

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
Name of ditch, flume or pipe line

at the following point(s) SE 1/4 NW 1/4 Section 10, T.30N., R.19E., M.D.B. & M., or at a point from
List all points of diversion from this source, appending a sheet if necessary

which the NW corner of Section 5, said township & range bears N. 59° 54' 51" W.,
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
a distance of 13828.51 ft.

(1) Name of claimant Bright-Holland Corporation, A Nevada Corporation

Address 2500 Spinnaker Dr., Reno, County of Washoe

State of Nevada, 89509 Telephone No. (775) 825-1888

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

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

(4) The construction of the ditch or other works was begun 1887
and completed 1887

(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. 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.....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.
Located on patented land owned by Bright-Holland Corporation
If claimant is an owner in the conduit, state interest held on this line

(16) The years during which no water was used for irrigation or during which the full water right was not used were Unknown-Creek bed has shifted and eroded causing portions of the original meadow
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
to dry up. Native vegetation is interspersed with the meadow grasses.

(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:

Livestock and Wildlife Watering

(19) The character of the soil is Sandy (Sandy, gravelly, loam). A continuous flow of 0.22 cubic feet of water per second has been used to irrigate 47.67 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks This claim for the waters of an unnamed spring which is tributary to Smoke Creek is being filed as part of those lands irrigated by Frank E. Horn. In 1887, Frank E. Horn patented 320 acres within Sections 3 and 10 of T.30N. R.19E., M.D.B. & M., under a State Land Patent. A copy of this patent is included as Attachment "A". Correspondence contained in NDWR Permit File #2604 makes reference to the historical rights on the Horn Ranch. Copies of these letters are enclosed as Attachment "B". Also included, as Attachment "C", is a copy of a 1917 report prepared by H.M. Payne of the Nevada State Engineer's Office that details the Horn Ranch vested water rights. Calculation and delineation of the cultural boundary is based on field investigation, historical research and analysis of aerial photographs.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Bright-Holland Corporation, A Nevada Corporation, 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 Bright-Holland Corporation 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

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

Telephone No. (.775) 352-7800



Subscribed and sworn to before me this 27th day of July, 1999.

Marie Wright

Notary Public in and for the County of Washoe

My commission expires March 9, 2003

STATE ENGINEERING FIRM
99 JUL 29 AM 8:18

RECEIVED

\$100 FILING FEE MUST ACCOMPANY PROOF