

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source... Chicken 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 (702) 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.

37
EL

(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

(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.

\_\_\_\_\_, \_\_\_\_\_ 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 78.81 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)

(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 (Sandy, gravelly, loam) A continuous flow of cubic 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, NV 89523

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

Telephone No. (. 702.) 747-8550

Subscribed and sworn to before me this 3rd day of August, 1994

*Lynn E. Walters*

LYNN E. WALTERS

Notary Public in and for the County of Washoe, Nevada

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

My commission expires Jan. 12, 1997

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

**ATTACHMENT  
TO  
PROOF VO6547**

Addendum to Livestock Numbers and Priority

In the original filing, it was stated water was also used for stockwater.

The priority of said use is from a number of predecessors as follows:

C.E. Butler - 1892 - Elko County Tax Roll

W.D. Martin - 1894 - Elko County Tax Roll

Walt Martin - 1894 - Gold Creek News reports him ranching on Postman Creek - sold with 40 head of cattle.

Daniel Murphy - 1884 - The Decree of Distribution in the Estate of Daniel Murphy recorded in Book 12 of Miscellaneous Records distributed approximately 2,000 head of JP cattle and 2,600 head of Diamond A cattle. His date of death is June 1, 1884. Bernard Murphy conveyed to Daniel Murphy all cattle owned in Nevada by conveyance dated 2/19/77 and recorded in Book 2 of Miscellaneous Records at Page 719, Elko County. The year of 1884 is a conservative estimate of priority. Use in area is evidenced by a ditch location filed on behalf of Murphy and Hill showing irrigation use of Penrod Creek in 1880.

Warren W. Williams - 1891 - Nevada's Northeast Frontier by Edna Patterson, et al., provides information as to dates of priority and numbers of livestock. A priority of 1891 in the Owyhee River Basin with numbers as high as 60,000 sheep for a short period of time is indicated.

W.T. Jenkin Co. - Early Forest Service records indicate 15,000 sheep in the area prior to 1905.

The area of this claim was used by the above predecessors and the priority claimed is 1897 for 250 head of cattle, July 1<sup>st</sup> to October 30<sup>th</sup>. The approximate number of animals watered in subsequent years is 200 cattle for the period of July 1<sup>st</sup> to August 31<sup>st</sup>.

2nd  
AMENDED  
ATTACHMENT

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

RAY MENDIVE - CHICKEN CREEK FIELD - PROOF NO. 06547

SOURCE: CHICKEN CREEK

POD #1: SW1/4 NW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 13° 33' E., a distance of 11398.7 feet.

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	SE NW	1.17	0	0
		28	SW NW	2.10	0	0
		28	NW SW	0.13	0	0
		28	NE SW	6.06	0	0

SOURCE: CHICKEN CREEK

POD #2: SE1/4 NW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 10° 26' E., a distance of 10983.1 feet.

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	SE NW	2.07	0	0
		28	NE SW	2.49	0	0

SOURCE: CHICKEN CREEK

POD #3: NE1/4 SW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 09° 19' E., a distance of 10035.8 feet.

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	NE SW	4.85	0	0
		28	SE SW	21.42	0	0
		28	SW SW	1.46	0	0
45	55	33	NW NW	17.15	0	0
		33	NE NW	11.57	0	0
		33	SW NW	8.34	0	0

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

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

**AMENDED  
ATTACHMENT**

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

**RAY MENDIVE - CHICKEN CREEK FIELD - PROOF NO. 06547**

**SOURCE: CHICKEN CREEK**

**POD #1: SW1/4 NW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 13° 33' E., a distance of 11398.7 feet.**

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	SE NW	0	1.17	0
		28	SW NW	0	2.10	0
		28	NW SW	0	0.13	0
		28	NE SW	0	6.06	0

**SOURCE: CHICKEN CREEK**

**POD #2: SE1/4 NW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 10° 26' E., a distance of 10983.1 feet.**

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	SE NW	0	2.07	0
		28	NE SW	0	2.49	0

**SOURCE: CHICKEN CREEK**

**POD #3: NE1/4 SW1/4 SECTION 28 T45N,R55E MDM, at a point from which the West 1/4 corner of Section 3, T44N,R55E, MDM, bears S. 09° 19' E., a distance of 10035.8 feet.**

T N	R E	SEC	1/4 1/4	H AC	M AC	DP AC
45	55	28	NE SW	0	4.85	0
		28	SE SW	0	21.42	0
		28	SW SW	0	1.46	0
45	55	33	NW NW	0	17.15	0
		33	NE NW	0	11.57	0
		33	SW NW	0	8.34	0

J

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

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

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source.....Chicken Creek and 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
(702) 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



(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 (Sandy, gravelly, loam). A continuous flow of cubic 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. & 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

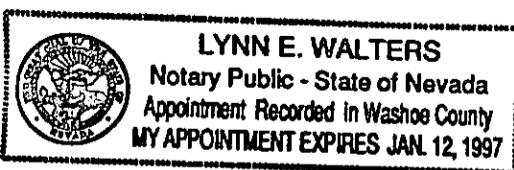
Subscribed and sworn to before me this 14th day of June, 1994

21

*Lynn E. Walters*

Notary Public in and for the County of Washoe, Nevada

My commission expires Jan 12, 1997



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