

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	<input checked="" type="checkbox"/>	Stock water	<input type="checkbox"/>	Mining and Milling	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
Municipal	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Quasi-Municipal	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Federal Reserved Right	<input type="checkbox"/>	Other (OTH) _____					

Secondary (Select all that may be applicable):

Stock water	<input checked="" type="checkbox"/>	Domestic	<input checked="" type="checkbox"/>
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NAME OF CLAIMANT Gary and Melody Garaventa

Address P.O. Box 65 City of Eureka County of Eureka

State of Nevada 89316 Telephone No. (775) 237-5206 Email Address _____

1. Source of water Gus de Flon Spring a.k.a. Vaccaro Spring
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 from spring to a small ditch and distribution facilities
Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):
within the SE1/4 NE1/4 of Section 10, Township 18 North, Range 53 East, M.D.M. or at a point from which U.S. Mineral Monument No. 8 bears South 03°01' East a distance of 9945 feet and from which U.S. Mineral Monument No. 12 bears North 16°59' West a distance of 7267 feet. This location also appears to be reflected on the map supporting (withdrawn) claim of vested right, Proof V04487, as "Unnamed Spring #2".

(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 1903
 and completed 1908

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:
A Possessory Action, filed in the office of the Eureka County Recorder on Feb. 17, 1910, as Document No. 3463
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)
Eureka County, at Page 58 of Book A of Wtr locations

7. The amount of water diverted for the claim's purpose has been measured at
0.025 cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second

10-153
 20

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):
0.23 acres within the SE1/4 NE1/4 of Section 10, Township 18 North, Range 53 East, M.D.M., within Diamond Valley Basin 153.

(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 1903 was _____ Year
_____ cattle _____ horses _____ sheep 12 mules other (describe in remarks)

The watering was conducted during each of the following months: January through December

10. The approximate number of animals watered by the claimant in subsequent years was:
20 cattle 4 horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Four half barrels originally, then later in a 500 gallon trough.
Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was February 6, 1910, by J. Garfield Smith (see attachment #2)

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 1 inches with a type of pipe of _____ iron pipe for 200 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 approximately 1995
and completed approximately 1996

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 1-1/2 _____ inches with a type of pipe of iron and PVC for 200 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 vegetables originally, then native grass pasture
(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 January 1 to December 31 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):

Not applicable. Water has been used continuously.

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

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is 0.025 cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is 0.92 acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is 0.025 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
January 1, 1904	0.23	acres in the SE NE of Sec.	10	, T. 18 N.	(N./S.), R. 53 E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
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_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
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_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. _____ E. (circle one)

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

This source is certificated under Permit 1261, Certificate 80, with a priority date of January 21, 1909. Statements by Mike Vaccaro, the original permittee, indicate that the occupation and use of water from this spring began in 1904. This claim is being filed to substantiate that the record under Permit 1261 and the supplemental information provided with this claim demonstrate that the initial appropriation of this source by M. Vaccaro was prior to March 1, 1905.

Inventory of attached supporting documents:

- 1) Water Location and Claim of M. Vaccaro, recorded in Eureka County on April 5, 1907
- 2) Possessory Claim of M. Vaccaro and survey plat, recorded in Eureka County on February 17, 1910
- 3) Sworn statement of M. Vaccaro, dated September 1, 1911
- 4) Field inspection report under Permit 1261 by H.M. Payne, Division of Water Resources, dated October 11, 1912

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

Gary and Melody Garaventa are full and correct to the best of their knowledge and belief.
(Name)

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

Name Bruce R. Scott, P.E. (as Agent) Signature *Bruce R Scott*
(Please type or print name) (Please sign in the presence of a Notary Public)

Address Resource Concepts Inc. 340 N. Minnesota St. Carson City State of Nevada ZIP Code 89703

Telephone Number (775) 883-1600 Email Address rciwater@rci-nv.com

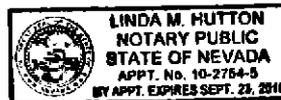
State of Nevada

County of Carson City

Subscribed and sworn to before me on 5/25/16
(Date)

by Bruce R. Scott

Linda M. Hutton
Signature of Notary Public Required



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.

Notice of Location

No. 530.

I the undersigned do this day locate and claim three hundred & 200 inches of the water for milling purposes situated in Mill Canyon about one mile above the old Mill Nevada Co Nevada.

Chas Allen, Locator

Aug 5, 1906.

Recorded at the Request of Chas Allen Aug 29th, A.D. 1906 at 40 mins, part 3 P.M.

Wm. Spruance Recorder

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Spring Location

Vassar Spring

No. 1014

Notice is hereby given that I the undersigned a naturalized citizen of the United States, claim all the waters of this Spring, to be known as the "Vassar," situated about 1/4 of a mile in a north easterly direction from the Summit on the road from Nevada to Secret Canyon, in Lemaha County, for watering stock and domestic purposes. This notice is placed on said spring and a copy thereof is placed on record in the Recorder's Office of said County.

M. Vassar

Located March 1st 1906

Recorded at the request of M. Vassar, April 5th A.D. 1907 at 50 mins part 1 P.M.

Wm. Spruance Recorder

No. 1076

Water Location

Blue Mountain Springs

Notice

Notice is hereby given that the undersigned, a co-owner in that certain mining property known as the Tenabo mill & mining Co property at Cortez Nevada do hereby by virtue of this notice and location claim all the waters within these springs (which said springs shall be known as the "Blue Mountain Springs") together with all the water tributary or dependent thereon. Said Springs are situated about four miles in an easterly direction from the Town of Cortez, Nevada and about one and one half miles in a westerly direction from what is known as the "Deer Ranch Horse Ranch" and in Lemaha County. Said waters are to be used for mining and milling purposes at the above mentioned property. Copy of this notice on location monument located this 1st day of April A.D. 1907.

Signed Mrs. W. O. Mills

By E. E. Leonard,

Agent

Recorded at the request of Mrs. W. O. Mills, May 1st A.D. 1907 at 50 mins part 3 P.M.

Wm. Spruance

Recorder

Vaccaro Claim

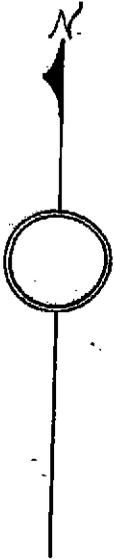
by
M. Vaccaro
State of Nevada } ss.
County of Eureka }

M. Vaccaro being duly sworn says that he intends to occupy and hold not more than 160 acres in Eureka County, State of Nevada, in accordance with the Act of Legislature State of Nevada approved March 1865 entitled "An act prescribing the mode of maintaining possessory actions on public lands of this State." The said lands being situated in Secret Tallow about 2 miles south of the Diamond Mine at Prospect in T 18 N. R. 53 E. N. 10 M. (unsectioned). Posts 4" sq by 4 1/2" long were set at each corner inscribed P.C.-A-10 with the number of the corner. Containing 4.7 Acres more or less. That he has taken no other claim under this act and to best of his knowledge and belief said lands are not claimed under any existing title.

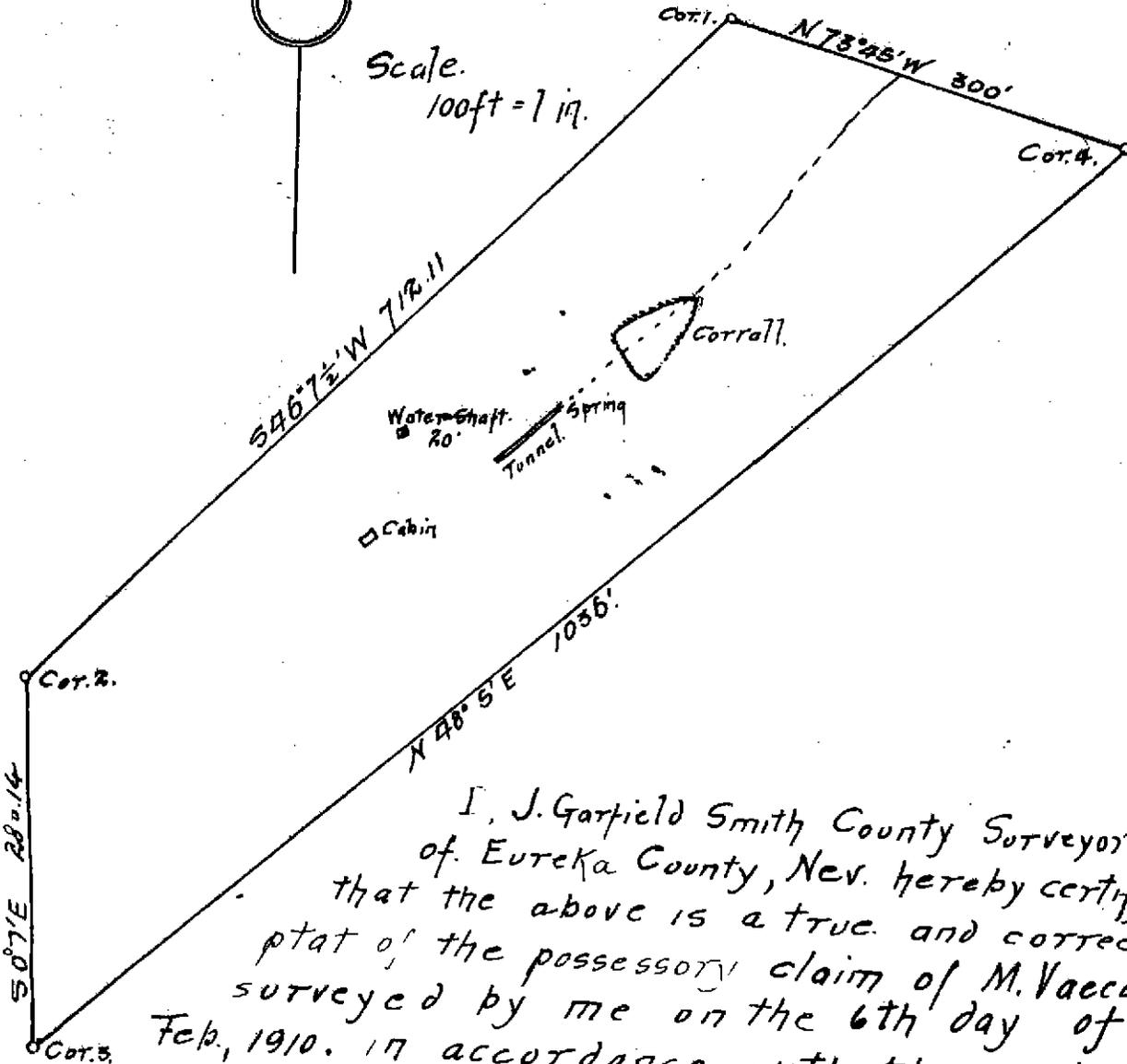
M. Vaccaro

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PLAT OF POSSESSORY RIGHT OF M. VACCARO TO LAND ADJACENT TO VACCARO SPRING



Scale.
100ft = 1 in.



I, J. Garfield Smith County Surveyor
of Eureka County, Nev. hereby certify
that the above is a true and correct
plat of the possessory claim of M. Vaccaro
surveyed by me on the 6th day of
Feb, 1910. in accordance with the act
of the Legislature of the State of Nevada
approved Mar 9th 1865, entitled "An act pre-
scribing the mode of maintaining possessory
actions on public lands in this state."

J. Garfield Smith

County Surveyor.

No. 3463

RECORDED AT THE REQUEST OF

M. Vaccaro

July 17th A.D. 1910

20 minutes past 2 P.M.

Libr. C. of Miscelane.

Page 315. Books of Eureka

EUREKA COUNTY, NEVADA

C. Norman, Recorder

Deputy

State of Nevada)
) SS.
 County of Eureka)

Prospect, Nev.

Sept. 1st, 1911.

This is to certify by me Mike Vaccaro, that I have owned the Vaccaro spring situated in Secret Canyon for the last 7 yrs. seven years.

On this spring I have built a cabin about six years ago, also made a ditch in which I layed 180 ft. of pipe to carry the water, then after I drilled 64 ft. of a tunnel and crosscutted 20 ft.

Then I worked and built a family garden in which I have raised vegetables for the last four years, and watered my mules for the last seven years.

Then again I have drilled 233 ft. more on the spring, and other improvement

you will find on the Records Book, in which this claim was first located by me on March 1st, 1906. and Recorded on April 5th, 1907.

also surveyed by J. Garfield Smith, Surveyor of Eureka County on the 5th day of Feb. 1910

M. Vaccaro.

Subscribed and sworn to before me this

1st, day of September, A.D. 1911

(SEAL) R.M. McCharles, County Clerk Eureka County

& ex-officio Clerk of the District Court.

COUNTY Eureka No. 1281
 APPLICANT M. Vaccaro
 ADDRESS Prospect, Nev.
 SOURCE Springs
 FOR Irrigation, Domestic, Stock
 ACTION Approved Nov, 15, 1909

FINAL PROOF DUE Sept, 1, 1911

PROTESTED BY
 Proof of commencement of work filed
 Feb, 23, 1910
 Map filed DEC 22 1911

Proof of beneficial use filed DEC 22 1911
 Certificate No. 80 - Book 3 p. 80 issued February 3, 1913 for 0256 ft
 Inspected by H. M. Payne, Oct. 11, 1912.

These springs were visited on the above date in company with the applicant who furnishes the following information: In 1903, Mr. Vaccaro first cleaned out a small seep in order to get water for his mules. In 1908, he run a cut which finally developed into a tunnel, said cut and tunnel tapping the spring from beneath. The cut and tunnel together are 200 feet long and at the end of the tunnel are two drifts, 20 and 60 feet respectively. Pipe is laid in all of the cuts and tunnels, said pipe conveying the water to the road, at which point are four half barrels, from which Mr. Vaccaro's mules can drink. For a short time

the Windfall Mining Company leased this water, but about three years ago, they leased the water from Secret Spring in its place. (See app. 2183). After completing the first tunnel already mentioned, the applicant began the construction of another, below and to one side of the first, endeavoring by so doing to get a large flow of water, which he thought he might sell to the Windfall Mining Company for use in their mill. This latter tunnel has been constructed to a length of 350 feet, but as yet no water has been obtained in sufficient quantities to flow from the tunnel. Mr. Vaccaro, states that he intends to continue with the construction of this tunnel, with the hope of finding a good flow of water yet.

The first tunnel flows less than $\frac{1}{2}$ of an inch of water, and, after flowing through the barrels for his stock, the surplus water is utilized on a small garden of about $\frac{1}{8}$ of an acre in area.

At the time of this inspection, I inquired of the applicant if he had ever filed his proof of beneficial use which was due Sept. 1, 1911. He was uncertain as to this. Since inspecting this however, I find this was filed Dec. 22, 1911, so that the application is now ready for a certificate. A great deal of work has been done here by the applicant, and the water he has thus developed, is open to public stock. No other claim is known to the water from this source.