2ND
AMENDED

Filing Serial No. 09064

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is diverted from its source: Unnamed Ditches
Name of ditch, flume or pipe line

at the following point(s): SW¼ NE¼ Section 18,T.31N, R. 18E., M.D.B. & M., or at a point from
List all points of diversion from this source, appending a sheet if necessary

which the NE corner of Section 6, said township & range, bears N. 05° 50'E., a
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

distance of 11,766.88 ft.

(1) Name of claimant: Holland Livestock Ranch, A Nevada General Partnership

Address: 3500 Lakeside Ct., Suite 101, Reno, County of: Washoe

State of: Nevada, 89509 Telephone No. (775) 826-5500

(2) The means of diversion employed: Diversion Structures, Ditches
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was: 1 March 1999

(4) The construction of the ditch or other works was begun: 1870

and completed: 1870.

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 3 feet, width on top: 4 feet, depth: 2 feet, on a grade of: 20 feet per thousand feet.

(6) The conduit has (has not) been enlarged. UNKNOWN
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: UNKNOWN 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.

Land on which ditches are located is owned by Holland Livestock Ranch.
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-Holland Livestock Ranch is the successor in interest

(11) Crops of Meadows & 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 1 April (Day of month) to 31 October (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.

SEE ATTACHMENT "A"

..... (Year), ... 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 ..... of Sec. ....., T. ....., R. ..... E.

(14) The maximum acreage irrigated in any year was ~~459.33~~ 454.23 acres.

(15) The water claimed has (~~XXXXX~~) 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 Water has been in continuous use except during those years in which drought

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 conditions reduced the flow of the creek.

(17) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of Washoe 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:

Stockwatering & Domestic

(19) The character of the soil is Loam (Sandy, gravelly, loam). A continuous flow of 25 cubic feet of water per second has been used to irrigate ~~459.33~~ 454.23 acres of land and 4.5 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Rush Creek is a tributary of Smoke Creek. The Smoke Creek Ranch was settled during the 1860's. The 1870 survey notes by Hatch and Eaton show the extent of the lands irrigated by Rush & Smoke Creek. Most of the lands irrigated by Rush Creek were also irrigated by Smoke Creek (Refer to Proof of Appropriation 09063 filed for Smoke Creek).

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

Deponent is an employee of Thiel Engineering Consultants (TEC). TEC has been hired by the Holland Livestock Ranch to act as their agent.

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

Gregory M Bilyeu-Agent
P.O.BOX 70458
Reno, NV, 89570-0458

Telephone No. (775) 352-7800

Subscribed and sworn to before me this 25th day of June, 1999.

Kathleen Ann Coulson

KATHLEEN ANN COULSON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 93-3793-2 - Expires June 17, 2001

Notary Public in and for the County of Washoe

My commission expires June 17, 2001

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STATE ENGINEERS OFFICE
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2nd Amend

ATTACHMENT "A"

ITEM (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.

Year	Acres	Subdivision		Section	Twnshp. (N)	Range (E)
1870	37.17	SE	SE	7	31	18
1870	3.13	NE	SE	7	31	18
1870	13.2	SE	SE	8	31	18
1870	18.92	NW	SE	8	31	18
1870	17.81	SW	SE	8	31	18
1870	21.41	SE	SW	8	31	18
1870	35.13	NE	SW	8	31	18
1870	20.08	NW	SW	8	31	18
1870	34.88	SW	SW	8	31	18
1870	3.65	SE	NW	8	31	18
1870	0.64	SW	NE	8	31	18
1870	2.82	SW	SW	15	31	18
1870	11.24	NW	SW	15	31	18
1870	14.21	NE	SE	16	31	18
1870	10.77	NW	SE	16	31	18
1870	3.42	SE	NE	16	31	18
1870	20.6	SW	NE	16	31	18
1870	7.85	NE	SW	16	31	18
1870	34.67	SE	NW	16	31	18
1870	~~6.65~~ 1.55	NE	NW	16	31	18
1870	32.22	SW	NW	16	31	18
1870	24.06	NW	NW	16	31	18
1870	12.73	SE	NE	17	31	18
1870	26.14	NE	NE	17	31	18
1870	9.63	NW	NW	17	31	18
1870	32.98	NE	NE	18	31	18
1870	0.79	NW	NE	18	31	18
1870	2.11	SE	NE	18	31	18
1870	0.42	SW	NE	18	31	18
	~~459.33~~ 454.23					

Of the above listed acreage, 161.51 acres is irrigated solely from Rush Creek. The remaining ~~297.82~~ 292.72 acres are irrigated by both Rush Creek and Smoke Creek.

AMENDED Filing Serial No. 09064

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Rush Creek & Tributaries
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Unnamed Ditches
Name of ditch, flume or pipe line

at the following point(s) SW¼ NE¼ Section 18, T.31N., R.18E., M.D.B.& M. or at a point from
List all points of diversion from this source, appending a sheet if necessary

which the NE corner of Section 6, said township & range, bears N. 50° 50'E. a distance
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

of 11,766.88 ft.

(1) Name of claimant Holland Livestock Ranch, A Nevada General Partnership

Address 3500 Lakeside Ct., Suite 101, Reno, County of Washoe

State of Nevada, 89509 Telephone No. (775) 826-5500

(2) The means of diversion employed Diversion Structures, Ditches
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was 1 March 1999

(4) The construction of the ditch or other works was begun 1870

and completed 1870

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3 feet, width on top 4 feet, depth 2 feet, on a grade of 20 feet per thousand feet.

(6) The conduit has (has not) been enlarged. UNKNOWN
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 UNKNOWN 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.

Land on which ditches are located is owned by Holland Livestock Ranch.
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- Holland Livestock Ranch is the successor in interest.

(11) Crops of Meadows & 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 1 April (Day of month) to 31 October (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.

SEE ATTACHMENT "A"

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

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

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

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(14) The maximum acreage irrigated in any year was 465.48 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 Water has been in continuous use except during those years in which drought conditions reduced the flow of the creek.

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 Washoe 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:

Stockwatering & Domestic

(19) The character of the soil is Loam (Sandy, gravelly, loam). A continuous flow of 25 cubic feet of water per second has been used to irrigate 465.48 acres of land and 4.5 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Rush Creek is a tributary of Smoke Creek. The Smoke Creek Ranch was settled during the 1860's. The 1870 survey notes by Hatch and Eaton show the extent of the lands irrigated by Rush & Smoke Creeks. Most of the lands irrigated by Rush Creek were also irrigated by Smoke Creek (Refer to Proof of Appropriation 09063 Filed for Smoke Creek.)

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

Deponent is an employee of Thiel Engineering Consultants (TEC). TEC has been hired by Holland Livestock Ranch to act as their agent.

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

Gregory M. Bilyeu-Agent
P.O.BOX 70458
Reno, NV, 89570

Telephone No. (775) 352-7800

Subscribed and sworn to before me this 17th day of May, 1999.

Yolanda Fillipone

YOLANDA FILLIPONE
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 94-0751-2 - EXPIRES JUNE 9, 2002

Notary Public in and for the County of Washoe

My commission expires 6/9/02

$100 FILING FEE MUST ACCOMPANY PROOF

Filing Serial No. 09064

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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(4) The construction of the ditch or other works was begun 1870

and completed 1870

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3 feet, width on top 5 feet, depth 2 feet, on a grade of 20 feet per thousand feet.

(6) The conduit has (has not) been enlarged. -Unknown
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 Unknown 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 (XXXX) an owner in the above-described conduit.

Land on which ditches are located is owned by Holland Livestock Ranch
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 Meadow & Diversified Pasture have been grown upon the land irrigated. (e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

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

(14) The maximum acreage irrigated in any year was 482.03 acres.

(15) The water claimed has (XXXXXX) 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 Water has been in continuous use except during those years in which drought conditions reduced the flow of the creek.

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(19) The character of the soil is Loam (Sandy, gravelly, loam). A continuous flow of 25 cubic feet of water per second has been used to irrigate 482.03 acres of land and 4.5 acre-feet per acre per annum have been used to irrigate the crops.

(20) **Remarks** Rush Creek is a tributary of Smoke Creek. The Smoke Creek Ranch was settled during the 1860's. The 1870 survey notes by Hatch and Eaton show the extent of the lands irrigated by Rush & Smoke Creeks. Most of the lands irrigated by Rush Creek were also irrigated by Smoke Creek (Refer to Proof of Appropriation Filed for Smoke Creek.)

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Holland Livestock Ranch to act as their agent.

Gregory M. Bilyeu-Agent
P.O.BOX 70458
Reno, NV, 89570

Telephone No. (775) 352-7800

Subscribed and sworn to before me this 16th day of March, 19 99

Yolanda Fillipone

YOLANDA FILLIPONE
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 94-0751-2 - EXPIRES JUNE 9, 2002

Notary Public in and for the County of Washoe

My commission expires 6/9/02

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(Rev. 8-89) (O)-2080