

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 Milton Thompson c/o Eileen Penrod

Address 255 Skyline Drive      City of Elko      County of Elko

State of Nevada 89801      Telephone No. 775-934-0887      Email Address \_\_\_\_\_

1. Source of water Springs and Seeps  
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 Meadow/hay areas and open ditches  
Dam and ditch, pipeline, flume, natural channel, underground, etc.

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

(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 Prior to 1879  
and completed See historical research (Chain of title-proofs volume 1-taxation rolls)

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  
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  
springs have ceased flowing due to over pumping cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second

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

See Attachment B

(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 1894 was \_\_\_\_\_ Year  
300 cattle 150 horses 2500 sheep \_\_\_\_\_ other (describe in remarks)

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

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

600 cattle 150 horses 2000 sheep \_\_\_\_\_ other (describe in remarks)

11. The water is impounded in \_\_\_\_\_  
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 N/A

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 \_\_\_\_\_

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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 alfalfa, native hay, meadow grasses supplemented with grazing seed, etc.,  
(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 1 cuttings and the maximum number of cuttings in a year is 2 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):

Water flowing from the springs has diminished to non-existent due to the over pumping within the southern portion of Diamond Valley by Junior Appropriators

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

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is n/a 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 1.25+ or - \_\_\_\_\_ cubic feet per second.

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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.)

**SEE ATTACHMENT B**

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

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**ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING**

Multiple springs and seeps are located in the place of use. The description of the three main spring sources as significant diversion points are provided above. Water is commingled and supplemental with with other sources on the place of use, including waters from Rock Canyon.

Spring flow has been declining since the onset of heavy development of groundwater rights in the basin. The entire flow of the appurtenant springs is diverted and used to irrigated lands and water livestock when available.

The diversified pasture areas include Top Fescue, Timothy, and Johnson Grasses.

This vested claim limits that historic use shown on the record of survey to the owned lands by the applicant and adjacent fenced improvements. The full water right has been used since pre 1879 to water livestock and provide hay and forage. Irrigation and livestock uses have continued to the extent water has been available at the source.

See supporting documentations supplied with this filing for additional information and historic uses.

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

Milton Thompson are full and correct to the best of their knowledge and belief.  
(Name)

Agent

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

Name George M. Thiel, P.E., S.W.R.S Signature *George M. Thiel*  
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 3950 Steamboat Drive State of NV ZIP Code 89701

Telephone Number 775-722-5380 Email Address GeorgeT@water4NV.com

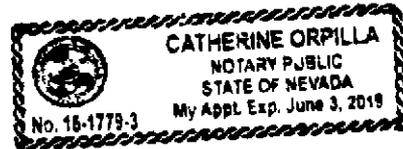
State of Nevada

County of ~~Washoe~~ Carson City

Subscribed and sworn to before me on June 1, 2016  
(Date)

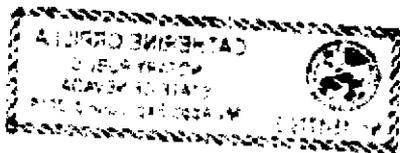
by George M. Thiel

*Catherine Orpilla*  
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.**



**ATTACHMENT A  
Points of Diversion**

**Upper Springs: NE1/4 SE1/4, Section 9, T.24N., R54E., MDB&M, or at a point from which the E1/4 corner of said Section 9 bears N11°18'00"E., a distance of 844.41 feet.**

*308 SW 7/11/16*  
**Middle Springs: SW1/4 SW1/4 Section 10, T.24N., R54E., MDB&M, or at a point from which the E1/4 corner of Section 9, T.24N., R.54E., bears S10°30'00"E., a distance of 2,585.69 feet**

*W SW 7/11/16*  
**Lower Springs: NW1/4 NW1/4 Section 15, T.24N., R54E., MDB&M, or at a point from which the E1/4 corner of Section 9, T.24N., R.54E., bears N10°12'00"W., a distance of 2,951.76 feet**  
**Additional springs and seeps are located in the place of use. The three main spring sources as significant diversion points are provided above.**

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# ATTACHMENT B

(10) The nature of the title to the land for which the water right is claimed is  
 Fee Simple, adjoining public land with range rights

(11) Crops of meadow hay  
 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.

<u>pre 1879</u>	<u>1.39</u>	acres in the	<u>SE1/4 NW1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>4.57</u>	acres in the	<u>NE1/4 SW1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>11.52</u>	acres in the	<u>SW1/4 NE1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>40</u>	acres in the	<u>NW1/4 SE1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>8.81</u>	acres in the	<u>SE1/4 NE1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>37.92</u>	acres in the	<u>NE1/4 SE1/4</u>	of Sec	<u>9</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>5.02</u>	acres in the	<u>NW1/4 SW1/4</u>	of Sec	<u>10</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>24.34</u>	acres in the	<u>SW1/4 SW1/4</u>	of Sec	<u>10</u>	, T	<u>24N</u>	, R	<u>54E</u>	, E.
<u>pre 1879</u>	<u>33.07</u>	acres in the	<u>NW1/4 NW1/4</u>	of Sec	<u>15</u>	, T	<u>24N</u>	, R	<u>54E</u>	, 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.
		acres in the		of Sec		, T		, R		, E.
		acres in the		of Sec		, T		, R		, E.

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

(15) The water claimed \_\_\_\_\_ has \_\_\_\_\_ been used for irrigation each and every year since the right was initiated.