Filing Serial No. 06327

State of Nevada

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Miller Creek and Unnamed Creek

The water is diverted from its source by diversion box and ditches

at the following point(s) (Miller Creek) within the NE 1/4 NW 1/4, Section 26, T.12N., R.19E., M.D.B.&M., or at a point from which the NW corner of said Section 26 bears N 82° 27' 34" West, a distance of 1,982.63 feet. (Unnamed Creek) within the NE 1/4 NW 1/4, Section 26, T.12N., R.19E., M.D.B.&M., or at a point from which the NW corner of said Section 26 bears N 65° 20' 28" West, a distance of 2,614.06 feet. Additionally, water is used from the "spring area" shown on the supporting map, located in the Northeasterly portion of the NE 1/4 NW 1/4 said Section 26, which flows into the Miller Creek Ditches. AND return flow from the Spring area shown on the supporting map located in the SE 1/4 NW 1/4 said Section 26.

(1) Name of claimant Thomas S. Kelly

Address 558 Green Acres Drive, Gardnerville, County of Douglas

State of Nevada 89410 Telephone No. (702) 265-4037

(2) The means of diversion employed ditch and dam

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

(4) The construction of the ditch or other works was begun 1853 (all sources)

and completed 1853.

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ 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 _____ and completed _____.

(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.

Percentage based on final decreed right.

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(10) The nature of the title to the land for which the water right is claimed is fee simple.

(11) Crops of native hay 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 January 1 to December 31 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.

1853, 4.90 acres in Lot 16 on supporting map located in portions of NE 1/4 NE 1/4 of Sec. 26, T. 12N., R. 19E.
and SE 1/4 SE 1/4 of Sec. 23, T. 12N., R. 19E.

(14) The maximum acreage irrigated in any year was 4.90 acres.

(15) The water claimed has (~~has not~~) 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 none

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 _____ 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 and Domestic

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(19) The character of the soil is sandy loam. A rotation flow of 0.40 Unnamed Creek/2.0 Miller Creek cubic feet of water per second has been used to irrigate 4.90 acres of land and 4 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Please use map filed under Permit 24525 to support this claim. Stream flow values are from F.N. Dondero's "Special Report - Carson River & Its Forks Distribution" - 1929. Miller Creek Agreement - Entitled to entire flow 3 days out of every 8 days - See Deed from Bokelman to Scossa - 6/01/16. Unnamed Creek Agreement - Entitled to use 1/3 of entire flow. See Permit Nos. 24526 and map to support 24919 filed under 24918. See attachment.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Thomas S. Kelly 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.

Thomas S. Kelly

Telephone No. (702) 265-4037

Subscribed and sworn to before me this 16th day of March, 1994.

Karen Leet

KAREN LEET
Notary Public — Nevada
Douglas County
My Appointment Expires Aug. 27, 1994

Notary Public in and for the County of Douglas

My commission expires Aug 27, 1994

$100 FILING FEE MUST ACCOMPANY PROOF

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Attachment

One source of Unnamed Creek, as shown on the supporting map, is the spring located in California. At times, all the water from the spring is diverted, as shown on the map filed under 24918, into the 6" pipeline, and split when appropriate, 2/3 - 1/3 at the tee and valve located in the NE 1/4 NW 1/4 of Section 26, T.12N., R.19E., M.D.B.&M.