Serial No. 05781

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of Claimant Julian Tomera Ranches, Inc., Battle Mountain Division, a Nevada Corporation

PO Box 276 of Battle Mountain
Street and No. or P.O. Box No. City or town

Nevada 89820
State and Zip code No.

(2) Source of water underground source (Scales Well)
Name of natural water source.

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

(4) The water is diverted at the following point(s) NE¼NW¼ Section 9, T. 32 N., R. 45 E., MDM.
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.

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 troughs and tanks
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun prior to 1939
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 deeded
Patented, deeded, public domain with grazing permit, etc.

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on file (8) The claimant's water right was not recorded in the office of the County Recorder of

Lander County, at Page [illegible] 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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prior investigation?

(9) The approximate number of animals watered by the claimant during the first year prior to 1939,
Date

was 800 cattle _____ horses _____ sheep or wildlife (describe) _____.
Other

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The watering was conducted during each of the following months

January 1st thru December 31st

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

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

0.025 cubic feet per second.

448.83 gallons per minute 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 This well was drilled about the same time as the irrigation well on the Licking Property was drilled. This well was a flowing well until the late seventies or early eighties, since then, it has to be pumped.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Julian Tomera Ranches, Inc., Battle Mountain Division, a Nevada Corporation are full and correct to the best of his knowledge and belief.

Peter Tomera, President

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

Julian Tomera Ranches, Inc., Battle Mountain Division, a Nevada Corporation

Claimant

Telephone No. (702) 635-5610

By Peter Tomera President

P.O. Box 246

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

Battle Mountain, Nevada 89820

City, State, Zip Code No.

Telephone No. (702) 635-5610

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Subscribed and sworn to before me this 2 day of September, 19 92.

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

$50 FILING FEE MUST ACCOMPANY PROOF

CORALEE GRISWOLD
NOTARY PUBLIC • STATE of NEVADA
Elko County • Nevada
APPT. EXP. JUL-12-94

To Whom it May Concern:

I, DeLyle "Bud" Danner, was Supervising Water Commissioner for the Division of Water Resources, which the Humboldt Water Distribution District is part thereof, from 1963 until 1981. From 1957 to 1962, I was Assistant Supervising Water Commissioner and from 1952 to 1956, I was a Water Commissioner on the Humboldt River. During the period from 1948 to 1962, George W. Hennen was in charge of the Humboldt River, and was assistant in 1947. A.J. Millar (Archie Millar) was Supervising Water Commissioner from 1935 to 1947.

There was a well, which I remember, that was located 300 or so feet east of the Upper Licking Ditch. The ditch comes out on the east side of the Upper Licking Dam in the Humboldt River and runs north. This is not the dam or ditch that comes out in the Lovelock property and brings water from the Humboldt River to the old Rock Creek channel. This well was pumped without restrictions, at times, in the dry years during my control and also Mr. Hennen's time. I was told by George W. Hennen that it was vested. I do recall that George told me that Archie Millar had told him that it had a vested right. I also remember, on several occasions, of talking with Earl Licking about the irrigation, stockwater, and other observation wells. Mr. Licking was conducting some kind of study about the underground water within the area. He also stated to me that his irrigation and stockwater wells on the ranch, as well as the wells, creeks, and springs he was using on the range, were vested.

I freely and willingly submit this information as a matter of public record.

DeLyle "Bud" Danner

State of Nevada)
) SS.
County of Elko)

On this 3 day of September, 1992, personally appeared before me, DeLyle "Bud" Danner, who acknowledged that he executed the above instrument.

Notary Public

September 3, 1992
Date

July 12, 1994
Commission Expires

CORALEE GRISWOLD
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
APPT. EXP. JUL-12-94