

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

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

The water is diverted from its source Natural drainages
Name of ditch, flume or pipe line

at the following point(s): A point in the SE 1/4 NW 1/4 of Section 29, T 19N, R 43E., MDM from which the
List all points of diversion from this source, appending a sheet if necessary

Northwest corner of said Section bears N 58° 27' 56" a distance of 2,829.72 feet and a point within the
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
SW 1/4 NE 1/4 of said Section 29 from which the Northwest corner of said Section bears N 66° 55' 24" W., a
distance of 3573.41 feet.

(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, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was: Not known

(4) The construction of the ditch or other works was begun: Not known
and completed: Not known

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: --- 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: Does not apply
and completed: Does not apply

(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.

Portion of conduit is on public lands
If claimant is an owner in the conduit, state interest held on this line

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10) The nature of the title to the land for which the water right is claimed is fee simple title and public land upon which claimant holds a grazing permit issued by Bureau of Land Management

(11) Crops of and 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.

Fee Simple Lands:

<u>1867</u>	<u>19.94</u>	acres in the	<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>40.98</u>	acres in the	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>10.86</u>	acres in the	<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>28.04</u>	acres in the	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>12.77</u>	acres in the	<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>40.42</u>	acres in the	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
	153.01	Subtotal		

Public Land:

<u>1867</u>	<u>1.59</u>	acres in the	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>4.02</u>	acres in the	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>0.24</u>	acres in the	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>5.44</u>	acres in the	<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	of Sec. <u>20</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>10.57</u>	acres in the	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>29</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>39.34</u>	acres in the	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>29</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>9.76</u>	acres in the	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	of Sec. <u>29</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>0.66</u>	acres in the	<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	of Sec. <u>29</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>0.51</u>	acres in the	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	of Sec. <u>29</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
<u>1867</u>	<u>0.09</u>	acres in the	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	of Sec. <u>17</u> , T. <u>19N</u> , R. <u>43 E</u> .
Year				
	72.22	Subtotal		
<u>Year</u>		acres in the		of Sec. _____, T. _____, R. _____ E.

(14) The maximum acreage irrigated in any year was 225.23 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 knowledge of claimant, the water has been used

If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use

to the extent available each year
should be given, appending a sheet if necessary

(17) The claimant's water right 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: Does not apply

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 --- acre-feet per acre per annum have been used to irrigate the crops. See attachment

(20) Remarks:

See attached

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

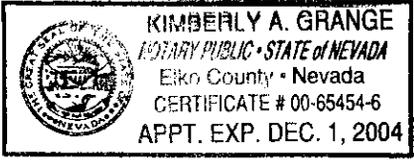
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

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

\$100.00 FILING FEE MUST ACCOMPANY PROOF

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

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.

Item 20:

There has been no recorded water right or claim of water right found in the records of Lander County, Nevada. However, there is considerable evidence of historical agricultural use for hay production and pasture.

The original cadastral survey completed in January, 1868 shows grass lands, culture and the presence of Big Creek together with a reference to "Reynolds Milk Ranch" within the boundaries of the lands owned by the claimant within Section 20, T 19N, R 43E, MDM.

Early conveyances describe the property being conveyed as "The Reynolds Milk Ranch." the first five documents shown on the attached chain of title convey the property by that name. the conveyance to Mrs. Annie E.F. Cooper recorded in Book 38 of Deeds at page 338, Lander County, Nevada, describes the Reynolds Milk Ranch as being in the sink of Big Creek one mile Easterly of Jacobsville and four miles southwesterly of the town of Austin. Both the cadastral survey and the foregoing description agree as to the location.

In the conveyance of a one-half interest from Jacob Reynolds to John H. Hagar, it also sells a one-half interest to 92 cattle and 60 tons of hay.

The minutes of the cadastral survey in the summary of the character of the lands reports that most of the township is grazing land and there are milk ranches in the township with some hay production.

From the above and the chain of title, it is evidenced there was diversion and use of the waters prior to 1868. A conservative priority date of 1867 is claimed.

It should be noted that the area of use was originally described as in the sinks of Big Creek. Additional claims for the waters of Big Creek at its higher reaches within T 17 and 18N, R 43E are found of record. It is apparent that prior to diversion of waters, Big Creek reached the lands now owned by claimant as the Reynolds Ranch is described as being "in the sinks of Big Creek," little or no surface run-off of Big Creek reached this land. For that reason, this claim is for the source of those springs located in Section 29, T 19N, R 43E.

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