

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING  
OR WILDLIFE PURPOSES

(1) Name of Claimant Julian Tomera Ranches, Battle Mountain Division

P.O. 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 Mill Creek and springs, branches and tributaries  
Name of natural water source.

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

(4) The water is diverted at the following point(s) Headwaters of Mill Creek as follows: North Fork  
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.

of Mill Creek rising in the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 31, T. 29 N., R. 46 E., MDM, following the natural  
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.

channel to its confluence with Unnamed Tributary No. 1 in the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 36 T. 29 N., R.

45 E., MDM at a point from which the NW corner of Section 5, T. 29 N., R. 45 E., MDM, bears

N. 42°16' W., 39,558 feet; thence following the natural channel to its confluence with Unnamed

Spring No. 1 in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of said Section 36; thence following the natural channel to its

confluence with Unnamed Spring No. 2 in the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 35, T. 29 N., R. 45 E., MDM;

thence following the natural channel of the North Fork and Main Stem of Mill Creek to the

SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 22, T. 29 N., R. 44 E., MDM, at a point from which the SW corner of said

Section 22 bears S. 73°50' W., 2,542 feet; and Unnamed Tributary No. 1 rising in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>

Section 31, T. 29 N., R. 46 E., MDM, following the natural channel to its confluence with the North

Fork of Mill Creek; and Unnamed Spring No. 3 rising in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 2, T. 28 N.,

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R. 45 E., MDM, and following the natural channel of Unnamed Tributary No. 2 to its confluence with the North Fork of Mill Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 35, T. 29 N., R. 45 E., MDM; and Unnamed Spring No. 4 rising in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 35 following the natural channel of Unnamed Tributary No. 3 to its confluence with the North Fork of Mill Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 35; and Unnamed Tributary No. 4 rising in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 34, T. 29 N., R. 45 E., MDM, following the natural channel to its confluence with Unnamed Spring No. 5 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  said Section 34, thence following the natural channel to its confluence with the North Fork of Mill Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  said Section 34; and Unnamed Tributary No. 5 rising in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  said Section 34 and following the natural channel to its confluence with Unnamed Spring No. 6 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  said Section 34 and thence following the natural channel to its confluence with the North Fork of Mill Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  said Section 34; and Unnamed Spring No. 7 rising in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 34 and following the natural channel of Unnamed Tributary No. 6 to its confluence with the North Fork of Mill Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 3, T. 28 N., R. 45 E., MDM; and the South Fork of Mill Creek rising in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, T. 28 N., R. 45 E., MDM, following the natural channel to its confluence with Unnamed Spring No. 10 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 11, T. 28 N., R. 45 E., MDM at a point from which the NW corner of Section 5, T. 29 N., R. 45 E., MDM, bears N. 24°21' W., 45,417 feet, thence following the natural channel to its confluence with the Main Stem of Mill Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 4, T. 28 N., R. 45 E., MDM; and the Middle Fork of Mill Creek rising in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 1, T. 28 N., R. 45 E., MDM, and following the natural channel to its confluence with Unnamed Spring No. 9 rising in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 2, T. 28 N., R. 45 E., MDM, at a point from which the NW corner of Section 5, T. 29 N., R. 45 E., MDM bears N. 25°17' W., 41,199 feet, thence following the natural channel to its confluence with the South Fork of Mill Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 10,

T. 28 N., R. 45 E., MDM; and Unnamed Branch No. 1 rising in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 9, T. 28 N., R. 45 E., MDM, following the natural channel to its confluence with the South Fork of Mill Creek in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 4, T. 28 N., R. 45 E., MDM; and Unnamed Branch No. 2 rising in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, T. 28 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 4, T. 28 N., R. 45 E., MDM; and Goat Canyon Creek 3 rising in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 34, T. 29 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 5, T. 28 N., R. 45 E., MDM; and Unnamed Branch No. 3 rising in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 8, T. 28 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 5, T. 28 N., R. 45 E., MDM; and Unnamed Spring No. 8 rising in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 28, T. 29 N., R. 45 E., MDM, following the natural channel of Unnamed Branch No. 4 to its confluence with Mill Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, T. 29 N., R. 45 E., MDM; and Jack's Canyon Creek rising in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 7, T. 28 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 31, T. 29 N., R. 45 E., MDM; and Unnamed Branch No. 5 rising in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 29, T. 29 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 36, T. 29 N., R. 44 E., MDM; and Unnamed Branch No. 6 rising in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 30, T. 29 N., R. 45 E., MDM, following the natural channel to its confluence with Mill Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 36, T. 29 N., R. 44 E., MDM; and Unnamed Tributary No. 7 rising in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 29, T. 29 N., R. 45 E., MDM and following the natural channel to its confluence with Mill Creek in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 36, T. 29 N., R. 44 E., MDM.

- (5) The water is impounded in natural channel  
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 A combination of private land and public domain with grazing permit  
Patented, deeded, public domain with grazing permit, etc.

(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 \_\_\_\_\_, was \_\_\_\_\_ cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or wildlife (describe) \_\_\_\_\_  
Date  
Other

The watering was conducted during each of the following months \_\_\_\_\_

The lower half of Mill Creek is in the historical range of the W. T. Jenkins ranching operation. Jenkins Ranch water rights date back to 1889 and included usage for stockwatering, domestic and irrigation purposes. This portion of the ranch is now a part of the Julian Tomera Ranches, Battle Mountain Division, whose Argenta Unit Grazing Allotment now encompasses these same grazing areas previously operated by W. T. Jenkins. In addition, the Ruffli ranch operated cattle in this area beginning in the late 1880's and according to the deposition by Leroy Horn (see accompanying letter), who sold AUM'S and railroad land leases to the Tomera Ranches, the livestock were watered in Mill Creek.

(10) 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.

(11) The amount of water which has been necessary to be diverted for this purpose has been \_\_\_\_\_ cubic feet per second.  
448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at The Place of Use is as follows: W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 31, T. 29 N., R. 46 E., MDM; S<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub> Section 36 and SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 35 and SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 34 and N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>,  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 33 and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 28 and N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>  
 S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 29 and S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> Section 32 and  
 N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Lots 2, 3 and 4 Section 30 and S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>,  
 NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, Lots 2 and 3 Section 31 all in T. 29 N., R. 45 E., MDM; N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>,  
 SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 1 and S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 2 and NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>,  
 SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 3 and SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> Section 4 and NE<sup>1</sup>/<sub>4</sub>,  
 W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 5 and E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub> Section 6 and E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> Section  
 7 and E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 8 and E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 9 and  
 NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Section 10 and S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> Section 11 and  
 N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> Section 12 and N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> Section 15 all in T. 28 N., R. 45 E., MDM; Lots 3 and 4 Section  
 25 and Lots 2 and 3 Section 36, T. 29 N., R. 44<sup>1</sup>/<sub>2</sub> E., MDM; N<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 36 and  
 NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 35 and NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 25 and N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>,  
 SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> Section 26 and SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> Section 27 and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>  
 Section 22 all in T. 29 N., R. 44 E., MDM.

Remarks \_\_\_\_\_

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Julian Tomera Ranches, Battle Mountain Division

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.

Julian Tomera Ranches, Battle Mountain Division  
 Claimant

Telephone No. ( 702 ) 635-5610

By William A. Nisbet Agent

421 Court Street

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

Elko, NV 89801

City, State, Zip Code No.

Telephone No. ( 702 ) 738-2121

Subscribed and sworn to before me this 26 day of February, 19 96.

by William A. Nisbet

CoraLee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998

**\$50 FILING FEE MUST ACCOMPANY PROOF**

