

**STATE OF NEVADA**

**PROOF OF APPROPRIATION OF WATER FOR IRRIGATION**

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

The water is diverted from its source Improved Spring, natural channel & ditches Name of ditch, flume or pipe line

at the following point(s) SW ¼ SE ¼, Section 23, T.32N., R.17E., M.D.B. & M., or at a point from which the SE Corner List all point of diversion from this source, appending a sheet if necessary  
of Section 31, T.32N., R.18E., M.D.B. & M., bears S. 45° 22' 44" E., a distance of 16,425.6 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

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(1) Name of claimant Jackrabbit Properties, LLC, a Nevada limited liability company

Address 4005 Quail Rock Lane, Reno, County of Washoe

State of Nevada 89511 Telephone No. (775) 825-1888

(2) The means of diversion employed Improved spring, and ditches to place of use. Dam and ditch, pipe line, flume, etc

(3) The date of the survey of ditch, canal, or pipe line was April 27, 2009

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

(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 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** owner in the above-described conduit.

Spring is located on public land and ditch is located on lands owned by Jackrabbit Properties, LLC 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 Water claimed from this spring is used on land currently owned by Jackrabbit Properties. Said land was patented in the 1800's and has been privately owned ever since
- (11) Crops of 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 April 1 Day of month to October 31 Day of month of each year.
- (13) List the year of priority for acreage's irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

<u>1870</u> Year.	<u>2.6</u>	acres in the <u>SE ¼ SW ¼</u>	of Sec <u>24</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>6.9</u>	acres in the <u>SW ¼ SE ¼</u>	of Sec <u>24</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>1.9</u>	acres in the <u>Lot 13 (NE ¼ NE ¼)</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>8.1</u>	acres in the <u>NW ¼ NE ¼</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>4.3</u>	acres in the <u>SW ¼ NE ¼</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>17.7</u>	acres in the <u>Lot 16 (SE ¼ NE ¼)</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>16.8</u>	acres in the <u>Lot 17 (NE ¼ SE ¼)</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
<u>1870</u> Year.	<u>3.0</u>	acres in the <u>Lot 20 (SE ¼ SE ¼)</u>	of Sec <u>25</u>	, T. <u>32 N.</u>	, R. <u>17</u>	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>
..... Year.	.....	acres in the .....	of Sec .....	, T. ....	, R. ....	<u>E.</u>

- (14) The maximum acreage irrigated in any year was 61.3 acre. *per letter dated 5/4/2010 per letter dated 4/27/2010*
- (15) The water claimed has been used for irrigation each and every year since the right was initiated.

(16) The years during which no water was used for irrigation of during which the full water right was not used

were: Water has been continuously used for irrigation since establishment of the ranch

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 recorded in the office of the County Recorder of

Lassen County County, said record being at page \_\_\_\_\_ of Book \_\_\_\_\_ of

\_\_\_\_\_, and being a claim for entire flow estimated at two (2) miner's inches

\_\_\_\_\_ of water for the irrigation of \_\_\_\_\_

acres of land in the following legal subdivisions:

E 1/2 Section 24 & E 1/2 Section 25, T.32N., R.17E., M.D.B. & M.

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:

(19) The character of the soil is Clayey loam A continuous flow of 0.2 cubic

(Sandy, gravelly, loam)

feet of water per second has been used to irrigate 61.4 acres of land and 4

acre-feet per acre per annum have been used to irrigate the crops.

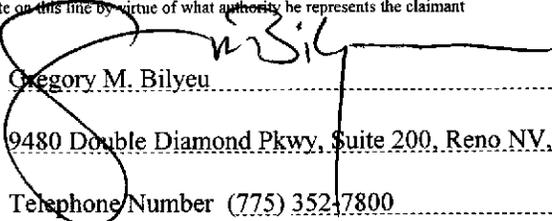
*3*  
*per letter dated 5/4/2010*

(20) Remarks Water has been diverted from an unnamed spring for irrigation use since approximately 1870 when the Smoke Creek Ranch was settled. Water is developed from an improved spring and is conveyed down the natural channel of a ravine to a point in the S 1/2, Section 24, T.32N., R.17E., M.D.B. & M. where it is then diverted into a ditch and used within the E 1/2 of Sections 24 & 25, said township and range. Although this water has been continuously used since 1870, it was not until 1914 that the Nevada & California Land & Livestock Company filed a claim to this water in Lassen County, California. A copy of this claim, citing use by the aforementioned Claimant and its predecessors in interest is included with this 3rd Amended Proof. Proof 09083 was originally filed by Bright Holland Corporation in 1998. Jackrabbit Properties, LLC is the successor in interest to Bright Holland Corporation. Water from this spring is commingled with water from Smoke Creek under Proof 09063 and from an unnamed spring under Proof 09084

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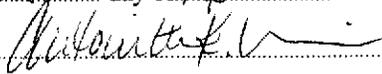
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Jackrabbit Properties, LLC, a Nevada limited liability company are full and correct to the best of his knowledge and belief.

Deponent is an employee of TEC 1, Inc. TEC 1, Inc. has been hired by the Claimant to prepare this proof  
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  
9480 Double Diamond Pkwy, Suite 200, Reno NV, 89521  
Telephone Number (775) 352-7800

Subscribed and sworn to before me this 26 day of April, 2010



  
Notary Public in and for the County of Washoe  
My commission expires February 8, 2012

**\$100 FILING FEE MUST ACCOMPANY PROOF**