

**AMENDED
THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION**

Source Owyhee River and springs and tributaries
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source East and West Ditches
Name of ditch, flume or pipe line

at the following point(s) East Ditch: NW¼NW¼ Section 15, T. 42 N., R. 55 E., MDM, at a point from
List all points of diversion from this source, appending a sheet if necessary

which the NW corner of said Section 15, bears N. 35°16' W., 220 feet.

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

West Ditch: SE¼SE¼ Section 9, T. 42 N., R. 55 E., MDM, at a point from which the SE corner of said
land, it should be stated

Section 9, bears S. 41°33' E., 1,361 feet.

(1) Name of claimant Elias Fernando Goicoechea Family Trust Agreement

Address HC 31, Box 90 Elko, County of Elko

State of Nevada 89801

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

(3) The date of the survey of ditch, canal, or pipe line was 1994

(4) The construction of the ditch or other works was begun 1897

and completed _____

*3-37-EC
Owy RVR Area*

(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 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 _____ and completed _____.

(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.

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

100%

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 Native hay 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 March 1 to September 30 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.

<u>DITCH</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>T. N.</u>	<u>R. E.</u>	<u>ACRES</u>	<u>TYPE OF CULTURE</u>	<u>DATE OF CULTURE</u>
East & West	9	SESE	42	55	19.32	Meadow Hay	1897
Same	9	NESE	42	55	16.29	Meadow Hay	1897
Same	9	NWSE	42	55	12.63	Meadow Hay	1897
Same	9	NESW	42	55	5.93	Meadow Hay	1897
East	10	SWSW	42	55	0.50	Meadow Hay	1897
Same	15	NWNW	42	55	0.33	Meadow Hay	1897
Same	16	NENE	42	55	0.21	Meadow Hay	1897

(14) The maximum acreage irrigated in any year was 55.21 acres.

(15) The water claimed has 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 None
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 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 Affidavit by Julian Goicoechea and John W. Oldham.

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: Stockwater and Domestic

(19) The character of the soil is loam. A continuous flow of 2 1/2 cubic feet of water per second has been used to irrigate 100 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Elias Fernando Goicoechea Family Trust Agreement are full and correct to the best of his knowledge and belief the undersigned deponent is acting as agent for the claimant -

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

Elias Fernando Goicoechea Family Trust Agreement

William A. Ribet Agent

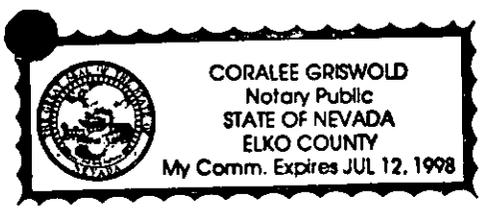
421 Court Street, Elko, NV 89801

Subscribed and sworn to before me this 5 day of October, 1994

Coralie Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998



\$100 FILING FEE MUST ACCOMPANY PROOF

(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 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 _____ and completed _____.

(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.

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

100%
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 Native hay 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 March 1 to September 30 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.

<u>DITCH</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>T. N.</u>	<u>R. E.</u>	<u>ACRES</u>	<u>TYPE OF CULTURE</u>	<u>DATE OF CULTURE</u>
East & West	9	SESE	42	55	19.32 16.29 ^{10/14}	Meadow Hay	1897
Same	9	NESE	42	55	16.29 19.32 ^{10/14}	Meadow Hay	1897
Same	9	NWSE	42	55	12.63	Meadow Hay	1897
Same	9	NESW	42	55	5.93	Meadow Hay	1897
East	10	SWSW	42	55	0.50	Meadow Hay	1897
Same	15	NWNW	42	55	0.33	Meadow Hay	1897
Same	16	NENE	42	55	0.21	Meadow Hay	1897

(14) The maximum acreage irrigated in any year was 55.21 acres.

Affidavit

To Whom it May Concern:

I, John W. Oldham, a rancher, was born June 17, 1907, while my parents, Ed and Kate Oldham, were living at the Dinner Station, about 30 miles north of Elko. I presently own and operate Fox Springs Ranch, about three miles northwest of Dinner Station. My Mother and Father operated the Dinner Station from 1902 to 1911. In 1912 they homesteaded the Fox Springs Ranch. Before 1902, my parents owned and operated a bar in Mountain City. Between approximately 1912 and 1934 my father also delivered supplies and picked up wool and other items for many of the ranchers between Elko and Mountain City. I delivered supplies when I was about 15 or 16 years old for my father. When I first started, we had a 1916 chain driven Mack truck, which I still have today at the Fox Springs Ranch, before that my father had a one ton Republic truck. I remember going with my father on deliveries of supplies to Charlie Howard, part Indian, and we picked up wool at this place, at which time I saw haystacks, meadows and buildings and that Charlie Howard's main homestead, on the upper Owyhee River, was two miles from the Mountain City Highway on the Charleston Road. I remember that my father told me that Charlie Howard had taken up the homesteads, and also a Mr. Hanks, on what became known as the Goicoechea home ranch, on Hanks Creeks, which the creek was named after. Both Howard and Hanks homesteads started at about the same time as W.W. Williams and his brother, George, made their summer headquarters at Gold Creek, which was just before the turn of the century. I also remember my father told me that Mr. Hanks was a relative of Mrs. Johnson, who owned the North Fork Ranch (on the North Fork of the Humboldt). Mrs. Johnson's daughter, Lily, married Chester Laing, who owned the Laing Ranch, also on the North Fork of the Humboldt. I remember that my father told me that both Mr. Hanks and Mr. Howard had their small ranches, raising stock, cutting hay, and fenced before I was born. I also remember that my father told me that Mr. Hanks sold his homestead (on Hanks Creek) to one of the sheep outfits. Mr. Howard's ranch was sold in about 1918, which also went to one of the sheep outfits.

I freely and willingly submit this information as a matter of public record.

John W. Oldham
John W. Oldham

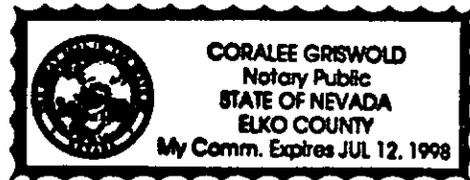
State of Nevada)
) SS
County of Elko)

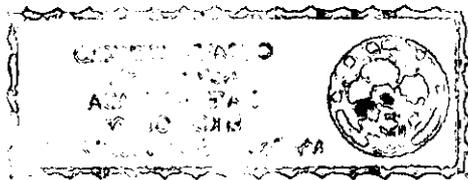
On this 13 day of July, 1994, personally appeared before me, John W. Oldham, who acknowledged that he executed the above instrument.

Coralee Griswold
Notary Public

7-13-94
Date

July 12, 1998
Commission Expires





Original affidavit filed under Proof of Appropriation #06767 (Hanks Creek)

AFFIDAVIT

To Whom it May Concern:

I, Julian Goicoechea, retired, was born March 4, 1914, at Elko, Nevada. My parents, Pete and Guadalupe Goicoechea, were living at the Home Ranch on Hanks Creek at the time. The Home Ranch was purchased from Pete Corta Sheep Company in 1912 by the Goicoechea Brothers. I lived on the Home Ranch for many years. I went to school in Gold Creek at the Island Mtn. School. About 60 acres of hay on the Home Ranch were irrigated from ditches within the fenced property when purchased. It was my understanding that the Home Ranch on Hanks Creek was settled in about 1898. In those early times, hay land was fenced to protect against other cattle and sheep users. It was also my understanding that the Charlie Howard's main homestead on the upper Owyhee River, two miles from the Mountain City Highway on the Charleston Road and 3 miles northeast of Home Ranch, was also settled about the same time as the Home Ranch. From the time I can remember, these properties were fenced, hayed and watered. It was also my understanding that the Pete Corta Sheep Company was running about 10,000 head of sheep in 1912, at the time of purchase, and that it had done so for at least 10 years previous. It is also my understanding that Clayton and Hylton, which were property owners on the North Fork of the Humboldt River, grazed livestock in both the North Fork of the Humboldt River and the Upper Owyhee River watersheds in 1898, being some 10,000 head of cattle and 5,000 head of sheep.

I freely and willingly submit this information as a matter of public record.



Julian Goicoechea

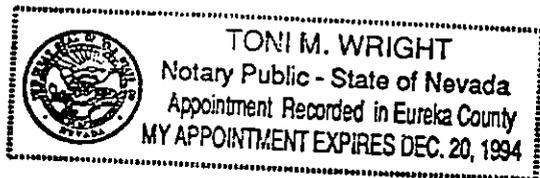
State of Nevada)
 EUREKA) SS
County of ~~Elko~~)

On this 16 day of July, 1994, personally appeared before me, Julian Goicoechea, who acknowledged that he executed the above instrument.

Toni M. Wright
Notary Public

Date

December 20, 1994
Commission Expires



**THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION**

Source Owyhee River and tributaries
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Ditch 1 and 2
Name of ditch, flume or pipe line

at the following point(s) _____
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 Elias Fernando Goicoechea Family Trust Agreement, dated November 6, 1979

Address HC 31, Box 90 Elko, County of Elko

State of Nevada 89801

(2) The means of diversion employed Dam and Ditches
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 unknown
and completed _____ .

EL
057

- (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 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 _____ and completed _____.
- (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.
- (9) The claimant is an owner in the above-described conduit.

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 Native hay 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 March 1 to September 30 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.

<u>DITCH</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>T. N.</u>	<u>R. E.</u>	<u>ACRES</u>	<u>TYPE OF CULTURE</u>	<u>DATE OF CULTURE</u>
1 & 2	9	SESE	42	55	30.0	Meadow Hay	
1	9	SWSE	42	55	2.0	Meadow Hay	
1 & 2	9	NESE	42	55	20.0	Meadow Hay	
1 & 2	9	NWSE	42	55	20.0	Meadow Hay	
1 & 2	9	NWSW	42	55	1.0	Meadow Hay	
1 & 2	9	NESW	42	55	25.0	Meadow Hay	

- (14) The maximum acreage irrigated in any year was 98.0 acres.
- (15) The water claimed has 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 None

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: Stockwater and Domestic

(19) The character of the soil is loam. A continuous flow of 2½ cubic feet of water per second has been used to irrigate 100 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Elias Fernando Goicoechea Family Trust Agreement are full and correct to the best of his knowledge and belief the undersigned deponent is acting as agent for the claimant -

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

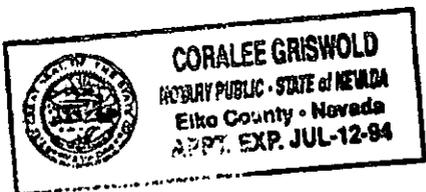
Elias Fernando Goicoechea Family Trust Agreement

William A. Aribat Agent

421 Court Street, Elko, NV 89801

Subscribed and sworn to before me this 12 day of June, 19 94

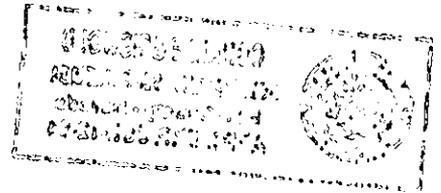
Coralee Griswold



Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$100 FILING FEE MUST ACCOMPANY PROOF



STATE ENGINEER'S OFFICE

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