

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Luther Creek
Name of natural water source (use separate proofs for each major source)
The water is diverted from its source through unnamed ditch and pipeline
at the following point(s) the primary diversion box is located within the NE 1/4 SE 1/4
of Section 35, T.12N., R.19E., M.D.M., Alpine County, California, from
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
which the Northeast corner of said Section 35 bears North 13°21'16"E.,
3,072 feet. A secondary diversion box is located within the NE 1/4 SE 1/4 of
Section 26, T.12N., R.19E., M.D.M., from which the Southeast corner of
said Section 26 bears South 07°07'E., a distance of 1,471 feet.

(1) Name of claimant Ted & Judy Gaines
Address 445 Foothill Road, Gardnerville, County of Douglas
State of Nevada Telephone No. (702) 265-4678

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

(3) The date of the survey of ditch, canal, or pipe line was July 1974

(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 2-3 feet, width
on top 10 feet, depth 2-3 feet, on a grade of 80 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 (XXXX) an owner in the above-described conduit.
26.9% (2/3 x 59.2/146.7)
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

(11) Crops of Meadow hay  
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 31  
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.

1865	15.2	acres in the	<u>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u>	of Sec. <u>26</u>	T. <u>12N</u>	R. <u>19</u>	E.
<small>Year</small>							
1865	3.9	acres in the	<u>SW<math>\frac{1}{2}</math>SW<math>\frac{1}{2}</math></u>	of Sec. <u>25</u>	T. <u>12N</u>	R. <u>19</u>	E.
1865	35.5	acres in the	<u>NW<math>\frac{1}{2}</math>SW<math>\frac{1}{2}</math></u>	of Sec. <u>25</u>	T. <u>12N</u>	R. <u>19</u>	E.
1865	4.6	acres in the	<u>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u>	of Sec. <u>25</u>	T. <u>12N</u>	R. <u>19</u>	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 59.2 acres.

(15) The water claimed has ~~(has not)~~ 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 Not Applicable  
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:  
Domestic and Stockwatering  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(19) The character of the soil is sandy loam A continuous flow of varies cubic feet of water per second has been used to irrigate 59.2 acres of land and 6-7 acre-feet per acre per annum have been used to irrigate the crops.  
(Sandy, gravelly, loam)

(20) Remarks One-half (1/2) of the entire flow from Luther Creek, originating in Alpine County, California, is diverted by a split weir. From this point of diversion water flows northerly via a ditch and pipeline to the Gaines/Gardner Ranch. At the Gaines' Ranch the flow splits with one-third (1/3) flowing northerly to the Heritage Ranch and two-thirds (2/3) of the flow is utilized for irrigation and stockwatering on the Gaines'/Gardner Ranch. In summary, approximately one-third (1/3) of the flow from Luther Creek has historically been used by the Gaines' Ranch (formerly the Dressler Ranch).

94 MAR 18 PM 5:00

STATE ENGINEERS OF NV

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

Robert O. Anderson, P.E. as agent for Ted & Judy Gaines

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

*Robert O. Anderson*

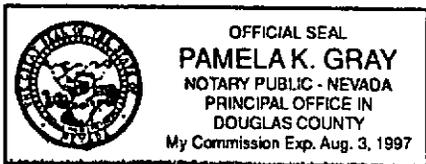
Robert O. Anderson, P.E.

P.O. Box 2294, Minden, NV 89423

Telephone No. (.702...) 782-2322

Subscribed and sworn to before me this 18<sup>th</sup> day of March, 1994.

*Pamela K. Gray*



Notary Public in and for the County of Douglas

My commission expires August 3, 1997

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