

010342

Application No.

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Twin Springs

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

The water is diverted from its source See attached description

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.)

Water is diverted at Twin Springs within the SE1/4 NW1/4 of Section 4, T42N, R19E, MDM, --- A tie and bearing description will be provided on an amended Proof along with a supporting map

(1) Name of claimant Walters Family Trust, Jon M. and Linda D. Walters as Trustees.

Address P.O. Box 637, County of Modoc

State of CA, 96104 Telephone No. 775-720-5766

(2) The means of diversion employed pond via pipe under roadway and then pasture area (See attached)

Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was September 15, 2012

(4) The construction of the ditch or other works was begun prior to 1880

and completed prior to 180 (See attachment)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1 foot feet, width on top 2 feet, depth 2 feet, on a grade of 3-4% 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 Holding pond enlarged over 30 years ago

and completed See attachment

(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 the owner in the above-described conduit.

The claimant is 100% owner of Point of Diversion and the major portion of the Place of Use

If claimant is an owner in the conduit, state interest held on this line.

09-10-12

(10) The nature of the title to the land for which the water right is claimed is
Owner is Walters Family Trust (See attachment)

(11) Crops of Diversified pasture and meadow pasture (See attachment)
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.

_____, _____ 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.

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STATE ENGINEERS DEPT

(14) The maximum acreage irrigated in any year was _____ to be provided on amended Proof _____ 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.)

Full flow of Twin Springs has been placed to beneficial use for irrigation, stock water and domestic. (See attachment)

(17) The claimant's water right was (was not) recorded in the office of the County Recorder of Washoe
County, said record being at page _____ of Book _____ of _____, and being a claim for
Research is being conducted _____ 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:

This water is stored in holding pond and released to pasture as need on a year round basis.

(19) The character of the soil is Sandy loam
Sandy, gravelly, loam. A continuous flow of See Attachment 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.

(20) Remarks
See attached information.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by
Walters Family Trust are full and correct to the best of his knowledge and belief.

Michael D. Buschelman, PLS as water right agent

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

Name

Michael D. Buschelman

Michael D. Buschelman

Address

P.O. Box 51371, Sparks, NV 89435

Telephone Number

775-348-9629

State of Nevada

County of Washoe

Subscribed and sworn to before me on 10.31.2012

by Michael D. Buschelman

Mary Roth

Signature of Notary Public Required



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

PROOF TWIN SPRINGS (Page 1 of 2)

#2 - Descriptions of Works: Twin springs pools in a 45 foot diameter area then flows down a natural channel, being an approximately 1 foot wide by 2 feet deep, to a holding pond. The holding pond has a dam structure at one end, at dam face the estimated depth is 14 feet at the deepest. In the middle of dam structure is an outlet with head gate that is controlled by Jon Walters. This outlet goes in to a 12 inch diameter pipe, flows through the dam; the pipe is underground and flows easterly under roadway (Hwy. 34) and flood irrigates land.

#3 – Date of Survey: Research is continuing in an effort to obtain original field survey information. A current field survey was completed on September 15, 2012.

#4 – Construction of works began: Research is continuing in an effort to obtain more information of when Vya became thriving community. The first wagon came though around 1849, known now as the Applegate Emigrant Trail.

#6 - Construction of Conduit: Research is continuing in an effort to obtain more information on the construction of area.

#7 & #8 – Works information: The holding pond was enlarged over 30 years ago. Information on the construction will be obtained from Washoe County on the enlargement of the holding pond.

#9 & #10 – Owner Information: Walters Family Trust owns the land containing the point of diversion, holding pond and the Town site of Vya, Nevada. The majority of the irrigated place of use area is owned by Walters Family Trust. A small portion is owned by Comstock Compadres, LLC. Comstock Compadres, LLC is owned by a small group of people, in which Jon Walters is the major holder.

#11 – Crops Information: Diversified Pasture and Meadow Pasture in the irrigated land. The diversified pasture consists of a grass with some sage brush scatter throughout and the meadow pasture consist of native and pasture grasses.

#12 – Irrigation times: The holding pond lets owner complete a hold and release style of flood irrigation on a year round basis as needed. The release of stored also occurs during non-growing season. Water is released to moisten soil to prepare for growing season and prevention of root death during dry winters.

#13 & #14 – Acreage: Culture map and amounts will be provided with amended proof.

ATTACHMENT

PROOF TWIN SPRINGS (Page 2 of 2)

#16 – Flow of water: Full flow of Twin Springs has been historically placed to beneficial use for irrigation, stock water and Quasi Municipal. More information will be provided on history and use of water rights, in amended proof.

#17 – County Recorders: Research is being conducted and will be provided with amended proof.

#18 – Other Uses: Occupants of the Town of Vya, Nevada utilized Twin Springs for Quasi Municipal purposes. The Town of Vya used Twin Springs for these purposes and the travelers, from prior to the 1880's. Research is being conducted to get a better idea of the size of Vya and what happened in its history. Twin Springs historically and currently provides water for stock water purposes.

#19 – Soils and flow: Soil is sandy loam and flows vary from Twin Spring and are stored in holding pond for irrigation and stock water purposes year round. Flow measurements will be taken during the peak flow periods; however the entire flow of Twin Springs has historical been placed to beneficial use for irrigation, stock water and Quasi Municipal. Currently all water from Twin Springs is used for irrigation and stock water.

#20 – Remarks: More research is being complied and will be submitted with amended proof.

Approximately 100 wagons travelled the Lassen - Applegate Emigrant Trail and travelled through the Vya area, in 1849. Since then, Vya became a stopover for travelers heading to northern California, freight wagons also used this trail.

Twin Springs was used to service the town. This area had freight wagons use this route across the upper part of Nevada. This route was used until the 1930's, at that time Vya started to diminish in residence. At one time there was an actual post office building; the town still has an active Post Office Number.

In the 1930's there was also Conservation Corps Camp (CCC) stationed in Vya, Nevada.

The main saloon was called Yellow Dog Saloon, twice it burned down, in two different locations. It was re-built in third location up further near top of hill. Massacre Hill in distance was one of the last Indian Massacre in US History it happened in 1911. (Shoshone Indians)

Additional documentation will be provided with the amended proof.