

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source.....Pinto Canyon Channel & Springs.....
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source.....Pinto ditches and pipeline.....
Name of ditch, flume or pipe line

at the following point(s).....Diversion from springs located in NW 1/4 SE 1/4 of Section 18
and NW 1/4 NW 1/4 of Section 20, T 18 n, R 54 E, MDM. Diversion point by
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
course and distance to be as shown on a culture map to be submitted.

(1) Name of claimant Fish Creek Ranch, LLC
Address PO Box 864, Eureka, County of Eureka
State of Nevada 89316 Telephone No. (.775.) 237-5715

(2) The means of diversion employed 2 small ponds, ditch and pipeline
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 Unknown
and completed prior to 1900

(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.

Does not apply - water transported by a 2" pipeline
(6) The conduit has (has not) been enlarged. Does not apply.
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 None and
completed None

(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. Does not apply

(9) The claimant is (is not) an owner in the above-described conduit.
X is not
Holds 100% interest
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 No known., Claimant has owned the property since 1997 and due to fore-
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 closure on property and no management of the parcel, it has not been use
given, appending a sheet if necessary
for irrigation by a pond and pipeline system for some time. Natural irrigation has occurred.

(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:

Stockwater and pasture
200 head of cattle per phone conversation w/ Luther Wise.
6/13/2002 K. Chambers

(19) The character of the soil is sandy loam (Sandy, gravelly, loam) A continuous flow of 3.5 ~~unknown~~ cubic feet of water per second has been used to irrigate 40 acres of land and 4 acre-feet per acre per annum have been used to irrigate the crops. See attachment

(20) Remarks Prior to 1900, a system of small ponds and a pipeline were constructed to provide water for irrigation from snow melt within the channel and springs located on the property which entered the channel. All waters, channel and springs were diverted into ditches or pipeline. Full use of the waters were made from prior to 1900 to at least 1953. This is based upon the Affidavit of George Penola. Acreages shown are estimated from interviews with George Penola and inspection of area. Exact acreage will be pursuant to a culture map. Priority is based upon statement by Emma Schaeffer in Proof 001858 as to use of Pinto Springs (not a source of this proof) as to livestock use in the area beginning by 1892.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Fish Creek Ranch, LLC are full and correct to the best of his knowledge and belief.

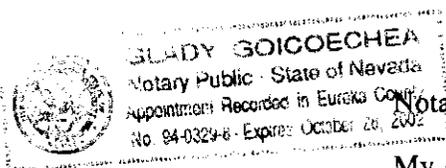
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 STATE ELK COUNTY OFFICE

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

Subscribed and sworn to before me this 28 day of March, 19 2002



Gladys Goicoechea
 Notary Public in and for the County of Eureka
 My commission expires 10/28/2002

\$100 FILING FEE MUST ACCOMPANY PROOF

ORIGINAL

Filing Serial No. 09272

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Pinto Canyon Channel & Springs
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source Pinto ditches and pipeline
Name of ditch, flume or pipe line

at the following point(s): Diversion from springs located in NW1/4 SE1/4 of Section 18 and
List all points of diversion from this source, appending a sheet if necessary

NW1/4 NW1/4 of Section 20, T18N R54E MDM. Diversion point by course and distance
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed
to be as shown on a culture map to be submitted
land, it should be stated

(1) Name of Claimant: Fish Creek Ranch, LLC

Address: P0 Box 864, Eureka 89314 County of Eureka

State of: Nevada Telephone No. (775) 237-5715

(2) The means of diversion employed 2 small ponds, ditch and pipeline
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: Unknown

and completed: _____

(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 ~~(has not)~~ been enlarged. Does not apply
Does not apply - water transported by a 2" pipeline

[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: None

and completed: None

(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. Does not apply

(9) The claimant is ~~(is not)~~ an owner in the above-described conduit.

Holds 100% interest

If claimant is an owner in the conduit, state interest held on this line

15/2/11

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

(11) Crops of Hay and pasture grass 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 October 15 of each year. If available 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.

Prior to 1900	<u>7</u>	acres in the	<u>SW1/4 SE1/4</u>	of Sec.	<u>18</u>	, T.	<u>18N</u>	, R.	<u>54</u>	E.
Year	<u>8</u>	acres in the	<u>SE1/4 SE1/4</u>	of Sec.	<u>18</u>	, T.	<u>18N</u>	, R.	<u>54</u>	E.
Year	<u>10</u>	acres in the	<u>NE1/4 NE1/4</u>	of Sec.	<u>19</u>	, T.	<u>18N</u>	, R.	<u>54</u>	E.
Year	<u>5</u>	acres in the	<u>NW1/4 NW1/4</u>	of Sec.	<u>20</u>	, T.	<u>18N</u>	, R.	<u>54</u>	E.
Year	<u>10</u>	acres in the	<u>SW1/4 NW1/4</u>	of Sec.	<u>20</u>	, T.	<u>18N</u>	, R.	<u>54</u>	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.
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.
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.
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.

(14) The maximum acreage irrigated in any year was 40 acres.

(15) The water claimed ~~has~~ (has not) 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 No known. Claimant has owned property since 1997 and due to foreclosure
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use
on property and no management of the parcel, it has not been used for irrigation
should be given, appending a sheet if necessary
by a pond and pipeline system for some time. Natural irrigation has occurred.

(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:

Stockwater and pasture

(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 _____
acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: Prior to 1900, a system of small ponds and a pipeline were constructed to provide water for irrigation from snow melt within the channel and springs located on the property which entered the channel. All waters, channel and springs were diverted into ditches or pipeline. Full use of the waters were made from prior to 1900 to at least 1953. This is based upon the Affidavit of George Penola. Acreages shown are estimated from interviews with George Penola and inspection of area. Exact acreage will be pursuant to a culture map. Priority is based upon statement by Emma Schaeffer in Proof 001858 as to use of Pinto Spring (not a source of this proof) as to livestock use in the area beginning by 1892.

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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

Subscribed and sworn to before me this 19 day of June, 2000

Glady Goicoechea
Notary Public in and for the County of Eureka

My commission expires 10/28/2002

\$100.00 FILING FEE MUST ACCOMPANY PROOF

