

AMENDED  
STATE OF NEVADA

Filing Serial No. 09301

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source.....Falkner Creek.....  
Name of natural water source (use separate proofs for each major source)

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

at the following point(s).....NE 1/4 NE 1/4 of Section 25, T. 18 N., R. 49 E.....  
List all points of diversion from this source, appending a sheet if necessary

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  
.....Course and distance to a section corner to be supplied at time.....  
culture map is submitted.

(1) Name of claimant.....Fish Creek Ranch, LLC, a Nevada Limited Liability Company  
Address.....P. O. Box 864....., County of.....Eureka.....  
State of.....Nevada..... Telephone No. (.....)

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

(3) The date of the survey of ditch, canal, or pipe line was.....Unknown.....

(4) The construction of the ditch or other works was begun.....June, 1872.....  
and completed.....Unknown.....

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

(6) The conduit has (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 None.....and completed Unknown.....

(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.

.....1.00%.....  
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 title

(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 3-15 to 11-15 of each year, except for years of low production. Day of month Day of month

(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.

- 1872, ..... acres in the Lot 1 ..... of Sec. 30, T. 18, R. 50 E.  
Year
- 1872, ..... acres in the Ne 1/4 NW 1/4 ..... of Sec. 30, T. 18, R. 50 E.
- 1872, ..... acres in the NW 1/4 NE 1/4 ..... of Sec. 30, T. 18, R. 50 E.
- 1872, ..... acres in the NE 1/4 NE 1/4 ..... of Sec. 25, T. 18, R. 49 E.
- TOTAL of 45.00 acres irrigated
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... acres in the ..... of Sec. ...., T. ...., R. .... E.
- ..... 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.
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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 45 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. Claimant has no knowledge  
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 Eureka County, said record being at page 415/423 of Book 4 of Misc. Records, and being a claim for all of water for the irrigation of unspecified

acres of land in the following legal subdivisions:

unsurveyed areas, and described as Falkner Ranch

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 water

(19) The character of the soil is sandy (Sandy, gravelly, loam). A continuous flow of \_\_\_\_\_ cubic feet of water per second has been used to irrigate 45 acres of land and 4 acre-feet per acre per annum have been used to irrigate the crops. See attachment

SUPPLEMENT TO  
PROOF OF APPROPRIATION  
ON  
FALKNER CREEK  
BY  
FISH CREEK RANCH, LLC.

Item 20. REMARKS:

The priority of this Proof is 1872 based upon water location of A. Falkner filed in Book A of Miscellaneous Records at Pages 415 and 423, copies attached.

At the time of filing, Falkner Creek was named as Birch Creek. Review of survey notes for the cadastral survey in 1884, as to the west boundary of T 18 N, R 50 E, in 1884 and subdivisions in 1893 evidence that Birch Creek and Falkner Creek are one and the same. The survey conducted in 1893 particularly mentions crossing a fenced meadow on the West section line of Section 30, and identifies a fence of Falkner as being in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section.

The Chain of Title, a copy attached never provides a definite description of the Falkner property prior to patents. Old surveys of T 18 N, R 49 and 50 E, refer to Falkner House in the N  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 25, T 18 N, R 49 E, and meadows across the approximate N  $\frac{1}{2}$  N  $\frac{1}{2}$  of Section 30, T 18 N, R 50 E. Mrs. Mary Trainor acquired the Falkner Ranch by a tax deed in 1894, and subsequently a patent from the State of Nevada for 80 acres. George N. Merritt received a patent from the State of Nevada for the additional 80 acres of the Falkner Ranch as shown on the original cadastral survey map.

The priority of 1872 is based on the doctrine of relation back.

SUPPLEMENT TO  
PROOF OF APPROPRIATION  
ON  
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Item 19. The continuous water flow requirements have not been determined as the normal stream flow is characterized by high water flows in the Spring season followed by severely reduced flows for the balance of the growing season. There has been non monitoring program which would give an indication as to the acre-feet of water required per acre of lands to produce the indicated culture, but it is estimated that 4 acre feet per acre is consumed. There has been no measurement of the cfs.

ORIGINAL

Filing Serial No. 09301

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

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

at the following point(s): SE 1/4 NE 1/4 of Section 25, T 18 N, R 49 E.  
List all points of diversion from this source, appending a sheet if necessary. 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.  
Course and distance to a section corner to be supplied at time  
culture map is submitted.

(1) Name of Claimant: Fish Creek Ranch, LLC, a Nevada Limited Liability Company  
Address: P. O. Box 864 County of Eureka  
State of: Nevada Telephone No. ( )

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

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

(4) The construction of the ditch or other works was begun: June, 1872  
and completed: Unknown

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: unknown  
feet, width on top: unknown feet, depth: unknown feet, on a grade of unknown 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: None and  
completed: None

(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 an owner in the above-described conduit.  
100%  
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 title  
(fee simple, public domain, etc.)



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

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

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

(14) The maximum acreage irrigated in any year was 45 acres, more or less.

(15) The water claimed has not been used for irrigation each and every year since the right was initiated.

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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

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\_\_\_\_\_ County, said record being at page 415/423 of Book 4 of  
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\_\_\_\_\_ of water for the irrigation of unspecified  
acres of land in the following legal subdivisions: unsurveyed areas, and described as Falkner Ranch  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Livestock water  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(20) Remarks: See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Fish Creek Ranch, LLC., a Nevada Limited Liability Company are full and correct to the best of his knowledge and belief. [ If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant]

**FISH CREEK RANCH, LLC**  
By: *Luther K. Wise*  
LUTHER K. WISE, Manager  
Telephone No. (775) 237-5713

STATE OF NEVADA            )  
  : SS  
COUNTY OF Eureka        )

This instrument was acknowledged before me on the 30 day of April, 2001, by LUTHER K. WISE, Manager of Fish Creek Ranch, LLC.



*Gladys Goicoechea*  
NOTARY PUBLIC  
My Commission Expires: 10/28/2002

**\$100.00 FILING FEE MUST ACCOMPANY PROOF**

**SUPPLEMENT TO**  
**PROOF OF APPROPRIATION**  
**ON**  
**FALKNER CREEK**  
**BY**  
**FISH CREEK RANCH, LLC.**

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