Serial No. 06522

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR

STOCK WATERING PURPOSES

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(1) **Name of Claimant** DONALD R. RIZZI and NORMA RIZZI [Street and No. or P. O. Box No.] RIZZI RANCH **of** [City or town] Mountain City [State and Zip Code No.] Nevada 89831

(2) **Source of water** [Name of natural water source] Devil's Gate Draw, Springs and Tributaries within its drainage area

(3) **The water is diverted by** [Dam, ditch, pipe line, natural channel, spring area, etc.] Spring area and Natural Channel

(4) **The water is diverted at the following point(s)** [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. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.] Throughout the reach of the channel, beginning at a point in the SE1/4 NW1/4 of Section 17, Township 45 North, Range 54 East, MDM, from which the SE corner of Section 12, Township 45 North, Range 53 East, MDM bears North 68°50'00" West a distance of 7,300.00 feet; thence down the stream channel to a point in the SW1/4 NW1/4 of Section 19, Township 45 North, Range 54 East from which the SE corner of Section 13, Township 45 North, Range 53 East, MDM bears North 32°17'00" West a distance of 2,320.00 feet.

(5) **The water is impounded in** [Troughs, tanks, pools, reservoir, natural channel, etc.] a Natural Channel.

(6) **The construction of the ditch or other works was begun** [Date] Does Not Apply. **and completed** [Date] Does Not Apply. Use made of natural pools and channel.

(7) **The nature of the claimant's title to the land upon which the source of water and place of use are located is** [Patented, deeded, public domain with grazing permit, etc.] Public Domain with grazing permit.

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(8) **The claimant's water right** was not **recorded in the office of the County Recorder of** _____ **County, at Page** ____ **of Book** ___ **of** _____ NOTE - Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) **The approximate number of animals watered by the claimant during the first year** [Date] _____ **was** _____ **cattle** ___ **horses** _____ **sheep or** [Other] _____. **The watering was conducted during each of the following months** (SEE REMARKS).

(10) **The approximate number of animals watered by the claimant in subsequent years was as follows:** [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] 266 cattle for the period of April 1 to June 1 or October 1 to December 15 of each year in accordance with a deferred rotation grazing system.

(11) **The amount of water which has been necessary to be diverted for this purpose has been** [448.83 gal. per min. equals 1 cubic foot per second] 0.0082 **cubic feet per second.**

(12) **The works are located at** [Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated] Use of natural channel.

Remarks: It is evidenced that livestock were watered from the source as early as prior to 1893. In 1893, W.D. Hand conveyed to R. Zimmerman by deed recorded in Book 22 of Deeds at Page 435, Elko County, Nevada, property presently owned by the claimant along with 65 head of horses.

Claimant presently holds a grazing permit within the Humboldt National Forest and an allotment which encompasses the source described herein. To hold such a permit, it is required that a present permittee be a successor in interest with the purchase of land and/or livestock which used the present Forest Service administered lands at the time of withdrawal of those lands in 1905. As the claimant possesses a permit on those Forest lands, the priority of use is prior to 1905.

At the present time, the livestock are grazed upon the Forest under a deferred rotation grazing system. The number of livestock within each portion of the system remains constant, but the season of use may vary in accordance with the period set in the system. The seasons of use shown above are as for that set forth in the system.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by DONALD R. RIZZI and NORMA RIZZI **are full and correct to the best of their 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.]

Donald R. Rizzi

DONALD R. RIZZI, CLAIMANT

Telephone No. (702) 763-6641

By _____

By _____

RIZZI RANCH
Mountain City, NV 89831

Telephone No. (702) 763-6641

Subscribed and sworn to before me this

18th **day of** May, **19**94.

Walter I. Leberski

Notary Public in and for the County of _____

My commission expires _____

WALTER I. LEBERSKI
Notary Public
State of Nevada
Elko County, Nevada
My appointment expires March 26, 1996.

$50 FILING FEE MUST ACCOMPANY PROOF