

AMENDED
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

(1) Name of Claimant Byington Steel Treating, Inc.

HC 35, Box 30 of Mountain City
Street and No. or P.O. Box No. City or town
Nevada 89831 (see attached affidavit)
State and Zip code No.

(2) Source of water Little Chicken Creek, Little Chicken Spring, Unnamed Spring #6 and tributary
Name of natural water source.

(3) The water is diverted by Natural channel and spring area
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) (Map 1) SW¼SE¼ Section 27, T. 45 N., R. 53 E.,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.

MDM, at a point from which the NW corner of said Section 27, bears N. 34°37' W., 5,767 feet
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.
and also the NW¼SW¼ Section 26, T. 45 N., R. 53 E., MDM, at a point from which the NW

corner of Section 27, T. 45 N., R. 53 E., MDM, bears N. 62°54' W., 7,144 feet which the above
listed points follow the natural channels to a point in the SW¼SE¼ Section 26, T. 45 N.,

R. 53 E., MDM, from which the SE corner of said Section 26, bears S. 71°45' E., 2,073 feet.

Little Chicken Spring (Map 1) - SE¼SE¼ Section 27, T. 45 N., R. 53 E., MDM, at a point from
which the SE corner of Section 26, T. 45 N., R. 53 E., MDM, bears S. 88°00' E., 5,361 feet.

Unnamed Spring #6 (Map 1) - SW¼SE¼ Section 26, T. 45 N., R. 53 E., MDM, at a point from
which the SE corner of said Section 26, bears S. 69°57' E., 2,434 feet.

(5) The water is impounded in Natural channel and spring area (pond at springs)
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun none
and completed _____
Date Date

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EL

The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain with grazing permit

Patented, deeded, public domain with grazing permit, etc.

(Map 1) - S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27; S $\frac{1}{2}$ SW $\frac{1}{4}$, a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; all within T. 45 N., R. 53 E., MDM.

Little Chicken Spring - SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 45 N., R. 53 E., MDM.

Unnamed Spring #6 - a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 45 N., R. 53 E., MDM.

(8) The claimant's water right was not recorded in the office of the County Recorder of _____ County, at Page _____ of Book _____ of _____.

NOTE-Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year Prior to 1905,
Date
was 250 cattle _____ horses _____ sheep or wildlife (describe) _____
Other _____

The watering was conducted during each of the following months _____

April 15th thru December 31st

On the private land of H.E.S. #66, applicant is claiming a 1874 stockwatering right as supported by the claim filed for irrigation right under Proof #02650. Within H.E.S. #77, applicant is claiming a 1902 stockwatering right as supported by the claim filed for irrigation right under Proof #02650. Within the U.S. Forest, the applicant is claiming a right prior to January 1, 1905, based on the premise that any present permittee upon the U.S. Forest must be successor in interest to persons making use upon forest lands at the time of withdrawal of said lands, which was in 1905; claimant is that successor in interest. As to the Mineral Survey #2055, applicant is claiming a stockwater right prior to January 1, 1905 on this land. Mineral Survey #2055 is owned by the claimant.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 250 cows/calf 500

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.

(see Remarks)

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.0155 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain with grazing permit

Patented, deeded, public domain with grazing permit, etc.

(Map 1) - S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27; S $\frac{1}{2}$ SW $\frac{1}{4}$, a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; all within T. 45 N., R. 53 E., MDM.

Little Chicken Spring - SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 45 N., R. 53 E., MDM.

Unnamed Spring #6 - a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 45 N., R. 53 E., MDM.

(8) The claimant's water right was not recorded in the office of the County Recorder of _____ County, at Page _____ of Book _____ of _____.

NOTE-Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year Prior to 1905,
was 250 cattle _____ horses _____ sheep or wildlife (describe) _____
Date _____ Other _____

The watering was conducted during each of the following months _____

April 15th thru December 31st

On the private land of H.E.S. #66, applicant is claiming a 1869 stockwatering right as supported by the claim filed for irrigation right under Proof #02650. Within H.E.S. #77, applicant is claiming a 1902 stockwatering right as supported by the claim filed for irrigation right under Proof #02650. Within the U.S. Forest, the applicant is claiming a right prior to January 1, 1905, based on the premise that any present permittee upon the U.S. Forest must be successor in interest to persons making use upon forest lands at the time of withdrawal of said lands, which was in 1905; claimant is that successor in interest. As to the Mineral Survey #2055, applicant is claiming a stockwater right prior to January 1, 1905 on this land. Mineral Survey #2055 is owned by the claimant.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 250 cows/calf 500

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.

(see Remarks)

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.0155 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at None

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

land, it should be stated.

Remarks Use Map 1

The 500 cows and calves listed in this proof are the same as listed in proofs within 04132, 04133, 04135, 04137, 04139, 04141, and the proof filed under Van Duzer Creek. A copy of Affidavit of Identity attached.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Byington Steel Treating, Inc.

are full and correct to the best of his knowledge and belief.

The undersigned deponent is acting as agent for the claimant

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Byington Steel Treating, Inc.

Claimant

Telephone No. (702) 763-6644

By William A. Fiebert (Agent)

421 Court Street

Street and No., or P.O. Box No.

Elko, Nevada 89801

City, State, Zip Code No.

Telephone No. (702) 738-2121

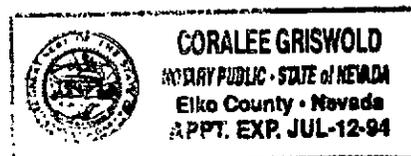
Subscribed and sworn to before me this 13 day of June, 19 94.

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF



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THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR
STOCK WATERING PURPOSES

(1) Name of claimant Byington Ranch
.....
Attn: Jim Connelley of Mountain City
.....
Street and No. or P.O. Box No. City or town
Nevada 89831
.....
State and Zip Code No.

(2) Source of water Little Chicken Spring
.....
Name of natural water source.

(3) The water is diverted by refer to Item #5
.....
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T.45N., R.53E., M.D.M.,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should
at a point from which the SE corner of said Sec. 26 bears S.79°23'E., 4238
be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such
.....
reach.

(5) The water is impounded in earthen storage pond (less than 10 acre feet & 10' in height.
.....
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun prior to 1888
.....
Date
and completed prior to 1888
.....
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of
use are located is public domain with a private grazing allotment which surrounds
.....
Patented, deeded, public domain with grazing permit, etc.
this water source.
.....

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of
.....
County, at Page..... of Book..... of.....

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year....., Date
was.....cattle.....horses.....sheep or..... Other..... The watering
was conducted during each of the following months.....
.....
.....
.....

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

The claimant presently waters 250 cattle within this grazing allotment.
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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....

0.10 cubic feet per second.
448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at.....
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....
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Remarks.....
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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Byington Ranch.....
are full and correct to the best of his knowledge and belief.

Deponent has been authorized to act as the claimant's agent.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

.....
Claimant

By William A. Dicket
421 Court
Street and No., or P.O. Box No.
Elko Nevada 89801
City, State, Zip Code No.

Subscribed and sworn to before me this 30th day of Jan 1986
Leora Bernadot

Notary Public in and for the County of Elko

My commission expires May 2, 1986



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STATE FINANCE DEPARTMENT

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