Serial No. R-08628

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: DEEP CREEK

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
47 N	56 E	25	NENE		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 GUADELUPE 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 01/20/1909.

(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

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STATE ENGINEER'S OFFICE

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:

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

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

Qa = 1.05
Qb = 7.57
Q1 = 0.08

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: 040917050102 42 0059 C

(14) Remarks:

PROC 832 01/20/1909 35 2215

MAP #107-2, MAP UNIT ID 42-59

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 State of Nevada
Appointment Recorded in Washoe County
No. 98-2160-2 Expires May 1, 2002

Cece Stewart
Notary Public in and for the County of Weber
My commission expires May 1, 2002

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Serial No. **R 08628**

THE STATE OF NEVADA

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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: DEEP CREEK

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
047 N	057 E	32	NWNE		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 GUADELUPE 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 01/20/1909

(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
Ql = base flow
Qs = actual stream flow

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

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

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

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

Qa = 1.05
Qb = 7.57
Ql = 0.08

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: 04091705010242 0059 C

(14) Remarks:

PROC 832 01/20/1909 35 2215

MAP 107-2, MAP UNIT ID 42-59

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 F. 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