

THE STATE OF NEVADA PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Reese River Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Point of Diversion #24 & 25 NE SE SEC 10
Name of ditch, flume or pipe line 22H 43E ?

at the following point(s): See attached List all points of diversion from this source, appending a sheet if

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section cor ated

(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 Dams and Ditches
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: See attachment
and completed: Unknown

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: See attachment
feet, width on top: _____ feet, depth: _____ feet, on a grade of _____ 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: No enlargement
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

10) The nature of the title to the land for which the water right is claimed is fee simple title and public lands
which claimant uses under a grazing permit

(11) Crops of Harvest, pasture & diversified 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. See Attachment

- 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.
- 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.
- Year, _____ acres in the _____ of Sec. _____, T. _____, R. _____ E.

(14) The maximum acreage irrigated in any year was 223.73 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 used to the full extent available each year
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 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 a total 350 cubic inches of water under
pressure of 6 cubic inches of water for the irrigation of 350
acres of land in the following legal subdivisions: Not described. Phillip Duffy owned the following
described lands:

T 22N, R 43E, MDB&M

Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 11: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$

As 360 acres were owned, it is assumed it was intended to irrigate within each legal subdivision

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 January 1 through December 31

(19) The character of the soil is ---. A continuous flow of --- cubic
(Sandy, gravelly, loam)

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. *See Attachment*

(20) Remarks:

A portion of the culture irrigated from the source is upon public lands which claimant and its predecessors have historically used. Said use is authorized by the Bureau of Land management under a grazing permit issued by that agency.

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.

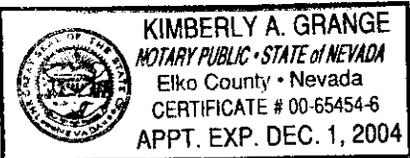
Deponent is representing claimant as its attorney
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

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

301
51011

\$100.00 FILING FEE MUST ACCOMPANY PROOF

**ATTACHMENT TO
 PROOF OF APPROPRIATION OF WATER FOR IRRIGATION
 CLAIMANT: SILVER CREEK RANCH, INC.
 ORIGINAL CLAIMANT: PHILLIP DUFFY**

Points of Diversion:

The original claim of ditches and diversion from Reese River were for three (3) ditches. A review of the location of those shown in the claim by Phillip Duffy recorded in Book A of Water Rights at Page 137, Lander County, Nevada, and the present points of diversion are essentially in the same location. The Ramsdell Ditch is referenced to the location of the Duffy house, which original survey plats show to be in the northern portion of the NE¼ SE¼ of Section 10, T 22N., R 43E., MDM, in a location very similar to Point of Diversion #25.

The Duffy Ditch and Allison Ditch are essentially in the same location as Point of Diversion #24.

Item 4:

There are three (3) ditches associated with this claim with construction beginning on the following dates:

<u>Ditch</u>	<u>Date of Construction</u>
Ramsdell Ditch	3/1/1864
Allison Ditch	3/1/1864
Duffy Ditch	4/1/1864

The date of completion is not known.

Item 5:

Dimensions as originally constructed:

<u>Name of Ditch</u>	<u>Width on Bottom</u>	<u>Width on Top</u>	<u>Depth</u>	<u>Grade¹</u>
Ramsdell	4'	—	2'	1"
Allison	3.5'	—	1.16'	3"
Duffy	2.5'	—	1.25'	1.375"

¹Grade expressed in inches per rod

Item 13:

The priority for all lands in this claim is 1864 based on the ditch claim of Phillip Duffy recorded in Book A of Water Rights at Page 137, Lander County, Nevada. The acreage irrigated from Diversion Points 24 and 25 is as follows:

FEE SIMPLE TITLE:

<u>Section</u>	<u>Subdivision</u>	<u>Township</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
2	SE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	17.24 AC	Harvest
2	SW $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	5.56 AC	Harvest
10	SE $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	9.84 AC	Harvest
10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	0.99 AC	Harvest
10	NW $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	17.52 AC	Harvest
10	SW $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	18.71 AC	Harvest
10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	18.30 AC	Harvest
11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	33.03 AC	Harvest
11	NE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	19.71 AC	Harvest
11	SW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	13.24 AC	Harvest
15	NE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	16.35 AC	Harvest
15	SW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	5.24 AC	Harvest
15	SW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	4.09 AC	Pasture
21	SW $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	<u>1.00 AC</u>	Pasture
			Harvest:	175.73 AC	
			Pasture:	5.09 AC	

PUBLIC LANDS:

<u>Section</u>	<u>Subdivision</u>	<u>Township</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
10	NE $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	1.27 AC	Harvest
10	NE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	1.40 AC	Harvest
10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	12.84 AC	Harvest
11	SE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	0.05 AC	Harvest
15	SE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	<u>0.53 AC</u>	Harvest
				16.09 AC	

Under this claim certain lands are irrigated directly from Reese River. they are described as follows:

FEE SIMPLE TITLE OWNERSHIP

<u>Section</u>	<u>Subdivision</u>	<u>Township</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
21	SW $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	1.00 AC	Pasture
28	NW $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	1.60 AC	Pasture

PUBLIC LANDS

<u>Section</u>	<u>Subdivision</u>	<u>Township</u>	<u>Range</u>	<u>Cultivated Acreage</u>	<u>Description of Culture</u>
16	SW $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	0.28 AC	Pasture
16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	T22N	R43E	6.41 AC	Pasture
16	NW $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	3.75 AC	Pasture
16	NE $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	0.32 AC	Pasture
16	SW $\frac{1}{4}$ SE $\frac{1}{4}$	T22N	R43E	0.68 AC	Pasture
16	SE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	2.68 AC	Pasture
21	NE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	3.00 AC	Pasture
21	SE $\frac{1}{4}$ NW $\frac{1}{4}$	T22N	R43E	3.00 AC	Pasture
21	NW $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	2.60 AC	Pasture
21	NE $\frac{1}{4}$ SW $\frac{1}{4}$	T22N	R43E	<u>1.50 AC</u>	Pasture
				24.22 AC	

Item 19:

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 the recorded ditch claim which computes to be a continuous flow of 0.025 cfs per acre of land.