

AGREEMENT

This agreement entered into this 2nd day of December, 1987, by and between Francis A. and Linda A. Lytle of St. George, Utah, hereafter referred to as Lytles, and Hafen Brothers, a Utah General Partnership, Herschel Hafen, Ramona Hafen, Eldon Hafen, Maxine Hafen, L. Kelton Hafen, and Peggy Hafen, being the general partners, hereafter referred to collectively as Hafen Brothers.

RECITALS

1. WHEREAS, the parties are the owners of certain real property located in Lincoln County, Nevada, more specifically described in Exhibits "A" and "B" attached hereto; and
2. WHEREAS, the parties and their predecessors in interest have filed on certain water rights appurtenant to the real property described in Exhibits "A" and "B"; and
3. WHEREAS, the parties have during the past many years established a pattern of use of said water; and
4. WHEREAS, various filings and protests have been made by both parties pertaining to the water rights which are the subject of this agreement; and
5. WHEREAS, the parties are now desirous of entering into an agreement to settle any and all disputes which have arisen in the past concerning the use of the water rights which are the subject of this agreement.

NOW THEREFORE, the parties agree as follows:

1. The parties agree that the primary proof of application pertaining to this agreement is Proof No. 01352 filed March 1, 1915, by Lamond Woods and Lyman Woods, with a priority date of 1869 from the North and East Fork of Clover Valley Creek. The real property presently owned by both parties was then under ownership

of Lamond Woods and Lyman Woods, the applicants under Proof No. 01352. The parties further agree that since that time secondary filings have been made by their predecessors in interest which are as follows:

- A. Hafen Brothers:
Proof No. 01474, Proof No. 01803
- B. Lytles:
Proof No. 01472, Proof No. 01473

These water rights are more particularly described in Exhibit "C" attached hereto.

2. The parties agree that as per their past course of conduct for many years, Lytles shall be entitled to divert their water rights from one-half of the water from the East Fork of Clover Creek and Hafen Brothers shall be entitled to divert their water rights from one-half of the water of East Fork of Clover Creek and from all of the water of the North Fork of Clover Creek.

3. The parties agree further that they shall have rotation rights of water as between the primary and secondary water rights described above. This rotation of water rights shall be limited to the rotation of primary and secondary water rights owned by the parties which are described above and in Exhibit "C". The parties agree this arrangement shall provide for the most beneficial use of the water.

4. The terms and conditions of this agreement resolve all conflicts between the parties pertaining to the above described water rights located on the East and North Forks of Clover Valley Creek. The parties agree to bound by the terms and conditions of this agreement and desire that these terms and conditions be adopted by the Nevada State Water Engineers Office in their final order of determination.

5. Should any party default in any of the covenants or agreements herein contained, that defaulting party shall pay all costs and expenses, including a reasonable attorney's fee, which may arise or accrue from enforcing this agreement or

in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing suit or otherwise.

6. All negotiations, understandings, representations and preliminary agreements are merged herein. The parties intend this document to be the final and exclusive expression of their agreement.

7. This agreement may not be modified, amended or revoked unless by a writing signed by all the parties hereto.

8. This agreement shall apply to, inure to the benefit of and bind all parties hereto, their heirs, personal representatives and other successors.

Executed at St. George, Utah, on the date first above written.

Francis A. Lytle
FRANCIS A. LYTLE

Linda A. Lytle
LINDA A. LYTLE

Herschel Hafen
HERSCHEL HAFEN

Ramona Hafen
RAMONA HAFEN

Eldon Hafen
ELDON HAFEN

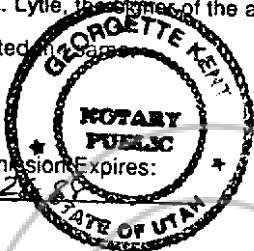
Maxine Hafen
MAXINE HAFEN

L. Kelton Hafen
L. KELTON HAFEN

Peggy Hafen
PEGGY HAFEN

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me Francis A. Lytle, the signer of the above instrument, who duly acknowledged to me that he executed the same.

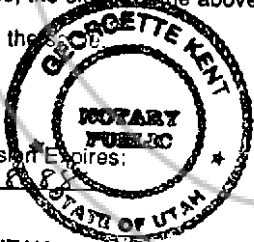


My Commission Expires: 4-28-88

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, UT

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me Linda A. Lytle, the signer of the above instrument, who duly acknowledged to me that he executed the same.

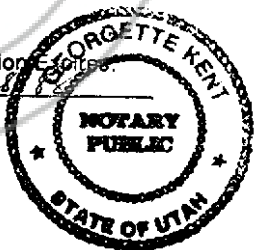


My Commission Expires: 4-28-88

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, UT

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me Herschel Hafen, the signer of the above instrument, who duly acknowledged to me that he executed the same.

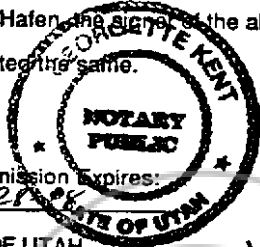


My Commission Expires: 4-28-88

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, UT

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me
Ramona Hafen, the signer of the above instrument, who duly acknowledged to me that
he executed the same.

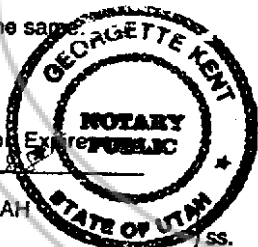


Georgette Kent
NOTARY PUBLIC
Residing at: St. George, Ut

My Commission Expires:
4-28-88

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me
Eldon Hafen, the signer of the above instrument, who duly acknowledged to me that
he executed the same.



Georgette Kent
NOTARY PUBLIC
Residing at: St. George, Ut

My Commission Expires:
4-28-88

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

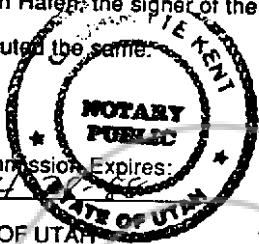
On the 2nd day of December, 1987, personally appeared before me
Maxine Hafen, the signer of the above instrument, who duly acknowledged to me that
he executed the same.

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, Ut

My Commission Expires:
4-28-88

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me
L. Kelton Hafen, the signer of the above instrument, who duly acknowledged to me that
he executed the same.

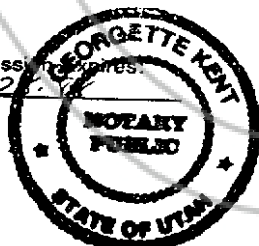


My Commission Expires: 4-2-88

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, UT

STATE OF UTAH }
COUNTY OF WASHINGTON } ss.

On the 2nd day of December, 1987, personally appeared before me
Peggy Hafen, the signer of the above instrument, who duly acknowledged to me that
he executed the same.



My Commission Expires: 4-2-88

Georgette Kent
NOTARY PUBLIC
Residing at: St. George, UT

gbk13

EXHIBIT "A"

Lytle's Real Property (located in Lincoln County, State of Nevada):

Primary (01352):

All of the NE1/4SW1/4 of Section 14, T. 5 S., R. 69 E., MDB&M, and Also all of that tract of land described in Deed of June 21, 1912, recorded April 29, 1913, in Book "B-1" of Real Estate Deeds at page 35, Lincoln County, Nevada, Records, Lyman Lafayette Woods, grantor to Obe Hamblin, grantee, and in part more particularly described by metes and bounds survey by W. F. Thorne, September 18, 1922, and recorded October 12, 1922, in Book "B-1" at page 486, Lincoln County, Nevada, Records field notes of metes and bounds survey as follows: Beginning at the Northeast corner of the Southwest quarter, this being the center of Section 14, T. 5 S., R. 69 E., MDB&M, thence N. 43°30' East, 98 feet, thence N. 34°30' East 247 feet, thence N. 44°30' East 99 feet, thence N. 14°30' East 306.6 feet, thence N. 70°30' West 300 feet, thence S. 59°30' West 593.3 feet, thence N. 73° West 542 feet, thence N. 24° West 197 feet, thence N. 74° West 283 feet, thence S. 31° West 88 feet, thence S. 61° West 131 feet, thence S. 7° West 410 feet, thence N. 80° West 21 feet, thence S. 7° West 187 feet, thence N. 82° West 46 feet, thence S. 10° West 102 feet, thence S. 17° East 156 feet, to Desert Entry of Ed Hamblin, thence East 1235 feet to the point of beginning, making a total of approximately 25 acres and being in the SW1/4NE1/4 and the SE1/4NW1/4 of Section 14, T. 5 S., R. 69 E., MDB&M.

Also, Lot No. 1 and 2, situate in Clover Valley, and further described as follows:

Lot No. 1 - The point of beginning bears E. 269 feet from the W1/4 corner, of Section 14, T. 5 S., R. 69 E., MDB&M, thence from this point, N. 22°48' West 129.3 feet, thence N. 46°02' W. 157 feet, thence S. 88°16' East 416 feet, thence 1°05' East 35 feet, thence S. 61°55' West 203.3 feet, thence S. 77°54' West 139 feet, thence S. 2°26' East 202 feet, thence S. 89°36' West 120.6 feet, thence N. 22°48' West 132.7 feet, and being all in Sec. 14, T. 5 S., R. 69 E., MDB&M, and containing 2.13 acres, more or less.

Lot No. 2 - The point of beginning bears E. 656 feet, thence S. 2°40' East 164 feet, from the W1/4 corner of Section 14, T. 5 S., R. 69 E., MDB&M, thence from this point of beginning S. 2°40'E., 400 feet, thence N. 89°50' East 300 feet, thence N. 17°05' West 420 feet, thence S. 89°07' West 196 feet to the point of beginning, and being all situate in Sec. 14, T. 5 S., R. 69 E., MDB&M, and containing 2.23 acres, more or less.

Secondary (Nos. 01472, 01473):

Parcel 1:

The North Half (N1/2) of the Northeast Quarter (NE1/4) of Section 16, Township 5 South, Range 69 East MDB&M, lying North of the Union Pacific Railroad Company Right of Way.

Excepting therefrom that portion thereof described as follows:

Beginning at the point of intersection of the North-South Section Line common to Sections 15 and 16 and the North line of the Union Pacific Railroad Right of Way; thence Westerly along said Union Pacific Railroad Company Right of Way line a distance of 1320 feet to a point; thence Easterly and parallel with the last mentioned Right of Way line a distance of 1320 feet to a point on said North-South Section Line; thence South along said Section Line a Distance of 594 feet to the point of beginning.

Parcel 2:

The South Half (S1/2) of the Southeast Quarter (SE1/4) of Section 8; the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 16; and the East half (E1/2) of the Northeast Quarter (NE1/4) of Section 17, all in Township 5 South, Range 69 East, MDB&M.

Excepting therefrom any portion thereof lying within the Union Pacific Railroad Company Right of Way.

Parcel 3:

That portion of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 16, Township 5 South, Range 69 East, MDB&M lying North of the Union Pacific Railroad Company Right of Way.

Containing 268 acres, more or less.

EXHIBIT "B"

Hafen Brothers Real Property (located in Lincoln County, State of Nevada):

Primary (01352):

That portion of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 14, Township 5 South, Range 69 East, MDM; more particularly described as follows: BEGINNING at the Southeast corner of Section 14, Township 5 South, Range 69 East M.D.M.; thence North 50°31' West, for a distance of 5,997.64 feet to the true point of beginning, which is on the West Right of Way Line of Union Pacific Railroad, and on or near the North line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 14; thence South 11°36' West, for a distance of 608.70 feet along the West Right of Way line of Union Pacific Railroad to a point; thence along a curve on the West Right of Way Line of Union Pacific Railroad for a distance of 541.30 feet to a point; (the elements of the curve being, R-960 feet, Chord 524 feet, Central Angle - 31°40'); thence due North 500.00 feet to a point; thence North 20°51' East for a distance of 600.68 feet to a point; thence due East for a distance of 150.00 feet to the true point of beginning.

Primary and Secondary (01352, 01474, 01803):

Parcel 1:

The N1/2 Sec. 22; SW1/4, S1/2SE1/4, NW1/4SE1/4, S1/2NW1/4, SW1/4NE1/4 Sec. 15; N1/2SE1/4 Sec. 16; Also a parcel of land 1.73 acres in the SE1/4NE1/4 Sec. 15, all in T. 5 S., R. 69 E., MDB&M, Lincoln County, Nevada. Containing 801.73 acres more or less.

Parcel 2:

77.64 acres of land, Patent No. 24905, being the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 14 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, T. 5 S., R. 69 E., M.D.M., together with any and all improvements thereon.

202.21 acres of land, Patent Nos. 24902 and 24905, being S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 5 S., R. 69 E., M.D.M., together with any and all improvements thereon.

Lincoln County

PROOF NO.: 01352
CLAIMANT: Lamond Woods and Lyman Woods
SOURCE: Clover Valley Creek
USE: Irrigation and domestic
MEANS OF DIVERSION: Dams and ditches
POINT OF DIVERSION: NW1/4 SW1/4 Section 13, T.5S., R.69E., M.D.B.&M.

<u>PRIORITY</u>	<u>CULTURAL ACREAGE</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>CFS</u>	<u>AC.P.T.</u>
1869	2.4	SE1/4 NE1/4	14	5S	69E	.060	12.0
1869	20.6	SE1/4 NE1/4	14	5S	69E	.515	103.0
1869	20.0	SW1/4 NE1/4	14	5S	69E	.500	100.0
1869	20.4	SE1/4 NW1/4	14	5S	69E	.500	102.0
1869	11.5	NE1/4 SW1/4	14	5S	69E	.288	57.5
1869	15.0	NW1/4 SW1/4	14	5S	69E	.375	75.0
1869	32.4	SW1/4 NW1/4	14	5S	69E	.810	162.0
1869	9.0	SE1/4 NE1/4	15	5S	69E	.225	45.0
1869	2.5	SW1/4 NE1/4	15	5S	69E	.063	12.5
1869	1.5	SW1/4 NW1/4	15	5S	69E	.038	7.5
	<u>135.3</u>					3.370	676.5

Lincoln County

PROOF NO.: 01472
 CLAIMANT: Francis A. and Linda A. Lytle
 SOURCE: Lytle Spring #2
 USE: Irrigation
 MEANS OF DIVERSION: Ditch
 POINT OF DIVERSION: NE1/4 NE1/4 Section 16, T.5S., R.69E., M.D.B.&M., or at a point from which the NE corner of Section 15, T.5S., R.69E., M.D.B.&M., bears N. 87 degrees 29' 43" E., a distance of 6,184 feet.

PRIORITY	CULTURAL ACREAGE	SUBDIVISION	SECTION	TOWNSHIP	RANGE	CRS	AC.FT.
1890	12.9	NW1/4 NE1/4	16	5S	69E	.323	64.5
1890	3.1	NW1/4 NE1/4	16	5S	69E	.078	15.5
1890	26.4	NE1/4 NE1/4	16	5S	69E	.860	132.0
1890	6.5	SW1/4 NE1/4	16	5S	69E	.163	32.5
1890	6.8	SW1/4 NE1/4	16	5S	69E	.020	4.0
1890	11.4	SE1/4 NE1/4	16	5S	69E	.290	57.9
						1.533	305.3

PROOF NO.: 01473
 CLAIMANT: Andrew R. Lytle
 SOURCE: Lytle Springs Nos. 3 and 4
 USE: Irrigation
 MEANS OF DIVERSION: Ditches
 POINTS OF DIVERSION:
 1) SW1/4 NW1/4 Section 16, T.5S., R.69E., M.D.B.&M., or at a point from which the NE corner of Section 15, T.5S., R.69E., M.D.B.&M., bears N. 80 degrees 40' 46" E., a distance of 9,484 feet.
 2) NE1/4 NE1/4 Section 17, T.5S., R.69E., M.D.B.&M., or at a point from which the NE corner of Section 15, T.5S., R.69E., M.D.B.&M., bears N. 83 degrees 40' 45" E., a distance of 11,482 feet.

PRIORITY	CULTURAL ACREAGE	SUBDIVISION	SECTION	TOWNSHIP	RANGE	CRS	AC.FT.
1875	10.0	SE1/4 NE1/4	17	5S	69E	.25	50.0
1875	18.0	NE1/4 NE1/4	17	5S	69E	.45	90.0
1875	10.0	SE1/4 SE1/4	18	5S	69E	.25	50.0
1875	2.0	SW1/4 SE1/4	8	5S	69E	.05	10.0
						1.00	200.0

BOOK 78 PAGE 22

EXHIBIT C
 Page 2 of 10

Lincoln County

APPENDED

Filing Serial No. 01671

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source..... LITTLE SPRINGS No. 3 & 4
Name of natural water source (use separate proofs for each water source)
The water is diverted from its source..... South Ditch and Springs
Name of ditch, canal or pipe line
at the following point(s)..... in Sect. 36 (No. 3), or at a point from which the
NE Corner of Section 15 bears N. 90° 14' 16" E. a distance of 90 1/2 feet; and in NE 1/4
Sect. 17 (No. 4) or at a point from which the NE Corner of Section 15 bears N. 83° 10' 45" E.
a distance of 11,192 feet, All in T.55., R.69E., M.D.P. 1/4.
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If an unappropriated land, it should be stated.

- (1) Name of claimant..... Francis A. and Linda A. Jytle
Address..... County of.....
State of..... Telephone No. (801) 574 2769
(2) The means of diversion employed..... Ditches
Ditch and ditch, pipe line, flume, etc.
(3) The date of the survey of ditch, canal, or pipe line was..... prior to 1890
(4) The construction of the ditch or other works was begun..... 1890
and completed..... 1890
(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom..... 2
feet, width on top..... 4 feet, depth..... 2 feet, on a grade of..... 2 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.
full
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
Fee simple, public domain, etc.
(11) Crops of..... meadow 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..... January 1 to..... December 31
of each year. Day of month Day of month

BOOK 78 PAGE 23

EXHIBIT C
Page 3 of 10

Lincoln County

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: stockwater

(19) The character of the soil is loam A continuous flow of 1.0 cubic feet of water per second has been used to irrigate 40.0 acres of land and 5 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: Waters of these springs are mingled with waters flowing in Clover Creek from all sources upstream and especially East Spring in the NW 1/4 Section 13, the NW Corner of Sect. 11 bears N. 62° 12' 36" W. a distance of 6557 ft.

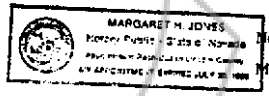
The supporting Certificate 01173 indicates that 2 acres in the SW 1/4 Section 8, T. 28N., R. 60E., had been eliminated from use. This was possibly so for a short period after the railroad was relocated. Shortly thereafter, however this field was put back into use with meadow pasture. The new map supporting this filing indicates 4.6 acres in this field.

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

If proof is not made by claimant, deposit should name in this law by virtue of what authority he represents the claimant

Francis A. Lytle
Linda A. Lytle
Telephone No. (801) 574 2769

Subscribed and sworn to before me this 10th day of May 1985



Margaret H. Jones
Notary Public in and for the County of Lincoln
My commission expires July 31, 1988

550 FILING FEE MUST ACCOMPANY PROOF

BOOK 78 PAGE 25

EXHIBIT C
Page 5 of 10

APPENDED

Filing Serial No. 01472

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source LYTLE SPRING #2

The water is diverted from its source Lytle ditch

at the following point(s) in NE 1/4 Sect. 16 T.55. N.49E., N.D.E.P., the NE Corner

of Sect. 15, T.55., N.49E., bears N. 89° 29' 41" E., a distance of 612 1/2 feet.

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner, if on surveyed land, it should be stated

(1) Name of claimant Francis A. and Linda A. Lytle

Address _____ County of _____

State of _____ Telephone No. (801) 574-2269

(2) The means of diversion employed ditch

(3) The date of the survey of ditch, canal, or pipe line was prior to 1890

(4) The construction of the ditch or other works was begun prior to 1890

and completed prior to 1890

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2

feet, width on top 5 feet, depth 1 feet, on a grade of 1 feet per thousand feet.

(6) The conduit ~~has~~ (has not) been enlarged.

(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.

Full

(10) The nature of the title to the land for which the water right is claimed is _____

fee simple

(11) Crops of meadow pasture and 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 January 1 to December 31

of each year. Day of month Day of month

Lincoln County

(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.

prior to 1890 12.9 acres in the W&E of Sec. 16, T. 55., R. 69 E.
 prior to 1890 26.4 acres in the W&E of Sec. 16, T. 55., R. 69 E.
 prior to 1890 6.5 acres in the W&E of Sec. 16, T. 55., R. 69 E.
 prior to 1890 11.5 acres in the W&E of Sec. 16, T. 55., R. 69 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.
 _____ 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.
 _____ 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.
 _____ acres in the _____ of Sec. _____ T. _____ R. _____ E.

(14) The maximum acreage irrigated in any year was 62.1 acres.

(15) The water claimed has ~~(was-not)~~ been used for irrigation each and every year since the right was initiated. Strike out one not wanted

(16) The years during which no water was used for irrigation or during which the full water right was not used were _____
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, appended to 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 _____ 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)

Lincoln County

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: stockwater

(19) The character of the soil is loam A continuous flow of 0.25 cubic feet of water per second has been used to irrigate 63.3 acres of land and 5 acre-feet per acre per annum have been used to irrigate the crops.

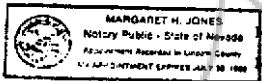
(20) Remarks: Waters of this spring are combined with water from Flower Creek as indicated on Certificate 03472 and from underground (being applied for)

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Francis and Linda A. Lytle 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

Francis Lytle
Linda A. Lytle
Telephone No. (821) 501-2769

Subscribed and sworn to before me this 18th day of May, 1988



Margaret H. Jones
Notary Public in and for the County of Lincoln
My commission expires July 30, 1989

\$50 FILING FEE MUST ACCOMPANY PROOF

Lincoln County

PROOF NO.: 01474
 CLAIMANT: J. W. Simpkins, H. C. Tebbs
 SOURCE: Clover Creek
 USE: Irrigation
 MEANS OF DIVERSION: Ditch
 POINT OF DIVERSION: NW1/4 SW1/4 Section 14, T.5S., R.69E., M.D.B.&M.

<u>PRIORITY</u>	<u>CULTURAL ACREAGE</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>CFS</u>	<u>AC.FT.</u>
1875	2.5	SW1/4 NE1/4	15	5S	69E	.063	12.5
1875	8.0	SW1/4 NE1/4	15	5S	69E	.200	40.0
1875	15.0	NW1/4 SE1/4	15	5S	69E	.375	75.0
1875	20.0	SE1/4 NW1/4	15	5S	69E	.500	100.0
1875	25.0	SW1/4 NW1/4	15	5S	69E	.625	125.0
1875	9.0	NE1/4 SW1/4	15	5S	69E	.225	45.0
1875	7.0	NW1/4 SW1/4	15	5S	69E	.175	35.0
	<u>86.5</u>					<u>2.163</u>	<u>432.5</u>

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EXHIBIT C
 Page 9 Of 10

Lincoln County

PROOF NO.: 01803
CLAIMANT: Fred Woods
SOURCE: Clover Creek
USE: Irrigation
MEANS OF DIVERSION: Ditch
POINTS OF DIVERSION: 1) NW1/4 SW1/4 Section 13, T.5S., R.69E., M.D.B.&M.
 2) SW1/4 NW1/4 Section 14, T.5S., R.69E., M.D.B.&M.

<u>PRIORITY</u>	<u>CULTURAL ACREAGE</u>	<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>CFS</u>	<u>AC.FT.</u>
1900	15.0	NE1/4 SE1/4	15	5S	69E	.375	75.0
1900	3.1	NE1/4 NE1/4	15	5S	69E	.077	15.5
1880	0.8	NW1/4 SW1/4	14	5S	69E	<u>.020</u>	<u>4.0</u>
						.472	94.5

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EXHIBIT C
 Page 10 Of 10

HAFEN BROTHERS
465 East 600 South
St. George, Utah 84770

December 1, 1987

Mr. Peter C. Morros
State Engineer
Division of Water Resources
201 S. Fall Street
Carson City, NV 89710

Dear Mr. Morros:

We are writing in regards to three letters which we wrote to you in early 1987.

The first letter was written on February 27, 1987, protesting a water filing by Francis A. Lytle and Linda A. Lytle, No. 01472, as amended May of 1985. It appeared to me that in your certification, filed in your office November 3, 1986, that you had granted water rights to Lytles from the source of the North Fork of Clover Creek, part of claim No. 01352 which has an 1869 priority, with a diversion point in the North Ditch to be used on land described in No. 01472 which has an 1875 priority date. We now find that you had not done this but that the amended filing simply granted water from Lytle Spring #2 which is on this land. We are therefore asking that this protest be withdrawn. We would also like to ask that the protest of Amended 01477, including Lytle Spring #1, be withdrawn. Mr. Lytle has explained that his primary reason for filing was for stock water. We understand that any water not used for stock water will automatically be part of the East Fork irrigation tributary. We have no objection to this filing.

On January 7, 1987, we wrote to you objecting to the time of use, state that we would like to have year around use. We have been informed that water rights with a priority date prior to 1905 automatically have year around use. All of the filings mentioned in our letter have a priority date before 1985. If we have been informed correctly, there would be no need for a change.

Mr. Peter C. Morros
December 1, 1987
Page 2

On January 7, 1987, we wrote asking about No. 01595 which shows I. Huntsman claiming water rights from Clover Creek. We assume that this should not be of any concern to us as it claims rights to use water in Sec. 11, T. 4 S., R. 67 E., MDB&M, which is some distance below us.

Thank you for your consideration in these matters.

Sincerely,

Herschel Hafen

Herschel Hafen

Eldon E. Hafen

Eldon Hafen

L. Kelton Hafen

L. Kelton Hafen

gbk13

No. 88115
FILED AND RECORDED AT REQUEST OF
Eldon Hafen
Dec. 3, 1987
At 15 MINUTES PAST 10 O'CLOCK
A.M. OF OFFICIAL
RECORDS, PAGE 12 LINCOLN
COUNTY, NEVADA.

FRANK C. HULSE
COUNTY RECORDER

By Mara Cordie, Deputy