

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 Point of Diversion #24 & 25  
Name of ditch, flume or pipe line

at the following point(s): See attached  
List all points of diversion from this source, appending a sheet if n

→? SOME PODS  
DS V09360?  
NE SE  
22N 43E SEC 10?

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

10/15/62

(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: No enlargement  
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% interest  
If claimant is an owner in the conduit, state interest held on this line

56  
1A

10) The nature of the title to the land for which the water right is claimed is fee simple lands and public lands upon which claimant holds a grazing permit issued by the Bureau of Land Management

(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 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.

**Public Land:**

1875, 11.90 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 13.52 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1867, 0.28 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T. 19N, R 43 E.  
Year  
1867, 2.52 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T. 19N, R 43 E.  
Year

**Private Land:**

1875, 9.60 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 3.56 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 10.55 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 12.65 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 12.65 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 2.86 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T. 19N, R 43 E.  
Year  
1877, 0.63 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T. 19N, R 43 E.  
Year  
1877, 14.02 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T. 19N, R 43 E.  
Year  
1877, 19.28 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T. 19N, R 43 E.  
Year

(14) The maximum acreage irrigated in any year was 114.02 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, the water has been used

If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use

to the full extent available each year

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 267-270 of Book A of

Water Rights, and being a claim for See remarks of water for the irrigation of See remarks

acres of land in the following legal subdivisions: \_\_\_\_\_

T 19N., R 43E., MDB&M

Section 17: NW $\frac{1}{4}$  SW $\frac{1}{4}$

Section 18: S $\frac{1}{2}$  SE $\frac{1}{4}$ ; NW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 19: N $\frac{1}{2}$  NE $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$

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 ---. A continuous flow of --- cubic

(Sandy, gravelly, loam)

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 attached

(20) Remarks:

See attachment

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

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

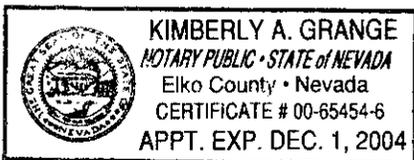
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

**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

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

**ATTACHMENT TO  
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION  
CLAIMANT: SILVER CREEK RANCH, INC.  
ORIGINAL CLAIMANT: J. A. MILLER & W. D. JONES**

The Points of Diversion are described as follows:

Townley Ditch (P.O.D. #36). A point in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 19, T 19N, R 43E, MDM, from which the Northwest corner of said Section 19 bears N. 00°48'10" E., a distance of 2729.50 feet.

P.O.D. #37 - a point in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19, T 19N, R 43E, MDM, from which the Southeast corner of said Section 19 bears S 68°20'54" E., a distance of 4,204.83 feet.

P.O.D. #1 - a point within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 19, T 19N, R 43E, MDM, from which the Northwest corner of said Section bears N 47° 55'57" W., a distance of 2682.29 feet (Wallace Ditch).

P.O.D. #2 - a point within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, T 19N, R 43E. from which the Northeast corner of said Section bears N 64°46'09"E., a distance of 2,074.17 feet (Jones 1 Ditch).

Item #4:

Ditch claims as made by Joseph A. Miller and William D. Jones show ditch claims for the following ditches:

<u>Ditch Name</u>	<u>Date of Construction</u>
Townley Ditch	1875
Wallace Ditch	1877
Jones No. 1 Ditch	1867
Jones No. 2 Ditch	1881

At the present time there are three points of diversion which compare favorably with the Townley Ditch, Wallace Ditch and Jones No. 1 Ditch as described in the Claim P.O.D. #37 utilizes a spring source and other ditches.

Item #5:

The dimensions of the ditches as originally constructed are as shown on the ditch claims by Joseph A. Miller and William D. Jones recorded in Book A of Water Rights at pages 267 & 270, copies attached.

Item 17:

The claims made do not specify the legal subdivisions irrigated. However, the chain of title attached shows ownership of the lands described.

Claims were filed by William D. Jones and Joseph A. Miller. Apparently some of the acreages claimed for irrigation are overlaps. The total acres claimed to be proposed to be irrigated in the two claims is 520 acres from Reese River. As there was only 320 acres owned at the time of the claim, the overlap is further evidenced.

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.

C:\WPDOCS\WATER\ReeseRvrAttach