

1st AMENDED

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR CHANNEL MAINTENANCE PURPOSES
UNDER THE ORGANIC ADMINISTRATION ACT OF 1897
FEDERAL RESERVED WATER RIGHT

(1) Name of Claimant: United States of America - Forest Service
Address: 324 25th Street
Ogden, UT 84401
(801) 625-5360

(2) Source: SNOW CANYON CREEK

(3) The water is quantified at the following point:

Township	Range	Section	Tract	Gov't Lot	County	Meridian
41 N	53 E	31	SWNW		ELKO	MOUNT DIABLO

(4) The means of diversion employed: WATER IS NOT DIVERTED FROM THE STREAM CHANNEL.

(5) The claimant is an owner in the above described stream channel.

(6) The nature of the title to the land for which the water right is claimed is the TREATY OF GUADALUPE HIDALGO OF 1848.

(7) The water has been used for channel maintenance from JANUARY 1 to DECEMBER 31 of each year.

(8) The water claimed has been used for channel maintenance each and every year since 11/05/1906.

(9) The claimant's water right was not recorded in the office of the County Recorder of Elko County.

(10) Total Quantity Claimed: The parameters describing the reserved water right are described as follows:

- Qa = average annual flow
- Qb = bankfull flow
- Q1 = base flow
- Qs = actual stream flow

When $Qs = or < Q1$, then the United States claims Qs .
 When $Qs > Q1$ but $< Qa$, then the United States claims $Q1$.

When $Qs = or > Qa$ but $< Qb$, then the United States claims water based on the following formula:

$$Q1 + [(Qs - Q1) \times (Qs - Qa) / (Qb - Qa)]$$

When $Qs = or > Qb$, then the United States claims Qb .

$$Qa = 4.87$$

$$Qb = 35.03$$

$$Q1 = 0.44$$

The United States claims the above instream flow components, quantified proportionally, for the entire reach of each stream and all its named and unnamed tributaries lying upstream and downstream of the quantification point, excluding intervening private and state lands.

(11) Total consumptive use claimed For Present and Future Use is: NONE, USE IS NONCONSUMPTIVE.

(12) Present and future uses to which the water is or will be used: the water is needed and reserved to fulfill the primary purposes for which the National Forests were created; namely, to secure favorable condition of water flow and to provide a continuous supply of timber as set forth in the Organic Administration Act, 16 U.S.C. 475, 30 Stat. 34 (June 4, 1897).

(13) REFERENCE INFORMATION:

National Forest: Humboldt

Forest Service Record ID: 040917050105 48 0044 C

(14) Remarks:

PROC 0 11/05/1906 34 3251

MAP #9-1, MAP UNIT ID 48-44

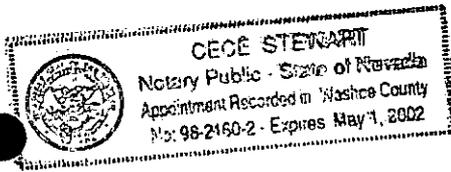
STATE ENGINEERING OFFICE

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by the United States of America, USDA - Forest Service, are full and correct to my best knowledge and belief.

By Mary Wagner
For JACK A. BLACKWELL
Regional Forester

Subscribed and sworn to before me this 9 day of March 1999



Cece Stewart

Notary Public in and for the County of Washoe
My commission expires May 1, 2002



United States
Department of
Agriculture

Forest
Service

Humboldt - Toiyabe
National Forests

2035 Last Chance Road
Elko, NV 89801

File Code: 2540

Date: February 9, 1999

Water Resources Division
Steve Brown
123 West Nye Lane - Suite 246
Carson City, Nevada 89710-0818

Dear Mr. Brown:

Per our conversation of February 3, 1999, we are enclosing the following two amended claims:

R-07921 Fish Habitat and Recreation - Snow Canyon Creek: the tract or 40 acre sub-division has been changed to SWNW

R-07941 Channel Maintenance - Snow Canyon Creek: the track or 40 acre subdivision has been changed to SWNW

If you have any questions regarding the above please contact Chris Butler at (775) 738-5171.

Sincerely,

BEN G. SIMINOE
Assistant Forest Supervisor

encl



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When Qs > Q1 but < Qa, then the United States claims Q1.

When Qs = or > Qa but < Qb, then the United States claims water based on the following formula:

$$Q1 + [(Qs-Q1)X[(Qs-Qa)/(Qb-Qa)]]$$

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When $Qa =$ or $> Qb$, then the United States claims Qb .

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Qb = 35.03
Ql = 0.44

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(14) Remarks:

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MAP 9-1, MAP UNIT ID 48-44

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by the United States of America, USDA - Forest Service, are full and correct to my best knowledge and belief.

By Peter J. Stender
for DALE N. BOSWORTH
Regional Forester

Subscribed and sworn to before me this 10th day of June, 1994

Sandra S. Carlson
Notary Public in and for the County of WEBER
My commission expires DECEMBER 11, 1996

