Filing Serial No. 09121

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Smoke Creek
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) NE¼ NW¼ 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.62 ° 24 ' 35" W., 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 13096.37 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 Ditches & Channels
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 (XXXX) 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

(10) The nature of the title to the land for which the water right is claimed is Patented land now owned by the Bright-Holland Corporation

(11) Crops of Meadow 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 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	Sec.	T.	R.
1887	23.04	SW¼ NE¼	10	30N	19 E.
1887	1.84	NW¼ NE¼	10	30N	19 E.
1887	1.58	NW¼ SE¼	10	30N	19 E.
1887	10.82	SE¼ NW¼	10	30N	19 E.
1887	10.39	NE¼ NW¼	10	30N	19 E.

(14) The maximum acreage irrigated in any year was 47.67 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 Unknown-Creek bed has shifted and eroded causing portions of the original meadow to dry up. Native vegetation is interspersed with the meadow grasses.

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:

Livestock & Wildlife Watering

(19) The character of the soil is Sandy (Sandy, gravelly, loam). A continuous flow of 1.0 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 vested right to the waters of Smoke Creek is being filed on 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 by H.M. Payne of the State Engineer's Office that details the Horn Ranch vested 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

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

Telephone No. (775) 352-7800

MARIE WRIGHT
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-54030-2 - Expires March 9, 2003

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

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STATE ENGINEER'S OFFICE

$100 FILING FEE MUST ACCOMPANY PROOF

(Rev. 8-89)

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