Serial No. 06388

THE STATE OF NEVADA

PROOF OF SUBSISTING RIGHT OF WATER FOR

STOCK WATERING PURPOSES

Pursuant to N.R.S. 533
As Amended by Chapter 473, 1993 Statutes, Sections 2, 3 and 4
Effective October 1, 1993

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(1) Name of Claimant JULIAN TOMERA RANCHES, INC., STONEHOUSE DIVISION, a Nevada corporation [Street and No. or P. O. Box No.] HC 65, Box 11 **of** [City or town] Carlin [State and Zip Code No.] Nevada 89822.

(2) Source of water [Name of natural water source] Unnamed Spring.

(3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] spring area, short pipeline to trough.

(4) The water is diverted at the following point(s) [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.] A point within the NE1/4 NW1/4 of Section 15, Township 31 North, Range 53 East, MDB&M from which the Southeast Corner of Section 33, Township 32 North, Range 53 East, MDB&M bears North 9°48'00" West a distance of 11,610.23 feet.

(5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] pools and trough.

(6) The construction of the ditch or other works was begun [Date] Unknown **and completed** [Date] Unknown.

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is [Patented, deeded, public domain with grazing permit, etc.] NE1/4 NW1/4 of Section 15, Township 31 North, Range 53 East, MDB&M which is land owned by the Claimant.

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

(9) The items of evidence for the numbers of livestock and date of priority are APPLICATION FOR GRAZING PERMIT dated March 20, 1935 executed by Balsamina Tomera.

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(10) The approximate number of animals watered by the claimant during the first year [Date] 1903 **was** 20 **cattle** ____ **horses** ____ **sheep or** [Other] _____. **The watering was conducted during each of the following months** April 1 to October 1.

(11) The approximate number of animals watered by the claimant in subsequent years was as follows: [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] The numbers of livestock increased annually until the approximate number using this source reached a maximum of 200 head.

(12) The amount of water which has been necessary to be diverted for this purpose has been [448.83 gal. per min. equals 1 cubic foot per second] .006 **cubic feet per second.**

(13) 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. NE1/4 NW1/4 of Section 15, Township 31 North, Range 53 East, MDB&M.

Remarks [Improvements, title, etc.)

Refer to map submitted in connection with Application for Permit No. 43931 for location of source.

The priority information is based upon the APPLICATION FOR GRAZING PERMIT submitted by Balsamina Tomera dated March 20, 1935 filed with the United States Department of the Interior, wherein a total of 970 head of livestock grazed the open range within which this source is located for the season of April 1 to October 1.

This source is located within an area of private land upon which the use is correlated with other lands administered by the Bureau of Land Management. Therefore, the season of use and numbers of livestock may vary due to management as required. The grazing area adjacent to this source is only a portion of the entire range area used by Claimant. The number of livestock using this source represents the average use as dictated by forage and management practices.

The application for grazing states that the grazing use in the area ended on October 1. Past practices and use has been to October 15.

The original application for grazing of Balsamina Tomera states that the area in which this source is located had been used for grazing for 32 years prior to 1935. Therefore, a priority of 1903 is claimed.

The Elko County tax roll for year of 1903 indicates that less than 970 livestock were operated. Therefore, the

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approximate number which used the source in the first years is estimated to be 20 head, increasing to 200 head by 1935.

The undersigned, being first duly sworn, deposes and says that he owns or controls the livestock presently watered by the Claimant, and that the facts relative to the proof of subsisting right by JULIAN TOMERA RANCHES, INC., STONEHOUSE DIVISION, a Nevada corporation **are full and correct to the best of his knowledge and belief** [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.,
STONEHOUSE DIVISION
A Nevada Corporation

Thomas J. Tomera Pres
CLAIMANT

Telephone No. (702) 754-2333

By Patsy S Tomera, Sect

Telephone No. (702) 754-2333

Subscribed and sworn to before me this

5th **day of** May, **19** 94.

ROBERT J. WINES
Notary Public
State of Nevada
Elko County, Nevada
My appointment expires April 4, 1997.

Robert J. Wines

Notary Public in and for the County of Elko

My commission expires Apr. 4, 1997

$50 FILING FEE MUST ACCOMPANY PROOF

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AFFIDAVIT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

I, **WALTER I. LEBERSKI**, do hereby swear (or affirm) under penalty of perjury that the following assertions of this Affidavit are true.

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

2. That I reviewed files maintained by the Department of Interior, Bureau of Land Management concerning early applications for grazing use within the Elko Grazing District.

3. That the document entitled "Application for Grazing Permit" dated March 20, 1935 is a true, full and correct copy of said document found in grazing files of the Bureau of Land Management.

4. That Affiant searched said records and obtained the above described copy for the purposes of evidencing vested or "subsisting" livestock water rights of **JULIAN TOMERA RANCHES, INC.**, Stonehouse Division, a Nevada corporation.

Walter I. Leberski
WALTER I. LEBERSKI

Subscribed and sworn to before me this
9th day of May, 1994
by **WALTER I. LEBERSKI.**

Dianna Lipparelli
NOTARY PUBLIC

DIANNA LIPPARELLI
Notary Public - State of Nevada
Elko County, Nevada
My appointment expires July 3, 1995

VAUGHAN & HULL, LTD.
ATTORNEYS AND COUNSELORS
LAW OFFICE CENTER
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P. O. BOX 1420
ELKO, NEVADA 89803

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UNITED STATES
DEPARTMENT OF THE INTERIOR
DIVISION OF GRAZING CONTROL

Application for Grazing Permit

018716

Date Mar. 20, 195

apr - Sept

I Balramina Tomena of Elko
(Name of applicant) (Address)

hereby apply for a permit to graze 900 cattle; 70 horses; —— sheep; —— goats upon lands of the United States within the Nevada No. 1 Grazing District, in common with other users, or in common in T 31, 32, 33 N, R 52 E + T 31, 32, 33, 34 N R 54 E
(if an individual allotment of range is desired, describe the area includes area from ranch south to Bullion
either by Section, Township and Range, or by natural boundaries)
thence west to Eureka County Line, also North of the railroad ~~that~~ three townships 31 N 32 Susie and Maggie Creek.

My brands and earmarks are
Brand — N, mark is C D overbit in each year.

1. Are you a citizen of the United States? Yes By birth? No
by naturalization? Yes. (If by naturalization, state when naturalized.)
at Elko, June 9th, 1896

If not a citizen, have you filed the necessary declaration of intention to become such? —— When? —— Where? ——

2. Are you interested, directly or indirectly, in any grazing permit held or applied for by any other person, firm, or corporation on this or any other grazing district? If so, give name of permittee and nature and extent of your interest. No

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3. Are you the owner, ~~lessee, entryman, bona fide occupant or settler~~ (Cross out words not needed) upon any ranch property? Owner Describe such property by legal subdivisions of the public lands surveys.

PARTS OF SECTIONS	SECTION	TOWNSHIP	RANGE	ACRES
SE¼: SE¼SW¼ of Less RR R/W	24	33 N	53E	200
Also those portions of as described in Book 39 of Deeds, pages 2-3, Elko County Records	18-19	33	54	
All of	23			265.28
All of	25	33	53	1280.
All of	35	33	52	640.
N½SE¼ of	34	33	52	80.
Also those certain portions of Sec. 34-35-52 as described in Book 44 of Deeds, pages 427-428, Elko County Records				180.
				2645.28 A.

How many tons of grain?

5. Where do you reside? On ranch 12 miles west of Elko
(Give city, town, or location of ranch.)

6. Do you own or control any source of water supply needed or used for livestock purposes? Describe it

Where located
(Section, township, range.)

7. Do you hold a permit to graze stock on a national forest? No
If so, how many? cattle; horses; ~~sheep;~~ goats.
Name of National Forest and location of your range therein

Period of use

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8. Have you previously used the lands covered by this application for grazing permit? Yes If so, how many years and what is the usual period of use each year? On ranch 32 years, Graze from April 1st Oct 1st.

How many stock have you grazed thereon during the average year? 900

9. How many head of livestock do you own? 900 cattle; 70 horses; ——— sheep; ——— goats. Does any other person own an interest in the stock to be grazed under the permit herein requested? No If so, give name, nature and extent of interest ———

10. How many range stock do you usually run under normal weather and economic conditions? 900

11. How many milch cows do you keep? 10. How many work horses? 30

12. If running cattle, do you operate on a cow and calf, steer, or mixed basis? Mixed

13. Do you feed your stock in winter? Yes

If so, where? On ranch

How long? 4 months - Dec 1 to April 1.

How many tons of hay or forage per head is fed? 1 ton

14. If you do not winter feed, where do you winter your stock? ———

(If public land or national forest, give location; if private land, give section, township and range.)

15. State your usual method of handling stock the year round.

Feld hay from Dec 1st to Apr 1st — Graze on P.D from Apr 1st to Oct 1st — Graze in field Oct to Dec 1.

16. If stock are trailed from one range to another in your system of operation, describe routes used.

I certify that all of the foregoing answers and statements are true and correct to the best of my knowledge and belief.

Balsamina Camera
(Signature of applicant)

March 20, 1935
(Date)

NOTE: Animals which are under six months old at the time of entry and which are the natural increase of stock to be grazed under the permit applied for will not be counted and therefore should not be included in this application.