Serial No. R 08679

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, Utah 84401
801-625-5360

(2) Source of water supply: FLAT CREEK

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

Township	Range	Section	Tract	Gov't Lot	County	Meridian
047 N	060 E	21	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 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.

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

Time Period	Discharge
Jan 1 Jan 31	1.62
Feb 2 Feb 31	2.13
Mar 3 Mar 31	5.06
Apr 4 Apr 30	13.24
May 5 May 31	16.57
Jun 6 Jun 30	9.25
Jul 7 Jul 31	2.26
Aug 8 Aug 31	0.71
Sep 9 Sep 30	0.65
Oct 10 Oct 31	0.84
Nov 11 Nov 30	1.14
Dec 12 Dec 31	1.37 4.57

The United States claims the above instream flow components, quantified proportionally for the entire reach of each stream and all it's 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 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 47 H061 F 2

(14) Remarks:

PL 517 06/12/1960 74 215

MAP 98-1, MAP UNIT ID 47-9150

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

JUN 15

SANDRA S. CARLSON
NOTARY PUBLIC - STATE of UTAH
738 SOUTH MAIN
P.O. BOX 306
WILLARD, UTAH 84340
COMM. EXP. 12-11-96