

AMENDED

Filing Serial No.

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Allison creek
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Allison pitches
Name of ditch, flume or pipe line

at the following point(s) Diversion located in approximately SW 1/4 SE 1/4 of Section
List all points of diversion from this source, appending a sheet if necessary

24, T. 17 N., R. 49 E., MDM, an unsurveyed township.
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

(1) Name of claimant Fish Creek Ranch, LLC, a Nev. Limited Liability Company
Address PO 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 Prior to 1884
and completed

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

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
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:
Domestic & Stockwater

(19) The character of the soil is sandy loam (Sandy, gravelly, loam). A continuous flow of _____ cubic feet of water per second has been used to irrigate 31 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
ALLISON CREEK
BY
FISH CREEK RANCH, LLC.

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.

SUPPLEMENT TO
PROOF OF APPROPRIATION
ON
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Item 20 Remarks.

The priority of this proof is conservatively set at 1883 based on a conveyance by Joel Allison to John Comaitu dated 1/8/84, wherein the property described is 200 acres on Allison Creek and all water of the North Fork and Middle Fork of Allison Creek (Book 11 of Deeds at Page 8, Eureka County Recorder). It is noted that in 1887 a deed executed by T.H. Sullivan to James Morrison conveyed the only other property on Allison Creek at that time and specifically conveyed only springs, ditches and South Fork of Allison Creek. This evidences that the two existing ranches had generally divided the waters of Allison Creek.

The Homestead Entry Survey 174, completed in 1917 further evidences diversion of water from earlier established diversions.

A review of the survey plat of the subdivision of T. 17 N., R. 50 E., MDM, shows that in 1893 improvements existed.

The above evidences the diversion of the waters.

The chain of title appears incomplete as to a possessory interest of Bartholomew Cerrutti who was also named a B. Cerrutti until a Sheriff's sale in 1919 which would cure any title defects at that time. Tax rolls maintained in the office of the Eureka County Assessor and Eureka County Treasurer support the title chain by the following:

- 1905: Bart Cerrutti, Tax Roll #439 assessed for 140 stock cattle plus lands in Sections 19, 29, 30, T. 17 N., R. 49 E. and a possessory interest in the Allison Ranch.
- 1897: C. Rosetti, Tax Roll #243 assessed for Allison Ranch and lands in Sections 19, 29 and 30, T. 17 N., R. 50 E., MDM.

The possession of stock cattle as assessed in 1905, evidences the need for crop production for at least a minor hay production with accompanying irrigation.

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

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

at the following point(s): (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.)

Diversion located in approximately SW1/4 NE1/4 of Section 24, T. 17 N., R. 49 E., MDM, an unsurveyed township

(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: Prior to 1884
and completed: _____

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

(6) The conduit has **(has not)** 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 (is not) an owner in the above-described conduit.

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.)

- (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 March 15 to November 15 of each year, with variations due to water flow.
- (13) List the year of priority for acreage irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1883, 31 acres in the S1/2NE1/4 of Sec. 24, T. 17, R. 49 E.
 Year _____, _____ 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.
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 Year _____, _____ 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.

- (14) The maximum acreage irrigated in any year was 31 acres, more or less.
- (15) The water claimed **has** (has not) been used for irrigation each and every year since the right was initiated.
Except for unknown years when runoff was minimal

16) The years during which no water was used for irrigation or during which the full water right was not used were Unknown.
 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)

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

(20) Remarks: See historical summary 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

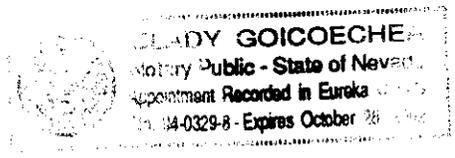
STATE OF NEVADA)

COUNTY OF Eureka) : ss

This instrument was acknowledged before me on the 14 day of May, 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

RECEIVED
01 MAY 17 AM 11:15
STATE ENGINEERS OFFICE

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ALLISON CREEK
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