Application No. 09857

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant David G. and/or Jackie A. Holmgren

Box 401 Finger Rock Wash (Street Address or PO Box) of Luning (City or Town)

NV 89420 (State and ZIP Code)

(2) Source of water Bank Spring (Name of natural water source)

(3) The water is diverted by:
Pipeline, natural channel, and spring area.

(Dam, ditch, pipe line, natural channel, spring area, etc.)

The water is diverted at the following point(s):
In Section 22, T9N R34E MDB; See attached TOPO! Map, Point #008, for coordinate point and description.

(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 over a channel reach must be described by course and distance to a section corner for both the beginning and end of such.)

(5) The water is impounded in Pipeline, tank, trough, and natural channel and pools/seeps. (Troughs, tanks, pools, reservoir, natural channel, etc.)

(6) The construction of the ditch or other works was begun 1880's (Date) and completed before 1905 (see remarks) (Date)

The nature of the claimant's title to the land upon which the source of water and place of use are located is:
Possessory use of public domain followed by permitted grazing in conjunction with base waters and properties of predecessors in interest of the Claimants.

(Patented, deeded, public domain with grazing permit, etc.)

(8) The claimant's water right was not recorded in the office of the County Recorder of Esmeralda County, at Page _____ of Book _____ of _____

(NOTE - Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).)

(9) The approximate number of animals watered by the claimant during the first year ~1880 (Date) was 100 cattle 50 horses _____ sheep or wildlife (describe) _____

The watering was conducted during each of the following months:
January 1 through December 31 of each year.

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(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

The approximate number of animals watered by the Claimant in subsequent years was as follows: Prior to 1895 and up to 1905: Moore, John Benton, O. Warner, Leete, George Dieringer, George and Charles Keogh, B.H. Donnelley, and various sheepmen (see remarks) 1000 cattle, 50 horses, 4000 sheep/goats. 1923-1945; Dr. C.B. McCafferty, Rita Miller, Millinghausen, F.D. Cappell, T.O. McKinnon, Bracian Eroz, Peter Alia, Hayden, et. al., 200 cattle, 50 horses, 2000 sheep or 9000 goats. 1945-1976 to present: Elsner, McKay, Estill, Holmgren: 1000 cattle, 12-50 horses.

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been

.015 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:

At a point approximately 6 to 7 miles northwest of the town of Luning, Nevada, between Benton Springs and Bank Spring as shown on USGS maps, west of State Highway 316, in Section 22; T9N R34E MDB; See attached TOPO! Map, Point #008, for coordinate point and description.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks

Bank Spring was first developed and/or used possibly as early as the 1860's to serve ranchers and miners in the area associated with livestock grazing animals belonging to the predecessors of the Claimant. The Benton Springs just west of Bank Spring were developed to serve a station along an important freight route beginning in the 1860's (Columbus-Wadsworth Freight Route/Toll Road) and also the G & W Toll Road in 1881. Predecessors of the claimant watered horses and cattle beginning around 1880. Cattle use has been continuous since then. Predecessors sheep operators used Bank Spring and other springs in the area from about 1910 to 1923 and from 1938 to 1975. T.O. McKinnon ran angora goats (up to 9,000 head) in the vicinity from 1923 to 1945. Claimant owns deeded land at Indian Springs and Gillis Spring/Sargent's Well. The Pilot-Table Mountain Grazing Allotment (See attached map) is a water based grazing allotment.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by David G. and/or Jackie A. Holmgren are full and correct to the best of his/her knowledge and belief.

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

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STATE ENGINEER'S OFFICE

David G. and/or Jackie A. Holmgren
Name of Claimant

By David G. Holmgren

Telephone No. (775) 312-0019

David G. and Jackie A. Holmgren
Rawhide Ranch, Box 401 Finger Rock Wash
Luning, Nevada, 89420
Telephone No. (775) 312-0019

Subscribed and sworn to before me this 5 day of November, 20 09

GLORIA K. LASH
NOTARY PUBLIC
STATE OF NEVADA
No. 88-0295-5 My Appt. Exp. Dec. 20, 2010

Notary Public in and for the County of Carson City

My commission expires 12-20-2010

Gloria K. Lash

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$50 FILING FEE MUST ACCOMPANY PROOF

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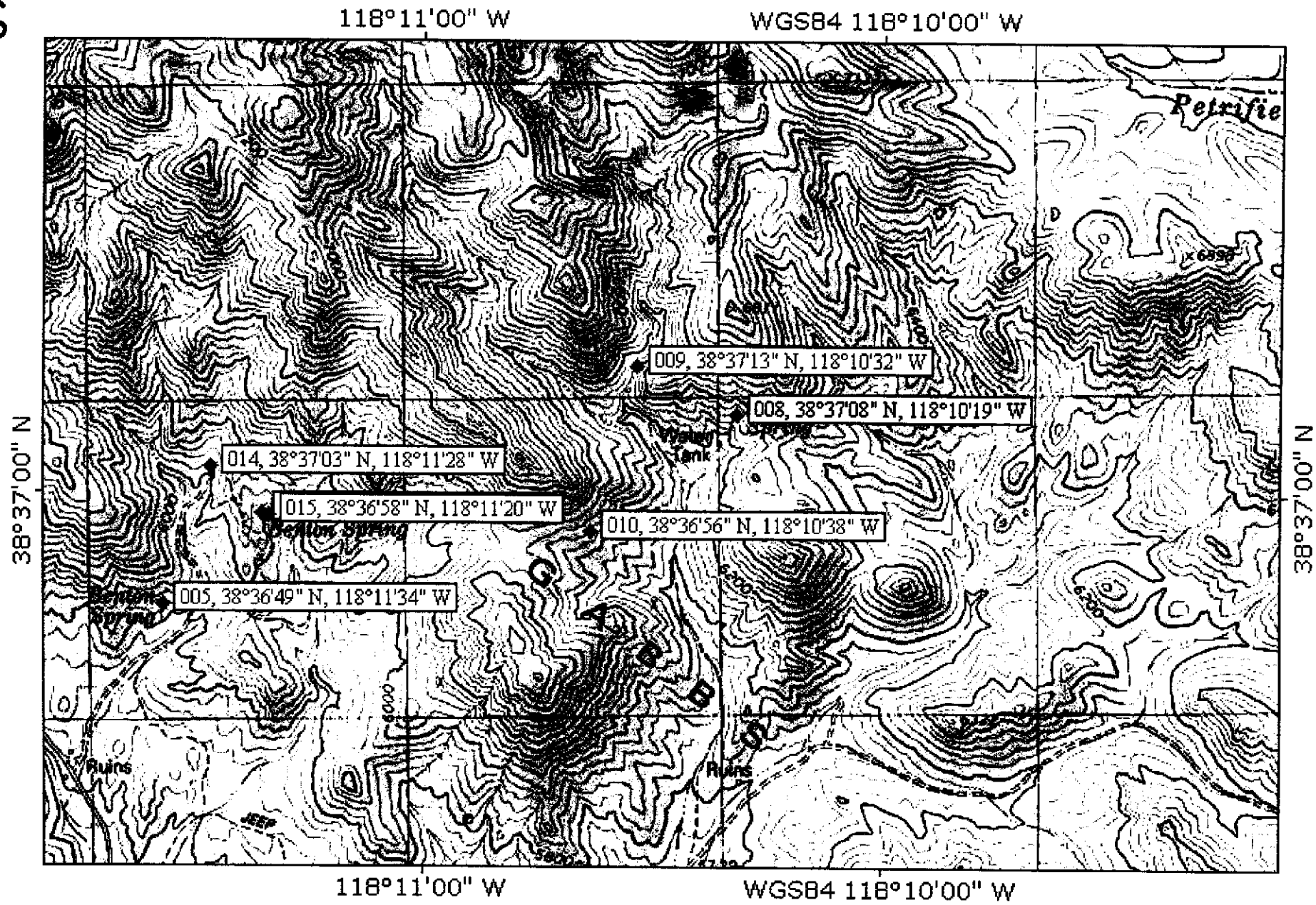
TOPO! map printed on 11/05/09 from "2008aug06 Pine Tree_Other Spr.tpo"



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

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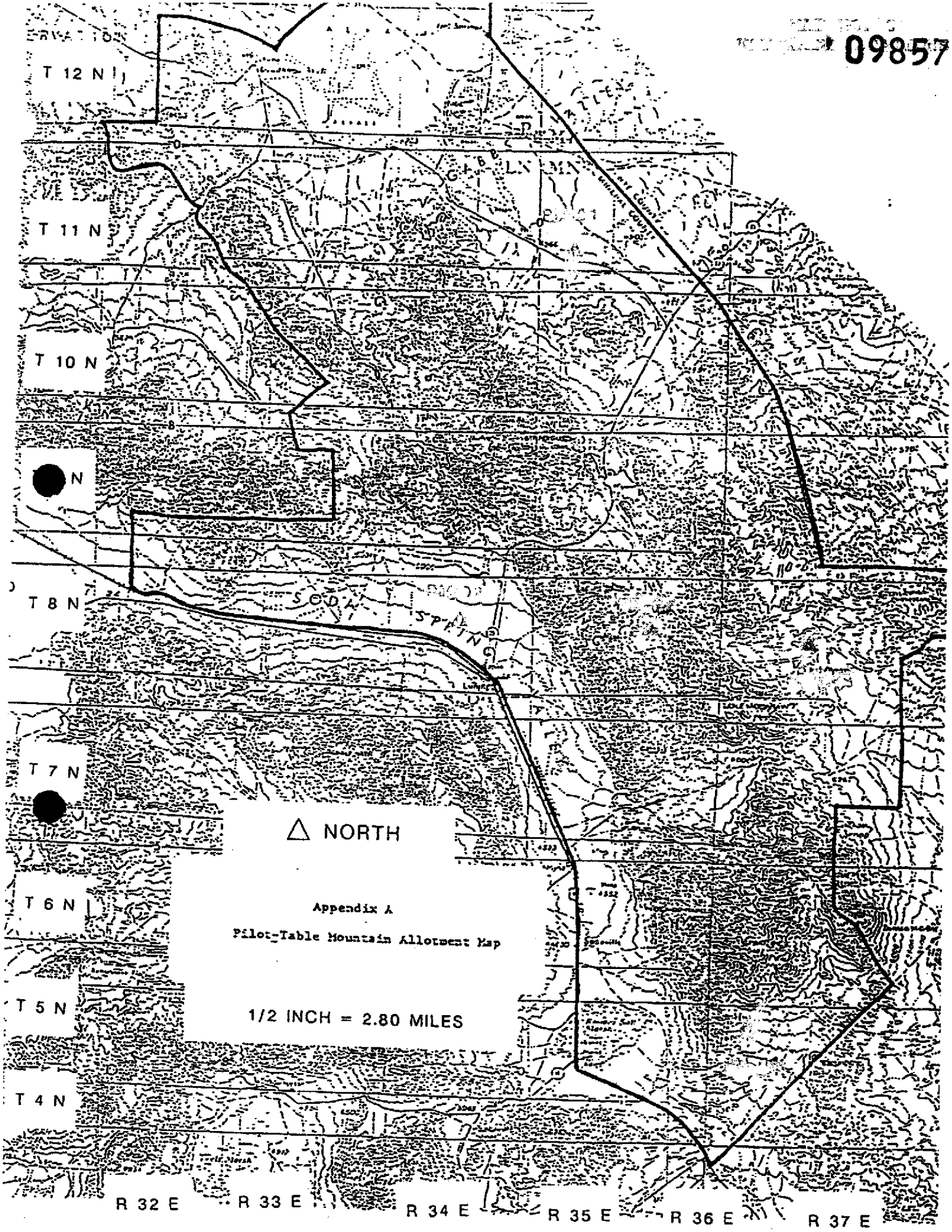

Appendix A

Pilot-Table Mountain Allotment Map