

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant Bright - Holland Corporation, a Nevada Corporation
2500 Spinnaker Drive of Reno
Street and No. or P.O. Box No. City or town
Nevada 89509
State and Zip Code No.

(2) Source of water Stockade Spring
Name of natural water source.

(3) The water is diverted by Improved spring, 220 feet of 1 1/2" iron pipe and 500 feet of 3/4" iron pipe
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) NE 1/4 NW 1/4 Section 11, T.33N, R.20E
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.
M.D.B. & M., or at a point from which the N 1/2 corner of said Section 11, bears
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.
N. 42° 50' E., a distance of 992 feet

(5) The water is impounded in 2 - 500 gallon galvanized iron troughs
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Prior to 1885
Date
and completed 1885
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Patented land owned by the Bright - Holland Corporation
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of _____ County, at Page _____ of Book _____ of _____

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

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10K

(9) The approximate number of animals watered by the claimant during the first year ^{Date} Prior to 1885 was 300 cattle horses 2000 sheep or wildlife (describe) ^{Other}

The watering was conducted during each of the following months March 15 through
January 1, each year

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

Numbers have varied over the years, but the average has been approximately as
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.
listed under item #9. Wildlife also utilize this spring.

(11) The amount of water which has been necessary to be diverted for this purpose has been
0.0217 cubic feet per second.
448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at NE 1/4 NW 1/4 Section 11, T. 33N., R. 20E., M. D. B. & M.
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks Stockade Spring is located on land patented by A. M. Ward in 1885 under
State Land Patent #2348. In 1929, Gerlach and Waltz, successors in interest, filed
applications to appropriate #9110. The diversion works described in the application
are listed as completed. In their remarks, they stated that "Gerlach and Waltz
claim a vested right to the waters of Stockade Spring through their predecessors
in interest." Stockade Spring was for many years prior, used for watering livestock
not only by A. M. Ward, but at various times by Clarks Valley Land and Sheep
Company, Peter Laxalt and later by Holland Livestock Ranch. The report on the field
investigation conducted on November 2, 1931, Recommended approval of application

Remarks #9110. Said report also references Gerlach and Waltz's claim of vested right
The spring is still being used to water livestock and wildlife. Use map on file
under application #9110 to illustrate the point of diversion and place of use.
Attachment "A" is a copy of the report of the field investigation of application
#9110.

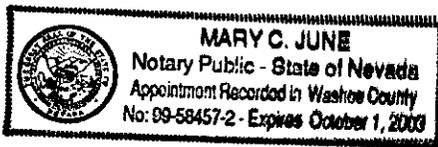
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation
of water by Bright - Holland Corporation; a Nevada Corporation
are full and correct to the best of his knowledge and belief.

Deponent is an employee of Thiel Engineering Consultants (TEC). TEC has been
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.
hired by the Bright - Holland Corporation to prepare this proof.

Bright - Holland Corporation
Claimant

Telephone No. (...775.) 825-1888

By Gregory M. Bilyeu - Agent
P. O. Box 70458
Street and No., or P.O. Box No.
Reno, Nevada 89570-0458
City, State, Zip Code No.
Telephone No. (...775...) 352-7800



Subscribed and sworn to before me this 22nd day of FEBRUARY, 2000

Mary C. June
Notary Public in and for the County of WASHOE
My commission expires OCTOBER 1, 2003

\$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT "A"

9110

STOCKADE SPRING

GERLACH AND WALTZ

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 33 N., R. 20 E.

On November 2, 1931, we investigated Application No. 9110 accompanied by E. Waltz and O. Van Norman. This spring is located on the east side of Stockade Canyon, on what might be considered as being a small plateau on top of the Buffalo Hills. It is located on a forty acre tract owned by Gerlach and Waltz and is within a 160 acre field of patented land. The spring is walled up and the water conveyed to troughs by means of a pipe. A second pipe conveys water to a cabin that is located about 250 feet northwest of the spring. There is a stockade corral about 1000 feet north. Gerlach use this as a headquarters camp. The spring is located less than one mile north of Three Trough Spring, and is surrounded by 17 forty acre tracts. They also claim a vested right in the waters of the spring through their predecessors in ownership.

Peter Laxalt protested the granting of this application on the grounds that the waters sought to be appropriated are not public waters, but have been used by the protestant under claim of vested right through himself and predecessors in interest for many years. Further that the protestant would be deprived of the use of the surrounding range for his livestock, and that the granting of the application would be contrary to public policy defined in the Stockwatering Act of 1925.

Mr. Waltz informed us that Mr. Laxalt owns no land in this vicinity or anywhere else in the Buffalo Hills. That his company has

ATTACHMENT "A"

always vigorously protested any use that Mr. Laxalt made of this territory.

We were unable to contact Mr. Laxalt regarding his protest. However, the conditions on the ground together with the fact that Gerlach and Waltz own at least 680 acres of land in this vicinity warrant us to recommend the protest be overruled and the application be approved.

Albert Quill J. A. Millar
ALBERT QUILL
J. A. MILLAR