

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is diverted from its source [Name of ditch, flume or pipe line]: North Smith 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T28N R58E, MDB&M from which the Southwest corner of said Section 4 bears S06°15'00"W a distance of 3,410.00 feet. At such time as Hankins Creek and Wright Creek waters are diverted through Hankins Creek No. 1 to Wright Creek and those combined waters diverted through Wright Creek Ditch No. 1, the diversion of North Smith Creek includes Hankins Creek and Wright Creek waters.

(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.]:

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: Not known.

(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. Ditches were of sufficient
 capacity in 1882 to carry water to irrigate lands claimed herein. See
 Remarks.

(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 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, 21.50 ACRES IN THE SE¼ NW¼ OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 18.95 ACRES IN THE Lot 6 OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 40.00 ACRES IN THE NW¼ SE¼ OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 19.20 ACRES IN THE NE¼ SW¼ OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 1.70 ACRES IN THE SE¼ SW¼ OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 38.40 ACRES IN THE SW¼ SE¼ OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 20.16 ACRES IN THE Lot 7 OF SEC. 4, T 28N, R 58 E.

YEAR 1868, 39.56 ACRES IN THE Lot 1 OF SEC. 9, T 28N, R 58 E.

YEAR 1868, 32.00 ACRES IN THE NW¼ NE¼ OF SEC. 9, T 28N, R 58 E.

YEAR 1868, 9.60 ACRES IN THE SW¼ NE¼ OF SEC. 9, T 28N, R 58 E.

YEAR 1868, 39.00 ACRES IN THE SE¼ NE¼ OF SEC. 9, T 28N, R 58 E.

YEAR 1868, 14.10 ACRES IN THE Lot 1 OF SEC. 10, T 28N, R 58 E.

YEAR 1868, 49.81 ACRES IN THE Lot 2 OF SEC. 10, T 28N, R 58 E.

YEAR 1868, 70.74 ACRES IN THE Riparian lands of Franklin Lake OF SEC. , T , R E.

- (14) The maximum acreage irrigated in any year 414.72 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 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 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: 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 414.74 acres of land and Not known acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The waters of North Smith Creek are co-mingled with the waters of Hankins Creek and Wright 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 of irrigation from the waters of Hankins Creek, Long Haired Smith Creek, Smith Creek, Egan Creek, and other small streams upon the lands now owned by the undersigned, and that said waters had been used many years prior to 1882. In addition, the cadastral survey plats of T28N R58E, approved by the U. S. Surveyor General's office of March 29, 1870 evidences cultivation and diversion of North Smith Creek waters as of 1869, and all lands described herein are claimed on the basis of the doctrine of relation back. Certified copies of said affidavit and plats are attached.

Of the 414.74 acres in this proof, 283.46 acres are included in Certificate No. 1449 issued by the Nevada State Engineer on September 29, 1928. The affidavit of W. J. Gardner described above states there is a total of 1,500 acres irrigated upon lands owned by the affiant, said lands having been irrigated since at least 1882 and being the same lands owned by applicant. Without the lands described in Certificate 1449, there would be considerably less acreage than the 1,500 acres claimed. In addition, the cadastral survey plat evidences "Meadow Land" as of 1869 upon the lands described herein. Therefore, it is assumed that Application No. 6766 was made to substantiate then existing irrigation practices, and the ensuing Certificate No. 1449 was subject to all vested water rights at the date of the certificate.

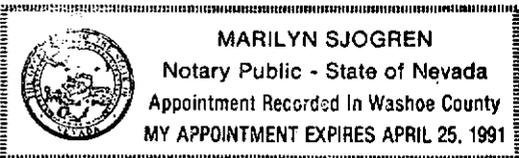
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Lincoln Land & Livestock Company, a Nevada corporation are full and correct to the best of his knowledge and belief. [If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.]

LINCOLN LAND & LIVESTOCK COMPANY
A Nevada Corporation

By [Signature]
Title President

Subscribed and sworn to before me this 10 day of November,

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

RECEIVED
STATE ENGINEERS OFFICE

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