

AMENDED

Filing Serial No. 06305

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Electronically Filed
Feb 22 2013 10:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Source Stutler Canyon Creek

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via a diversion structure, pipeline & unnamed
Name of ditch, flume or pipe line ditches.

at the following point(s) within the SE 1/4 of Section 16, T. 12 N., R. 19 E.,
List all points of diversion from this source, appending a sheet if necessary

M.D.M. See attachment

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 Theadore Weber & Katherine A. Weber, husband & wife as
joint tenants.

Address Box 601, Minden, County of Douglas

State of Nevada 89423 Telephone No. (702) 265-5021

(2) The means of diversion employed diversion structure, pipeline, ditches. (See
Dam and ditch, pipe line, flume, etc. attachment.)

(3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See Attachment.)

(4) The construction of the ditch or other works was begun prior to March 1, 1905
and completed prior to March 1, 1905

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom.....feet, width
4" dia. pipeline. (See attachment.)
on top.....feet, depth.....feet, on a grade of.....feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged. See attachment.
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
See attachment for information regarding
completed.....relocation of pipeline.

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

6.10 percent. (See attachment.)

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 title

(11) Crops of alfalfa, native hay, 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 May 1 to October 15
of each year. Day of month Day of month

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1905, 7.60 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 14, T 12N, R 19 E.
Year

1905, 2.76 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 14, T 12N, R 19 E.

..... acres in the of Sec, T, R E.

..... acres in the of Sec, T, R E.

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..... acres in the of Sec, T, R E.

..... acres in the of Sec, T, R E.

(14) The maximum acreage irrigated in any year was 10.36 acres.

(15) The water claimed has (has not) been used for irrigation each and every year since the right was initiated.

0699

(16) The years during which no water was used for irrigation or during which the full water right was not used were See attachment

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 (was not) recorded in the office of the County Recorder of Douglas County, said record being at page of Book of

 , and being a claim for all appurtenant rights 10.36 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 claim 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:

Stock watering and domestic, January 1 through December 31 of each year

(19) The character of the soil is gravelly sandy loam A continuous flow of 1244 cubic (Sandy, gravelly, loam)

feet of water per second has been used to irrigate 10.36 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Theodore and Katherine A. Weber claim vested right to 6.10
percent of the waters of Stutler Canyon Creek for irrigation during
the period May 1 to October 15 annually to irrigate 10.36 acres.

See attachment for complete description of claim of water right.

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

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

Theodore Weber
Theodore Weber
Katherine A. Weber
Katherine A. Weber
Telephone No. (702) 265-5021

Subscribed and sworn to before me this 28th day of September, 1996



Notary Public in and for the County of Nevada

My commission expires June 22, 2000

STATE ENGINEERS OFFICE

96 SEP 30 PM 3:16

RECEIVED
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ORIGINAL

Filing Serial No. **06305**

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Stutler Canyon Creek

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via a diversion structure, pipeline & unnamed
Name of ditch, flume or pipe line ditches
at the following point(s) within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T.12n., R.19E., M.D.M.

List all points of diversion from this source, appending a sheet if necessary

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 Theodore Weber & Katherine A. Weber, husband & wife
as joint tenants.

Address Box 601, County of Douglas

Minden,
State of Nevada 89423 Telephone No. (702.) 265-5021

(2) The means of diversion employed diversion structure, pipeline, ditches. (See
Dam and ditch, pipe line, flume, etc. attachment.)

(3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See attachment.)

(4) The construction of the ditch or other works was begun prior to March 1, 1905
and completed prior to March 1, 1905. (See attachment.)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom.....feet, width
4" dia. pipeline. (See attachment.)
on top.....feet, depth.....feet, on a grade of.....feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged. See attachment.
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.....
See attachment for information regarding
relocation of pipeline.

(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 (is not) an owner in the above-described conduit.
6.10 percent. (See attachment.)

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 title

(11) Crops of alfalfa, native hay, 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 May 1 to October 15
of each year. Day of month Day of month

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1905, 10.36 acres in the NW $\frac{1}{4}$ of Sec 14, T 12, R 19 E.
Year

..... acres in the of Sec T R E.

..... acres in the of Sec T R E.

..... acres in the of Sec T R E.

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..... acres in the of Sec T R E.

..... acres in the of Sec T R E.

..... acres in the of Sec T R E.

(14) The maximum acreage irrigated in any year was 10.36 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 See attachment

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 (was not) recorded in the office of the County Recorder of Douglas County, said record being at page.....of Book.....of

....., and being a claim for all appurtenant rights.....
.....of water for the irrigation of 10.36

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:

Stock watering and domestic, January 1 through December 31 of each
year.

(19) The character of the soil is gravelly sandy loam A continuous flow of.....1244.....cubic
(Sandy, gravelly, loam)
feet of water per second has been used to irrigate 10.36 acres of land and 4.0
acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks Theadore and Katherine A. Weber claim vested right to 6.10 percent of the waters of Stutler Canyon Creek for irrigation during the period May 1 to October 15 annually to irrigate 10.36 acres.

See attachment for complete description of claim of water right.

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

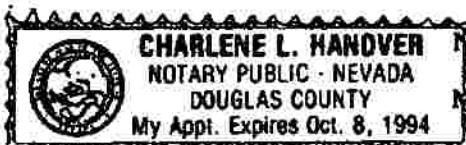
94 MAR 16 10:05 AM RECEIVED STATE ENGINEERS OF NEVADA
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

Theodore Weber
THEODORE WEBER

Katherine A. Weber
KATHERINE A. WEBER

Telephone No. (702) 265-5021

Subscribed and sworn to before me this 16th day of March, 19 94



Notary Public in and for the County of Douglas

My commission expires _____

\$100 FILING FEE MUST ACCOMPANY PROOF

MAGNETIC INFORMATION					
ENTRY	DATE	TIME	LOCATION	STATUS	REMARKS
1	10/10/1968	10:00	1000	1000	1000
2	10/10/1968	10:00	1000	1000	1000
3	10/10/1968	10:00	1000	1000	1000
4	10/10/1968	10:00	1000	1000	1000
5	10/10/1968	10:00	1000	1000	1000
6	10/10/1968	10:00	1000	1000	1000
7	10/10/1968	10:00	1000	1000	1000
8	10/10/1968	10:00	1000	1000	1000
9	10/10/1968	10:00	1000	1000	1000
10	10/10/1968	10:00	1000	1000	1000
11	10/10/1968	10:00	1000	1000	1000
12	10/10/1968	10:00	1000	1000	1000
13	10/10/1968	10:00	1000	1000	1000
14	10/10/1968	10:00	1000	1000	1000
15	10/10/1968	10:00	1000	1000	1000
16	10/10/1968	10:00	1000	1000	1000
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28	10/10/1968	10:00	1000	1000	1000
29	10/10/1968	10:00	1000	1000	1000
30	10/10/1968	10:00	1000	1000	1000
31	10/10/1968	10:00	1000	1000	1000
32	10/10/1968	10:00	1000	1000	1000
33	10/10/1968	10:00	1000	1000	1000
34	10/10/1968	10:00	1000	1000	1000
35	10/10/1968	10:00	1000	1000	1000
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44	10/10/1968	10:00	1000	1000	1000
45	10/10/1968	10:00	1000	1000	1000
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47	10/10/1968	10:00	1000	1000	1000
48	10/10/1968	10:00	1000	1000	1000
49	10/10/1968	10:00	1000	1000	1000
50	10/10/1968	10:00	1000	1000	1000
51	10/10/1968	10:00	1000	1000	1000
52	10/10/1968	10:00	1000	1000	1000
53	10/10/1968	10:00	1000	1000	1000
54	10/10/1968	10:00	1000	1000	1000
55	10/10/1968	10:00	1000	1000	1000
56	10/10/1968	10:00	1000	1000	

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C.

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1718 K. K. L. ET AL.

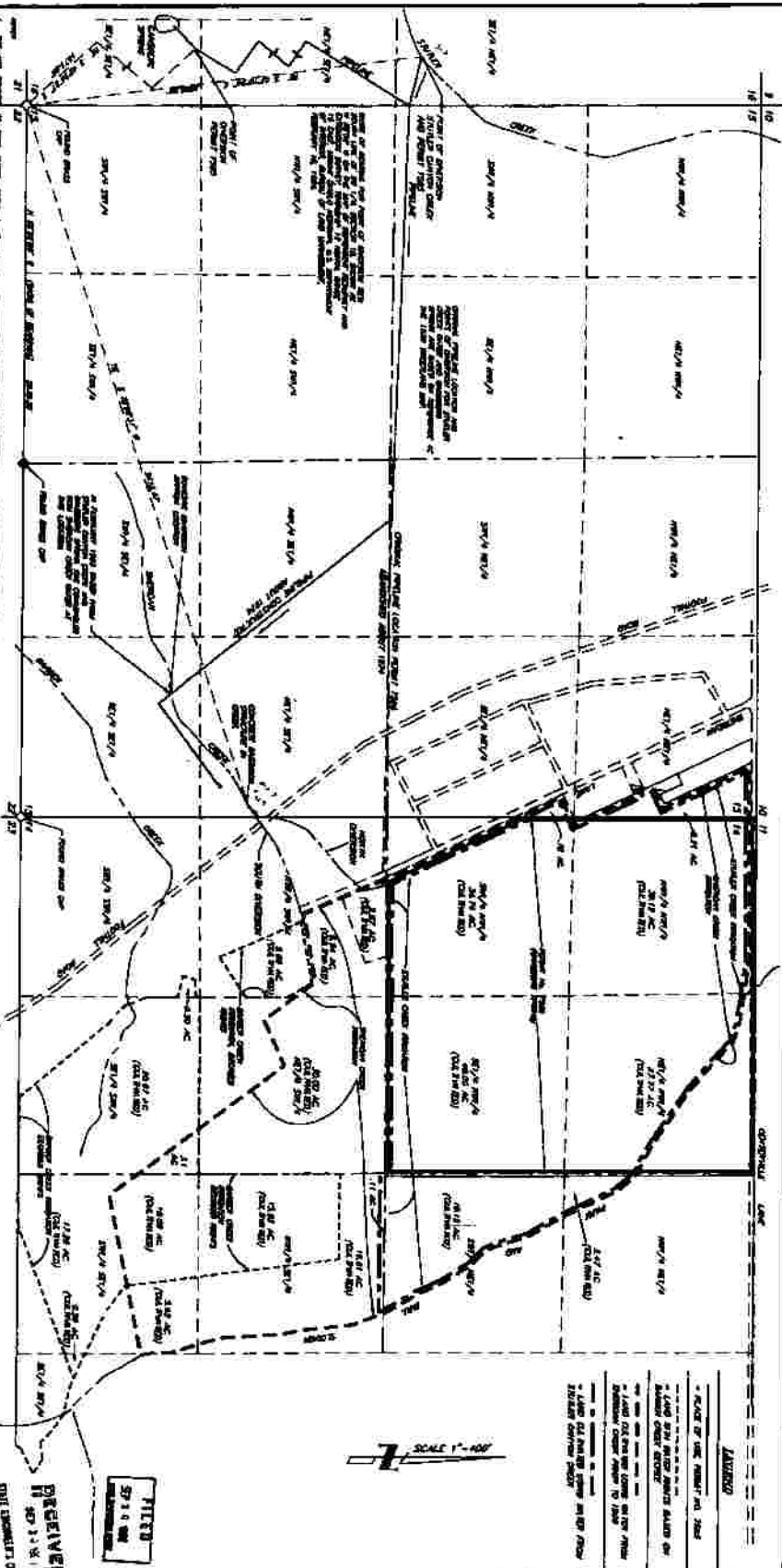
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EXHIBIT 4

AMENDED

Filing Serial No. 06306

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Sheridan Creek

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via a concrete diversion structure and unnamed
Name of ditch, flume or pipe line
at the following point(s) within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T.12N., R.19E., M.D.M.
List all points of diversion from this source, appending a sheet if necessary
from which the southwest corner of said Section 15 bears S72° 20' 31" W
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
a distance of 5,412.47 feet.

(1) Name of claimant Theodore Weber and Katherine A. Weber, husband & wife
as joint tenants.
Address Box 601, Minden, County of Douglas
State of Nevada 89423 Telephone No. (702) 265-5021

(2) The means of diversion employed diversion structure, ditches (See attachment.)
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See attachment.)

(4) The construction of the ditch or other works was begun prior to March 1, 1905
and completed prior to March 1, 1905 (See attachment.)

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 4 ± feet, width
on top 6 ± feet, depth 1.5 ± feet, on a grade of 3.3 ± feet per thousand feet.

(6) The conduit ~~has~~ (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 (is not) an owner in the above-described conduit.

7.5 percent, North Diversion (See attachment.)

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 See attachment
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 (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 all appurtenant rights _____ of water for the irrigation of 12.93 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:
Stock watering and domestic, January 1 through December 31 of each year.

(19) The character of the soil is gravelly sandy loam a continuous flow of 15.53 cubic feet of water per second has been used to irrigate 12.93 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.
(Sandy, gravelly, loam)

(20) Remarks. Theodore and Katherine A. Weber claim vested right to 7.50 percent ^{of} 65.43 percent of the waters of Sheridan Creek (North Diversion) for irrigation during the period of May 1 to October 15 annually to irrigate 12.93 acres.

See attachment for more complete description of claim of vested right.

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

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

Theodore Weber
THEODORE WEBER
Katherine A. Weber
Telephone No. (702) 265-5021

Subscribed and sworn to before me this 28th day of September, 1996

Diene Gordon (Diene Gordon)



Notary Public in and for the County of Nevada

My commission expires June 22, 2000

STATE ENGINEERS OFFICE

96 SEP 30 PM 3:15

\$100 FILING FEE MUST ACCOMPANY PROOF

RECEIVED

ORIGINAL

Filing Serial No.

06306

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Sheridan Creek

Name of natural water source (use separate proofs for each major source)

The water is diverted from its source via a concrete diversion structure and unnamed
 Name of ditch, flume or pipe line ditches.
 at the following point(s) within the NE 1/4 of Section 15, T. 12N., R. 19E., M.D.M.
 List all points of diversion from this source, appending a sheet if necessary

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 Theodore Weber and Katherine A. Weber, husband & wife
 as joint tenants.

Address Box 601, County of DouglasMinden,State of Nevada 89423 Telephone No. (702) 265-5021

- (2) The means of diversion employed Diversion structure, ditches (See attachment.)
 Dam and ditch, pipe line, flume, etc.

- (3) The date of the survey of ditch, canal, or pipe line was April 7, 1928 (See attachment.)

- (4) The construction of the ditch or other works was begun prior to March 1, 1905
 and completed prior to March 1, 1905 (See attachment)

- (5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 4 +/- feet, width
 on top 5 +/- feet, depth 1.5 +/- feet, on a grade of 33 +/- feet per thousand feet.

- (6) The conduit ~~has~~ (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 ~~(is not)~~ an owner in the above-described conduit.

7.50 percent, North Diversion (See attachment)

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 title

(11) Crops of alfalfa, native hay, 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 May 1 to October 15
Day of month Day of month
of each year.

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1852, 10.36 acres in the NE $\frac{1}{4}$ of Sec. 14, T. 12, R. 19 E.

1852, 2.57 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14, T. 12, R. 19 E.

..... acres in the of Sec., T., R. E.

..... acres in the of Sec., T., R. E.

..... acres in the of Sec., T., R. E.

..... acres in the of Sec., T., R. E.

..... acres in the of Sec., T., R. E.

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..... acres in the of Sec., T., R. E.

..... acres in the of Sec., T., R. E.

(14) The maximum acreage irrigated in any year was 12.93 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 See attachment

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 (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 all appurtenant rights _____ of water for the irrigation of 12.93

acres of land in the following legal subdivisions:

NOTE—Failure to record in the county in no way invalidates a water right, but if diach 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:

Stock watering and domestic, January 1 through December 31 of each year.

- (19) The character of the soil is gravelly sandy loam. A continuous flow of 1553 cubic (Sandy, gravelly, loam) feet of water per second has been used to irrigate 12.93 acres of land and 4.0 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks. Theodore and Katherine A. Weber claim vested right to 7.50 percent of 65.43 percent of the waters of Sheridan Creek (North Diversion) for irrigation during the period May 1 to October 15 annually to irrigate 12.93 acres.

See attachment for more complete description of claim of vested right.

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

by _____ are full and correct to the best of his knowledge and belief.

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

94 MAR 16
STATE ENGINEERS OFFICE

Theodore Weber
THEODORE WEBER
Katherine A. Weber
KATHERINE A. WEBER

Telephone No. (702) 265-5021

Subscribed and sworn to before me this 16th day of March, 19 94.

Charlene L. Handover



Notary Public in and for the County of Douglas

My commission expires

\$100 FILING FEE MUST ACCOMPANY PROOF

EXHIBIT 5

06307

Serial No. _____

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

- (1) Name of claimant
- Theodore & Katherine A. Weber husband & wife as joint tenants

P.O. Box 601of MindenStreet and No. or P.O. Box No.City or townNevada, 89423State and Zip Code No.

- (2) Source of water
- Sheridan Creek

Name of natural water source.

- (3) The water is diverted by
- via a concrete diversion structure & unnamed ditches -

See AttachmentDam, ditch, pipe line, natural channel, spring area, etc.

- (4) The water is diverted at the following point(s)
- within the NE1/4 SE1/4 of section 15, T.12N

R. 19 E., M.D.M.R. 19 E., M.D.M.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 reach.

- (5) The water is impounded in
- Pond and Natural channel

Troughs, tanks, pools, reservoir, natural channel, etc.

- (6) The construction of the ditch or other works was begun
- Natural channel prior to 1905

Natural channel prior to 1905Dateand completed Pond prior to 1970See Attachment

- (7) The nature of the claimant's title to the land upon which the source of water and place of use are located is
- Fee Title

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

- (8) The claimant's water right was
- XXXXXX
- recorded in the office of the County Recorder of

DouglasCounty, at Page640of Book886of138680&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).2726-2733387152147See Attachment B & C

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- (9) The approximate number of animals watered by the claimant during the first year. 1987
was ⁴ cattle ⁶ horses ¹² sheep or wildlife (describe) large #s of ducks, geese
The watering was conducted during each of the following months Jan. 1 thru Dec. 31

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

Same as above

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
60 % of flow in the summer months and 95 % in the winter months.
cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

- (12) The works are located at within the NE1/4SE1/4 of Section 15, T.12N. R.19E. M.D.M.

POND LOCATION + DIVERSION IS SW1/4 & NW1/4 OF SEC 14
T.12, R.19E M.D.M. Water Right

Remarks We are asking for the diversion based on the following: Attachment A-
Purchase agreement -where seller June Rolph gave the right to a non-consumptive
diversion of surface water rights for a pond located on Parcel B of property.
Attachment B-Water diversion and use agreement filing #138680 Book 886 Page 640,
641 whereas June Rolph gives her permission to Gerald Whitmire to run his 1/2
interest in Sheridan Creek thru the Old Crowell Ranch and Mr. Whitmire gives his
permission to Mr. Lodato to divert his 1/2 interest in Sheridan Creek through the
the pond located on Parcel B. Attachment C-Water diversion and use agreement
Filing #152147 Book 387, Pages 2726 to 2733. In this agreement Mr. Whitmire gives

06301

Remarks his permission to divert all of his share of Sheridan Creek water thru pond on Parcel B for non-consumptive use and back to his land for irrigation. This agreement was for perpetuity, for which a fee was paid.

also showed up in an title search^{to} attached

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

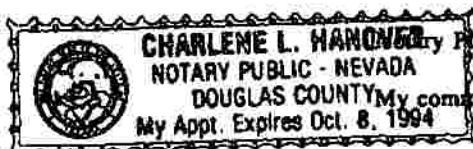
are full and correct to the best of his knowledge and belief.

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

Claimant
Telephone No. (702) 265-5021

By Theodore Weber Katherine A. Weber
THEODORE WEBER KATHERINE A. WEBER
P.O. Box 601
Street and No., or P.O. Box No.
Minden NV 89423
City, State, Zip Code No.
Telephone No. (702) 265-5021

Subscribed and sworn to before me this 16TH day of MARCH, 1994.



Charlene L. Hanover
Notary Public in and for the County of Douglas
My commission expires

\$50 FILING FEE MUST ACCOMPANY PROOF

EXHIBIT 6

Serial No. **06308**

STATE OF NEVADA
**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES**

(1) Name of claimant Theodore and Katherine A. Weber husband & wife as joint tenant:

P.O. Box 601 of Minden
Street and No. or P.O. Box No. City or town
Nevada 89423
State and Zip Code No.

(2) Source of water Stutler Canyon Creek
Name of natural water source.

(3) The water is diverted by diversion structure, pipeline & unnamed ditches-See
Attachment AA
Ditch, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) within the SE1/4 NE1/4 of Section 16,
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.
T.12 N., R.19E., M.D.M.
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in pond and natural channel
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Natural channel prior to 1905
and completed pond prior to 1970
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use
are located is Fee Title
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was ~~(was not)~~ recorded in the office of the County Recorder of
Douglas County, at Page 640 of Book 886 of 138680 &

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

2726-2733

387

152147

(9) The approximate number of animals watered by the claimant during the first year 1987,
was 4 cattle 6 horses 12 sheep or wildlife (describe) large #s of ducks, geese
Date
Other

The watering was conducted during each of the following months Jan. 1 thru Dec. 31

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

Same as above

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
60% of flow in the summer months and 95 % in the winter months.
cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at within the NE1/4SE1/4 of section 15, T.12N., R.19E., N.D.M.
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

Pond Location + Diversion is SW 1/4 of NW 1/4 of Sec. 14

land, it should be stated.

T.12, R.19E Twp K. W. M.D.M

Remarks We are asking for the diversion based on the following: Attachment A-

Purchase agreement-where seller June Rolph gave the right to non-consumptive

diversion of surface water rights for a pond located on Parcel B of property.

Attachment B- Water diversion and use agreement filing #138680 Book 886 Page 640

641 whereas June Rolph gives her permission to Gerald Whitmire to run his 1/2

interest in Sheridan Creek thru the Old Crowell Ranch and Mr. Whitmire gives his

permission to Mr. Lodato to divert his 1/2 interest in Sheridan Creek through the

pond located on Parcel B. Attachment C- Water diversion and use agreement

filing #152147 Book 387, Pages 2726 to 2733. In this agreement Mr. Whitmire gives

06250

Remarks his permission to divert all of his share of Sheridan Creel water thru pond on Parcel B for non-consumptive use and back to his land for irrigation. This agreement was for pepetuity, for which a fee was paid.

Also showed up in our title search (attached)

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

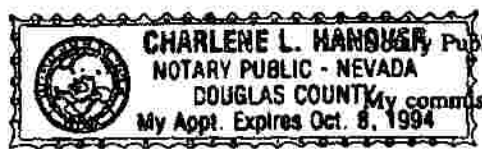
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Telephone No. (702) 265-5021

By Theodore Weber
THEODORE WEBER
P.O. Box 601
Street and No., or P.O. Box No.
MINDEN, NV 89423
City, State, Zip Code No.
Telephone No. (702) 265-5021

Subscribed and sworn to before me this 16TH day of MARCH, 1994.

Charles L. Hanson



Public in and for the County of Douglas My commission expires

\$50 FILING FEE MUST ACCOMPANY PROOF

EXHIBIT 7

40 Box 154
N. 1/2 Sec. 41N
89423

WATER DIVERSION AND USE AGREEMENT

THIS AGREEMENT is entered into by and between JUNE IRENE BARTLETT, who took title as June Irene Rolph, NANCY ROLPH WELCH, GERALD F. WHITMIRE and PAMELA F. J. WHITMIRE, husband and wife as joint tenants, hereafter referred to as "Grantors" and JOSEPH S. LODATO, hereafter referred to as "Grantee", based upon the following facts:

1. Grantors are the owners of real property located in Douglas County, Nevada, as well as the owners of water rights which are appurtenant to, certificated or adjudicated to the benefit of the property owned by them in Douglas County, Nevada.
2. Grantee is the owner of real property located in Douglas County, Nevada, which was purchased heretofore from Grantors.
3. Grantors own and enjoy the right to use waters from Sheridan Creek.
4. There are no downstream users of water from these creeks, after this water is used by Grantors.
5. Grantee desires to divert some or all of the water from Sheridan Creek, onto his property, to be used in a non-consumptive manner to maintain water levels in ponds on Grantee's property, and thereafter to cause the water to be diverted back to the property of Grantors for irrigation purposes.

6. Grantors have agreed to such an arrangement, on the terms and conditions which follow.

THEREFORE, based upon the recital of facts set forth above, which are incorporated in the body of this agreement by reference, and the covenants and conditions which follow hereinafter, the parties do agree as follows:

A. For valuable consideration, receipt of which is hereby acknowledged by Grantors, Grantors do hereby give and grant to Grantee, as a covenant running to the benefit of the land described in Exhibit "A" attached hereto, the right to divert one hundred percent (100%) of the water from Sheridan Creek, onto the Exhibit "A" property, in perpetuity.

B. This grant is specifically made on the condition that the water will be used by Grantee in a non-consumptive fashion, to maintain water levels in a series of streams and ponds on the Exhibit "A" property, after which time it will be re-diverted to the irrigation ditches of Grantors.

C. Grantors are granted the right, upon reasonable notice, to have access to the Exhibit "A" property to ensure that the limitations set forth herein regarding use are being adhered to by Grantee.

D. Grantee is hereby given the right of access to other property of Grantors, in order to ensure that the water may be diverted to Grantee's property.

E. This grant of right to divert and use water includes the right of Grantee to divert the Sheridan Creek water from the natural creekbed or water course on the west side of Foothill Road and in an easement granted pursuant to Exhibit "B" which is attached hereto, and to return to the natural water course on property owned by Grantee just east of that 50-foot roadway and utility easement shown on Exhibit "C" which is attached hereto and incorporated herein by reference.

F. This promise to permit the use and diversion of water is intended to be and is made by Grantors to be a covenant running with the land, and the benefits thereof may be enjoyed by the heirs and assigns of Grantee, and subsequent owners of the Exhibit "A" property.

G. This agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors and assigns of the parties hereto.

H. This agreement may be terminated by Grantors in the event a Court of competent jurisdiction determines that the Grantee has been violating the terms hereof, to the detriment of Grantors.

I. The interpretation and enforceability of this agreement shall be determined by the laws of the State of Nevada, and in the event a law suit is brought to enforce or

interpret this agreement, the prevailing party shall be awarded reasonable attorney's fees against the party not prevailing.

IN WITNESS WHEREOF, the parties have set their hands the day and year set forth below.

Date: _____

JUNE IRENE BARTLETT, who took
title as June Irene Rolph

Date: _____

NANCY ROLPH WELCH

Date: 6/9/86

Michael Whitman
GREGORY F. WHITMAN

Date: 6-9-86

Joseph D. Whitman
PATRICK M. J. WHITMAN

Date: _____

Joseph M. J. Ladd
JOSEPH M. LADD

STATE OF _____)
COUNTY OF _____)

ss.

On _____, 1986, personally appeared before me, a notary public, JUNE IRENE BARTLETT, personally known to me to be the person who executed the above instrument, and acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

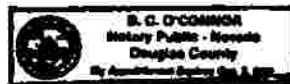
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STATE OF Nevada } ss.
COUNTY OF Douglas }

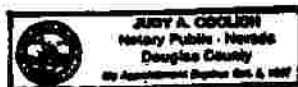
On June 9, 1986, personally appeared before
me, a notary public, PAMELA F. J. WHITMIRE, personally known to
me to be the person who executed the above instrument, and
acknowledged to me that she executed the same for the purposes
therein stated.

P.F. J. Whitmire
Notary Public



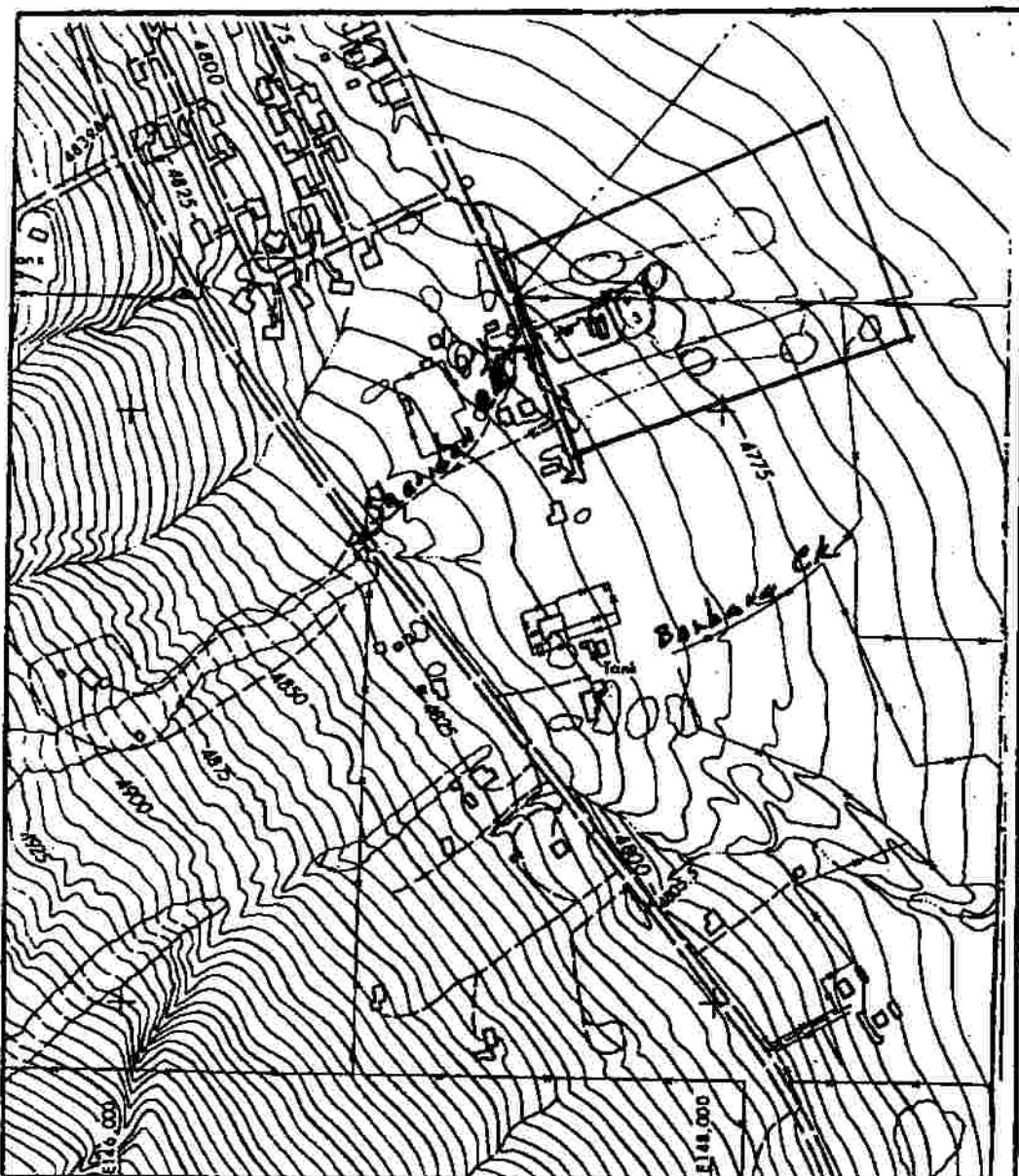
STATE OF Nevada } ss.
COUNTY OF Douglas }

On June 9th, 1986, personally appeared before
me, a notary public, JOSEPH S. LODATO, personally known to me to
be the person who executed the above instrument, and
acknowledged to me that he executed the same for the purposes
therein stated.



Joseph S. Lodato
Notary Public

152147
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PROJECT

Scale: 1" = 400' 152147
 Contour Interval: 5'
 Date of Photography: 6-1-77 3871102731

EXHIBIT "A"

4 A parcel of land lying in a portion of the South 1/2 of the Northwest 1/4 and the North 1/2 of the Southwest 1/4 of Section 14, Township 12 North, Range 19 East, N.D.B.M., Douglas County, Nevada, further described as follows:

BEGINNING at the Southwest corner of Parcel 1 (Jones Ranch Survey) and the Southwest corner of a 1.246 acre parcel of the Polph residence, which lies on an easterly 50 foot right-of-way extension of Sheridan Lane from which the North one-quarter corner of said Section 14, bears North 34°22'30" East, 3571.08 feet; thence South 24°49'00" East, 334.72 feet; thence North 70°37'51" East, 1120.70 feet; thence North 25°05'38" West 958.85 feet; thence South 64°05'08" West 1120.70 feet to the Easterly 50 foot easement of Sheridan Lane Extension; thence along said easement South 25°54'52" East, 496.34 feet to the Point of Beginning.

TOGETHER with an easement for ingress and egress fifty (50) feet wide along the westerly side of a vine more particularly described as follows:

BEGINNING at the intersection of the easterly side of Sheridan Lane and the southerly side of Bolen Circle; thence running South 25°54'52" East, 728.00 feet, situate in the County of Douglas, State of Nevada.

EXCEPTING THEREFROM an irrigation easement five (5) feet in width, located in the Northwest 1/4 of the Southwest 1/4 of Section 14, Township 12 North, Range 19 East N.D.B.M., in Douglas County, Nevada, the centerline of an existing irrigation ditch being more particularly described as follows:

BEGINNING at a point from which the Southwest Corner of the parcel described in Document No. 64911, filed in the office of Douglas County Recorder bears South 25°54'52" East, a distance of 349.90 feet; said point being on the Easterly line of Sheridan Lane; thence North 89°45'00" East, a distance of 286.39 feet to a point on the Westerly line of an existing pond; thence North 88°39'49" East, a distance of 172.66 feet to a point on the Easterly side of said pond; thence North 81°56'51" East, a distance of 42.43 feet; thence South 06°12'18" West, a distance of 12.64 feet; thence North 83°28'21" East, a distance of 79.45 feet; thence South 89°50'46" East, a distance of 490.17 feet; thence South 24°36'11" East, a distance of 6.24 feet; thence North 89°37'20" East, a distance of 59.47 feet; thence North 89°39'01" East, a distance of 16.07 feet; thence South 47°29'25" East, a distance of 9.05 feet; thence North 89°20'58" East, a distance of 236.82 feet to the Point of Ending, from which the Southwest corner of the above mentioned parcel bears South 75°21'13" West, a distance of 1270.74 feet.

The side lines of the above described easement are to be forelengthened or foreshortened to meet the called beginning.

152147

BOOK 387 PAGE 2732

EXHIBIT 25

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

FINAL ORDER OF DETERMINATION

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND
TO THE WATERS OF MOTT CREEK, TAYLOR CREEK, CARY CREEK (AKA
CAREY CREEK), MONUMENT CREEK, BULLS CANYON, STUTLER CREEK
(AKA STATTLER CREEK), SHERIDAN CREEK, GANSBERG SPRING, SHARPE
SPRING, WHEELER CREEK NO. 1, WHEELER CREEK NO. 2, MILLER CREEK,
BEERS SPRING, LUTHER CREEK AND VARIOUS UNNAMED SOURCES IN
CARSON VALLEY, DOUGLAS COUNTY, NEVADA.

TRACY TAYLOR, P.E.
STATE ENGINEER
August 14, 2008



CERTIFICATION OF STATE ENGINEER

I, Tracy Taylor, State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Final Order of Determination in and to the waters of Mott Creek, Taylor Creek, Cary Creek (AKA Carey Creek), Monument Creek, Bulls Canyon, Stutler Canyon (AKA Stattler Creek), Sheridan Creek, Gansberg Spring, Sharpe Spring, Beers Spring, Autumn Hills Spring, Wheeler Creek No. 1, Wheeler Creek No. 2, Luther Creek and various unnamed sources in Carson Valley, Douglas County, Nevada. This Final Order of Determination was prepared and filed in this office on the 14th day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada this 14th day of August, 2008.

Tracy Taylor, P.E.

TRACY TAYLOR, P.E.
STATE ENGINEER