AMENDED

Filing Serial No. 05049

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is diverted from its source via diversion box and unnamed ditch
Name of ditch, flume or pipe line

at the following point(s): primary diversion from Mott Creek in the NE¼SE¼,
List all points of diversion from this source, appending a sheet if necessary

Section 4, T. 12 N., R. 19 E., M.D.M. at a point from which the
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

northeast corner of said Section 4 bears N 04° 30' E a distance of 3,400 ± feet. Second diversion from an unnamed stream in the NW¼SW¼, Section 3, T. 12 N., R. 19 E., M.D.M. at a point from which the northwest corner of said Section 3 bears N 11° W a distance of 3,450 ± feet.

(1) Name of claimant Bernard D. Benz and Margaret W. Benz, husband and wife

Address 1285 Old Foothill Rd., Gardnerville, County of Douglas

State of Nevada, 89401 Telephone No. (702) 782-5078

(2) The means of diversion employed Diversion box with flow divider, unnamed ditch, secondary diversion ditch.
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was 1852-1853

(4) The construction of the ditch or other works was begun 1852

and completed 1852-1853 (See Statement of Claims filed by Mott heirs in 1889 on file in Office of StateEngineer.)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1.5 feet, width on top 2 feet, depth 1.5 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 See also (#20 below) and

completed .....

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom 1.5 feet, width on top 2 feet, depth 2 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

(11) Crops of native hay, alfalfa 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 1 (Day of month) to October 30 (Day of month) of each year.

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

1852 (Year), 10.56 acres in the NE¼SW¼ of Sec. 3, T. 12 N, R. 19 E.

1852, 5.24 acres in the NW¼SE¼ of Sec. 3, T. 12 N, R19 E.

, acres in the of Sec., T., R. E.

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, 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.

(14) The maximum acreage irrigated in any year was 15.80 acres.

(15) The water claimed has (has not) been used for irrigation each and every year since the right was initiated.

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(16) The years during which no water was used for irrigation or during which the full water right was not used were not applicable.

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

(17) The claimant's water right was (was not) recorded in the office of the County Recorder of Douglas County, said record being at page 88 of Book B of Ditch & Water Rights & Page 566 of Book G, and being a claim for ~~15.8/108 or approximately~~ 15% of ¼ of flow of Mott Creek water for the irrigation of approximately 15.8 acres of land in the following legal subdivisions:

Parcel No. 1 as set forth on that certain amended parcel map for Robert Easterwood, et ux. filed for record in Office of Recorder of Douglas County, Nevada, on October 10, 1988, in Book 1088, Page 903, Document No. 188115 of Official Records or Douglas County Assessor's Parcel No. 19-060-30. See Exhibit "A" attached hereto and incorporated herein by reference. Attached to original filing.

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:

Stock watering and domestic use January 1 through December 31.

(19) The character of the soil is sandy loam (Sandy, gravelly, loam). A continuous flow of 15% of ¼ ~~xxxx cubic~~ of creek flow ~~feet of water per second~~ has been used to irrigate 15.80 acres of land and up to 4 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Flow measurements in 1987 suggests ½ of flow of Mott Creek is approximately 1.2 cfs. under runoff conditins then prevailing. The flow diminishes, but apparently never ceases in late summer. Approximately 60 acre feet per year have utilized to irrigate the 15.80 acre parcel listed in #13 and #14 above.

From the attached Statement of Claim filed by the Mott heirs in 1889, the original diversion apparently consisted of a headboard, division box and ditch running in approximately the present location. The ditch has been periodically cleaned and maintained (and probably somewhat enlarged by these operations) since 1852-1853. Culverts were installed when the present Foothill Road was built to replace the "Carson Valley Wagon Road" (Old Foothill Road).

In 1973 the Soil Conservation Service replaced a then-existing division box with a fabricated steel structure designed to split the creek into the four quarters owned by various individuals in the area, of which the present claimants own the portion originally appropriated by Hiram Mott & his heirs.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Bernard D. & Margaret W. Benz are full and correct to the best of his knowledge and belief.

Deponent, a State Water Right Surveyor, is Claimants Agent.

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

Milton L. Sharp

Send copies of notices to:
Milton L. Sharp, P.E.
1005 Terminal Way, #257
Reno, NV. 89502

Telephone No. (702) 323-7006

State of Nevada
County of Washoe

Subscribed and sworn to before me this 30th day of September, 1996.

Patricia Fuqua

PATRICIA FUQUA
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JUNE 28, 1999

Notary Public in and for the County of Washoe

My commission expires June 28, 1999

STATE ENGINEERS OFFICE
96 SEP 30 PM 4:40
RECEIVED

$100 FILING FEE MUST ACCOMPANY PROOF

ORIGINAL

05049

Filing Serial No.

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Mott Creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via division box and unnamed ditch
Name of ditch, flume or pipe line

at the following point(s) Primary Diversion box in the NE¼, SE¼, Sect. 4, T21N, R19E, 12 8-16-94
List all points of diversion from this source, appending a sheet if necessary

approximately 3400 feet S 4½ W from common corner of Sects. 3&4, T12N., R19E and
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

33 & 34, T13N, R19E.
land, it should be stated

(1) Name of claimant John D. Turner and Bessie N. Turner

Address P.O. Box 2259, Ste. 237, Minden County of Douglas

State of Nevada, 89423 Telephone No. (702) 782-2205

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

(3) The date of the survey of ditch, canal, or pipe line was 1852-1853

(4) The construction of the ditch or other works was begun 1852

and completed 1852-1853 (See Statement of Claims filed by Mott heirs in 1889 on file in Office of State Engineer).

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 1.5 feet, width on top 2 feet, depth 1.5 feet, on a grade of ..... feet per thousand feet.

(6) The conduit has (XXXXXX) 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 See also (#20) below

and completed .....

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom 1.5 feet, width on top 2 feet, depth 2 feet, on a grade of ..... feet per thousand feet.

(9) The claimant is XX (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 native hay, alfalfa 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 1 (Day of month) to October 30 (Day of month) of each year.

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

1852 (Year), appx. 15.8 acres in the N½ of Sec. 3, T. 12N., R. 19 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.

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..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the MAP SHOWS ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the 5.24 AC IN NWSE ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the 10.56 AC IN NESW ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the 15.80 Total ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

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..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

..., ... acres in the ... of Sec. ..., T. ..., R. ... E.

(14) The maximum acreage irrigated in any year was approximately 15.8 acres.

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

(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 if necessary

(17) The claimant's water right was (~~was not~~) recorded in the office of the County Recorder of Douglas County, said record being at page 88 of Book B of Ditch and Water Rights and Page 566 of Book G, and being a claim for 15.8/108 or approximately 15% of ¼ of flow of Mott Creek of water for the irrigation of approximately 15.8 acres acres of land in the following legal subdivisions: Parcel No. 1 as set forth on that certain amended parcel map for Robert Easterwood, et ux. filed for record in Office of Recorder of Douglas County, Nevada, on October 10, 1988, in book 1088, Page 903, Document No. 188115 of Official Records or Douglas County Assessor's Parcel Number 19-060-30. See Exhibit "A" attached hereto and incorporated herein by reference.

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: Stock watering and domestic use January 1 through December 31

(19) The character of the soil is sandy loam (Sandy, gravelly, loam). A continuous flow of apprx. 15% of ½ of creek flow ~~XXXXX~~ ~~feet of water per second~~ has been used to irrigate 15.08 acres of land and up to 4 acre-feet per acre per annum have been used to irrigate the crops. 0.18 CFS

(20) Remarks: Flow measurements in 1987 suggests ½ of flow of Mott Creek is approximately 1.2 cfs under runoff conditions then prevailing. The flow diminishes, but apparently never ceases in late summer. Approximately 60 acre feet per year have utilized to irrigate the 15.8 acre parcel listed in #13 and 14 above.

From the attached Statement of Claim filed by the Mott heirs in 1889, the original diversion apparently consisted of a headboard, division box and ditch running in approximately the present location. The ditch has been periodically cleaned and maintained (and probably somewhat enlarged by these operations) since 1852-1853. Culverts were installed when the present Foothill Road was built to replace the "Carson Valley Wagon Road" (Old Foothill Road).

In 1973, the Soil Conservation Service replaced a then-existing division box with a fabricated steel structure designed to split the creek into the four quarters owned by various individuals in the area, of which the present claimants own the portion originally appropriated by Hiram Mott and his heirs.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by John D. Turner & Bessie N. Turner 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

John D. Turner

Bessie N. Turner

Telephone No. (702) 782-2205

Subscribed and sworn to before me this ..... day of ....., 19.....

Notary Public in and for the County of .....

My commission expires .....

$100

~~$20~~ FILING FEE MUST ACCOMPANY PROOF

(Rev. 10-83)

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