

REGARDING [PERMIT/CERTIFICATE/PROOF] NUMBER 01615

AFFIDAVIT OF WITHDRAWL OF WATER RIGHT IN FAVOR OF  
USE OF WATER FOR DOMESTIC WELLS CREATED  
BY SUBDIVISION OR PARCELING OF LAND

State of Nevada        )  
                                  : ss  
County of Washoe     )

I, Nevada Pershing LLC, a Nevada limited liability company, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

1. I am the owner-of-record of all of Proof No. 01615 as indicated in the records of the Nevada State Engineer.
  
2. I hereby withdraw an amount of water equivalent to:  
Any amount of water claimed under Proof No. 01615. The water right or portion of water right withdrawn was appurtenant to the land more particularly described as follows: See attached Exhibit "A"
  
3. This withdrawal of the water right or portion of the water right is for the purpose of having sufficient water available to supply the domestic wells of homes located at the place described below and reflected on the attached map: Humboldt River Ranches formerly Rye Patch Ranch Estates Phases A, B, C, D, E, F & G totaling 2,144 lots within the following sections:

Sections Numbered 3, 9, 11, 15, 16, 21, 22, 27, 28 & 33, all located within T. 30N., R 33E.,

M.D.B. & M.

4. I understand that this withdrawal of all of Proof No. 01615 must be approved by the Nevada State Engineer in order for this withdrawal to become effective and enforceable.
  
5. I understand once this water right or portion thereof is withdrawn based on the recordation of a final subdivision map recorded in the office of the county recorder of the county wherein the land division is located, as provided in NRS 278.380 (1993), or in the case of a final parcel map as provided in NRS 278.4725 (1993), the process cannot be reversed nor can I claim the water withdrawn as a water right.
  
6. Upon approval of this withdrawal by the State Engineer, I shall record this Affidavit of Withdrawal in the office of the county recorder of the county in which the final subdivision or parcel map is recorded. I shall also record this Affidavit of Withdrawal in the office of the county in which the old place of use was located, if it is not the same county.
  
7. I shall provide the State Engineer with a certified copy of the recorded Affidavit of Withdrawal within thirty (30) days of recording the Affidavit with the county recorder.

DATED: This 22 day of January, 1999

Michael D. Madison  
Affiant's signature

Nevada Pershing LLC

Michael D. Madison - Assistant Manager  
Affiant's printed name

Nevada Pershing LLC  
Mailing Address

c/o Devco Properties, Inc.

10325 Old Victory Highway

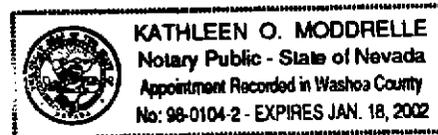
Lovelock, Nevada 89419

(702) 538-7431  
Telephone number

Subscribed and sworn to before me

this 22<sup>nd</sup> day of January, 1999

Kathleen O. Moddrelle  
NOTARY PUBLIC



APPROVED: This 1<sup>st</sup> day of March, 1999

Michael J. Simpson, P.E.  
State Engineer



OFFICIAL RECORDS  
 PERSHING CO. NEVADA  
 RECEIVED AND RECORDED BY  
*Shirley O. S.*  
 59 MAR 12 PM 1:17

ROLL 339 PAGE 163  
 DARLENE HOURS  
 COUNTY RECORDER

DEP 10 FILE NO. 222161

INDEXED

STATE ENGINEERS OFFICE  
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MAR 26 1999

**STATE ENGINEER'S OFFICE**

5/26/19

Filing Serial No. 01615

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Panther Creek Name of natural water source

Through Taylor Flume and Ditch Name of ditch, flume, or pipe line

John G. Taylor the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by him are full and correct to the best of his knowledge and belief.

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

(1) Name of claimant John G. Taylor Address Lovelock County of Pershing State of Nevada

(2) The means of diversion employed Dam, Flume and Ditch Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was No Survey

62 (4) The construction of the ditch or other works was begun 1868 and completed 1868

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom Flume - 10x10 Ditch - 17 ft to 27 ft feet, width on top 2 ft to 2 1/2 feet, depth 1 ft to 2 feet, on a grade of 20 ft to 40 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 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. Sole owner If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is U.S. Government and State Patents and Deed from C.P. Railway Co.

(11) Crops of Alfalfa, Grass, Potatoes, Vegetables and Fruit have been grown upon the land irrigated.

(12) The water has been used for irrigation from March to September inclusive of each year and throughout year for Domestic and Stock purposes.

62 (13) The water was first used for irrigation by claimant or his grantors in the year 1868 when 120.80 acres were irrigated in the parts of of Secs. 21 and 28 T. 30 N., R. 33 E.

(See next page for details)

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	4.50	acres in the	NE <sup>4</sup> of SE <sup>4</sup>	of Sec.	21	T.	30N	R.	33	E.
	14.47	acres in the	NW <sup>4</sup> of SE <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	2.50	acres in the	SW <sup>4</sup> of SE <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	13.43	acres in the	NE <sup>4</sup> of SW <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	30.87	acres in the	SE <sup>4</sup> of SW <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	18.76	acres in the	SW <sup>4</sup> of SW <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	2.32	acres in the	NW <sup>4</sup> of SW <sup>4</sup>	of Sec.	"	T.	"	R.	"	E.
	3.62	acres in the	NE <sup>4</sup> of NW <sup>4</sup>	of Sec.	28	T.	"	R.	"	E.
	36.33	acres in the	NW <sup>4</sup> of NW <sup>4</sup>	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.

Remarks:

Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 126.80 acres.

(16) The water claimed has ~~has not~~ been used for irrigation each and every year since the right was initiated. <sup>Strike out one not wanted</sup> to the extent of the available supply.

(17) The years during which no water was used for irrigation or during which the full water right was not used were All available supply used every year and this

If water was not used, or used in reduced quantity at any time, full information as to causes and duration.

supply short throughout dry years, and always short latter part of season

of non-use should be given, appending a sheet if necessary

(18) 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: \_\_\_\_\_



This part of form to be left blank by claimant

Filing Serial No. *01615*

STATE OF NEVADA

PROOF OF APPROPRIATION OF  
WATER FOR IRRIGATION

Water Source *Panther Creek*

Through *Taylor, Flame & Ditch*

Claimant: *Tahm G Taylor*

Filed in the office of the State Engineer on

MAY 26 1915, 191

*C. B. S. Swenson*

*[Signature]* State Engineer.

Certificate No. .... issued hereunder

....., 191

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Willow Tunnel  
Name of natural water source

Through Tunnel and ditch  
Name of ditch, flume, or pipe line

John E. Nay, the undersigned, being first  
duly sworn, deposes and says that the facts relative to the appropriation of water by him  
are full and correct to the best of his  
knowledge and belief.

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

(1) Name of claimant John E. Nay  
Address Tropicah County of Nye  
State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was about 1890

(4) The construction of the ditch or other works was begun about 1890  
and completed about 1890

(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~~ (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.....  
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.

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

(10) The nature of the title to the land for which the water right is claimed is.....  
Patented Homestead

(11) Crops of Potatoes, assorted vegetables, wheat alfalfa  
have been grown upon the land irrigated.

(12) The water has been used for irrigation from April 1 to October 1  
Day of month Day of month  
of each year.

(13) The water was first used for irrigation by claimant or his grantors in the year 1890  
when 112.278 acres were irrigated in the..... of Sec. approx Sec 4  
T. 7 N. R. 47 E. M. & B. T. M. unsurveyed  
(see # 22)

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	..... 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.....
	..... 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.....

Remarks: .....

Append a sheet if necessary

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

(16) The water claimed has (~~has not~~) been used for irrigation each and every year since the right was initiated.  
Strike out one not wanted

(17) 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

(18) 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 (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stock purposes

(21) The character of the soil is Sandy loam. The soil needs \_\_\_\_\_ acre-feet  
(Sandy, gravelly, loam)  
per annum to properly irrigate the crops. A continuous flow of \_\_\_\_\_ cubic feet of water per second, during the irrigation season of \_\_\_\_\_ months, is needed to irrigate each 100 acres of land.

(22) Remarks: The spring was first used by Mrs. - - Mc Cann  
prior to 1890 at what was then known as the "McCann  
Station". The tunnel was started by Joe McCann  
about 1898. The ranch and water rights were then  
bought by Manuel Marmoles and by him possessory  
rights, water and all improvements sold to Claimant  
John E. May in 1912.

The tract of land is designated as List No 4-1063  
Serial 08687  
H.A. No 33 Tiyahe Forest Reserve

John E. May

Subscribed and sworn to before me this 27th day of April 1919

Chas. J. Richards

Notary Public in and for the County of Nye

My commission expires October 20, 1922

This part of form to be left blank by claimant

Filing Serial No. **01013**

01013

STATE OF NEVADA

PROOF OF APPROPRIATION OF  
WATER FOR IRRIGATION

Water Source *William Tunnel*

Through *Tunnel and ditch*

Claimant *John S. May*

*Tonopah, Nev.*

Filed in the office of the State Engineer on

*May 6*, 191*9*

*J. G. S. Sargent*,  
State Engineer.

Certificate No. .... issued hereunder

....., 191.....