

THE STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source [Name of natural water source (use separate proofs for each major source)]: Wright Creek

The water is diverted from its source [Name of ditch, flume or pipe line]: Wright Creek Ditch

\_\_\_\_\_ 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]: Diversion is made at a point in the NE 1/4 NE 1/4 of Section 32, T29N R58E, MDB&M from which the Northeast corner of said Section 32 bears N40°20'00"E a distance of 1,150.00 feet. At such times as Hankins Creek waters are diverted through Hankins Creek Ditch No. 1, with a point of diversion from Hankins Creek lying in the SW 1/4 SE 1/4 of Section 28, T29N R58E, MDB&M, the diversion of Wright Creek Ditch includes Hankins Creek water.

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

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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.]:  
Dam and ditch

(3) The date of the survey of ditch, canal, or pipe line was: Not known

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

(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 herein. See Remarks.

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom: Not known 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%

(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 \_\_\_\_\_

(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, 7.57 ACRES IN THE NE1/4 NE1/4 OF SEC. 32, T 29 N, R 58 E.  
\*YEAR 1868, 9.50 ACRES IN THE SE1/4 NE1/4 OF SEC. 32, T 29 N, R 58 E.  
\*YEAR 1868, 4.21 ACRES IN THE SE1/4 SE1/4 OF SEC. 32, T 29 N, R 58 E.  
YEAR 1868, 34.79 ACRES IN THE SW1/4 NW1/4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 53.73 ACRES IN THE Lot 3 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 40.00 ACRES IN THE NE1/4 SW1/4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 25.37 ACRES IN THE NW1/4 SW1/4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 30.11 ACRES IN THE SW1/4 SW1/4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 40.00 ACRES IN THE SE1/4 SW1/4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 48.94 ACRES IN THE Lot 4 OF SEC. 33, T 29 N, R 58 E.  
YEAR 1868, 17.00 ACRES IN THE Lot 1 OF SEC. 4, T 28 N, R 58 E.  
YEAR 1868, 40.00 ACRES IN THE Lot 2 OF SEC. 4, T 28 N, R 58 E.  
YEAR 1868, 39.88 ACRES IN THE Lot 3 OF SEC. 4, T 28 N, R 58 E.  
YEAR 1868, 17.05 ACRES IN THE Lot 4 OF SEC. 4, T 28 N, R 58 E.  
YEAR 1868, 40.00 ACRES IN THE SW1/4 NE1/4 OF SEC. 4, T 28 N, R 58 E.  
YEAR 1868, 16.51 ACRES IN THE Lot 5 OF SEC. 4, T 28 N, R 58 E.  
\*YEAR 1868, 14.63 ACRES IN THE Lot 1 OF SEC. 5, T 28 N, R 58 E.  
\*YEAR 1868, 5.23 ACRES IN THE SE1/4 NE1/4 OF SEC. 5, T 28 N, R 58 E.  
YEAR 1868, 71.31 ACRES IN THE Riparian Lands of Franklin Lake OF SEC. \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_ E.

\*These lands also included in Certificate No. 458.

(14) The maximum acreage irrigated in any year 555.83 \_\_\_\_\_ 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. \_\_\_\_\_

(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 \_\_\_\_\_

(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 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 555.83 acres of land and Not known acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The waters of Wright Creek are co-mingled with Hankins Creek and North Smith Creek to adequately 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 and that said water had been used many years prior to 1882. The priority claimed is based upon that affidavit as to 1,500 acres from Egan Creek (Hankins Creek) Long Haired Smith Creek, Smith Creek and other small streams, original diversions and cultivation as shown on the plats of T28N R58E and T29N R58E, MDB&M, 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 attached.

The township plats evidence ditches in the NE1/4, SW1/4 NW1/4 and NW1/4 SW1/4 of Section 33, T29N R58E, MDB&M, which evidence 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.

A portion of the lands included in Certificate No. 458 issued May 5, 1919 by the Nevada State Engineer is included in the lands described in this proof.

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

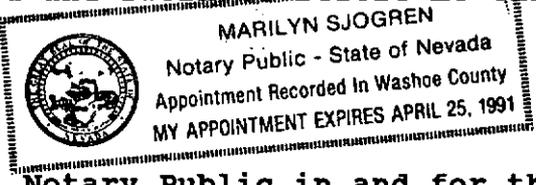
are full and correct to the best of his knowledge and belief. [If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.]

LINCOLN LAND & LIVESTOCK COMPANY  
A Nevada Corporation

By John W. H. [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 4-25-91

\$50 FILING FEE MUST ACCOMPANY PROOF

STATE ENGINEERS OF MI  
RECEIVED

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