Serial No. 07057

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant DANIEL H. RUSSELL

2991 B GOLD CANAL DRIVE of RANCHO CORDOVA
Street and No. or P.O. Box No. City or town

CALIFORNIA 95670
State and Zip Code No.

(2) Source of water SEE ATTACHED
Name of natural water source.

(3) The water is diverted by THE NATURAL CHANNEL, AND SPRING AREAS
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) SEE ATTACHED
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 THE NATURAL CHANNEL
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun UNKNOWN
Date

and completed UNKNOWN.
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 PERMITS
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

SEE ATTACHED 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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(9) The approximate number of animals watered by the claimant during the first year.....,
Date

was.....cattle.....horses.....sheep or..... The watering
Other

was conducted during each of the following months.....

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED.....cubic feet per second.

448.83 gal. per min. 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

REFER TO ATTACHED SUPPORTING MAP FOR LEGAL DESCRIPTION OF NATURAL CHANNEL.

land, it should be stated.

Remarks .....

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Remarks

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by DANIEL H. RUSSELL

are full and correct to the best of his knowledge and belief.

DEPONENT IS ACTING AS AUTHORIZED AGENT FOR CLAIMANT

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

DANIEL H. RUSSELL
Claimant

Telephone No.(916...) 631-0430

By MICHAEL D. BUSCHELMAN, P.L.S.

5405 MAE ANNE AVENUE
Street and No., or P.O. Box No.

RENO, NEVADA 89523
City, State, Zip Code No.

Telephone No.(702...) 747-8550

Subscribed and sworn to before me this 14th day of JUNE, 19 95

Notary Public in and for the County of WASHOE

My commission expires Jan. 12, 1997

LYNN E. WALTERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JAN. 12, 1997

$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT
SERIAL NO. -----

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: **DANIEL H. RUSSELL**

ITEM NO. 2, ITEM NO. 4 - SOURCE OF WATER, POINT OF DIVERSION

SOURCE: ANNIE CREEK

POD #1: T43N, R57E, SECTION 3, SW1/4 NE1/4 BRUNEAU RIVER
POD #2: T43N, R57E, SECTION 5, NE1/4 NW1/4 CASSIDY POST GULCH
POD #3: T44N, R56E, SECTION 36, NW1/4 NE1/4 SOUTH FORK OF ANNIE CREEK
POD #4: T44N, R56E, SECTION 36, NE1/4 NW1/4 UNNAMED TRIBUTARY
POD #5: T44N, R56E, SECTION 35, NW1/4 NE1/4 UNNAMED TRIBUTARY

USGS 7.5 MINUTE QUAD: ANNIE CREEK

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ATTACHMENT
SERIAL NO. -----

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: **DANIEL H. RUSSELL**

ITEM NO. 8 - RECORDATION OF CLAIMANT'S WATER RIGHT

UNKNOWN

ITEM NO. 9 - LIVESTOCK WATERED BY CLAIMANT IN FIRST YEAR

UNKNOWN

ITEM NO. 10 - LIVESTOCK WATERED BY CLAIMANT IN SUBSEQUENT YEARS

REFER TO ITEM #11

ITEM NO. 11 - AMOUNT OF WATER DIVERTED

THE TOTAL VOLUME OF WATER REQUIRED TO SATISFY THE NEED OF 4,500 HEAD OF CATTLE IS CALCULATED AS FOLLOWS:

20 GALLONS PER DAY X 4,500 HEAD OF CATTLE X 185 DAYS

= 16,650,000 GALLONS PER YEAR

THE RATE OF FLOW WILL BE CONSIDERABLY SMALLER THAN IS NEEDED TO PROVIDE WATER FOR STOCKWATERING PURPOSES, THEREFORE A VOLUME OF WATER IS MORE REPRESENTATIVE OF THE NEEDS OF THE ANIMALS.

GRAZING TAKES PLACE BETWEEN MAY 1ST AND NOVEMBER 1ST OF EVERY YEAR.

AMENDMENT
to
PROOF OF APPROPRIATION OF WATER
for
STOCKWATERING PURPOSES
PROOF V07057

The original proof filed on behalf of Daniel H. Russell did not state a year of priority but did claim use by 4500 head of cattle for each source. Bruneau River Ranch, LLC, as successor to Daniel H. Russell is submitting this amendment to document a priority year and a realistic number of livestock.

In establishing a priority of use of water for irrigation records maintained in Elko County, Nevada evidence diversion of water beginning in 1887. As the purpose of such irrigation was to provide winter feed for livestock, grazing by livestock upon the open range and use of water began shortly thereafter. A review of the Elko County Assessment Records for 1896 reveals that the following predecessors of the claimant were assessed for number of livestock shown.

P.R. Prunty	26 cattle
C.E. Pearson	81 cattle

By 1904, the predecessors were assessed for the following numbers of livestock.

P.R. Prunty	156 head
C.E. Pearson	129 head
P.A. Thourat	12 head
Isaac Griswold	150 head
	447 head

Subsequent to the passage of various statutes concerning use of waters by livestock enacted by the State of Nevada livestock owners were encouraged by the State Engineer to file maps with that office showing the area used by them for open range grazing. Horace C. Shively, the successor to the above named filed such a map, as did his son Frank P. Shively who ran livestock with his father (See range maps 676-34 and 677-34 or file in the State Engineers office). The area of use shown on the maps includes various sources of livestock water claimed by Daniel H. Russell.

In addition, through public land administration by the Bureau of Land Management, establishment of grazing allotments and sales of ranches, Bruneau River Ranch, LLC acquired some public grazing lands originally used by Evans & Bros, during the period of the sale of the ranch property from North Fork Cattle Co. to Monfort Finance Company, Inc. between 1984 to 1995.

Elko County Assessor records show that by 1888 the Evans Bros., predecessors of North Fork Cattle Co. owned 1400cattle. A small portion of the area of use of North Fork Cattle co. is attached to the present Bruneau River Ranch, LLC operation being for an estimated 60 head of livestock.

Therefore a total of 507 head of cattle is claimed with a priority date of 1896. The period of use was April through November.

Chattel Mortgages of record in the Office of Elko County Recorder evidence that P.R. Prunty and Horace C. Shively, predecessors of Bruneau River Ranch, LLC, operated small bands of sheep in the area. As late as 1929, a chattel mortgage given by Shively and Prunty for 1,050 sheep at a ratio of five sheep being equal to 1 cow, this would equate to an additional 210 head of cattle in the area of use.

At the present time, grazing use authorized by the Bureau of Land Management in the area is 459 cattle, which compares favorable to the number of 507 head of cattle with no consideration for sheep use.

The total claimed number do not use this source during the entire grazing season, but are rotated through a pasture management program.

The point of diversion given in the proof is the lowest downstream point with the intent being that diversion is made from that point upstream. See Affidavit of Walter I. Leberski attached and Chain of Title which evidences predecessors of the claimant.

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. I participated in the submission of proofs of appropriation of use of water for irrigation and stockwater upon the Owyhee and Bruneau Rivers.

2. During the course of completion of these proofs, I co-operated with Michael D. Buschelman, who submitted proofs as the agent for Daniel H. Russell and conferred with Michael Turnipseed, the State Engineer during that period of time.

3. On proofs of appropriation for watering livestock, Michael D. Buschelman did not specifically describe the beginning and the end of the reach of the channel used by livestock, but described only the location of the end of the reach with the intent that diversion by livestock would be from the described point upstream and include all tributaries within the area of use.

This Affidavit is made for the purpose of clarifying item 4 of Proof Numbers V07055, V07056, V07057 and V07058.

Walter I. Leberski
WALTER I. LEBERSKI

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

This instrument was acknowledged before me on March 20, 2008, by WALTER I. LEBERSKI.

Pamela Mohr
NOTARY PUBLIC

Notary Public - State of Nevada
County of Elko
PAMELA MOHR
No. 06-108254-6 My Commission Expires September 28, 2010