

STATE OF NEVADA
AMENDED
PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

(1) **Name of Claimant** Julian Tomera Ranches, Inc., 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** Rock 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)** Unnamed Spring No. 12 rising in the SW¹/₄NW¹/₄
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.

Section 5, T. 29 N., R. 46 E., MDM, at a point from which the NW corner of said Section 5 bears
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.

N. 5°33' W., 2,287 feet following the natural channels of the West Fork of Rock Creek and the main stem of Rock Creek to its confluence with Unnamed Spring No. 3 in Lot 4, Section 17, T. 30 N., R. 46 E., MDM, thence following the natural channel to a point in Lot 3 of Section 19, T. 37¹/₄ N., R. 46 E., MDM at a point from which the SW corner of Section 31, T. 31 N., R. 46 E., MDM bears S. 0°07' E., 12,163 feet; and Unnamed Tributary No. 1 rising in the NE¹/₄NE¹/₄ Section 12, T. 29 N., R. 45 E., MDM, and following in the natural channel to its confluence with the West Fork in the SW¹/₄NW Section 5, T. 29 N., R. 46 E., MDM; and Unnamed Tributary No. 2 rising in the NW¹/₄NE¹/₄Section 7, T. 29 N., R. 46 E., MDM, and flowing in the natural channel to its confluence with the West Fork in Lot 3 Section 5, T. 29 N., R. 46 E., MDM; and Unnamed Tributary No. 3 rising in the NW¹/₄NW¹/₄ Section 8, T. 29 N., R. 46 E., MDM, flowing in the natural channel to its confluence with Unnamed Tributary No. 2 in the SW¹/₄SW¹/₄ Section 5, T. 29 N., R. 46 E., MDM, at a point from which the NW

corner of said Section 5 bears N. 11°39' W., 4,577 feet; and Unnamed Tributary No. 4 rising in the NE¼SW¼ Section 31, T. 30 N., R. 46 E., MDM, following the natural channel to its confluence with the West Fork in the SE¼NW¼ Section 32, T. 30 N., R. 46 E., MDM; and Unnamed Tributary No. 5 rising in the NE¼SW¼ Section 30, T. 30 N., R. 46 E., MDM, following the natural channel to its confluence with Unnamed Spring No. 5 in the NE¼SE¼ Section 30, T. 30 N., R. 46 E., MDM, at a point from which the NW corner of Section 5, T. 29 N., R. 46 E., MDM, bears S. 9°10' E., 8,096 feet and thence in the natural channel to its confluence with Unnamed Spring No. 6 in the NE¼SE¼ Section 30, T. 30 N., R. 46 E., MDM, thence in the natural channel to its confluence with Rock Creek in the NW¼SW¼ Section 28, T. 30 N., R. 46 E., MDM; and the East Fork of Rock Creek rising in the SW¼SE¼ Section 3, T. 29 N., R. 46 E., MDM, and flowing in the natural channel to its confluence with Tunnel Springs in the NE¼SW¼ Section 3 at a point from which the NW corner of Section 35, T. 30 N., R. 46 E., MDM, bears N. 23°43' E., 8,736 feet and thence in the natural channel to its confluence with the West Fork in the SW¼SW¼ Section 28, T. 30 N., R. 46 E., MDM; and Unnamed Tributary No. 6 rising in the NW¼SW¼ Section 35, T. 30 N., R. 46 E., MDM, and flowing in the natural channel to its confluence with Unnamed Spring No. 4 in the SW¼NW¼ Section 35 at a point from which the NW corner of said Section 35 bears N. 31°45' W., 1,839 feet and thence in the natural channel to its confluence with Rock Creek in the NW¼SW¼ Section 21, T. 30 N., R. 46 E., MDM; and Unnamed Tributary No. 7 rising in the NE¼SE¼ Section 34, T. 30 N., R. 46 E., MDM, and following in the natural channel to its confluence with Unnamed Tributary No. 6 in the NE¼NW¼ Section 27, T. 30 N., R. 46 E., MDM; and Unnamed Tributary No. 8 rising in the NE¼NE¼ Section 22, T. 30 N., R. 46 E., MDM, and following the natural channel to its confluence with Unnamed Tributary No. 6 in the NE¼SE¼ Section 21, T. 30 N., R. 46 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
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 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 1891,
Date
was 300 cattle 20 horses 2000 sheep or wildlife (describe) _____
Other

The watering was conducted during each of the following months _____
January 1 through December 31

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: Same as #9
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: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 all located within T. 29 N., R. 45 E., MDM; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 6 and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 and W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 3 and 4 Section 5 and S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 2 Section 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3 all located in T. 29 N., R. 46 E., MDM; NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31 and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 32 and SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33 and N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34 and W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 and S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 and W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 and Lots 5, 6, 7, 8, 9 and 10, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29 and N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 and N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21 and Lots 1, 2, 3 and 4 Section 17 and W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9 and E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 and

W½E½, Lot 3 Section 5 all located in T. 30 N., R. 46 E., MDM; SW¼SW¼ Section 32 and E½E½,
NW¼NE¼ Section 31 and SE¼, SW¼NE¼, E½NW¼ Section 30 and Lots 3 and 4, SE¼SW¼ Section
19 all located in T. 31 N., R. 46 E., MDM

Remarks The Rock Creek drainage is a source of water for the Chiara Ranch operation. The Chiara
Ranch (now known as the Hilltop Ranch) was acquired by the Julian Tomera Ranches, Battle Mountain
Division. Existing water rights for the waters of Rock Creek and its tributaries dated back to 1891 with
additional rights acquired in 1937.

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

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, Inc., Battle Mountain Division

Claimant

Telephone No. (702) 635-5610

By William A. Nisbet Agent

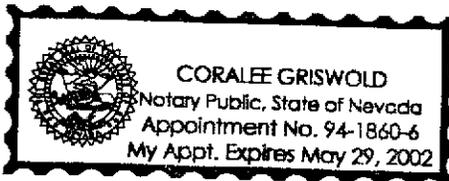
421 Court Street

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 12 day of May, 1999.

By William A. Nisbet

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires May 29, 2002

\$50 FILING FEE MUST ACCOMPANY PROOF