AMENDED

Filing Serial No. 06342

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Unnamed Spring (Designated Jackson Spring "A")
Name of natural water source (use separate proofs for each major source)

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

at the following point(s) within the SW¼NW¼ of Section 26, T. 12 N., R. 19 E.
List all points of diversion from this source, appending a sheet if necessary

M.D.M. at a point from which the Northwest corner of said Section 26
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

bears N 25°57' 43" W. a distance of 1548.41 feet.

(1) Name of claimant Jerald R. Jackson, Trustee, Jerald R. Jackson 1975 Trust.

Address 550 Foothill Rd. Gardnerville County of Douglas

State of Nevada 89410 Telephone No. (702) 265-3000

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

(3) The date of the survey of ditch, canal, or pipe line was July 2, 1993

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

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" dia. pipeline for irrigation 2" dia. pipeline for domestic.

(6) The conduit ~~has~~ (has not) been ~~enlarged~~. modified.
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.

100 percent

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

(11) Crops of pasture, hay grain
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 April 1 (Day of month) to Nov. 1 (Day of month)
of each year. for irrigation: Jan 1 to Dec 31, domestic & stock watering.

(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 (Year), 1.25 acres in the NE¼NW¼ of Sec. 26, T. 12N, R. 19 E.

1853, 20.27 acres in the SE¼NW¼ of Sec. 26, T. 12N, R. 19 E.

1853, 1.04 acres in the SW¼NE¼ of Sec. 26, T. 12N, R. 19 E.

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(14) The maximum acreage irrigated in any year was 22.56 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 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 ..... 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 stock watering.

(19) The character of the soil is gravelly, sandy loam (Sandy, gravelly, loam). A continuous flow of ..... cubic feet of water per second has been used to irrigate 22.56 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

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95 OCT 13 AM 8:22
STATE ENGINEERS OFFICE

(20) Remarks See attachment for description of water claimed and verification of date of priority of use.

Jerald R. Jackson, Trustee, claims 90.24 acre feet annually of water from three springs designated Springs "A", "B" and "D" for irrigation of 22.56 acres.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Jerald R. Jackson, Trustee, are full and correct to the best of his knowledge and belief.

Deponent, a State Water Right Surveyor, is Claimant's Agent.

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

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

Telephone No. (702) 323-7006

Subscribed and sworn to before me this 6th day of October, 1995

George N. Benesch, Attorney
Box 3197
Reno, NV. 89505

Dede Gold

Notary Public in and for the County of Washoe

My commission expires 8/27/97

DEDE GOLD
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES AUG 27, 1997

$100 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT, PROOFS OF APPROPRIATION
OF WATER FOR IRRIGATION BY
JERALD R. JACKSON FROM
UNNAMED SPRINGS

Note: References to sectional subdivisions are for land located within Section 26, T. 12 N., R. 19 E., M.D.M. In the following paragraphs Township and Range designations are omitted.

1. Description of Water Sources. Lands owned by Claimant, Jerald Jackson, are irrigated from four, unnamed springs described as follows:

Spring "A" is a natural spring located in the SW¼NW¼ of Section 26. Water is diverted from the unnamed spring by means of a diversion box and two pipelines, 6 inches and 2 inches in diameter. The pipelines carry water across the SW¼NW¼ and SE¼NW¼ to claimant's land. Spring "A" is located near the headwaters of an unnamed creek which flows easterly through the NW¼NW¼ and NE¼NW¼. Water flowing in the unnamed creek originates from a group of springs and ground seeps to the east of Spring "A". The waters which flow into the unnamed creek are a separate source from Spring "A" and Claimant makes no claim to waters flowing in the unnamed creek.

Spring "B" is a natural spring and seep area located within the SE¼NW¼ of Section 26 entirely on Claimant's land.

Spring "C" is a natural spring and seep area located within the SE¼NW¼ of Section 26 entirely on Claimant's land.

Spring "D" is a natural spring and seep area located within the SE¼NW¼ of Section 26 and entirely on Claimant's land.

2. Descriptions of Water Diversion and Water Use.

All water originating from Spring "A" is diverted by Claimant through two pipelines. A six inch diameter pipeline delivers water used for irrigation to a control structure located in the NE¼NW¼ at the confluence of several irrigation ditches used by Claimant to irrigate his lands. A two inch diameter pipeline extends beyond the control box to deliver water used for domestic purposes and irrigation at the old Berrum ranch house located in the NE¼NW¼.

Waters originating from Spring area "B" are collected and distributed for irrigation through a system of contour ditches and a series of irrigation ditches.

Waters originating from Spring area "C" are spread naturally over an area of 1.88 acres of Claimant's land. Waters not used by Claimant are diverted by a contour ditch to lands owned by others to the east of Claimant's lands.

Waters originating from Spring area "D" are spread naturally over portions of Claimant's lands and are commingled with water originating from spring areas "A" and "B". Commingled water is used for controlled, flood irrigation of Claimant's land and for maintenance of an artificial pond. Waters surplus to Claimant's needs are discharged to lands owned by others located east of Foothill Road.

3. Claim of Vested Rights. Claimant Jackson claims vested rights from Springs "A", "B" and "D", combined, for irrigation of 22.56 acres, not to exceed a combined total diversion of 90.24 acre feet annually from all three sources. Claimant's use of water originating from the three sources will be in the same proportion as Claimant's land area bears to total area of land for which vested rights are proven, but not less than 4.0 acre feet per acre annually for irrigation.

Claimant Jackson claims vested rights from Spring "C" for irrigation of 1.88 acres not to exceed 7.52 acre feet annually.

Total land area with vested rights to the four springs should be related to the resource capabilities and not unreasonably extended to lands remote from the sources. Claimant's land is located adjacent to the sources, and historically, full duty of 4.0 acre feet per acre has been applied to Claimant's land. Application to lands more remote has been at a lower rate and has been combined with water from other sources.

Based on the historical records, observations of water use practice and observations of resource capabilities, Claimant Jackson asserts claim of vested rights as a percent of total flow during the irrigation season from each of the three sources as follows:

Spring "A" - 100.0 percent of total flow,
Spring "B" - 100.0 percent of total flow,
Spring "C" - 20.0 percent of total flow,
Spring "D" - 50.0 percent of total flow.

4. Historical Water Use. The land owned by Jerald R. Jackson, Trustee, was originally part of a ranch referred to as the Heritage Ranch or the old Berrum Ranch. The Heritage Ranch land has been under cultivation since the early days of white settlement in the Carson Valley, extending back to the 1850's. The old original ranch house is located on the Jackson property adjacent to Foothill Road in the NE¼NW¼ of Section 26. The Jackson property is the most westerly part of the old Heritage Ranch or Berrum Ranch and is in close proximity to Spring "A" and contains Springs "B", "C" and "D".

Springs "B", "C" and "D" provide natural irrigation of Claimant's land, and early irrigation practices involved collection and control of flow in irrigation ditches for more efficient application of water to the land. Waters surplus to the full

irrigation demand for lands immediately adjacent to the source could have been allowed to flow overland to irrigate lands further east or could have been diverted in ditches to lands more remote, but the quantities of water available from these sources could not have provided for intensive irrigation of lands at more remote locations.

Water from Spring "A" provided a convenient source up slope from the land now owned by Claimant and the ranch house for additional irrigation water and for domestic water. All of the water originating from Spring "A" was diverted. Irrigation water from Spring "A" was added to waters originating from Springs "B", "C" and "D" and was applied to the lands in closest proximity to the source. Waters surplus to the irrigation demands for lands immediately adjacent to the source could have been allowed to flow overland to irrigate lands further east or could have been diverted by ditches to lands more remote, but the quantities of water available from Spring "A", even in combination with waters from the other springs, could not have provided for intensive irrigation of lands at more remote locations.

Based on the historical record and the geographical relationship of the water sources to the land, Claimant, Jerald R. Jackson, Trustee, asserts claim of vested right to quantities of water from the four unnamed spring sources sufficient to provide for full 4.0 acre feet per acre for irrigation of his lands.

5. Date of Priority of Use. Historical documents and publications indicate that agricultural activity, including irrigation, began in the Carson Valley during the 1850's and 1860's. Mormon settlers began cultivation and irrigation of land along the foothills of the Carson Range as early as 1851. One historian, Grace Dangberg, states that the land in the vicinity of the town of Sheridan, a few miles north of the Jackson property, was cultivated in the early 1850's. (Dangberg, Grace, "Carson Valley, Historical Sketches of Nevada's First Settlement", obtained from the Nevada State Library, Carson City, Nevada.) Fred Settlemeyer, a pioneer rancher, states in his "recollections" that 3,000 to 4,000 acres were irrigated in the Carson Valley in the early 1850's. (Settlemeyer, Fred, "Recollections of Ranching in Carson Valley", chapter titled "Irrigation in the Carson Valley". Records maintained in the Douglas County Library (N979.359).) The land which later become know as the Berrum Ranch and later the Heritage Ranch was part of the early agricultural development.

An additional historical publication identifies the Berrum House as "one of the earliest houses in the valley". (Baker, Martha M., "Douglas County's Architectural Heritage, A Brief Tour", printed by Carson Valley Publishing Co., 1981.) The diversion of water from Spring "A" is used for domestic purposes in the house and for irrigation of land in the vicinity of the house. There has never been a domestic well or any other surface water diversion to the house, and two pioneer residents of the Carson Valley have provided testimony indicating that the diversion of water from Spring "A"

has been continuous since early times. Fred Dressler, a pioneer Carson Valley rancher, in an interview in August 1992, stated that he had knowledge that the water from the unnamed spring was used for the Berrum Ranch prior to 1890. Mr. Dressler was 94 years old at the time of the interview, and based his statement on personal acquaintance with earlier owners of the property, the Delucci family. Mr. Dressler's recollections were corroborated by Dorothy Berrum in an interview on August 13, 1992. Dorothy Berrum, born in 1900, had lived in the old ranch house and had personal knowledge of the diversion from the unnamed spring to irrigate the land now owned by Claimant and for domestic use at the old ranch house. Dorothy Berrum states that the house had been used prior to 1890.

Precise dates when water from the unnamed springs was first diverted for use on the Heritage Ranch is difficult to determine, but one previous adjudication of vested rights provides some indication of the date when irrigation first began. The Barber Creek Decree (Decree, District Court of the First Judicial District of the State of Nevada, in and for the County of Douglas; In the matter of the determination of the relative rights to the waters of Barber Creek and its Tributaries in Douglas County, Nevada; Eugene Scossa, Contestant vs. Clarissa Church and Barber Estate, contestants; referred to as the Barber Creek Decree, May 27, 1921.) establishes vested rights to water diverted from Barber Creek with a date of priority of appropriation of 1852. Barber Creek, now identified as Job's Canyon Creek, is about one mile north of the unnamed springs, which are the subject of Claimant's Proofs of Appropriation. Use of water from Unnamed Springs "A", "B", "C" and "D" would have begun at about the same time as use of water from Barber Creek. Accordingly, Claimant asserts claim of vested right with a Date of Priority of Use of 1853 from all four sources.

ORIGINAL

Filing Serial No. 06342

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Unnamed Spring (Designated Jackson Spring "A")
Name of natural water source (use separate proofs for each major source)

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

at the following point(s) within the NW¼NW¼ of Section 26, T. 12 N., R. 19 E.,
List all points of diversion from this source, appending a sheet if necessary

M.D.M. at a point from which the Northwest corner of said Section 26
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bears N 25°57' 43" W. a distance of 1548.41 feet.

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Address 550 Foothill Rd. Gardnerville, County of Douglas

State of Nevada 89410 Telephone No. (702) 265-3000

(2) The means of diversion employed diversion box and pipelines.
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6" dia. pipeline for irrigation 2" dia. pipeline for domestic.

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(20) Remarks See attachment for description of water claimed and verification of date of priority of use.

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'94 MAR 18 P1:36

STATE ENGINEER

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Jerald R. Jackson, Trustee, are full and correct to the best of his knowledge and belief.

Deponent, a State Water Right Surveyor, is Claimant's Agent.

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

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

Milton L. Sharp

Telephone No. (702) 323-7006

Subscribed and sworn to before me this 18th day of March, 1994.

George N. Benesch, Attorney
Box 3197
Reno, NV. 89505

Notary Public in and for the County of Washoe

My commission expires 1-10-95

Michael Radmilovich
NOTARY PUBLIC
STATE OF NEVADA
WASHOE COUNTY
My Appointment Expires Jan. 10, 1995

$100 FILING FEE MUST ACCOMPANY PROOF

06342

ATTACHMENT, PROOFS OF APPROPRIATION
OF WATER FOR IRRIGATION BY
JERALD R. JACKSON FROM
UNNAMED SPRINGS

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Claimant Jackson claims vested rights from Spring "C" for irrigation of 1.88 acres not to exceed 7.52 acre feet annually.

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