Filing Serial No. 04707

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Hankins Creek, also known as Egan Creek.

The water is diverted from its source [Name of ditch, flume or pipe line]: A total of seven ditches.

at the following point(s): [List all points of diversion from this source, appending a sheet is necessary. 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]:

HANKINS CREEK DITCH #1: Diversion is at a point within the SW¼ SE¼ of Section 29, T29N R58E, MDB&M from which the Southeast Corner of said Section 29 bears S59°13'00"E a distance of 1,610.00 feet.

HANKINS CREEK DITCH #2: Diversion is at a point within the SE¼ SE¼ of Section 29, T29N R58E MDB&M from which the Southeast Corner of said Section 29 bears S36°38'35"E a distance of 392.00 feet.

HANKINS CREEK DITCH #3: Diversion is at a point within the SW¼ SW¼ of Section 28, T29N R58E, MDB&M from which the Southwest Corner of said Section 28 bears S08°23'00"W a distance of 345.00 feet.

HANKINS CREEK DITCH #4: Diversion is at a point within the SW¼ SW¼ of Section 28, T29N R58E, MDB&M from which the Southwest Corner of said Section 28 bears S42°22'00"W a distance of 420.00 feet.

176 EL HANKINS CREEK DITCH #5: Diversion is at a point within the SW¼ SW¼ of Section 28, T29N R58E, MDB&M from which the Southwest Corner of said Section 28 bears S69°29'00"W a distance of 1,060.00 feet.

HANKINS CREEK DITCH #6: Diversion is at a point within the SE¼ SW¼ of Section 28, T29N R58E, MDB&M from which the Southwest Corner of said Section 28 bears S74°55'00"W a distance of 1,825.00 feet.

HANKINS CREEK DITCH #7: Diversion is at a point within Lot 1 of Section 33, T29N R58E, MDB&M from which the Northwest Corner of said Section 33 bears N84°58'00"W a distance of 4,450.00 feet.

(1) Name of Claimant: Lincoln Land & Livestock Company, a Nevada corporation

Address: c/o John G. Metzker, P. O. Box 40130, Reno

County of Washoe, **State of:** Nevada

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

Dams and Ditches

(3) The date of the survey of ditch, canal, or pipe line was: Unknown

(4) The construction of the ditch or other works was begun: prior to 1869 **and completed:** prior to 1882.

(5) **The dimensions of the ditch or canal as originally constructed were: Width on bottom:** Not known **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:** Not known. **and completed:** Ditches were of sufficient capacity in 1882 to carry water to irrigate lands claimed. See Remarks.

(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]: 100% interest.

(10) **The nature of the title to the land for which the water right is claimed is** [Fee simple, public domain, etc.]: Fee simple.

(11) **Crops of** Native hay, pasture and diversified pasture **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** March 15 **to** September 15 **of each year,** or period for which water is available for irrigation use.

(13) **List the year of priority for acreage irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.**

YEAR 1868 ,	34.99	ACRES IN THE	NE¼ SW¼	OF SEC. 28 ,	T 29N ,	R 58 E.
YEAR 1868 ,	34.18	ACRES IN THE	Lot 4	OF SEC. 28 ,	T 29N ,	R 58 E.
YEAR 1868 ,	50.00	ACRES IN THE	Lot 5	OF SEC. 28 ,	T 29N ,	R 58 E.
YEAR 1868 ,	28.26	ACRES IN THE	SE¼ SW¼	OF SEC. 28 ,	T 29N ,	R 58 E.
YEAR 1868 ,	2.20	ACRES IN THE	SW¼ SW¼	OF SEC. 28 ,	T 29N ,	R 58 E.
YEAR 1868 ,	58.47	ACRES IN THE	Lot 1	OF SEC. 33 ,	T 29N ,	R 58 E.
YEAR 1868 ,	40.36	ACRES IN THE	NE¼ NW¼	OF SEC. 33 ,	T 29N ,	R 58 E.
YEAR 1868 ,	19.76	ACRES IN THE	NW¼ NW¼	OF SEC. 33 ,	T 29N ,	R 58 E.
*YEAR 1868 ,	40.00	ACRES IN THE	SE¼ NW¼	OF SEC. 33 ,	T 29N ,	R 58 E.
YEAR 1868 ,	59.46	ACRES IN THE	Lot 2	OF SEC. 33 ,	T 29N ,	R 58 E.
YEAR 1868 ,	103.19	ACRES IN THE	Riparian Lands of Franklin Lake	OF SEC. ,	T 29N ,	R 58 E.

* Co-Mingled waters with Wright Creek.

(14) **The maximum acreage irrigated in any year** 470.87 **acres.**

(15) **The water claimed has ~~(has not)~~** [strike out one not wanted] **been used for irrigation each and every year since the right was initiated.** To the extent water was available.

(16) **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 is necessary]: Water used to the full extent available each year to irrigate all acreage claimed.

(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:** Domestic and stockwater purposes.

(19) **The character of the soil is** [Sandy, gravelly, loam] gravelly **A continuous flow of** Not Known **cubic feet of water per second has been used to irrigate** 470.87 **acres of land and** Not Known **acre-feet per acre per annum have been used to irrigate the crops.**

(20) **Remarks:** The waters of Hankins Creek are co-mingled with waters from Wright Creek. The acreages claimed herein include some co-mingled water from Wright Creek to irrigate the lands claimed herein.

The basis for this proof is the affidavit of W. J. Gardner dated December 16, 1929 and recorded January 9, 1930 in Book 9 of Miscellaneous Records at Page 64 claiming more than 1,500 acres upon the lands now owned by the undersigned, that said water had been used many years prior to 1882. The priority claimed is based on that affidavit as to irrigation of 1,500 acres from Egan Creek, Long Haired Smith Creek, Smith Creek, Hankins Creek and other small streams, original diversions and cultivation as shown on the plats of T28N R58E and T29N R58E approved by U. S. Surveyor General's office on March 29, 1870 which shows cultivation and ditches as of 1869. Certified copies of said affidavit and plats are attached. The township plats evidence a ditch which is generally located in the SW¼ SW¼ of Section 28, the NE¼ NE¼ of Section 29 and the NW¼ NW¼ of Section 33, T29N R58E, MDB&M, which evidences diversion by 1868 or earlier, and all lands are therefore claimed under the doctrine of relation back.

The claimant is informed and believes that the lands lying East of the Franklin Lake Meander Line as shown on the accompanying map were in dispute as to ownership at the date of the affidavit of W. J. Gardner and the acreages lying East of that line were not included in his statement, as evidenced in the description of the lands subject of the affidavit. This dispute has been resolved and claimant now owns said riparian lands in fee simple title. Therefore, those acreages claimed herein are in excess of the total of 1,500 acres and a priority of 1868 is claimed on the riparian lands through the doctrine of relation back.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Lincoln Land & Livestock Company, a Nevada corporation

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.]

MARILYN SJOGREN
Notary Public - State of Nevada
Appointment Recorded In Washoe County
MY APPOINTMENT EXPIRES APRIL 25, 1991

LINCOLN LAND & LIVESTOCK COMPANY
A Nevada Corporation

By [signature]

Title President

Subscribed and sworn to before me this 17 **day of** October, **19** 88.

Marilyn Sjogren

Notary Public in and for the County of Washoe

My commission expires 4-25-~~88~~ 91 mt

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