

1st AMENDED

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR FISH HABITAT AND RECREATION
PURPOSES UNDER THE MULTIPLE-USE SUSTAINED YIELD ACT OF 1960
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: LOWER MERRIT CREEK

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
<u>47 N</u>	<u>54 E</u>	<u>04</u>	<u>NENW</u>	<u> </u>	<u>ELKO</u>	<u>MOUNT DIABLO</u>

(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 had been used for fish habitat and recreation uses from JANUARY 1 TO DECEMBER 31 of each year.

(8) The water claimed has been used for fish habitat and recreation uses each and every year since June 12, 1960.

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

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

STATE ENGINEERS OFFICE

Time Period	Discharge
Jan 1 Jan 31	4.58
Feb 1 Feb 28	6.02
Mar 1 Mar 31	14.31
Apr 1 Apr 30	37.49
May 1 May 31	46.90
Jun 1 Jun 30	26.19
Jul 1 Jul 31	6.41
Aug 1 Aug 31	2.02
Sep 1 Sep 30	1.84
Oct 1 Oct 31	2.37
Nov 1 Nov 30	3.22
Dec 1 Dec 31	3.22

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 NON-CONSUMPTIVE.

(12) Present and future uses to which the water is or will be used: the water is needed and reserved to provide fish habitat and recreation use opportunities for the public pursuant to the Multiple-Use Sustained-Yield Act, 16 U.S.C. 528-531, 74 Stat. 215, P.L. 86-517 (June 12, 1960).

(13) REFERENCE INFORMATION:

National Forest: Humboldt

Forest Service Record ID: 040917050102 46 H048 F 2

(14) Remarks:

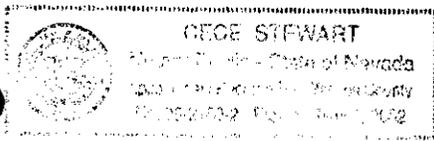
PL 517 06/12/1960 74 215

MAP #114-1, MAP UNIT ID 46-85

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



Cecil Stewart

Notary Public in and for the County of

My commission expires May 1, 2002

THE STATE OF NEVADA

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PURPOSES UNDER THE MULTIPLE-USE SUSTAINED-YIELD ACT OF 1960
FEDERAL RESERVED WATER RIGHT

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Address: 324 25th Street
Ogden, Utah 84401
801-625-5360

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
047 N	054 E	4	NW1/4 NENEW 513		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.

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(12) Present and Future Uses to Which the Water is or Will be Used: the water is needed and reserved to provide fish habitat and recreation use opportunities for the public pursuant to the Multiple-Use Sustained-Yield Act, 16 U.S.C. 528-531, 74 Stat. 215, P.L. 86-517 (June 12, 1960).

(13) REFERENCE INFORMATION:

National Forest: HUMBOLDT

Forest Service Record ID: 010917050102 46 H048 F 2

(14) Remarks:

PL 517 06/12/1960 74 215

MAP 114-1, MAP UNIT ID 46-85

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 9th day of June, 1994

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

JUN 10 1994

