

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source..... CARY CREEK
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source by an orifice and also by a divide box into a pipe
Name of ditch, flume or pipe line

at the following point(s) (orifice) NE 1/4 SE 1/4 of Sec. 9, T. 12 N., R. 19 E., M.D.B.&M. or at
List all points of diversion from this source, appending a sheet if necessary

a point from which the E 1/2 corner of said section 9 bears N. 87°06' E. 602 feet;
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

(Divide Box) NE 1/4 SE 1/4 of Sec. 9, T. 12 N., R. 19 E., M.D.B.&M. or at a point from
which the E 1/2 corner of said section 9 bears N 86°57'19" E. 565 feet.

(1) Name of claimant... THE SCHWAKE FAMILY TRUST

Address P.O. Box 278, Minden....., County of Douglas

State of Nevada..... Telephone No. (.702...) 782-7978

(2) The means of diversion employed... Orifice/Divide Box to Pipeline
Dam and ditch, pipe line, flume, etc.

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

(4) The construction of the ditch or other works was begun... 1852
and completed... not long after 1852

(5) The dimensions of the ditch or canal as originally constructed were... See Remarks
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... N/A
and
completed.....

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom... N/A
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.

Fee simple

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, pasture, orchard
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 to November 15
of each year. Day of month Day of month

(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	2.54	acres in the	NW $\frac{1}{4}$ SW $\frac{1}{4}$	of Sec. 2	T. 12N	R. 19	E.
Year							
1852	31.29	acres in the	SW $\frac{1}{4}$ SW $\frac{1}{4}$	of Sec. 2	T. 12N	R. 19	E.
1852	19.62	acres in the	SW $\frac{1}{4}$ SE $\frac{1}{4}$	of Sec. 3	T. 12N	R. 19	E.
1852	34.23	acres in the	SE $\frac{1}{4}$ SE $\frac{1}{4}$	of Sec. 3	T. 12N	R. 19	E.
1852	34.25	acres in the	NW $\frac{1}{4}$ NE $\frac{1}{4}$	of Sec. 10	T. 12N	R. 19	E.
1852	40.90	acres in the	NE $\frac{1}{4}$ NE $\frac{1}{4}$	of Sec. 10	T. 12N	R. 19	E.
1852	15.85	acres in the	SW $\frac{1}{4}$ NE $\frac{1}{4}$	of Sec. 10	T. 12N	R. 19	E.
1852	9.49	acres in the	SE $\frac{1}{4}$ NE $\frac{1}{4}$	of Sec. 10	T. 12N	R. 19	E.
1852	35.82	acres in the	NW $\frac{1}{4}$ NW $\frac{1}{4}$	of Sec. 11	T. 12N	R. 19	E.
1852	1.83	acres in the	NE $\frac{1}{4}$ NW $\frac{1}{4}$	of Sec. 11	T. 12N	R. 19	E.
1852	0.26	acres in the	SW $\frac{1}{4}$ NW $\frac{1}{4}$	of Sec. 11	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.
		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.
		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 at least 226.1 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 Douglas County, said record being at page 6 of Book A of Ditch & Water Rights, and being a claim for 1/3 the flow of Cary Creek of water for the irrigation of not stated

acres of land in the following legal subdivisions:

Not stated. In addition, .37 CFS of the flow of Cary Creek was recognized in Certificate of Appropriation No. 2937.

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:

- stockwatering
- domestic
- power generation
- storage for irrigation

(19) The character of the soil is See Remarks (Sandy, gravelly, loam). A continuous flow of .37 CFS plus 1/3 of the remaining flow of Gary Creek has been used to irrigate 226.1 acres of land and acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks..... Additional support for this proof of appropriation is being filed
under separate cover.

Question 5: The original ditch/flume was adequate to transport the Glover Right
and 1/3 of the remaining flow of Cary Creek.

Question 19: The 1971 Carson Valley Area, Nevada, California Soil Survey prepared
by the United States Soil Conservation indicates that most of the soils on the
Ranch are of the following types: Ophir gravelly sandy loam (OgA and OgB); Ophir
peat (OpB) and Ophir gravelly sandy loam, somewhat poorly drained (OnC). These
soils are coarse-textured soils which formed in a sandy alluvium derived from
granite. These soils can have a water table which fluctuates from 20 to 52
inches.

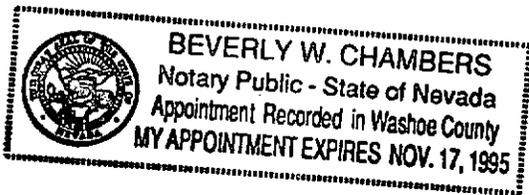
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water
by Schwake Family Trust are full and correct to the best of his knowledge
and belief.

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

Melvin H. Schwake
Melvin Schwake, Sr.

P.O. Box 278, Minden, Nevada

Telephone No. (702.....)



Subscribed and sworn to before me this 18th day of March, 1994
Beverly W. Chambers
Notary Public in and for the County of Washoe
My commission expires Nov. 17, 1995

MAR 18 P 3:10 '94

\$100 FILING FEE MUST ACCOMPANY PROOF