

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING  
OR WILDLIFE PURPOSES

(1) Name of claimant Jose Barinaga Trust, Marilyn R. Barinaga- Trustee & Marilyn R. Barinaga  
854 E. 3600 North of Castleford  
Street and No. or P. O. Box No. City or Town  
Idaho 83321  
State and Zip Code No.

(2) Source of water Cherry Creek  
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) Throughout the reach of the creek,  
Describe as being within a 40-acre subdivision on public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.

commencing at a point within the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 15, T.47N., R.60E. M.D.B.&M. from which  
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.

the NE corner of Section 15, T.47N., R.60E. M.D.B.&M. bears <sup>N</sup>82°11'00" <sup>E</sup>W a distance of 5,650.0  
feet thence down the stream channel to the point of ending within the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 4 T.47N.,

R.60E., M.D.B.&M. from which the NW corner of Section 4, T.47N., R.60E. M.D.B.&M. bears  
<sup>N</sup>89°41'00" <sup>W</sup>E a distance of 2,520.0 feet.

(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 N/A Date  
and completed \_\_\_\_\_ Date

(7) The nature of the claimant's title to the land upon which the source of water and place or use are  
located is BLM Allotment No. 01066  
Patented, deeded, public domain with grazing permit, etc.

(8) The Claimant's water right xxx (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 1871  
Date

was 10,000-15,000 cattle 5000-7000 horses >30,000 sheep or wildlife (describe) \_\_\_\_\_  
Other

The watering was conducted during each of the following months April 1 through November 30

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

3000 head of sheep or 300 head of cattle from June 1 - October 7

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

448.83 cubic feet per second.  
448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at N/A

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

Remarks See enclosed copies of the following affidavits and publications; original copies were submitted under Brackett Livestock Inc. Proofs 06955-06995:

1. Affidavit of Noy Elbert Brackett Jr. II

2. Affidavit of Clare N. Mahannah

3. "Sixty Years of Cooperation" published in 1977 by the "71" Livestock Association in cooperation with the U.S. Department of Agriculture, U.S. Forest Service and the U.S. Department of Interior, Bureau of Land Management.

Remarks \_\_\_\_\_  
\_\_\_\_\_  
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The undersigned, being duly sworn, deposes and says that the facts relative to the appropriation of water by Jose Barinaga Trust, Marilyn R. Barinaga- Trustee & Marilyn R. Barinaga 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.

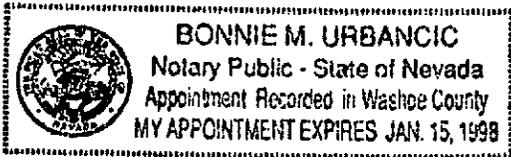
Jose Barinaga Trust, Marilyn R. Barinaga- Trustee & Marilyn R. Barinaga  
Claimant

Telephone No. ( 208 ) 537-6645

By *Clare N. Mahannah*  
Clare N. Mahannah, P.E.

P.O. Box 9066  
Street and No., or P.O. Box No.  
Reno, NV 89507  
City, State, Zip Code No.

Telephone No. ( 747 ) 747-1100



Subscribed and sworn to before me this 14<sup>th</sup> day of JUNE, 1995.

*Bonnie M. Urbancic*

Notary Public in and for the County of WASHOE

My commssion expires 1/15/98

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