

AMENDED
STATE OF NEVADAPROOF 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 Laurel Creek, Laurel Creek Spring, Laurel Spring, McCall Spring, and Unnamed Springs #1, #2, and #4
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) SW¼NE¼ Section 20, 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 SE corner of said Section 20, bears S. 34°04' E., 3,752 feet and
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.
also SW¼SE¼ Section 20, T. 45 N., R. 53 E., MDM, at a point from which the SE corner of said
Section 20 bears S. 69°45' E., 1,705 feet, which the above listed points follow the natural channel
to a point within patented Mineral Survey No. 2055 (adjoining Lot 2 in Section 33, T. 45 N.,
R. 53 E., MDM), which the NW corner of said Section 33, bears N. 70°25' W., 3,922 feet.
Laurel Spring - SE¼SW¼ Section 21, T. 45 N., R. 53 E., MDM, at a point from which the SW
corner of said Section 21, bears S. 55°19' W., 2,178 feet.
Laurel Creek Spring - NE¼SW¼ Section 28, T. 45 N., R. 53 E., MDM, at a point from which the
NW corner of said Section 28, bears N. 37°16' W., 4,083 feet.
McCall Spring - NE¼SW¼ Section 20, T. 45 N., R. 53 E., MDM, at a point from which the SE
corner of said Section 20, bears S. 54°25' E., 3,829 feet.
Unnamed Spring #1 - NW¼SE¼ Section 20, T. 45 N., R. 53 E., MDM, at a point from which the

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EL

SE corner of said Section 20, bears S. 55°07' E., 2,765 feet.

Unnamed Spring #2 - SW¼SE¼ Section 20, T. 45 N., R. 53 E., MDM, at a point from which the

SE corner of said Section 20, bears S. 69°45' E., 1,705 feet.

Unnamed Spring #4 - SW¼SW¼ Section 21, T. 45 N., R. 53 E., MDM, at a point from which the

West quarter corner of said Section 21, bears N. 03°51' W., 2,023 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

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

(Map 1) - a portion of the SW¼NE¼ and the SE¼ of Section 20; SW¼SW¼ of Section 21;

W½NW¼, SE¼NW¼, NE¼SW¼ and the W½SE¼ of Section 28; Lot 2 and a portion of the

patented Mineral Survey No. 2055 within Section 33; all within T. 45 N., R. 53 E., MDM.

Laurel spring - SE¼SW¼ Section 21, T. 45 N., R. 53 E., MDM.

Laurel Creek Spring - NE¼SW¼ Section 28, T. 45 N., R. 53 E., MDM.

McCall Spring - NE¼SW¼ Section 20, T. 45 N., R. 53 E., MDM.

Unnamed Spring #1 - NW¼SE¼ Section 20, T. 45 N., R. 53 E., MDM.

Unnamed spring #2 - SW¼SE¼ Section 20, T. 45 N., R. 53 E., MDM.

Unnamed Spring #4 - SW¼SW¼ Section 21, 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

The watering was conducted during each of the following months _____
Other

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.

(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, 04136, 04137, 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.

AFFIDAVIT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

I, William A. Nisbet, do hereby swear (or affirm) under penalty of perjury that the following assertions of this Affidavit are true.

1. That I am an adult and a resident of the County of Elko, State of Nevada.

2. That I did file in 1984, ten (10) Proof of Appropriation of Water for Stock Watering Purposes (Proof Nos. 04132 through 04141) in the name of Byington Ranch.

3. That I also filed in 1982 one (1) Proof of Appropriation of Water for Irrigation (Proof No. 03707) in the name of Byington Ranch.

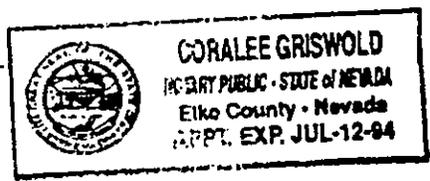
4. That the above listed proofs should have been filed in the name of Byington Steel Treating, Inc.

5. This Affidavit is made for the purpose of stating that the Byington Ranch is in fact the Byington Steel Treating, Inc.

William A. Nisbet
William A. Nisbet

Signed and sworn to (or affirmed) before me on 13 June 1991,
by William A. Nisbet.

Coralie Griswold
Notary Public



Original Affidavit filed under Proof #03707

RECEIVED
STATE ENGINEERS OFFICE

94 JUN 15 P2:27

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
Nevada 89831

(2) Source of water Laurel Creek Springs

(3) The water is diverted by refer to Item #5

(4) The water is diverted at the following point(s) NE 1/4 SW 1/4 Sec. 28, 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 NW corner of said Sec. 28 bears N.37°41'W., 3619 feet.
be stated.

(5) The water is impounded in confluence of several springs and natural channel.

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

(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
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

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. Ribet
421 Court
Street and No. or P.O. Box No.
Eek, Nevada 89601
City, State, Zip Code No.

Subscribed and sworn to before me this 30th day of January, 1984
Leora Bernadot

Notary Public in and for the County of Eek

My commission expires May 2, 1986



This part of form to be left blank by claimant.

Filing Serial No.

STATE OF NEVADA
Proof of Appropriation of
Water for Stock Purposes

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer
on....., 19.....

State Engineer.
Certificate No.....issued hereunder

....., 19.....

STATE OF NEVADA
DEPARTMENT OF WATER RESOURCES
CARRISBURG, NEVADA