Application No. V-10787

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR ~~IRRIGATION~~ Domestic

Source Underground Well

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

The water is diverted from its source Well and 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.)

NE1/4 of the NE1/4, Section 24, Township 45 North, Range 53 East, Mount Diablo Base & Meridian (MDB&M) or at a point from which the NE corner of said section 24 bears N 64 degrees 36 minutes 15 seconds E, 1375 feet.

(1) Name of claimant United States of America, Forest Service

Address 1200 Franklin Way, Sparks, NV 89431, County of Washoe

State of Nevada Telephone No. 775-355-5339

(2) The means of diversion employed Well and pipeline

Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was September 2, 1911

(4) The construction of the ditch or other works was begun September 2, 1911

and completed _____

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

(6) The conduit has 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 the owner in the above-described conduit.

_____

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

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Owyhee River Area
3-37
E1

(10) The nature of the title to the land for which the water right is claimed is
The land upon which the water right claim is located, including the locations of the point of diversion and place of use, were reserved as an addition to the Humboldt National Forest on January 20, 1909 (see attached Proclamation).

(11) Crops of N.A.

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 (Day of month) to December 1 (Day of month) of each year.

(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.

_____, _____ 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.

_____, _____ acres in the _____ of Sec _____, T _____, R _____, E.

_____, _____ acres in the _____ of Sec _____, T _____, R _____, E.

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(14) The maximum acreage irrigated in any year was _____ acres.

(15) The water claimed _____ 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.)

N.A.

(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~~: Domestic

(19) The character of the soil is N.A. (Sandy, gravelly, loam). A continuous flow of _____ cubic feet of water per second has been used to irrigate N.A. acres of land and 6 acre-feet per acre per annum have been used for domestic ~~to irrigate the crops~~. (see attachment + stipulations) DT 8/14/15

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(20) Remarks

Place of Use - NE1/4 of the NE1/4, Section 24, T. 45 N., R. 53E., MDB&M

See attachment for additional remarks.

COURT DOCUMENTS OUTLINE TERMS OF THE ORDER AND GRANTING A CLAIM OF VESTED RIGHT OF 6 AF FOR DOMESTIC USES. DTT 8/18/15

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by

United States of America, Forest Service are full and correct to the best of his knowledge and belief.

Director of Lands and Minerals, Intermountain Region

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

Name Kathryn J. Conant Kathryn J. Conant

Address 324 25th Street, Ogden, UT 84401

Telephone Number 801-625-5150

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State of ~~Nevada~~ Utah

County of Weber

Subscribed and sworn to before me on July 21, 2015

by Kathryn J. Conant

Lori Blickfeldt

Signature of Notary Public Required

LORI BLICKFELDT
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 649745
COMM. EXP. 11/30/2015

Notary Stamp or Seal Required

$120 FILING FEE MUST ACCOMPANY PROOF

Revised 07/13 - poa-irr

Proof of Appropriation of Water for Domestic – V-10787

Item 20 - Remarks

This Proof of Appropriation of Water for Domestic use and the subsequent Change Applications are filed pursuant to a Stipulation between the United States of America and the Nevada State Engineer regarding Federal Reserved Water Rights Claims Filed By The United States Of America, U.S. Department Of Agriculture, U.S. Forest Service *IN THE MATTER OF THE DETERMINATION DEFINING THE RELATIVE RIGHTS IN AND TO THE WATERS, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE OWYHEE RIVER (SOMETIMES CALLED THE EAST FORK OWYHEE RIVER) AND ITS TRIBUTARIES LOCATED WITHIN THE EAST FORK OWYHEE RIVER AREA, ELKO COUNTY, NEVADA.* Case No. CV-C-12-884. Dept. No. 2. dated June 3, 2014. The Stipulation and the Court Order approving the Stipulation are attached.

Proof of Appropriation V-10787 is filed to establish the vested water right as described in sections B2-B5 of the approved Stipulation (see attachment). The vested water right is for groundwater use at the well at the lower compound at Rabbit Draw, Mountain City Compound Administrative Site, (point of diversion and place of use – NE¼ of the NE¼, Section 24, Township 45 North, Range 53 East, Mount Diablo Base & Meridian (MDB&M)), and is for domestic purposes. The total duty for this vested water right is six (6) acre-feet annually, with a priority date of September 2, 1911, and period of use of January 1-December 31. This well was previously described on Proof of Appropriation R-07328.

According to section B7 of the approved Stipulation, the subsequent change applications are to change the manner of use (purpose) of the vested water right from domestic to quasi-municipal (which may include domestic, pack stock watering, fire-fighting, road watering, irrigation, and other uses), and to change the point of diversion and place of use to include the two wells at the upper compound of the Mountain City Compound Administrative Site. The change applications seek to have the total duty of six (6) acre-feet annually apportioned evenly among the three wells (two (2) acre-feet annually from each well).

The first change application seeks to change the manner of use from domestic to quasi-municipal, for a portion (2 acre-feet annually) of the vested water right (V-10787), for the well at the lower compound at Rabbit Draw, Mountain City Compound Administrative Site. This well was previously described on Proof of Appropriation R-07328 (point of diversion and place of use - NE¼ of the NE¼, Section 24, Township 45 North., Range 53 East., MDB&M).

The second change application seeks to change the point of diversion, place of use, and manner of use of a portion (2 acre-feet annually), to include the well previously described on Proof of Appropriation R-07327 (point of diversion - NW¼ of the NW¼, Section 19, Township 45 North, Range 54 East, MDB&M and place of use – W½ of the SW¼, Section 18, Township 45 North,

Range 54 East, MDB&M; NW¼ of the NW¼, Section 19, Township 45 North, Range 54 East, MDB&M; SE¼ of the SE¼, Section 13, Township 45 North, Range 53 East, MDB&M).

The third change application seeks to change the point of diversion, place of use, and manner of use of a portion (2 acre-feet annually), to include the well previously described on Proof of Appropriation R-07330 (point of diversion - NW¼ of the SW¼, Section 18, Township 45 North, Range 54 East, MDB&M, and place of use – W½ of the SW¼, Section 18, Township 45 North, Range 54 East, MDB&M; NW¼ of the NW¼, Section 19, Township 45 North, Range 54 East, MDB&M; SE¼ of the SE¼, Section 13, Township 45 North, Range 53 E., MDB&M).

According to section B8 of the Stipulation, upon approval of these change applications by the State Engineer, consistent with the requirements set forth in the Nevada Revised Statutes, the United States will withdraw its claims for federal reserved water rights for groundwater at these locations (R-07328, R-07327, and R-07330).