

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

Source Sou Hot Springs aka Seven Devil's Hot Springs Complex

The water is diverted from its source constructed ditch and/or 10" pipeline  
 (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.)

A spring complex in the SW¼ SE¼ Sec 29 T.26 N., R.38 E., MDB&M or at a point from which the SW corner Sec 32 T.26 N., R.38 E., MDB&M bears S. 34° 00' W., a distance of 6,920 feet. For a map of POD, use map on file under 13807.

(1) Name of claimant Robert B. and Sallie F. Lincoln

Address 404 Mary Street, County of Carson City

State of Nevada Telephone No. (775) 887-1926

(2) The means of diversion employed Small diversion dam, open ditch and 10" pipe

(3) The date of the survey of ditch, canal, or pipe line was before 1912

(4) The construction of the ditch or other works was begun before 1882  
 and completed 1950's

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3' + feet, width on top 5' + feet, depth 2 feet, on a grade of 50 feet per thousand feet.

(6) the conduit has (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 10" pipeline was begun 1952  
 and completed \_\_\_\_\_

(8) The dimensions of the ~~ditch or canal as enlarged~~ are: Width on bottom 10" pipe feet, width on top \_\_\_\_\_ feet, depth \_\_\_\_\_ feet, on a grade of \_\_\_\_\_ feet per thousand feet.

(9) The claimant is (is not) the owner in the above-described conduit.

claimant has an easement across public and private land. See PBU map in file 17890

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(10) The nature of the title to the land for which the water right is claim is

Fee simple

(11) Crops of Alfalfa, garden, orchard and domestic for two (2) cabins

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.

before 1882, <sup>2.57 ~~3.12~~ *has*</sup> acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 32, T 26 N., R 38, E.

before 1882, 3.90 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 32, T 26 N., R 38, E.

before 1882, <sup>2.1 *has*</sup> 12.12 acres in the Lot 2 of Sec 5, T 25 N., R 38, E.

1959, 2.00 acres in the \_\_\_\_\_ of Sec 5, T 25 N., R 38, 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 250 +/- acres.

(15) The water claimed has (has not) been used for irrigation each and every year since the right was initiated.

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(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.)

2000 to present. Pipeline and ditch have been blocked by upstream property owner.

(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:

Two (2) cabins and 150 head of livestock.

(19) The character of the soil is \_\_\_\_\_. A continuous flow of 2.0 cubic feet of water per second has been used to irrigate 200 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

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(20) Remarks

The water from Sou Hot Springs aka Seven Devil's Hot Springs Complex has been used to irrigate 160 ac +/- since prior to the original land survey in 1881. The irrigated acreage expanded over the years to include lands in Sec 5 T.25 N., R.38 E., MDB&M, including a homestead and corrals. Evidence of additional corrals still exist a mile South of the homestead.

The 10" pipe was installed in the 1950's and included a 10 acre reservoir containing 40 af +/- . Witnesses can testify that when the spring ponds are cleaned out, they will flow substantially more water than today.

The current owner of the Seven Devil's ranch cleaned the ditch in the not too distant past but the current owner of the S 1/2 SE 1/4 Sec 29 T.26 N., R.38 E. filled in the ditch and obstructed any flow beyond his South property line (see report of Field Investigation #1135).

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

R. Michael Turnipseed, Agent

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

Name R. Michael Turnipseed, P.E. *R. Michael Turnipseed P.E.*  
Address 204 North Minnesota Street, Carson City, Nevada 89703  
Telephone Number (775) 885-2101

Subscribed and sworn to before me this 19<sup>th</sup> day of January, 2011.

*Robin R. Summers*

Notary Public in and for the County of Carson City

My commission expires 6-6, 2011

