

MAY 12 1972
STATE ENGINEER'S OFFICE

Filing Serial No. 02750

THE STATE OF NEVADA STOCK & RECREATION
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source..... BROWN'S CREEK
Name of natural water source

The water is diverted from its source. Unknown - DITCH Jm
Name of ditch, flume or pipe line

at the following point(s) NW 1/4 SE 1/4 Section 15, T 17N R 19E, M. D. B. & M. or at
List all points of diversion from this source, appending a sheet if necessary

a point from which the East Quarter Corner of said Section 15 bears North 85° 05'
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
.20" East 2134.94 feet.
land, it should be stated

(1) Name of claimant..... Horst C. Link

Address. 1412 Westfield Ave. Reno, County of Washoe

State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was..... May 1, 1972

(4) The construction of the ditch or other works was begun..... Unknown APPROX. 1877 Jm

and completed..... Unknown APPROX. 1877 Jm

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom... 2.8...
feet, width on top... 2.8... feet, depth... 6... feet, on a grade of..... feet per thousand feet.

(6) The conduit has (has not) been enlarged. Unknown
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..... Unknown
and completed..... Unknown

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom... N/A... 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... fee simple
.....
Fee simple, public domain, etc.

(11) Crops of... None
have been grown upon the land irrigated.

(12) The water has been used for irrigation from... N/A... to... N/A...
of each year. Day of month Day of month

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: stock watering and recreation

(19) The character of the soil is N/A N/A acre-feet per acre per annum have been used to irrigate the crops. A continuous flow of N/A cubic feet of water per second has been used to irrigate N/A acres of land.

(20) Remarks: In approximately 1877, W. H. Joy of Washoe City dammed a diversion ditch on Brown's Creek and created Joy's Lake. In 1879, Joy recorded a document in Book B, Surveys (Liens & Miscellaneous), Page 330, of Washoe County Records. Copies of that document and plat are attached.

At that time, Central Pacific Railroad owned the East 1/2 of the Southeast 1/4 of Section 15, T 17N R 19E, M. D. B. & M. Thereafter on August 1, 1899, Central Pacific contracted to sell the property to Frank J. Sauer, applicant's predecessor in interest. The agreement was evidently unrecorded, but by deed, recorded November 2, 1915. A copy is included in the chain of title report attached hereto. The property was deeded to Sauer and, among other things, the conveyance released "the lien of the said mortgage or deed of trust of August 1, 1899." The deed also reserved to grantor the right to water livestock at the lake upon the land. Applicant claims the reversionary interest in such reservation.

Such property was thereafter used by Frank J. Sauer as part of his ranching operation, and also used for summer stock grazing as well as recreation. The affidavit of Leo F. Sauer is attached and incorporated herein.

Applicant does not claim any right to the water from Brown's Creek other than the retention of the Lake and the recreational use thereof, **STOCK WATER**

During the 1950's, Affiant, and to his knowledge, other people, fished in Joy Lake and in the early sixties. Robert Talmadge made improvements upon the property which became known as Sundown Town, and while Sundown Town was operated, the Lake was used for boating, fishing and for its general esthetic qualities.

The approximate area of the Lake is 3 1/2 acres based upon present elevation of head gate.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by claimant and his predecessor / in interest are full and correct to the best of his knowledge

and belief. This deponent is the attorney for claimant and has researched the foregoing matters which are based upon such research, and he believes them to be true. claimant

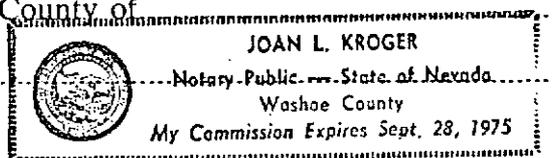
Jack I. McAuliffe
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Subscribed and sworn to before me this 12th day of May, 1972

Joan L. Kroger

Notary Public in and for the County of

My commission expires



\$10 FILING FEE MUST ACCOMPANY PROOF