

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source MARTIN CREEK & TRIBUTARIES
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source BY DITCH SYSTEMS
Name of ditch, flume or pipe line

at the following point(s) SEE ATTACHED
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 RAYMOND Y. AND TONI L. MENDIVE

Address GOLD CREEK, County of ELKO

State of ELKO, NEVADA 89801 Telephone No. (702) 758-6482
753-9876

(2) The means of diversion employed BY DITCH SYSTEMS
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun PRIOR TO 1897
and completed APRIL, 1897

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom UNKNOWN feet, width on top.....feet, depth.....feet, on a grade of.....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 UNKNOWN and completed UNKNOWN

(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. UNKNOWN

(9) The claimant is ~~(SOME)~~ an owner in the above-described conduit.

CLAIMANT IS THE SOLE OWNER OF THE SUBJECT PROPERTY

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 SEE ATTACHED 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 SEE ATTACHED to Day of month Day of month of each year.

(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.

- SEE ATTACHED Year acres in the of Sec, T, R, E.

(14) The maximum acreage irrigated in any year was 178.1 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 SEE ATTACHED
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:
WATER ALSO USED FOR STOCKWATER AND DOMESTIC

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

(20) Remarks.....

SEE ATTACHED

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by RAYMOND Y. AND TONI L. MENDIVE are full and correct to the best of his knowledge and belief.

DEPONENT IS ACTING AS AUTHORIZED AGENT FOR CLAIMANT

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

5405 MAE ANNE AVENUE
RENO, NEVADA 89523

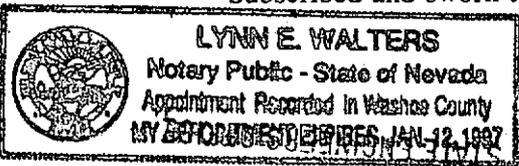
Michael D. Buschelman

MICHAEL D. BUSCHELMAN, P. L. S.

Telephone No. (702) 747-8550

Subscribed and sworn to before me this 11th day of October, 19 96

Lynn E. Walters



Notary Public in and for the County of WASHOE, NEVADA

My commission expires.....

Jan 12 1997

96 SEP 23 PM 2:11

STATE ENGINEERS OFFICE
96 OCT 15 PM 2:44

RECEIVED \$100 FILING FEE MUST ACCOMPANY PROOF RECEIVED

2nd AMENDED ATTACHMENT

ITEM: POINTS OF DIVERSION, ITEM NO. 11 & ITEM NO. 13

RAYMOND Y. & TONI L. MENDIVE - SUNFLOWER RESERVOIR - PROOF NO.06545

SOURCE: MARTIN CREEK VIA SUNFLOWER RESERVOIR & PENROD CREEK
POD #1: SW1/4 NE1/4 SECTION 28 T45N,R56E MDM, at a point from which the SW corner of Section 23 bears S. 42° 59' W., a distance of 38395.7 feet. Tie is to SW corner of Section 23, T44N, R55E, M0091M DWB

SOURCE: MILL CREEK TRIBUTARY TO MARTIN CREEK
POD #2: NE1/4 NE1/4 SECTION 29 T45N,R56E MDM, at a point from which the SW corner of Section 23 bears S. 36° 35' W., a distance of 36491.7 feet. Tie is to SW corner of Section 23, T44N, R55E, M0088M DWB

SOURCE: BIG BEND CREEK TRIBUTARY TO MARTIN CREEK
POD #3: NW1/4 NW1/4 SECTION 29 T45N,R56E MDM, at a point from which the SW corner of Section 23 bears S. 30° 46' W., a distance of 34331.8 feet. Tie is to SW corner of Section 23, T44N, R55E, M0091M DWB

Table with columns: T N, R E, SEC, 1/4 1/4, H AC, M AC, DP AC. Rows list acreage for various sections (e.g., 44 55 26 NE NW 9.20, 26 SW NW 20.50, 26 SE NW 25.20, etc.)

Refer to supporting map filed under Proof No.s 01462 and 02871 for place of use of water from Martin Creek stored in Sunflower Reservoir, aka Sunflower Flat Reservoir.

Refer to Proof No. 02907 for additional documentation for Sunflower Reservoir, aka Sunflower Flat Reservoir.

Type of historical use is for irrigation, stock water, domestic and storage. Water from Martin Creek and tributaries to Martin and Penrod Creeks through a supply ditch system is stored in Sunflower Flat Reservoir. Sunflower Flat Reservoir and the supply ditch system was completed in April of 1897, filed in the Elko County Clerk Office, Elko, Nevada, Case No. 1366. The size of Sunflower Flat Reservoir at maximum capacity in acres is approximately 148.02 acres+/-, length at the base of reservoir is approximately 120 feet, width at the top of reservoir is approximately 25 feet and height is approximately 40 feet. This water has been used for irrigation, stock water, domestic and storage purposes since 1897. Diversion of water from Martin Creek

and tributaries to Martin and Penrod Creeks to Sunflower Flat Reservoir begins September 15 and ends on June 1st of each year; for irrigation purposes begins April 1st and ends on September 15 of each year.

Sunflower Flat Reservoir and the supply ditch system was constructed by a company which was organized in 1874, with J. W. Pence as president. Completion was done in April of 1897 and has been in operation since 1897.

The supply ditch system and Sunflower Flat Reservoir has been used since 1897.

ITEM NO. 11 - EXPLANATION OF CROPS IRRIGATED

Cultures being irrigated are defined as follows:

H AC = Harvest land in acres with crops of oats, alfalfa, native and/or domesticated grasses. In some areas, oats and alfalfa have been planted but the predominate plants are grasses. Harvest lands are being irrigated as long as water was available. In less than adequate water years and as water flows declined, Harvest acreage closest to the points of diversion continue to be irrigated. Crops within the hay corrals noted on the culture maps are irrigated and harvested prior to stacking hay.

M AC = Meadow land in acres with crops of native and/or domesticated grasses. The distinction between Meadow and Harvest lands is observed to be defined by the ability of haying equipment to access the parcel. The lack of water way crossings, topography and/or rocky field conditions prevented equipment access. The volume of water utilized for irrigation is the same as Harvest lands. The period of time that Meadow lands are irrigated is the same as Harvest.

DP AC = Diversified Pasture land in acres with crops of native and/or domesticated grasses intermixed with sage brush or other brushes. The volume of water utilized for the diversified pasture irrigation is diverted during runoff periods. These runoff periods are defined as those times when the streams and/or rivers provided more water than needed to irrigate Harvest and Meadow crop lands.

ITEM NO. 12 - IRRIGATION SEASON AND STORAGE

The diversion of water for irrigation purposes begins on April 1st and ends on September 15th of each year.

The diversion of water from Gold Creek for storage purposes in the Fuzzie Springs Reservoir begins on September 15th and ends on June 1st of each year.

The diversion of water from Martin Creek for storage purposes in the Sunflower Reservoir begins on September 15th and ends on June 1st of each year.

ITEM NO. 16 - NON IRRIGATION OR LESS THAN FULL IRRIGATION YEARS

Surface water flows vary considerably from year to year. During normal or above normal years essentially all of the crop lands are irrigated. The claimant must derive the maximum crop yield to maintain a financial good standing. During less than normal water years, certain inaccessible areages are not irrigated and the water is utilized where it is most prudent and economical.

Water has been used for irrigation, stockwater, domestic and storage purposes for over 100 years. During drought conditions there have been numerous acreages that have not received water or less than their full allotment. The claimant is not able to provide a full detailed explanation of each particular non-irrigated acreages or drought years, at this time.

ITEM NO. 19 - SOIL CHARACTERISTICS, WATER FLOW & DUTY ESTIMATES

The irrigated acreages are normally located along the course of the spring, stream or river supplying the needed water supplies. The soil characteristics along these water courses are normally composed of a thin layer of topsoil over sands and gravels.

An estimate of continuous water flow requirements have not been determined due to the fluctuation in water flow in the spring, stream or river providing water. A measurement and monitoring program will need to be completed before an accurate rate of flow and volume per acre can be determined.

ITEM NO. 20 - REMARKS

The diversion of water for stockwater and domestic purposes begins on January 1st and ends on December 31st of each year.

5-9-90 Copy from Kay Mendive

within a radius of four or five miles. Assays give from \$160 to \$350 per ton. Some work is being performed in the district at the present time.

GRAND JUNCTION DISTRICT is well wooded, and has an abundant supply of water. It is situated about fifty-five miles from Elko, in a northerly direction, and quite a number of locations were made, but no important results were obtained. It is now lying quiet, those holding claims living in hopes of further development.

GRANITE MOUNTAIN DISTRICT lies three miles west of Dolly Varden District, in the same range of mountains. It was located in August, 1872, by William Muncy and Judge Roilly. The ore is principally copper. Work is entirely suspended at the present time.

HALLECK DISTRICT is situated about six miles from the Fort bearing the same name, and is on the northwestern slope of the Ruby range of mountains. It was organized during the summer of 1873, and quite a number of locations were made by the officers and soldiers from the Fort. Gold and silver are found in small quantities in the ore veins. Work is suspended at this time.

HICK'S DISTRICT is situated near the Island Mountain District, distant about ten miles. There are some prospectors still there who firmly believe in this eventually becoming a noted locality. The McDonald mine was bouded at one time for a considerable sum, that and the mine bearing the same name as the district, being the principal locations. Some very good ore has been produced by both these mines.

ISLAND MOUNTAIN DISTRICT was organized in September, 1873, and is situated seventy-five miles north from Elko, and twenty-five miles south from the Idaho line, near the Bruneau Mountain. The original discoverers were E. Penrod, C. T. Russell and W. D. Newton, the first named being one of the discoverers of the Comstock Lode in 1859. In 1875 a town started up, and several houses were built, but in 1878 it declined and only a few buildings remain, among which are a hotel and blacksmith shop, also a Chinese store. The principal features in this district are the placer mines, though quartz is found to some extent, generally in porphyry formation. The principal mines are the Owyhee and Hope Consolidated, Groelm and French, and W. A. Penrod. There are only five white men and fifty Chinamen in the district, though about 100 locations have been made. The quartz veins run northwest and southeast, with the formation, and generally dip about 40° to the northeast. The veins carry but little silver, but go from \$20 to \$400 in gold, which is worth \$19.50 per ounce. The longest tunnel is on the Island Mountain Mine, and is about sixty feet; the deepest shaft is on the Golden Star, and is about seventy-five feet. The latter mine was recently sold

by Henry G. Catlin to a New York company, but the purchasers have not yet commenced operations. Freight is received from Elko, and costs about thirty dollars per ton. Wood is found in abundance in the mountains four or five miles distant, and consists principally of mountain mahogany and cottonwood. There are no ores now worked in this district, but it is expected that when the new company begins operations those who have retained their interests in the district, will realize the fruition of their fondest hopes.

The Owyhee Canal in connection with this district, deserves mention. It was built by a company which organized in 1874, with J. W. Pence as President, but is owned and controlled at the present time by E. Penrod. Its total length is about ten miles, including the branches, which aggregate about three miles, and has a capacity of 500 inches of water. It has a reservoir located two miles from the lower end, that covers an area of two acres, and cost about \$1,000. The total cost was about \$10,000. Unfortunately there is only sufficient water to keep it running two months in the year to its full capacity. The altitude is 7,500 feet, and the winter weather is severe. In the spring the melting of the snow on the mountains produces the water supply.

KINGSLEY DISTRICT was originally located in December, 1862, by Felix O'Neil, and is situated in the Antelope Mountains, about ten miles north of the old emigrant road. After partially organizing, and doing nearly a month's work on the claim, Mr. O'Neil was driven from the locality by the Mormons. In 1865 the claims were discovered by a soldier named George Kingsley, and the district was reorganized under the above title. It lies in the second range of mountains east of Egan Cañon, in a country abounding with wood and grass; water in limited quantities is found in springs. In 1867 about thirty shafts were sunk, varying in depth from twenty to 100 feet. The geological formation of the district is granite and limestone. Rich copper ore is found here, and a furnace, employing twenty men, is running. The district is about seventy miles from Toano, and about thirty-five miles from Schellbourne.

KIT CARSON DISTRICT lies in a northerly direction from Humboldt Wells, distant about sixty miles, and was organized in 1872 by the same parties who located the Salmon District. Quite a number of locations were made, but developments are still necessary. The formations are granite and limestone. The ores contain gold, silver, and copper. Little, if any, work is in progress there at the present time.

LONG MOUNTAIN DISTRICT was organized in June, 1869, and is situated about thirty miles in a northerly direction from the town of Elko. Considerable excitement prevailed incident to the discovery of this mining locality, but soon died out from the want of confidence. Wood is scarce in the district,

but water in sufficient quantities is found in the mountains. There are five miners at present working in the district. W. B. Litchfield was the first to locate here.

LUCINE, OR BEECHER DISTRICT is situated about five miles from Tecoma, on the Nevada and Oregon Railroad; a portion of the principal locations are on the mountain which produces a furnace which was erected in 1872, and cost nearly \$40,000.

It is the property of the Nevada and Oregon Railroad, and is quite a considerable prospect. There is one hole in the mountain. The ores are about 25 per centum of silver. The principal locations are the property of the Nevada and Oregon Railroad.

MURRAY DISTRICT is situated in the northern part of the county, near the Eclipse, Wood, and Raven, Lodi, and good claims. It was organized about eight years ago, and has about eight locations, but at the present time only one is being worked in the district.

ROCK CREEK DISTRICT was organized in 1876, and is situated about five miles from the town of Tuscarora. The principal prospects are in the mountains, and are at work in the district. It is situated in the immediate vicinity of the Salmon District.

SALMON DISTRICT was organized in 1872, and about sixty locations were made. The principal locations are the property of Messrs. Hart and Penrod, and are principally copper. It was shipped to San Francisco in order to be worked, but failed of producing any results in the vicinity.

SOONER DISTRICT is situated in the vicinity of the "City," in the northern part of the county, and was first located in the month of July, 1876. The ores are a mixture of silver and water for the purpose of producing quantities near the town of Elko. It was abandoned in 1878.

SPACEY MOUNTAIN DISTRICT is situated about five miles south of Elko. It was organized in 1872, and about fifty locations were made. The principal locations are the property of Messrs. Penrod and Hart, and are principally copper. It was abandoned in 1878.

AMENDED

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Martin Creek & tributaries
Name of natural water source (use separate proofs for each major source)
The water is diverted from its source by ditch systems
Name of ditch, flume or pipe line
at the following point(s) see attached
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 Raymond Y. and Toni L. Mendive
Address Gold Creek, County of Elko
State of Elko, NV 89801 Telephone No. (702) 758-6482
753-9876

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

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

(4) The construction of the ditch or other works was begun 1870's
and completed unknown

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom unknown
feet, width on top feet, depth feet, on a grade of 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 unknown
and completed unknown

(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. unknown

(9) The claimant is (is not) an owner in the above-described conduit.
Claimant is the sole owner of the subject property
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 see attached
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 see attached to
of each year. Day of month Day of month

037
EL

(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.

see attached _____ acres in the _____ of Sec. _____, T. _____, R. _____ 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.
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(14) The maximum acreage irrigated in any year was _____ See attached _____ acres.

(15) The water claimed has ~~has 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 _____ see attached _____
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)

**AMENDED
ATTACHMENT**

ITEM: POINTS OF DIVERSION, ITEM NO. 11 & ITEM NO. 13

RAYMOND Y. & TONI L. MENDIVE - SUNFLOWER RESERVOIR - PROOF NO.06545

SOURCE: MARTIN CREEK VIA SUNFLOWER RESERVOIR & PENROD CREEK

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(1) Name of claimant.....Raymond Y. and Toni L. Mendive.....

Address.....Gold Creek....., County of.....Elko.....

State of.....Elko, Nevada.....89801..... Telephone No. (...702.)...758-6482.....

(2) The means of diversion employed.....by ditch systems.....(702) 753-9876.....
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun.....1870's.....
and completed.....unknown.....

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feet, width on top.....feet, depth.....feet, on a grade of.....feet per thousand feet.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Raymond Y. and Toni L. Mendive are full and correct to the best of his knowledge and belief. Deponent is acting as authorized agent for claimant

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

claimant

5405 Mae Anne Avenue
Reno, NV 89523

Michael D. Buschelman
Michael D. Buschelman, P.L.S.

Telephone No. (702) 747-8550

Subscribed and sworn to before me this 14th day of June, 1994

Lynn E. Walters

LYNN E. WALTERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JAN. 12, 1997

Notary Public in and for the County of Washoe, Nevada

My commission expires Jan. 12, 1997

\$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

ITEM: POINTS OF DIVERSION, ITEM NO. 11 & ITEM NO. 13

RAYMOND Y. & TONI L. MENDIVE - SUNFLOWER RESERVOIR - PROOF NO. _____

SOURCE: MARTIN CREEK VIA SUNFLOWER RESERVOIR & PENROD CREEK
POD #1: SW1/4 NE1/4 SECTION 28 T45N, R56E MDM

Refer to Proof No.s 01462 and 02871 for place of use of water from Martin Creek stored in Sunflower Reservoir, aka Sunflower Flat Reservoir.

Refer to Proof No. 02907 for additional documentation for Sunflower Reservoir, aka Sunflower Flat Reservoir.

ITEM NO. 11 - EXPLANATION OF CROPS IRRIGATED

Cultures being irrigated are defined as follows:

H AC = Harvest land in acres with crops of oats, alfalfa, native and/or domesticated grasses. In some areas, oats and alfalfa have been planted but the predominate plants are grasses. Harvest lands are being irrigated as long as water was available. In less than adequate water years and as water flows declined, Harvest acreage closest to the points of diversion continue to be irrigated. Crops within the hay corrals noted on the culture maps are irrigated and harvested prior to stacking hay.

M AC = Meadow land in acres with crops of native and/or domesticated grasses. The distinction between Meadow and Harvest lands is observed to be defined by the ability of haying equipment to access the parcel. The lack of water way crossings, topography and/or rocky field conditions prevented equipment access. The volume of water utilized for irrigation is the same as Harvest lands. The period of time that Meadow lands are irrigated is the same as Harvest.

DP AC = Diversified Pasture land in acres with crops of native and/or domesticated grasses intermixed with sage brush or other brushes. The volume of water utilized for the diversified pasture irrigation is diverted during runoff periods. These runoff periods are defined as those times when the streams and/or rivers provided more water than needed to irrigate Harvest and Meadow crop lands.

ITEM NO. 12 - IRRIGATION SEASON AND STORAGE

The diversion of water for irrigation purposes begins on April 1st and ends on September 15th of each year.

The diversion of water from Gold Creek for storage purposes in the Fuzzie Springs Reservoir begins on September 15th and ends on June 1st of each year.

The diversion of water from Martin Creek for storage purposes in the Sunflower Reservoir begins on September 15th and ends on June 1st of each year.

ITEM NO. 16 - NON IRRIGATION OR LESS THAN FULL IRRIGATION YEARS

Surface water flows vary considerably from year to year. During normal or above normal years essentially all of the crop lands are irrigated. The claimant must derive the maximum crop yield to maintain a financial good standing. During less than normal water years, certain inaccessible areages are not irrigated and the water is utilized where it is most prudent and economical.

Water has been used for irrigation, stockwater, domestic and storage purposes for over 100 years. During drought conditions there have been numerous acreages that have not received water or less than their full allotment. The claimant is not able to provide a full detailed explanation of each particular non-irrigated acreages or drought years, at this time.

ITEM NO. 19 - SOIL CHARACTERISTICS, WATER FLOW & DUTY ESTIMATES

The irrigated acreages are normally located along the course of the spring, stream or river supplying the needed water supplies. The soil characteristics along these water courses are normally composed of a thin layer of topsoil over sands and gravels.

An estimate of continuous water flow requirements have not been determined due to the fluctuation in water flow in the spring, stream or river providing water. A measurement and monitoring program will need to be completed before an accurate rate of flow and volume per acre can be determined.

ITEM NO. 20 - REMARKS

The diversion of water for stockwater and domestic purposes begins on January 1st and ends on December 31st of each year.