Application No. 010692

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant ELKO LAND AND LIVESTOCK COMPANY

1655 (Street Address or PO Box) of ELKO (City or Town)

NV, 89801 (State and ZIP Code)

(2) Source of water Hardy Creek and its tributaries, including Big Springs (also known as Johnson Springs)
Name of natural water source

(3) The water is diverted by:
Livestock using the natural channel, tributaries, spring areas, overflow areas and meadows of Big Springs and Hardy Creek

Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s):
Big Springs (aka Johnson Springs) rise in multiple locations within the SW1/4 of Section 22, the W1/2 of Section 27, the e1/2 of Section 28, the N1/2NE1/4 of Section 33, and the NW1/4 of Section 34, T36N, R66E, MDM. These Springs give rise to Hardy Creek, which flows southerly through the Study Area, almost exclusively through land belonging to Elko Land and Livestock Company (ELLCo). Claimant and its predecessors have historically used all the water from said Springs and Creek, including the natural channel, its tributaries, overflows, and meadows, along its entire course for both irrigation and stock watering purposes. For MAPs, please refer to Application 052302 and 58142 et al. A list of known springs will be submitted as an attachment to this document.

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.

(5) The water is impounded in The Springs, the natural channel, and all adjoining overflow areas and meadows
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun California Trail 1849. Hardy entry 1873 (NARA) (Date)
and completed NA (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:
Private land in fee title (Deeded), and U.S. lands administered by the U.S. Bureau of Land Management (BLM) and subject to BLM Grazing Permits in favor of ELLCo.

Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was recorded in the office of the County Recorder of
Elko County, at Page _____ of Book 3 of Misc

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).

(9) The approximate number of animals watered by the claimant during the first year 1873 per Homestead Entry File (Date)
was 225 cattle 230 horses 4700 sheep or wildlife (describe) Stock numbers/dates from E.C. Hardy Homestead File

The watering was conducted during each of the following months:
January 1 through December 31 of each year.

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Goshute Valley
10-187
E1

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
1880 - at least 1500 Sheep, 115 Cattle, 51 Horses; 1885 - at least 1850 sheep, 315 Cattle, 169 Horses; 1895 - at least 5500 Sheep 375 Cattle, 121 Horses. This use has been continuous to the modern era. ELLCo and its predecessors utilze this same stream with the equivalent of up to 1870 cattle on a combination of private and public land.

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.

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

1 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:

The Springs, natural stream channel, tributaries, overflows and meadows, generally between the headwaters listed in item (4), above, and the Sink of said stream generally at the south end of the Study Area, in Sections 33, 34, and 35, T35N, R66E, MDM, Elko County, Nevada. For partial MAP, please refer to Applications 2210, 052302 and 58142.

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

Remarks

The first use of this water for livestock was in 1849 when a branch of the California Trail passed through the area. Numbers are difficult to establish but they would have been significant, and commensurate with the well documented uses that began in 1873 (E.C. Hardy homestead file, Mathers entry, John Henry, etc.). These uses, in turn, comport very well with the modern livestock numbers (grazing permit for 1100 to 1584, plus more livestock on private land).

Hardy Creek is not tributary to any River. It sinks at the south end of the Study Area identified by the Nevada State Engineer for the purposes of this adjudication. The sinks are generally on land belonging to ELLCo, or on land belonging to the the U.S. and subject to BLM Grazing permits in favor of ELLCo.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by ELKO LAND AND LIVESTOCK COMPANY are full and correct to the best of his/her knowledge and belief.

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

ELKO LAND AND LIVESTOCK COMPANY
Name of Claimant

By [signature]

Telephone No. (775) 778-2519

Jeff White, Vice President

1655 Mountain City Highway

Elko, NV 89801

Telephone No. (775) 778-2519

State of Nevada

County of ELKO

Subscribed and sworn to before me on July 30th, 2014

by Jeff White

[signature]
Signature of Notary Public Required

VALERIE MCLEOD
Notary Public, State of Nevada
Appointment No. 05-100494-6
My Appt. Expires Nov 27, 2017
Notary Stamp or Seal Required

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$60 FILING FEE MUST ACCOMPANY PROOF