

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

Source: Reese River  
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source By Point of Diversion #26  
Name of ditch, flume or pipe line

at the following point(s): A point within the SE 1/4 SW 1/4 of section 2, T 22N, R 43E, MDM, from which the  
List all points of diversion from this source, appending a sheet if necessary

South one-quarter corner of Section 2, T 22N, R 43E, MDM, bears S 18° 15' 27" E., a distance of  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyedland, it should be stated  
1,351.14 feet.

(1) Name of Claimant: Silver Creek Ranch, Inc., a Nevada corporation

Address: HC61 Box 61230, Austin County of Lander

State of: Nevada Telephone No. (775) 964-2541

(2) The means of diversion employed Dams 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: See attachment  
and completed: Unknown

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: See attachment  
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

56  
LA

10) The nature of the title to the land for which the water right is claimed is fee simple title and public lands  
which claimant uses under a grazing permit

(11) Crops of native hay and pasture  
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 3/15 to 10/31  
of each year. Day of month Day of month

(13) List the year of priority for acreage irrigated prior to March 1, 1905, from all points of diversion previously  
described, with corresponding subdivisions, appending extra sheets if necessary. ***See Attached***

- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.
- Year, \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.

(14) The maximum acreage irrigated in any year was 138.58 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 To the best information and belief of claimant water used to the full extent available each year  
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 recorded in the office of the County Recorder of Lander  
County, said record being at page 132 of Book A of  
Water Rights, and being a claim for a total 375 cubic inches of water under  
pressure of 6 cubic inches of water for the irrigation of 375  
acres of land in the following legal subdivisions: Not described. L.S. Vaughan at time of claim owned  
the following described lands:

T 23N, R 43E, MDB&M

Section 35, N $\frac{1}{2}$  NE $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$

T 22N, R 43E, MDB&M

Section 1: Lot 1

Section 2: Lots 1 & 2; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; NE $\frac{1}{4}$  SW $\frac{1}{4}$

It is assumed it was intended to irrigate within those legal subdivision

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:

Livestock January 1 through December 31

(19) The character of the soil is ---  
(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. **See Attachment**

(20) Remarks:

A portion of the culture irrigated from the source is upon public lands which claimant and its predecessors have historically used. Said use is authorized by the Bureau of Land management under a grazing permit issued by that agency.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Silver Creek Ranch, Inc. are full and correct to the best of his knowledge and belief.

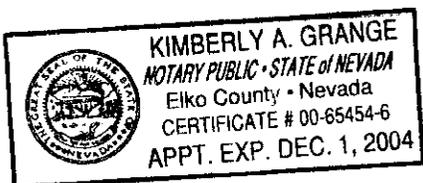
Deponent is representing claimant as its attorney  
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

**GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.**

By: Robert B. Goicoechea  
**ROBERT B. GOICOECHEA**  
Telephone No. (775) 738-8091

STATE OF NEVADA        )  
  )ss.  
COUNTY OF ELKO        )

Subscribed and sworn to before me this 9<sup>th</sup> day of August, 2002, by ROBERT B. GOICOECHEA



Kimberly A. Grange  
NOTARY PUBLIC

3011  
819011100

**\$100.00 FILING FEE MUST ACCOMPANY PROOF**

**ATTACHMENT  
TO  
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION FROM REESE RIVER  
CLAIMANT: SILVER CREEK RANCH, INC.  
ORIGINAL CLAIMANT: L.S. VAUGHAN**

Item 4:

There are three ditches associated with this claim with constructing beginning at the following dates:

<u>Ditch Name</u>	<u>Date of Construction</u>
Applegarth Ditch	1/1/63
Osborne Ditch	2/1/63
Vaughan Ditch	4/1/75

Item 5:

Dimensions as originally constructed:

<u>Ditch Name</u>	<u>Width at Bottom</u>	<u>Width at Top</u>	<u>Depth</u>	<u>Grade<sup>1</sup></u>
Applegarth Ditch	4'	—	1.8'	1.125"
Osborne	1.5'	—	0.83'	1.125"
Vaughan	3.5'	—	1.25'	1.125"

Item 13:

The ditch claim was for 3 ditches, the Applegarth, Osborne and Vaughan as stated in that document recorded in Book A of Water Rights at page 132. The Vaughan Ditch claimed to be located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T 22 N, R 43 E, is in the same approximate location as Point of Diversion #26. The Osborne Ditch, claimed in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 2, has apparently been replaced by P.O.D. #26. The Applegarth Ditch indicates a remnant by the dispersion of water in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 35, T 23 N, R 43 E, based on the construction of the Osborne Ditch in 1863 to irrigate 25 acres that priority is claimed for that acreage in Lot 2 of Section 2, T 22 N, R 43 E. The Applegarth Ditch priority of 1863 is the priority within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 35, T 23 N, R 43 E. The balance is as claimed for the Vaughan Ditch as 1875.

---

<sup>1</sup>Grade expressed in inches per rod

Fee Simple Lands

<u>Priority</u>	<u>Section</u>	<u>Sub-Division</u>	<u>Town Ship</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
1863	35	NE $\frac{1}{4}$ NE $\frac{1}{4}$	T23N	R43E	2.30 AC	Pasture
1875	35	NW $\frac{1}{4}$ SE $\frac{1}{4}$	T23N	R43E	3.26 AC	Harvest
1875	35	SW $\frac{1}{4}$ SE $\frac{1}{4}$	T23N	R43E	19.75 AC	Harvest
1863	2	Lot 2	T22N	R43E	25.00 AC	Harvest
1875	2	Lot 2	T22N	R43E	5.38 AC	Harvest
1875	2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	36.93 AC	Harvest
1875	2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	3.74 AC	Harvest
1875	2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	12.16 AC	Harvest
1875	2	NE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	<u>15.73 AC</u>	Harvest
TOTAL:					124.25 AC	
Harvest:					121.95 AC	
Pasture:					2.30 AC	

Public Lands - Priority of 1875

35	NE $\frac{1}{4}$ SE $\frac{1}{4}$	T23N	R43E	1.16 AC	Harvest	
35	SE $\frac{1}{4}$ SE $\frac{1}{4}$	T23N	R43E	0.71 AC	Harvest	
2	Lot 3	T22N	R43E	1.20 AC	Harvest	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	<u>11.26 AC</u>	Harvest	
TOTAL:					14.33 AC	Harvest

Item 19:

The lands being irrigated are composed of a layer of topsoil of a clay or sandy loam lying over sands or gravels.

The continuous water flow requirements have not been determined as the normal stream flow is characterized by high water flows in the Spring season followed by severely reduced flows for the balance of the growing season. There has been no monitoring program which would give an indication as to the acre-feet of water required per acre of land to produce the existing culture. The best indication available is that shown in the recorded ditch claim which computes to be a continuous flow of 0.025 cfs per acre of land.