

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Silver Springs
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Silver Springs Ditch
Name of ditch, flume or pipe line

at the following point(s): A point located in the SW 1/4 SW 1/4 of Section 15, T 22N, R 43E., MDM, from
List all points of diversion from this source, appending a sheet if necessary

which the West one-quarter of Section 15 bears No. 01°58'43" E., a distance of 2.050.36; P.O.D. #35
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: Silver Creek Ranch, Inc., a Nevada corporation

Address: HC61 Box 61230, Austin County of Lander

State of: Nevada Telephone No. (775) 964-2541

(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: October 1, 1886
and completed: Unknown

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 1.25 feet,
width on top: --- feet, depth: 0.416 feet, on a grade of 6.8 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: ---
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 an owner in the above-described conduit.
100% interest
If claimant is an owner in the conduit, state interest held on this line

Handwritten initials or marks in the bottom right corner.

10) The nature of the title to the land for which the water right is claimed is fee simple

(11) Crops of Pasture
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 10/31
of each year. Day of month Day of month

(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.

- 1886 Year, 1.17 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15, T. 22N, R. 43 E.
- 1886 Year, 9.51 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15, T. 22N, R. 43 E.
- 1886 Year, 4.05 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15, T. 22N, R. 43 E.
- Year, acres in the of Sec. , T. , R. E.
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- Year, acres in the of Sec. , T. , R. E.

(14) The maximum acreage irrigated in any year was 14.73 acres.

(15) The water claimed has 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 To the best information and belief of claimant water has been used to the full extent
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use available each year
should be given, appending a sheet if necessary

(17) The claimant's water right was recorded in the office of the County Recorder of Lander County, said record being at page 137 of Book A of Water Rights, and being a claim for 30 cubic inches of water under pressure of 6 cubic inches of water for the irrigation of 30 acres of land in the following legal subdivisions: Not described.

Phillip Duffy owned the following:

T 22N, R 43E, MDB&M

Section 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 15: SW $\frac{1}{4}$; NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$

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 January 1 through December 31

(19) The character of the soil is --- (Sandy, gravelly, loam). A continuous flow of -- cubic feet of water per second has been used to irrigate --- acres of land and not known acre-feet per acre per annum have been used to irrigate the crops. *See Attachment*

(20) Remarks:

The original claimant Phillip Duffy stated the source was located in the NW¼ NW¼ of Section 22, T 22N, R 43E, and at the time of the claim owned that parcel. However the current survey and culture map shows the source to be in the SW¼ SW¼ of Section 15, T 22N, R 43E, and the place of use in the W½ SW¼ and SW¼ NW¼ of said Section. It is apparent the source was not located correctly in the original claim.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by

Silver Creek Ranch, Inc. are full and correct to the best of his knowledge and belief.

Deponent is representing claimant as its attorney

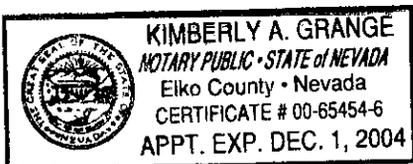
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.

By: Robert B. Goicoechea
ROBERT B. GOICOECHEA
Telephone No. (775) 738-8091

STATE OF NEVADA)
)ss.
COUNTY OF ELKO)

Subscribed and sworn to before me this 9th day of August, 2002, by ROBERT B. GOICOECHEA



Kimberly A. Grange
NOTARY PUBLIC

301120
713 811 1125

\$100.00 FILING FEE MUST ACCOMPANY PROOF

**ATTACHMENT TO
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION
SOURCE: SILVER SPRINGS
CLAIMANT: SILVER CREEK RANCH, INC.**

Item 17:

The lands being irrigated are composed of a layer of topsoil of a clay or sandy loam lying over sands or gravels.

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 no monitoring program which would give an indication as to the acre-feet of water required per acre of land to produce the existing culture. The best indication available is that shown in the recorded ditch claim which computes to be a continuous flow of 0.025 cfs per acre of land.

SILVER CREEK - DUFFY

| Grantor | Grantee | Inst. | Date | Bk. | Pg. | T22N R43E Section 15 W½ SW¼ SW¼ NW¼ | T22N R43E Section 22 W½ NW¼ NW¼ SW¼ |
|------------------------------------------|------------------------------------------|----------------|---------------------|-----|-----|----------------------------------------------|----------------------------------------------|
| Phillip Duffy Catherine Duffy | J.A. Miller | GBS | 5/23/00 7/18/00 | 49 | 427 | | X |
| Phillip Duffy | | Ditch Right | 8/31/89 10/19/89 | A | 137 | | X |
| J.A. Miller by J.A. Miller, Jr., AIF | Miller and Land and Livestock Company | GBS | 4/16/10 4/29/10 | 52 | 393 | | X |
| Miller Land and Livestock Company | J.C. Phillipi | GBS | 1/20/15 1/20/15 | 53 | 416 | | X |
| J.C. Phillipi Lottie Phillipi | W.W. Christian B. Scuchetti | GBS | 1/20/15 1/20/15 | 53 | 419 | | X |
| W.W. Christian B. Scuchetti | J.C. Phillipi Lottie Phillipi | GBS | 7/13/17 7/13/17 | 54 | 379 | | X |
| Jose C. Phillipi aka J.C. Phillipi | Laura Phillipi, et al | QCD | 6/6/36 6/8/36 | 59 | 329 | | X |
| Laura Phillipi, et al | John Hickison | GBS | 4/21/36 6/27/36 | 59 | 409 | X | X |
| Howard E. Browne | John Hickison | GBS | 12/29/39 ¼/40 | 60 | 503 | X | |
| John Hickison Bessie T. Hickison, h/w | W.S. McGill | GBS | 6/30/45 7/3/45 | 62 | 264 | X | X |
| W.S. McGill | W.W. Whitaker | GBS | 7/2/46 7/12/46 | 62 | 429 | X | X |