

SECOND AMENDED Application No. 07314
STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR ~~IRRIGATION~~ MUNICIPAL PURPOSES

Source PONY CANYON CREEK AND TRIBUTARIES

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source SEE BELOW

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.)

SW1/4 NE1/4 SEC. 29, T.19N., R.44E., M.D.M. OR AT A POINT FROM WHICH THE N1/4 CORNER OF SAID SEC. 29 BEARS N. 10°45'W., A DISTANCE OF 1,680.0 FEET. (1)

SE1/4 SE1/4 OF SEC. 30, T.19N., R.44E., M.D.M., OR AT A POINT FROM WHICH THE NE CORNER OF SAID SEC. 30 BEARS N. 3°57'E., A DISTANCE OF 4,965.0 FEET. (2)

SE1/4 NE1/4 OF SEC. 24, T.19N., R.43E., M.D.M., OR AT A POINT FROM WHICH THE E1/4 CORNER OF SAID SEC. 24 BEARS S.47°29'01"E., A DISTANCE OF 674.73 FEET. (3)

(SEE #19)

(1) Name of claimant LANDER COUNTY COMBINED SEWER AND WATER DISTRICT NO. 2 (See #19)

Address P.O. BOX 144, County of LANDER

State of NEVADA Telephone No. (775) 964-1417

(2) The means of diversion employed BY COLLECTORS, DAMS AND DISTRIBUTION SYSTEM

Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was 1863

(4) The construction of the ditch or other works was begun In 1863

and completed UPGRADES AND REPAIRS CONTINUE TO DATE

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom N/A 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 N/A

and completed _____

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom N/A feet, width on top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet.

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

CLAIMANT IS FEE SIMPLE OWNER OF ALL TRANSMISSION AND COLLECTION FACILITIES.

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
PUBLIC DOMAIN (WATER USED FOR THE TOWN OF AUSTIN)

(11) Crops of N/A

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 JANUARY 1 to DECEMBER 31 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 Exhibit A for Place of Use.

....., 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.

(14) The maximum acreage irrigated in any year was N/A MUNICIPAL USE (TOWN OF AUSTIN) acres.

(15) The water claimed has been used for irrigation each and every year since the right was initiated.

(16) The years during which no water was used for irrigation or during which the full water right was not used were (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.)

N/A

(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:

MUNICIPAL USE (TOWN OF AUSTIN)

(19) The character of the soil is N/A. A continuous flow of _____ cubic feet
Sandy, gravelly, loam
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.

- (1) 5 GPM (SEE ATTACHED)
- (2) 11 GPM (SEE ATTACHED)
- (3) 15 GPM (SEE ATTACHED)

ENTIRE DISCHARGE FROM ABOVE SPRINGS PLACED TO BENEFICIAL USE BY CLAIMANT.

0.036 cfs

(20) Remarks

THIS DOCUMENT IS BEING SUBMITTED BY ROSS E. DE LIPKAU, ONE OF THE ATTORNEYS FOR THE LANDER COUNTY COMBINED SEWER AND WATER DISTRICT NO. 2. THE SOURCES OF INFORMATION SET FORTH ARE BASED ON INFORMATION SUPPLIED BY THE CLAIMANT AND HISTORICAL SOURCES, SUCH AS:

- 1. NEVADA GHOST TOWNS & MINING CAMPS BY STANLEY W. PAHER, 1970.
- 2. HISTORY OF NEVADA BY RUSSELL R. ELLIOTT, 1973.
- 3. NEVADA PLACE NAMES BY HELEN S. CARLSON, 1974.

ALL TRIBUTARY WATER TO PONY CREEK, SUCH AS SPRINGS, SEEPS AND MINE OPENINGS WHICH EMIT WATER, ARE EXPRESSLY INCLUDED HEREIN. ALL WATERS AND TRIBUTARY WATERS OF PONY CREEK ARE THEREFORE CLAIMED HERE.

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

ROSS E. DE LIPKAU are full and correct to the best of his knowledge and belief.

ATTORNEY AND 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.

Name Ross E. de Lipkau *Ross E. de Lipkau*

Address 50 W. Liberty Street, Suite 750, Reno, NV 89501

Telephone Number (775) 323-1601

State of Nevada

County of WASHOE

Subscribed and sworn to before me on 9/4/14

by **Ross Eugene de Lipkau**

Kathy Souviron

 Signature of Notary Public Required



Notary Stamp or Seal Required

\$120 FILING FEE MUST ACCOMPANY PROOF

EXHIBIT "A"

**WRITTEN DESCRIPTION OF
LANDER COUNTY COMBINED SEWER AND WATER DISTRICT NO. 2
SERVICE AREA**

Township 19 North, Range 43 East, Mount Diablo Meridian:

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 13,
the North $\frac{1}{2}$ of Section 24 and
the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 24.

Township 19 North, Range 44 East, Mount Diablo Meridian:

All of Section 19,
the West $\frac{1}{2}$ of Section 20,
the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 29 and
the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 30.

Containing approximately 1,760 acres.

Lander County Combined Sewer & Water District #2

P. O. Box 144

Austin, Nevada 89310

Telephone 775/964-2676

Fax 775/964-1417

September 4, 2014

SW1/4 NE1/4, Section 29, Township 19N, Range 44E

Pony Canyon Horizontal Bore #1

<u>Date</u>	<u>Flow (GPM)</u>
09/2013	3
10/2013	3
11/2013	3
12/2013	3
01/2014	3
02/2014 (collection line replacement)	5
03/2014	5
04/2014	5
05/2014	5
06/2014	5
07/2014	5
08/2014	5
09/2014	5

Method of measure 5 gallon bucket.

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September 4, 2014

Pony Canyon Horizontal Bore #2

SE1/4 SE1/4 of Section 30, T19N, R44E

<u>Date</u>	<u>Flow (GPM)</u>
09/2013	9-10
10/2013	9-10
11/2013	9-10
12/2013	9-10
01/2014	9-10
02/2014 (collection line replacement)	10-11
03/2014	10-11
04/2014	10-11
05/2014	10-11
06/2014	10-11
07/2014	10-11
08/2014	10-11
09/2014	10-11

Method of measure 5 gallon bucket.

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September 4, 2014

SE1/4 NE1/4, Section 24, Township 19N, Range 43E

Marshall Canyon Springs

<u>Date</u>	<u>Flow (GPM)</u>
09/2013	0
10/2013	0
11/2013	0
12/2013	0
01/2014	0
02/2014	10
03/2014	14
04/2014	14-15
05/2014	0-4
06/2014	0
07/2014	0
08/2014	0
09/2014	0

Method of measure 5 gallon bucket.