

3RD 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 Cobb Creek, Cobb Spring, Unnamed Spring #3, and tributaries
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) Lot 2 Section 30, 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 NE corner of Section 29, T. 45 N., R. 53 E., MDM, bears
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.
N. 88°34' E., 9,319 feet and also the SE¼SE¼ Section 19, T. 45 N., R. 53 E., MDM, at a point
from which the SE corner of Section 20, T. 45 N., R. 53 E., MDM, bears S. 79°41' E., 5,437 feet
and also the SW¼NE¼ Section 30, T. 45 N., R. 53 E., MDM, at a point from which the NE corner
of Section 29, T. 45 N., R. 53 E., MDM, bears N. 71°42' E., 7,181 feet, and also the NW¼NE¼
Section 29, T. 45 N., R. 53 E., MDM, at a point from which the NE corner of said Section 29 bears
N. 64°49' E., 2,160 feet, all the above listed points follow the natural channels to a point in M.S.
2055 adjoining Lot 2, Section 33, T. 45 N., R. 53 E., MDM, from which the NW corner of said
Section 33, bears N. 80°43' W., 3,152 feet.
Cobb Spring - SW¼NE¼ Section 29, T. 45 N., R. 53 E., MDM, at a point from which the NE
corner of said Section 29, bears N. 46°26' E., 3,039 feet.
Unnamed Spring #3 - SE¼NE¼ Section 29, T. 45 N., R. 53 E., MDM, at a point from which the

NE corner of said Section 29, bears N. 29°29' E., 2,526 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 public domain with grazing permit
Patented, deeded, public domain with grazing permit, etc.

(Map 1) - SE¼SE¼ of Section 19; SW¼NW¼, N¼SW¼, NW¼NE¼, S¼NE¼, W¼SE¼, a portion of M.S. 2055 and a portion of the SE¼SE¼ of Section 29; NE¼, Lot 1 and a portion of Lot 2, Section 30; a portion of M.S. 2055 of Section 32; a portion of M.S. 2055 of Section 33; all within T. 45 N., R. 53 E., MDM.

Cobb Spring - SW¼NE¼ of Section 29, T. 45 N., R. 53 E., MDM.

Unnamed Spring #3 - SE¼NE¼ of Section 29, 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, 04135, 04137, 04139, 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. Nisbet (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

SERIAL No. 04141

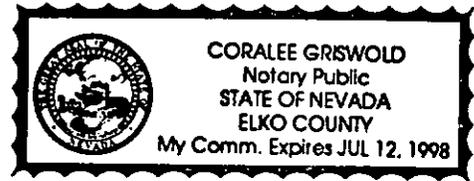
Subscribed and sworn to before me this 23 day of August, 1994.

CoraLee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998

\$50 FILING FEE MUST ACCOMPANY PROOF



STATE ENGINEERS ASSOCIATION

94 AUG 25 AM 11:39

2ND 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 Cobb Creek, Cobb Spring, Unnamed Spring #3, and tributaries
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.
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from which the SE corner of Section 20, T. 45 N., R. 53 E., MDM, bears S. 79°41' E., 5,437 feet
and also the SW¼NE¼ Section 30, T. 45 N., R. 53 E., MDM, at a point from which the NE corner
of Section 29, T. 45 N., R. 53 E., MDM, bears N. 71°42' E., 7,181 feet, and also the NW¼NE¼
Section 29, T. 45 N., R. 53 E., MDM, at a point from which the NE corner of said Section 29 bears
N. 64°49' E., 2,160 feet, all the above listed points follow the natural channels to a point in M.S.
2055 adjoining Lot 2, Section 33, T. 45 N., R. 53 E., MDM, from which the NW corner of said
Section 33, bears N. 80°43' W., 3,152 feet.
Cobb Spring - SW¼NE¼ Section 29, T. 45 N., R. 53 E., MDM, at a point from which the NE
corner of said Section 29, bears N. 46°26' E., 3,039 feet.
Unnamed Spring #3 - SE¼NE¼ Section 29, T. 45 N., R. 53 E., MDM, at a point from which the

NE corner of said Section 29, bears N. 29°29' E., 2,526 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 public domain with grazing permit
Patented, deeded, public domain with grazing permit, etc.

(Map 1) - SE¼SE¼ of Section 19; SW½NW¼, N½SW¼, NW¼NE¼, S½NE¼, W½SE¼, a portion of M.S. 2055 and a portion of the SE¼SE¼ of Section 29; NE¼, Lot 1 and a portion of Lot 2, Section 30; a portion of M.S. 2055 of Section 32; a portion of M.S. 2055 of Section 33; all within T. 45 N., R. 53 E., MDM.

Cobb Spring - SW¼NE¼ of Section 29, T. 45 N., R. 53 E., MDM.

Unnamed Spring #3 - SE¼NE¼ of Section 29, 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 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.

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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, 04135, 04137, 04139, 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 C. Nisbet (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

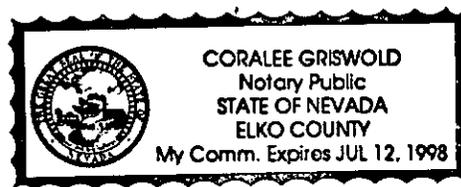
Subscribed and sworn to before me this 4 day of August, 1994.

CoraLee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998

\$50 FILING FEE MUST ACCOMPANY PROOF



AFFIDAVIT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

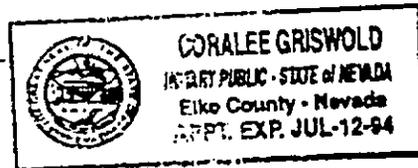
I, William A. Nisbet, do hereby swear (or affirm) under penalty of perjury that the following assertions of this Affidavit are true.

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 1994,
by William A. Nisbet.

CoraLee Griswold
Notary Public



Original Affidavit filed under Proof #03707

STATE ENGINEERS OFFICE
RECEIVED

94 AUG -8 P1:27

AMENDED
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

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

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State and Zip code No.

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037
EL

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(6) The construction of the ditch or other works was begun none
Date _____
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 public domain with grazing permit
Patented, deeded, public domain with grazing permit, etc.

(Map 1) - SW $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, a portion of M.S. 2055 and a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29; NE $\frac{1}{4}$, Lot 1 and a portion of Lot 2, Section 30; a portion of M.S. 2055 of Section 32; a portion of M.S. 2055 of Section 33; all within T. 45 N., R. 53 E., MDM.

Cobb Spring - SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 45 N., R. 53 E., MDM.

Unnamed Spring #3 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, 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).

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Date _____
was 250 cattle _____ horses _____ sheep or wildlife (describe) _____
Other _____

The watering was conducted during each of the following months _____

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(see Remarks)

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

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Remarks Use Map 1

The 500 cows and calves listed in this proof are the same as listed in proofs within 04132, 04133, 04135, 04135, 04137, 04139, 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

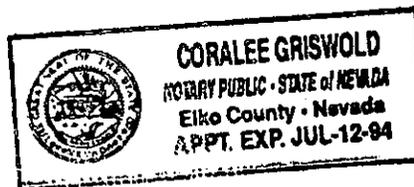
Subscribed and sworn to before me this 13 day of June, 1994.

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF



Byington Steel Treating, Inc.

Claimant

Telephone No. (702) 763-6644

By William C. Ribbet (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

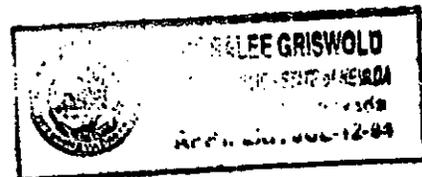
Subscribed and sworn to before me this 13 day of June, 1994.

Carol S. Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF



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.

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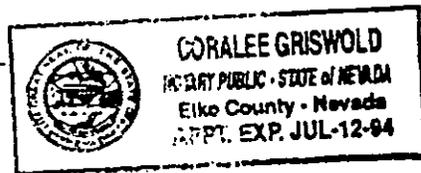
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William A. Nisbet
William A. Nisbet

Signed and sworn to (or affirmed) before me on 13 June 1994,
by William A. Nisbet.

Coralie Griswold
Notary Public



Original Affidavit filed under Proof #03707

STATE ENGINEERS OFFICE
RECEIVED

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.....
Street and No. or P.O. Box No. City or town

State and Zip Code No.

(2) Source of water...Cobb 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 1/4 NE 1/4 Sec. 29, 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 NE corner of said Sec. 29 bears N. 46°44'E., 3039 feet.
be stated.

(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.....

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. Fiebel
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, 1984.
Leora Bernadot

Notary Public in and for the County of Elko

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.....