ORIGINAL

Filing Serial No. 06559

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Pleasant Valley 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: Dean and Sharon Rhoads

Address: Rhoads Ranch, County of: Elko

State of: Tuscarora, NV 89834 Telephone No. (702) 756-6582

(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 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)

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(12) The water has been used for irrigation from: see attached to: ____
of each year. Day of month Day of month

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(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.

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....., ...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 ~~330.76~~ 392.60 acres. SLA 9/23/96

(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: see attached

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 Dean and Sharon Rhoads 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 13th day of June, 19 94

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 .....

$50 FILING FEE MUST ACCOMPANY PROOF

(Rev. 10-83)

4316

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AMENDED
ATTACHMENT

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

DEAN & SHARON RHOADS - PLEASANT VALLEY CREEK - PROOF NO. 06559

SOURCE: PLEASANT VALLEY CREEK
POD #1: SW1/4 SW1/4 SECTION 17 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 17 T39N,R51E MDM, bears S. 64° 01' E., a distance of 2000.3 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	17	SE	SW	0	5.02	0
		17	SW	SW	0	1.89	0
39	51	20	NE	NW	0	2.12	0
		20	NW	NE	0	5.48	0

SOURCE: PLEASANT VALLEY CREEK
POD #2: NE1/4 NE1/4 SECTION 20 T39N,R51E MDM, at a point from which the West 1/4 corner of Section 21 T39N,R51E MDM, bears S. 39° 40' E., a distance of 1780.5 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	21	SW	NW	0	6.00	0

SOURCE: PLEASANT VALLEY CREEK
POD #3: SW1/4 NW1/4 SECTION 21 T39N,R51E MDM, at a point from which the West 1/4 corner of Section 21 T39N,R51E MDM, bears S. 61° 52' W., a distance of 1363.3 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	21	SE	NW	11.29	0	3.12
		21	SW	NW	0.23	0	0
		21	SE	NE	6.21	0	0.65
		21	SW	NE	11.33	0	6.19
		21	NE	SE	8.83	0	0
39	51	22	NW	SW	1.40	0	6.59

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SOURCE: PLEASANT VALLEY CREEK
POD #4: SW1/4 SE1/4 SECTION 22 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 21 T39N,R51E MDM, bears S. 82° 46' W., a distance of 6544.4 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	22	SE	SE	6.41	0	0
		22	SW	SE	0.55	0	0
39	51	23	NE	NE	1.17	0	0
		23	SE	NE	21.56	0	5.00
		23	SW	NE	5.98	0	4.34
		23	NW	SE	39.03	0	1.02
		23	NE	SE	7.26	0	0
		23	NW	SW	1.24	0	0
		23	NE	SW	12.07	0	8.63
		23	SE	SW	15.93	0	0
		23	SW	SW	35.32	0	0
39	51	24	NW	NW	10.61	0	0
		24	NE	NW	33.82	0	0
		24	SE	NW	35.96	0	0
		24	SW	NW	32.73	0	0
		24	NW	NE	34.08	0	0
		24	NE	NE	0.06	0	0
		24	SW	NE	2.62	0	0

SOURCE: UNNAMED CREEK TRIBUTARY TO PLEASANT VALLEY CREEK
POD #5: NE1/4 NW1/4 SECTION 20 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 17 T39N,R51E MDM, bears N. 75° 14' E., a distance of 755.5 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	20	NE	NW	0	2.98	0
		20	NW	NE	0	5.48	0

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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. Corps 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.

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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.

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ATTACHMENT
SERIAL NO. 06659

Item 9

The range livestock use of this source originated from two ranch operations which existed in 1905. This was the Byrnes operation which had fenced property in Sections 24 and 25, Township 40 North, Range 52 East, and Sections 18 and 19, Township 40 North, Range 53 East, and the Schmidt property located in Sections 25, 35 and 36, Township 40 North, Range 52 East, and Sections 19, 30 and 31, Township 40 North, Range 53 East.

Historical accounts state that the Byrnes property was one of the early ranches in the area, but reliable written records of the numbers operated are not found for either operation.

Records of the Elko County Assessor reveal the following numbers as being assessed in 1896:

J. P. Byrnes	70 cattle
H. W. Schmidt	66 cattle and horses
	136 livestock.

Based upon this information, 136 head of livestock are claimed. Early patents issued show ownership of the presently owned lands in 1884, and even though historical records indicate a much earlier date of use, this is the first year of use claimed.

Due to the location of this source and the private property now owned, it is assumed that both operations used this source.

Both the Byrnes property and Schmidt property were combined into one operation under Van Norman Ranches, Inc. The claimant subsequently conveyed the Schmidt property to other owners but retained the use from the source. Therefore, the claimant has all of the priority for livestock. A priority of 1884, with an approximate number of 50 livestock used the source during the period of May 1 to October 31 as evidenced from the above.

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This source is located upon National Forest lands. No information on the number of livestock associated with the Schmidt property is available at this time. However, a successor to the Byrnes property, D. B. Williams, wrote a letter to the Taylor Grazing Board dated February 9, 1950, wherein he stated that he placed 187 head of cattle upon the "Forest Reserve." This letter was found in available files of the Bureau of Land Management.

In order to have a permit upon the Forest in 1950, it was necessary to be the successor of a party who grazed those lands prior to the withdrawal of the National Forest. A search of the records reveals that D. B. Williams was the successor of J. P. Byrnes. As a number of grazing

reductions had been made upon the Forest between 1905 and 1950, it is not unreasonable to assume that by 1905, a minimum of 250 cattle were grazed upon those lands in 1905.

Through administrative decisions of the land management agency, some deferred or rotation grazing is required. Therefore, the numbers of livestock on this source may vary from year to year. The maximum number which use this source and is the number for years subsequent to 1905 is 150 cattle and 5 horses for the period of June 1 to October 15.

Item 11

The amount of water necessary to be diverted is .00484 cubic feet per second.