Proof No. 10847

STATE OF NEVADA

# PROOF OF APPROPRIATION OF WATER

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):.

Primary (Please select only one):

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Irrigation | ☐ | Stock water | ☑ | Mining and Milling | ☐ | Domestic | ☐ |
| Municipal | ☐ | Industrial | ☐ | Quasi-Municipal | ☐ | Commercial | ☐ |

Federal Reserved Right ☐ Other (OTH) _____

Secondary (Select all that may be applicable):

Stock water ☐ Domestic ☐

NAME OF CLAIMANT Ira R. Renner and Montira Renner

Address HC 30 Box 343 City of Spring Creek County of Elko

State of Nevada Telephone No. 775-744-4342 Email Address _____

1. Source of water Spring No. 3

Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion pipeline into channel

Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):

A point situate in the NE¼SE¼ of Section 31, T26N, R53E, MDB&M from which the E¼ corner of said Section 31 bears N63°07'30"E, a distance of 1,399.31 feet.

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun See remarks

and completed _____

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Patented land of claimant

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

6. The claimant's water right ~~was~~ / was not recorded in the office of the County Recorder of
(circle one)

_____ County, at Page _____ of Book _____ of _____.

7. The amount of water diverted for the claim's purpose has been measured at

0.0156 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second



10-153 EW

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):

NE¼SE¼ of Section 31, T26N, R53E, MDB&M

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

## QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of 1873 (Year) was

150 cattle 90 horses _____ sheep _____ other (describe in remarks)

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

10. The approximate number of animals watered by the claimant in subsequent years was:

500 cattle _____ horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in natural channel

Trough(s), tank(s)s, pool(s), reservoir, natural channel, etc.

## QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was _____

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

14. The dimensions and type of pipeline as originally constructed were: Diameter of _____ inches with a type of pipe of _____ for _____ feet in length.

Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged.
(circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced _____

and completed _____

17. The dimensions of the enlarged ditch or canal are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of _____ inches with a type of pipe of _____ for _____ lineal feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.
(circle one)

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

20. Crop(s) of _____
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)
have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from _____ to _____ of each year. The average number of cuttings in a year is typically _____ cuttings and the maximum number of cuttings in a year is _____ cuttings.

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

23. 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):

_____

24. The characteristics of the soil are _____
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is _____ cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is _____ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is _____ cubic feet per second.

27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

| Date | Acres | | Quarter-Quarter | | Section | | Township | | Range |
|---|---|---|---|---|---|---|---|---|---|
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |
| _____ | _____ | acres in the | _____ | of Sec. | _____ | , T. | _____ | (N./S.), R. (circle one) | _____ E. |

## ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

This proof is for the same source as that under Permit No. 37917 which has a priority of 1979. As this source has been associated with private ranch property since 1873, this proof is to correct that priority.
Please use the map that accompanied Permit No.37917 to accompany this proof.

To the best information and knowledge of the claimant, the original use was directly from the source. Improvements continued on the use of the source until final improvements consisting of a pipeline was installed as stated in Permit No. 37917P

Total water consumption by livestock is not additive from all sources of claimant and is limited to 550 animal units based upon past historical use and present BLM grazing authorizations.

See attached Exhibit "A" for additional priority information.

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

Ira R. Renner (Name) are full and correct to the best of their knowledge and belief.

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Ira R. Renner (Please type or print name) Signature Ira R. Renner (Please sign in the presence of a Notary Public)

Address HC 30 Box 343, Spring Creek State of NV ZIP Code 89815

Telephone Number 775-744-4342 Email Address

State of Nevada

County of Elko

Subscribed and sworn to before me on 5-2-16 (Date)

by Ira R. Renner

Signature of Notary Public Required

BRIDGETTE GILBOY
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
CERTIFICATE # 15-2155-6
APPT. EXP. JULY 6, 2019

Notary Stamp or Seal Required

**THE FILING FEE IS $120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A $60 FILING FEE.**

**EXHIBIT "A"**

# SUPPLEMENT TO PROOF OF APPROPRIATION
## Spring No. 3 as Certificated under Permit 37917

Denny S. and Della C. Mulford filed an Application for the Appropriation of the Public Waters of the State of Nevada for stock water purposes (Permit No. 37917- Spring No. 3)in 1979 which permit was certificated for 500 head of cattle. A further review of the record information evidences that this source was on the public land adjacent to the lands owned by the claimant which has a claimed priority of 1873. The public land has since been patented and owned by the claimant.

The real property which is associated with the source was owned by John B. Scott during the period of at least 1873 to 1880. There are numerous references of record in the Office of the Eureka County Recorder that the property of John B. Scott was operated as a ranch with cattle and horses being owned. As was the custom, those cattle and horses would also graze upon the public lands in which the source is located. In 1873 J. B. Scott was on the tax roll of Eureka County and in addition to the real property for which a vested irrigation claim has been filed under Proof 02432, he was also assessed for 90 horses and 150 cattle. This ranch property was subsequently sold to Robert Bailey and in his estate, the assets included 285 head of cattle and 20 horses. As production increased on the ranch property, the number of livestock also increased, so the increased number is based on the Doctrine of Relation Back.

Based upon the above evidence, this Proof is filed for the purpose of correcting the priority of this source to 1873. Please refer to Supplemental Attachment to V02432 for documentation supporting this claim.