

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR
STOCK WATERING PURPOSES

(1) Name of claimant GUY H. VEGA
HC31-BOX 160 of ELKO
Street and No. or P.O. Box No. City or town
NEVADA 89801
State and Zip Code No.

(2) Source of water SEE ATTACHED
Name of natural water source.

(3) The water is diverted by THE NATURAL CHANNEL, AND SPRING AREAS
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) SEE ATTACHED
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.

(5) The water is impounded in THE NATURAL CHANNEL
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun UNKNOWN Date
and completed UNKNOWN Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is DEEDED AND PUBLIC DOMAIN WITH GRAZING PERMIT
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of SEE ATTACHED 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).

37
EL

Sheeps 142/13

(9) The approximate number of animals watered by the claimant during the first year.....
was.....cattle.....horses.....sheep or.....
The watering was conducted during each of the following months.....

SEE ATTACHED

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....

SEE ATTACHED cubic feet per second.
448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at REFER TO ATTACHED SUPPORTING MAP FOR LEGAL DESCRIPTION.....
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

OF NATURAL CHANNEL.....
land, it should be stated.

Remarks.....

Remarks.....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by... GUY..H. VEGA
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.

GUY H. VEGA
Claimant

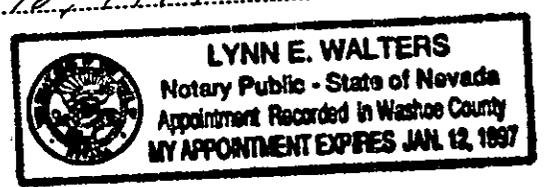
Michael D. Buschelman
By MICHAEL D. BUSCHELMAN, P.L.S.

5405 MAE ANNE AVENUE
Street and No., or P.O. Box No.
RENO, NEVADA 89523
City, State, Zip Code No.

Subscribed and sworn to before me this 14th day of JUNE, 19 94.

Lynn E. Walters
Notary Public in and for the County of WASHOE, NEVADA

My commission expires Jan. 12, 1997



\$10 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT
2nd AMENDED
SERIAL NO. 06678

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: GUY H. VEGA

ITEM NO. 2, ITEM NO. 4 - SOURCE OF WATER, POINT OF DIVERSION

SOURCE: HOT CREEK AND TRIBUTARIES
POD #1: SW1/4 SE1/4 SECTION 4 T43N R55E, MDM.
POD #2: LOT 3 SECTION 13 T43N R55E, MDM.

USGS 7.5 MINUTE QUAD: WILD HORSE, NEVADA & CORNWALL MOUNTAIN, NEVADA

ITEM NO. 8 - RECORDATION OF CLAIMANT'S WATER RIGHT

UNKNOWN

ITEM NO. 9 - LIVESTOCK WATERED BY CLAIMANT IN FIRST YEAR

200 HEAD OF CATTLE - STOCKWATERING SEASON BEGINNING APRIL 1, ENDING OCTOBER 31 OF EACH YEAR. PRIORITY OF 1889 IS BEING CLAIMED.

ITEM NO. 10 - LIVESTOCK WATERED BY CLAIMANT IN SUBSEQUENT YEARS

REFER TO ITEM NO. 11

ITEM NO. 11 - AMOUNT OF WATER DIVERTED

THE TOTAL VOLUME OF WATER REQUIRED TO SATISFY THE NEED OF 200 HEAD OF CATTLE IS CALCULATED AS FOLLOWS:

20 GALLONS PER DAY X 200 HEAD OF CATTLE X 214 DAYS = 856,000 GALLONS

20 GALLONS PER DAY X 200 HEAD OF CATTLE = 4000 GALLONS PER DAY
4000 GALLONS PER DAY = 0.006 CFS

THE RATE OF FLOW WILL BE CONSIDERABLY SMALLER THAN IS NEEDED TO PROVIDE WATER FOR STOCKWATERING PURPOSES, THEREFORE A VOLUME OF WATER IS MORE REPRESENTATIVE OF THE NEEDS OF THE ANIMALS.

PRIORITY OF IRRIGATION WATER
WITHIN THE OWYHEE RIVER BASIN
OF
THE ESTATE OF ANNIE VEGA
(GUY VEGA)

This property makes use of water for irrigation, together with supplementary uses of domestic and livestock water upon the following streams, being at the headwaters of the Owyhee River in Township 43 North, Range 55 East, MDB&M:

Owyhee River
Clear Creek
Jack Creek
Crooked Creek

OWYHEE RIVER

A statement of ditch location is found in the office of the Recorder of Elko County, Nevada, recorded in Book 2 of Water Rights at Page 160, Elko County, Nevada, executed by Frank Buscheazzo wherein he locates a ditch at the head of the Owyhee River where it runs through Section 28, Township 43 North, Range 55 East, MDB&M, in 1889. There is no chain of title from Frank Buscheazzo to the present owner. However, this is fairly common in that area on early transactions. Research indicates that many transactions were made for which no record evidence is found. The Seller was in many times "squatting" upon the real property and may or may not have filed a preemption claim under that act of the State of Nevada of March 9, 1865. The Buyer simply accepted whatever title the Seller had.

Based on that statement of Buscheazzo, a priority of 1889 is for water diverted from the Owyhee River.

CLEAR CREEK

No statement of ditch location is found for diversion of water prior to 1905 from Clear Creek. However, the cadastral survey plat of Township 43 North, Range 55 East, MDB&M, approved by the Surveyor General's office on October 23, 1897 as to that portion of the township, evidences the existence of a field and fence improvements in portions of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 21 and the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 28, Township 43 North, Range 55 East, and a residence marked as "Jim Penrod's." The location of said field upon the plat would require diversion from both Clear Creek and the Owyhee River. As that field was in existence in 1897, diversion would be necessary by 1895 to appear on the plat. Therefore, further diversion of the Owyhee River and diversion of Clear Creek was made by 1895. James Penrod appears in the chain of title.

JACK CREEK and CROOKED CREEK

As to Crooked Creek, a Statement of Ditch Location is recorded in Book 2 of Water Rights at Page 320, Elko County, Nevada, executed by Belmont Gooden, in which diversion of water is made in 1897 upon lands located in Sections 19 and 20, Township 43 North, Range 55 East, MDB&M. Claimant and his predecessors previously owned and irrigated other lands in Sections 19, 20 and 30, Township 43 North, Range 55 East from both Crooked Creek and Jack Creek through an irrigation system which provided water to lands under present ownership. Construction of State Route 223 partially disrupted this irrigation system and required changes of diversion and ditches. Subsequently, all lands lying west of present State Route 223 were sold with the portion of Section 20, Township 43 North, Range 55 East lying east of said highway being retained. Although no chain of title is of record from the original claimant Gooden to the claimant herein, it is apparent that the same situation exists as with the claim of Buscheazzo as previously set forth. As Crooked Creek and Jack Creek have historically been used in conjunction with each other, a priority of 1897 is claimed on both.

MISCELLANEOUS

1. Other evidence of priority of use upon the waters is found in the newspaper, "Gold Creek News." Microfilm copies in the Northeastern Nevada Museum show references to the J. E. Penrod ranch on April 1, 1897, Page 1, Column 6, and on April 29, 1897, Page 1, Column 4.
2. Claimant now holds Permit 6831. The point of diversion shown on the plat prepared for the Proof of Beneficial Use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 43 North, Range 55 East, MDB&M has been abandoned and all water diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 43 North, Range 55 East, MDB&M. Consideration should be given to reflecting such change of record.
3. Springs are located within the private unfenced lands of claimant upon the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 43 North, Range 55 East and other locations within a drainage to the Owyhee River. These springs should be reflected on the culture map and proof with the priority of any culture being prior to 1897 as evidenced upon the cadastral survey made in 1897.
4. Note that the major portion of the property is vested of record in the heirs of Annie Vega (see chain of title, Book 162 of Official Records at Page 146), except for the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, Township 43 North, Range 55 East, MDB&M which is vested solely in Guy Vega.

Consideration should be given to including the lands vested solely in Guy Vega with the Proof under the other lands.

VEGA RANCH

LIVESTOCK AREAS OF USE AND NUMBERS

In addition to the vested water rights for domestic livestock upon improved ranch lands, this ranch makes use upon unfenced private lands and public lands within the Wildhorse Allotment of the Bureau of Land Management.

Livestock water is acquired from four drainages. The total number of livestock which use the open range is 50 head of cattle for the period of April to October 31 of each year. These livestock will water each drainage for some portion of the grazing season on a more or less rotation basis. For that reason, the 50 head of cattle are claimed upon each of the four drainages during the entire grazing season.

The drainages are described as follows:

Owyhee River, its Tributaries of Hanks Creek, Delaware Creek and Chicken Creek and Springs within that Drainage Area:

The reach of the area of use commences on Chicken Creek where it crosses an existing fence within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, on Delaware Creek at a point where it intersects the south line of Section 31, and on Hanks Creek within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, all in Township 43 North, Range 55 East, MDB&M, and ends at the point where the Owyhee River enters the improved private land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 43 North, Range 55 East.

Clear Creek and Springs with Drainage:

Commencing at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 43 North, Range 55 East, MDB&M, where said creek crosses the allotment boundary line, and reaching westerly along the course of the stream to the point that it meets the private fenced lands of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 43 North, Range 55 East, MDB&M.

Unnamed Tributary to Owyhee River and Springs within Drainage:

The reach commences on the drainage at a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 43 North, Range 55 East, near Table Mountain, and follows said drainage channel westerly to a point where it crosses the fence line on the east boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 43 North, Range 55 East, MDB&M.

Hot Springs Creek, Its Tributaries and Springs with Drainage:

Commencing at a point at the head of Hot Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 43 North, Range 56 East, MDB&M and thence northwesterly along said drainage to a point where Hot Creek crosses State Route 223 within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 43 North, Range 55 East, MDB&M.