

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Wall Canyon Creek (AKA Wall Creek) and tributaries
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Via the Clark and Patterson Ditches
Name of ditch, flume or pipe line

at the following point(s) Clark Ditch: within the SE 1/4 NW 1/4, Section 16, T.37N
List all points of diversion from this source, appending a sheet if necessary

R.19E., M.D.B &M. or at a point from which the NW corner of said Section
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
16 bears N. 50° 06' W., a distance of 2783 feet; Patterson Ditch

SE 1/4 NE 1/4, Section 18, T.37N., R.19E., M.D.B&M., or at a point from
which the E 1/4 corner of said Section 18 bears S. 25° 46'E., a
distance of 450 feet. Refer to maps filed with the Division of
Water Resources on June 17, 1924 under Proofs 0720, 01850, 01851
& 01852

(1) Name of claimant White Pine Lumber Co., a Nevada Corporation
Address 4005 Quail Rock Lane, Reno., County of Washoe
State of Nevada 89511 Telephone No. (775) 852-1888

(2) The means of diversion employed Diversion Dams, Ditches and Laterals
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was Clark Ditch: 1879; Patterson Ditch 1902

(4) The construction of the ditch or other works was begun Clark Ditch: 1879; Patterson Ditch 1902
and completed

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

(6) The conduit has (has not) 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 (See Attachment B) 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 (is not) an owner in the above-described conduit.

Fee Simple

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



(16) The years during which no water was used for irrigation or during which the full water right was not used were The full extent of this right has been used continuously  
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 except in those years when drought conditions diminished the available supply

(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:  
Stockwater and Domestic  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(19) The character of the soil is loam (Sandy, gravelly, loam) A continuous flow of entire flow cubic feet of water per second has been used to irrigate 2,736.93 acres of land and \* acre-feet per acre per annum have been used to irrigate the crops.

- \*4 acre feet per acre for harvest crop
- 3.5 acre feet per acre for 1st class pasture
- 3.0 acre feet per acre for 2nd and 3rd class pasture

(20) Remarks

(See Attachment B)

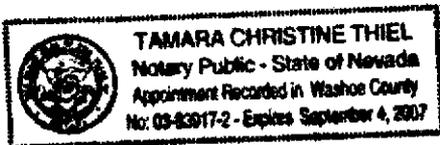
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by White Pine Lumbar Co. a Nevada Corp. are full and correct to the best of his knowledge and belief. Deponent is a principal in TEC. TEC has been hired by claimant to prepare this proof.

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

*Gregory M. Bilyeu*  
Gregory M. Bilyeu

500 Damonte Ranch Pkwy. Ste#1056  
Reno, NV 89521

Telephone No. (775) 352-7800



Subscribed and sworn to before me this 25th day of August, 2005

*Tamara Christine Thiel*

Notary Public in and for the County of Washoe, Nevada

30 JUN 2007 08:15

My commission expires September 4, 2007

99 JUN 2007 08:15

**\$100 FILING FEE MUST ACCOMPANY PROOF**

ATTACHMENT "A"  
LAKE FIELD ACREAGE

Question 13: Tabulation of Acreage Irrigated Prior to March 1, 1905

ACREAGE										Date of 1st Culture
					Proof 0734 Duty Calc*					
¼	¼	Sec.	Twn.	Rng.	Harvest	1st Class	2nd Class	3rd Class	Total	
NW	SW	13	37N	18E		2.85			2.85	LK
SE	SW	13	37N	18E		21.51			21.51	LK
SW	SW	13	37N	18E		38.07			38.07	LK
SW	SE	13	37N	18E		0.74			0.74	LK
NW	SE	14	37N	18E		30.81			30.81	LK
NE	SE	14	37N	18E		17.61			17.61	LK
SE	SE	14	37N	18E		40.00			40.00	LK
SW	SE	14	37N	18E		40.00			40.00	LK
NE	SW	14	37N	18E		21.76	2.48		24.24	LK
SE	SW	14	37N	18E		39.00	1.00		40.00	LK
SW	SW	14	37N	18E		0.50	4.59		5.09	LK
SE	NE	22	37N	18E		1.61	3.10		4.71	LK
NE	SE	22	37N	18E		1.12	2.85		3.97	LK
NW	NE	23	37N	18E		40.00			40.00	LK
NE	NE	23	37N	18E		40.00			40.00	LK
SE	NE	23	37N	18E		40.00			40.00	LK
SW	NE	23	37N	18E		40.00			40.00	LK
NW	NW	23	37N	18E		2.85	5.95		8.80	LK
NE	NW	23	37N	18E		40.00			40.00	LK
SE	NW	23	37N	18E		40.00			40.00	LK
SW	NW	23	37N	18E		24.80	6.57		31.37	LK
NW	SE	23	37N	18E		40.00			40.00	LK
NE	SE	23	37N	18E		40.00			40.00	LK
SE	SE	23	37N	18E		40.00			40.00	LK
SW	SE	23	37N	18E		40.00			40.00	LK
NW	SW	23	37N	18E		22.57	11.47		34.04	LK
NE	SW	23	37N	18E		40.00			40.00	LK
SE	SW	23	37N	18E		40.00			40.00	LK
SW	SW	23	37N	18E		17.36	14.26		31.62	LK
NW	NE	24	37N	18E		15.38			15.38	LK
SE	NE	24	37N	18E		23.37			23.37	LK
SW	NE	24	37N	18E		37.51			37.51	LK
NW	NW	24	37N	18E		40.00			40.00	LK
NE	NW	24	37N	18E		40.00			40.00	LK
SE	NW	24	37N	18E		40.00			40.00	LK
SW	NW	24	37N	18E		40.00			40.00	LK
NW	SW	24	37N	18E		40.00			40.00	LK
NE	SW	24	37N	18E		40.00			40.00	LK
SE	SW	24	37N	18E		40.00			40.00	LK

**ATTACHMENT "A"  
LAKE FIELD ACREAGE**

Question 13: Tabulation of Acreage Irrigated Prior to March 1, 1905

ACREAGE										Date of 1st Culture
					Proof 0734 Duty Calc*					
¼	¼	Sec.	Twn.	Rng.	Harvest	1st Class	2nd Class	3rd Class	Total	
SW	SW	24	37N	18E		40.00			40.00	LK
NW	SE	24	37N	18E		40.00			40.00	LK
NE	SE	24	37N	18E		36.70			36.70	LK
SE	SE	24	37N	18E		40.00			40.00	LK
SW	SE	24	37N	18E		40.00			40.00	LK
NW	NW	25	37N	18E		40.30			40.30	LK
NE	NW	25	37N	18E		40.30			40.30	LK
SE	NW	25	37N	18E		40.30			40.30	LK
SW	NW	25	37N	18E		33.48	6.82		40.30	LK
NW	SE	25	37N	18E		25.48			25.48	LK
SW	SE	25	37N	18E		0.87			0.87	LK
NW	SW	25	37N	18E		12.52	27.72		40.24	LK
NE	SW	25	37N	18E		39.12	1.12		40.24	LK
SE	SW	25	37N	18E		7.94			7.94	LK
NW	NW	26	37N	18E		32.86	7.44		40.30	LK
NE	NW	26	37N	18E		40.30			40.30	LK
SE	NW	26	37N	18E		40.30			40.30	LK
SW	NW	26	37N	18E		34.47	5.83		40.30	LK
NW	NE	26	37N	18E		40.30			40.30	LK
NE	NE	26	37N	18E		40.30			40.30	LK
SE	NE	26	37N	18E		36.83	3.47		40.30	LK
SW	NE	26	37N	18E		40.30			40.30	LK
NW	SE	26	37N	18E		30.38	9.86		40.24	LK
NE	SE	26	37N	18E		6.94	33.30		40.24	LK
NW	SW	26	37N	18E		39.74	0.50		40.24	LK
NE	SW	26	37N	18E		40.24			40.24	LK
NE	NE	27	37N	18E			4.78		4.78	LK
NW	SW	19	37N	19E		1.24			1.24	LK
<b>TOTAL ACRES</b>					0.00	2020.63	153.11	0.00	2173.74	
<b>TOTAL DUTY</b>					0.00	7072.21	459.33	0.00	7531.54	

\* Based on maps filed under Proofs 0720, 1850, et al

Harvest	4.0 AF/Ac
1st Class Pasture	3.5 AF/Ac
2nd Class Pasture	3.0 AF/Ac
3rd Class Pasture	3.0 AF/Ac

ATTACHMENT "A"  
Main Ranch Acreage

Question 13: Tabulation of Acreage Irrigated Prior to March 1, 1905

ACREAGE					Proof 0734 Duty Calc*					Date of 1st Culture
¼	¼	Sec.	Twn.	Rng.	Harvest	1st Class	2nd Class	3rd Class	Total	
NE	SE	12	37N	18E	7.69	4.22		5.70	17.61	1879
SE	SE	12	37N	18E	19.41	8.68			28.09	1879
NE	NE	13	37N	18E	9.30	4.59			13.89	1879
SE	NE	13	37N	18E	1.36				1.36	1879
SE	SE	13	37N	18E	4.22		3.22		7.44	1879
NE	NE	24	37N	18E	2.98				2.98	1879
NW	SW	7	37N	19E	7.01			6.20	13.21	1879
NE	SW	7	37N	19E	0.37	0.87	4.84	1.12	7.20	1879
SE	SW	7	37N	19E	3.60	17.98	0.99		22.57	1879
SW	SW	7	37N	19E	35.96				35.96	1879
NW	NW	17	37N	19E	29.32			4.29	33.61	1864
NE	NW	17	37N	19E	9.92		1.98		11.90	1864
SE	NW	17	37N	19E	23.13	0.37	16.24	0.25	39.99	1864
SW	NW	17	37N	19E	12.22	5.46	5.21		22.89	1864
SW	NE	17	37N	19E			3.97	4.84	8.81	1864
NW	SE	18	37N	19E			1.18		1.18	1879
NE	SE	18	37N	19E			1.20		1.20	1879
SW	SE	18	37N	19E			2.22		2.22	1879
NW	NW	18	37N	19E	35.84				35.84	1864
NE	NW	18	37N	19E	5.70	6.82			12.52	1902
NE	NW	18	37N	19E	5.70				5.70	1864
SE	NW	18	37N	19E	30.26				30.26	1902
SE	NW	18	37N	19E	3.72	2.97			6.69	1879
SW	NW	18	37N	19E	20.65	9.80			30.45	1864
NE	NE	18	37N	19E	9.79		7.13	1.86	18.78	1864
SE	NE	18	37N	19E	6.94		4.59	10.91	22.44	1879
SW	NE	18	37N	19E	17.98		2.36	1.36	21.70	1902
SE	SW	18	37N	19E	1.98		30.01		31.99	1879
SW	SW	18	37N	19E	1.86		25.79		27.65	1879
NW	NW	19	37N	19E	10.11		8.37		18.48	1879
NE	NW	19	37N	19E	7.69	2.60	1.49		11.78	1879
SE	NW	19	37N	19E	8.62				8.62	1879
SW	NW	19	37N	19E	4.65				4.65	1879
NW	NE	19	37N	19E		3.53			3.53	1879
<b>TOTAL ACRES</b>					337.98	67.89	120.79	36.53	563.19	
<b>TOTAL DUTY</b>					1351.92	237.62	362.37	109.59	2061.50	

\* Based on maps filed under Proofs 0720, 1850, et al

Harvest	4.0 AF/Ac
1st Class Pasture	3.5 AF/Ac
2nd Class Pasture	3.0 AF/Ac
3rd Class Pasture	3.0 AF/Ac

**ATTACHMENT "B"**  
**AMENDED PROOF 0734**

**Question 5: Original Ditch Dimensions**

Clark Ditch: six feet wide and 3 feet deep (per original Proof 0734).  
Patterson Ditch eight feet wide and two and one-half feet deep (per original Proof 0734).

**Question 7: Enlargement to Existing Ditches**

Various improvements have been made to the both the Clark and Patterson Ditches since they were first constructed. Historically, Wall Canyon Creek flowed northward into the Surprise Valley area. Over time the channel of the Patterson Ditch leading to Duck Flat (the Lake Field) has become the primary stream channel on the lower end of Wall Canyon Creek.

**Question 20: Remarks**

The original Proof 0734 was filed by W.H. Patterson in 1909 and made a claim for the irrigation of over 2000 acres owned or controlled by Mr. Patterson. A supporting map was not filed at the time the original proof was filed. W.H. Patterson, along with B.F. Murphy, filed Proof 0720, a claim for irrigation of lands from Wall Canyon Creek in 1907. No supporting map was submitted for Proof 0720 at this time either. On October 14, 1924, J.D. Finley filed two amended Proofs 0720 totaling 152.152.59 acres. The supporting map for these amended proofs was not filed until May 10, 1927.

On June 17, 1924, a map was submitted under Proofs, 0720, 01850, 01851 and 01852 by J.D. Finley, successor to W.H. Patterson. This map, consisting of 3 sheets and prepared by C.V. Taylor, detailed the lands irrigated from Wall Canyon Creek, Lost Creek, Tuledad Creek and Rye Patch Creek. Based on a review of this map, it is believed that it should have also referenced Proof 0734.

The lands irrigated from Wall Canyon Creek consist of two major areas: the main ranch fields, located mainly north of State Route 447 and the Lake Field, consisting primarily of lands located on the Duck Flat playa south of State Route 447. The specific acreage irrigated within each subdivision, section, township and range, along with the classification of culture and the priority dates are included in a table on sheet on of the supporting map filed in 1924. This map and the table were used to prepare the acreage claimed under this amended Proof.

The total area claimed as irrigated under this amended proof is 2,736.93 acres. The duty per acre varies according to classification of culture: 4.0 acre-feet per acre for Harvest, 3.5 acre-feet per acre for 1<sup>st</sup> Class Pasture and 3.0 acre-feet per acre for 2<sup>nd</sup> and 3<sup>rd</sup> Class Pasture. The main ranch consists of Harvest and 1<sup>st</sup> Class pasture while the Lake Field consists of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Class Pastures only. The total duty claimed under Amended Proof 0734 is 9,593.04 acre-feet per season. Water continues to be used on the main ranch and Lake Field.