

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Indian 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)

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

36
EL

(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

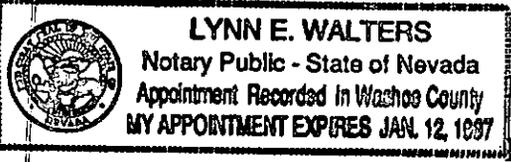
Michael D. Buschelman

Michael D. Buschelman, P.L.S.

Telephone No. (702) 747-8550

Subscribed and sworn to before me this 13th day of June, 1994

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

ATTACHMENT

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

DEAN & SHARON RHOADS - INDIAN CREEK - PROOF NO. _____

SOURCE: INDIAN CREEK

POD #1: SW1/4 NW1/4 SECTION 1 T38N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 12° 00' E., a distance of 7,742.0 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
38	51	1	NW	NW	6.05	0	0
			NE	NW	4.53	0	0
			SW	NW	4.44	0	0
39	51	36	NE	NW	0	0	13.13
			SE	NW	0	0	16.25
			NW	SW	0	0	0.10
			NE	SW	0	0	13.66
			SE	SW	3.30	0	4.76
			SW	SW	0.44	0	0
39	51	25	SE	SW	0	0	0.24

SOURCE: INDIAN CREEK

POD #2: NW1/4 NW1/4 SECTION 1 T38N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 14° 28' E., a distance of 6749.0 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
38	51	1	NW	NW	0	0	4.51
39	51	36	SE	NW	0	0	0.52
			SW	NW	0	0	0.13
			NW	SW	0	0	6.52
			NE	SW	0	0	3.02
			SE	SW	0	0	3.29
		36	SW	SW	0	0	10.15

SOURCE: INDIAN CREEK

POD #3: SW1/4 SW1/4 SECTION 36 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 17° 07' E., a distance of 5323.7 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	36	SE	NW	0	0	0.52
			SW	NW	0	0	0.13
			NW	SW	0	0	6.52
			NE	SW	0	0	3.02
			SE	SW	0	0	3.29
			SW	SW	0	0	10.15

SOURCE: INDIAN CREEK

POD #4: SE1/4 NW1/4 SECTION 36 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 36° 16' E., a distance of 2202.3 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	36	NW	NW	0	0	5.04
		36	NE	NW	0	0	10.51
		36	SE	NW	0	0	1.81
		36	SW	NW	0	0	0.69
39	51	25	NE	NW	0	0	0.49
		25	SE	NW	0	0	5.86
		25	SW	NW	0	0	5.05
		25	NW	SW	0	0	7.68
		25	NE	SW	0	0	0.20
		25	SE	SW	0	0	1.67
		25	SW	SW	0	0	0.75

SOURCE: INDIAN CREEK

POD #5: NE1/4 NW1/4 SECTION 36 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 69° 34' E., a distance of 1002.0 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	36	NE	NW	1.22	0	0
39	51	25	NW	NE	40.05	0	0
		25	NE	NE	7.01	0	0
		25	SW	NE	30.63	0	0
		25	NW	SE	20.74	0	0
		25	SW	SE	9.16	0	0
		25	NE	SW	18.54	0	0
		25	SE	SW	38.24	0	0
		25	SW	SW	0.16	0	0
39	51	24	NW	SE	39.92	0	0
		24	NE	SE	39.61	0	0
		24	SE	SE	28.21	0	0
		24	SW	SE	39.98	0	0
39	52	19	NW	NW	34.97	0	0
		19	NE	NW	29.44	0	0
		19	SE	NW	5.93	0	0
		19	SW	NW	34.18	0	0
		19	NW	SW	16.27	0	0
		19	SW	SW	0.16	0	0

SOURCE: INDIAN CREEK

POD #6: SE1/4 SW1/4 SECTION 25 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears S. 18° 55' E., a distance of 1028.8 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	25	NW	NE	40.05	0	0
		25	NE	NE	7.01	0	0
		25	SW	NE	30.63	0	0
		25	NW	SE	20.74	0	0
		25	NE	SW	18.54	0	0
39	51	24	NE	NE	22.80	16.63	0
		24	SE	NE	39.13	0.34	0
		24	NW	SE	39.92	0	0
		24	NE	SE	39.61	0	0
		24	SE	SE	28.21	0	0
		24	SW	SE	39.98	0	0
39	52	19	NW	NW	34.97	0	0
		19	NE	NW	29.44	0	0
		19	SE	NW	5.93	0	0
		19	SW	NW	34.18	0	0
		19	NW	SW	16.27	0	0
		19	SW	SW	0.16	0	0

SOURCE: INDIAN CREEK

POD #7: NE1/4 SW1/4 SECTION 25 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears S. 02° 48' E., a distance of 2435.9 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	25	NW	NE	40.05	0	0
		25	NE	NE	7.01	0	0
		25	SW	NE	30.63	0	0
39	51	24	NE	NE	22.80	16.63	0
		24	SE	NE	39.13	0.34	0
		24	NW	SE	39.92	0	0
		24	NE	SE	39.61	0	0
		24	SE	SE	28.21	0	0
		24	SW	SE	39.98	0	0
39	52	19	NW	NW	34.97	0	0
		19	NE	NW	29.44	0	0
		19	SE	NW	5.93	0	0
		19	SW	NW	34.18	0	0
		19	NW	SW	16.27	0	0
		19	SW	SW	0.16	0	0

SOURCE: INDIAN CREEK

POD #8: SE1/4 NW1/4 SECTION 25 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears S. 03° 40' E., a distance of 2747.6 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	25	NE	NW	24.36	0	0
		25	SE	NW	15.73	0	0
		25	NW	NE	40.05	0	0
		25	SW	NE	7.05	0	0
39	51	24	SE	NW	0.37	3.60	0
		24	NW	NE	2.49	2.99	0
		24	NE	NE	22.80	16.63	0
		24	SE	NE	39.13	0.34	0
		24	SW	NE	25.86	11.13	0
		24	NW	SE	39.92	0	0
		24	NE	SE	39.61	0	0
		24	SE	SE	28.21	0	0
		24	SW	SE	39.98	0	0
		24	NE	SW	21.36	0.29	0
		24	SE	SW	23.36	6.92	0
		39	52	19	NW	NW	34.97
19	NE			NW	29.44	0	0
19	SE			NW	5.93	0	0
19	SW			NW	34.18	0	0
19	NW			SW	16.27	0	0
		19	SW	SW	0.16	0	0

SOURCE: UNNAMED CREEK TRIBUTARY TO INDIAN CREEK

POD #9: NW1/4 NE1/4 SECTION 36 T39N,R51E MDM, at a point from which the South 1/4 corner of Section 25 T39N,R51E MDM, bears N. 05° 07' W., a distance of 1211.7 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	51	25	SW	SE	9.16	0	0

SOURCE: CROOKED CREEK TRIBUTARY TO INDIAN CREEK

POD #10: SW1/4 NE1/4 SECTION 19 T39N,R52E MDM, at a point from which the South 1/4 corner of Section 18 T39N,R52E MDM, bear N. 14° 58' W., a distance of 1916.6 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	52	19	NE	NW	0	1.69	0
		19	SE	NW	0	0.92	0
		19	NW	NE	0	11.70	0
		19	NE	NE	0	1.49	0
		19	SW	NE	0	5.15	0

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SOURCE: UNNAMED CREEK TRIBUTARY TO CROOKED CREEK
POD #11: NE1/4 NE1/4 SECTION 19 T39N,R52E MDM, at a point from
which the South 1/4 corner of Section 18 T39N,R52E MDM, bears
N. 74° 28' W., a distance of 1542.8 feet.

T N	R E	SEC	1/4	1/4	H AC	M AC	DP AC
39	52	19	NE	NE	0	1.49	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. 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. 06662**

Item 9

The range livestock use of this source originated with J. P. Byrnes, who had private fenced property in Sections 24 and 25, Township 40 North, Range 52 East, and Sections 18 and 19, 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.

Records of the Elko County Assessor reveal that J. P. Byrnes was assessed for 70 cattle in 1896. By 1903 he was assessed for 100 cattle.

Patent records show ownership of portions of the land presently owned in 1884. Based on the above, a priority of 1884 with 70 cattle is claimed. Use was during the period of October 1 to April 1.

Item 10

Based on assessor's records of 1903 and customary use during claimant's recollections, 100 head have used the source in subsequent years.

Item 11

The amount of water which is necessary for this purpose has been 0.00312 cubic feet per second.