any year was..... 22.03 acres.

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

(20) Remarks Donald T. & Peggy Hall claim vested rights to 12.79
percent of 65.43 percent of the waters of Sheridan Creek (North
Diversion) for irrigation during the period May 1 to October 15
annually to irrigate 22.03 acres.

See attachment for more complete description of claim of vested
right.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water
by Donald T. & Peggy Hall are full and correct to the best of his knowledge
and belief.

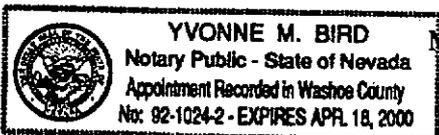
Deponent, a State Water Right Surveyor, is Claimant's agent.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant
Send copies of all notices to: Milton L. Sharp
Milton L. Sharp, P.E.
1005 Terminal Way, #257
Reno, NV. 89502

Telephone No. 702) 323-7006

Subscribed and sworn to before me this 27 day of Sept, 1996

Yvonne M. Bird
Notary Public in and for the County of Washoe



My commission expires 4-18-2000

STATE ENGINEERS OFFICE
96 SEP 30 PM 4:34

RECEIVED
\$100 FILING FEE MUST ACCOMPANY PROOF

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