AMENDMENT TO FILING DATED MARCH 25, 1987, by DAWLEY CREEK RANCH FOR PROOF OF APPROPRIATION FOR VESTED RIGHTS

Serial No. 08992

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant Cliff and Bertha Gardner

HCR 60 Box 700 (Street and No. or P.O. Box No.) of Ruby Valley (City or town)

Nevada 89833 (State and Zip Code No.)

(2) Source of water Longhair Smith/Short Creek and all tributaries (Name of natural water source.)

(3) The water is diverted by Natural Channel (Dam, ditch, pipe line, natural channel, spring area, etc.)

(4) The water is diverted at the following point(s) SW ¼, SW¼ Sec. 9 T. 28 N. R. 58E MDB & M, (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.) or at a point from which the W¼ corner of Sec. 4, T. 28N R58 E MDB & M bears N 5° 11' 38" W 6845.57 feet.

(5) The water is impounded in Natural Channel (Troughs, tanks, pools, reservoir, natural channel, etc.)

(6) The construction of the ditch or other works was begun Effective use began to some degree as early as 1864. Full use commenced by 1900. (Date) and completed ..... (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 both on Public Lands (traditional grazing use) and Private lands (Patented, deeded, public domain with grazing permit, etc.) in the immedicate area.

(8) The claimant's water right was (~~was not~~) recorded in the office of the County Recorder of See chain of Title as submitted to the Division of Water Resources Office on ..... 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).

March 15, 1987

(9) The approximate number of animals watered by the claimant during the first year ....., (Date)

was ..... cattle ..... horses ..... sheep or ..... (Other) The watering

was conducted during each of the following months Historically there have been

times when as many as 700 cows with calves watered at this source. Watering

takes place at all times of the year.

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

Horses, cattle and sheep have all been watered at this source -- only on dry

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.

years when no water was available on the lower reaches of the stream, (one out

of 10 years on average) were livestock not watered in that area. Water has

always been available for livestock watering in the upper portion of the basin.

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

0.11 cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at Portions of Unsurveyed Sections 1 and 12, T.28N.,

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

R.57E., M.D.B. & M.; Portions of Unsurveyed Sections 5,6,7,8,17 and 18, T.28N.,

land, it should be stated.

R.58E., M.D.B. & M. and the SW¼SW¼ of Surveyed Section 9, T.28N., R.58E., M.D.B.&M.

Remarks See attached Deed, Dawley Creek Ranch to Cliff & Bertha Gardner, also

letter dated December 27, 1989.

Remarks .....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Cliff Gardner & Bertha Gardner are full and correct to the best of his knowledge and belief.

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

Cliff Gardner
Claimant

By Cliff Gardner
HCR 60 Box 700
Street and No., or P.O. Box No.
Ruby Valley NV 89833
City, State, Zip Code No.

SANDRA SELPH
Notary Public
State of Nevada
Elko County, Nevada
97-3765-6
My appointment expires September 9, 2001.

Subscribed and sworn to before me this 1st day of December, 1997.

Sandra Selph

Notary Public in and for the County of Elko

My commission expires Sept 9, 2001

$50 FILING FEE MUST ACCOMPANY PROOF